CITY OF BATTLE GROUND
RESOLUTION NO. 22-14

A RESOLUTION OF THE CITY OF BATTLE GROUND WASHINGTON, AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS, PUBLIC HEARINGS, LEGISLATIVE PROCESS AND GENERAL GOVERNMENT POLICIES.

WHEREAS, the Battle Ground City Council desires that all Council meetings be open and responsive to the public; and

WHEREAS, such meetings should be carried out with efficiency and uniformity in the manner of Council, Staff and Public Interactive participation; and

WHEREAS, written rules of procedure best assure an atmosphere conducive to said efficiency and uniformity, and that no member of the Council or public need be embarrassed or uncomfortable in the exercise of his/her right of free expression,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. **Resolution No. 19-12, which adopted the September 16, 2019 Council Governance Coordination Manual is hereby repealed.**

SECTION 2. **The Council Governance Coordination Manual amended and attached to this Resolution No. 22-14 as Exhibit A is effective immediately.**

ADOPTED by the City Council of the City of Battle Ground, Washington at the regular meeting of the City Council on the 21st day of November 2022.

Approved:

CITY OF BATTLE GROUND, WASHINGTON

Phillip Johnson, Mayor

Attest:

Kaylee Cody, City Clerk

Approved as to Form:

Sean Mumford, City Attorney

Governance Coordination Manual

Adopted by Resolution 22-14
A Comprehensive Collection of Rules and Procedures

Adopted November 21, 2022

Originally Adopted 1997 (Res 97-313) and later
Amended April6, 2009 (Res 09-06), July 19, 2010 (Res 10-6),
July 16,2012 (Res 12-05), July 15,2013 (Res 13-07), September 19, 2016 (Res 16-07), July 17, 2017 (Res 1707), July 15, 2019 (Res 19-08), September 16, 2019 (Res 19-12), and November 21, 2022 (RES 22-14).

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INTRODUCTION

In January 2022, Mayor Philip Johnson appointed three members of Council to serve on an ad-hoc Governance Coordination Committee for the purpose of drafting an overhauled Governance Coordination Manual to serve as an aid to effective legislative and organizational harmony, and to provide procedural rules to conduct meetings efficiently, fairly, and uniformly. The end-product legislation of that Committee's process was approved by Council at the November 21, 2022 Council meeting.

This Governance Coordination Manual has undergone several changes since its inception, with some sections remaining static over the years, such as Council meeting time and location, and other sections having been modified to include removing the "three touch rule", providing for a virtual meeting component, updating how written comments are received and inserted into the record, setting term limits for the Mayor and Deputy Mayo, and updating the procedures of the ethics committee. It is the Council's intention moving forward that this Manual be reviewed annually and at times amended to recognize additional topics or for clarification as the need arises.

This Manual is designed to provide guidance for the City Council and is not intended to be an amendment or substitute for any state statutes, City ordinances, court decisions, or other authority. The rules and policies in this Manual do not constitute land use regulations, official controls, public hearing rules or other substantive rules binding upon or to be used or relied upon by members of the public, and do not amend statutory or other regulatory requirements.

EXECUTIVE SUMMARY

FOUNDATION: The City of Battle Ground incorporated on June 18, 1951 and is a non-charter code city operating under a Council-Manager plan of government as outlined in chapter 35A.13 RCW Optional Municipal Code for Council-Manager plan of government. Under this form of government, there are two branches of government: legislative and administrative.

PURPOSE OF CITY GOVERNMENT: The general purpose of local government is to promote the social, economic, environmental and cultural well-being of the community, to ensure that resources are used efficiently and effectively, to ensure transparency and accountability in decision-making, and to provide the prudent use and stewardship of local community resources. These statements should be considered the lens through which this Manual is intended and through which the actions of the City Council and staff are viewed. The City recognizes that individual rights are critically important in our society, and the City is committed to not infringe upon those rights whenever possible. Good governance should reflect the will of the citizenry and can only occur as a result of an open public process: "All political power is inherent in the people, and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights." (Washington State Constitution Article I, Section 1)

OBLIGATIONS: The City acknowledges the importance of complying with the Open Public Meetings Act and the Public Records Act: "The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." RCW 42.30.010 and 42.56.030.

RCW 42.30.010 Open Public Meetings Act: "The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly." Unless as part of an executive session, Councilmembers shall not meet as a quorum of four or more in a non-public meeting. Unless as part of a duly noted Council meeting, a quorum of four or more Councilmembers shall not meet as part of a web conference dealing with City business, nor a conference call, serial communication, social media or even a "straw poll" in executive session. The Open Public Meetings Act does not prohibit a quorum or more of Councilmembers meeting at social gatherings or events provided City issues are not discussed. If Councilmembers are involved in a violation of the Open Public Meetings Act, and are aware that their actions violate the Act, they may be personally liable. If the violation is not intentional, the City may still be liable for attorney's fees. However, elected officials' right to speak freely and gather publicly is protected by the First Amendment of the U.S. Constitution.

RCW 42.56.030 Public Records Act: "This chapter shall be liberally construed, and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern."

GUIDING PRINCIPLES: The City's guiding principles, as adopted June 2019, are public safety, livability, beautification, efficiencies, economic development and tourism, managed growth, strategic planning and partnerships, and the community vision/strategic action plan. Additional information on priorities and Council goals can be found in each year's budget, as well as on the City's website.

BRANCHES OF CITY GOVERNMENT: The Council is the legislative branch of the City government. Council appoints an officer whose title shall be "City Manager" and who shall be the chief executive officer and head of the administrative branch of the City government. "The City Manager shall be responsible to the Council for the proper administration of all affairs of the code city." RCW 35A.13.010.

Legislative Branch: City Council.
The City Council consists of seven elected officials, each elected to four-year terms. Individual Councilmembers do not have governing power as individuals, but only when meeting as a Council when a quorum (four or more) are present. Council represents the City residents and business owners of the City of Battle Ground, and is the law-making, policymaking, and budget and spending approval authority of the City government. Council hires, directs, guides, and evaluates the performance of the City Manager. The City Manager shall be appointed for an indefinite term and may be removed by a majority vote of the Council (RCW 35A.13.130), or as otherwise agreed to by contract. For functions of the Mayor and Deputy Mayor, see also Chapter 3(B)(1) of this Manual.

Some of the duties, responsibilities, and limitations of **each** Councilmember:

- Brings the experience, concerns and knowledge of a typical City resident to City government.
- Is cognizant of the needs, wants and concerns of City residents and businesses as a whole.
- Contacts residents and businesses to gather feedback and ideas. The resulting information may be shared with staff or other Councilmembers individually, or with fewer than two simultaneously (but not serially), or with all Councilmembers at a Council meeting
- Studies internal and external written and documented information related to the government and administration of the city.
- Is prohibited from giving City employees directives, or saying anything that could be taken as an attempt to influence the conduct of the employee's job.
- Gives feedback and ideas regarding City government and administration to the City Manager.
- Participates in assigned City and regional committees and all Council meetings.
- When acting in the capacity of Councilmember outside of Council meetings, communicates that any personal opinion is the opinion of the individual Councilmember and not that of the collective Council, unless pre-authorized to speak, as Council does not want the public to assume that any individual personal opinion represents that of the entire Council. Councilmember's freedom of speech is protected by the U.S. and Washington State Constitutions. Provided there is no quorum, Councilmembers may work together on City Council-related projects and discuss City business in non-public meetings. No permission is needed, nor is notice required to be given for such gathering.

Administrative Branch: The City Manager and City Staff.
The City Manager is the City's chief executive officer and head of the administrative branch. The City Manager is an at-will position and reports directly to the Council. The City Manager is directly accountable to the City Council for the execution of the City Council's policy directives, for the administration and management of all City departments, and for the supervision of all members of staff. (See Chapter 3(B) of this Manual and chapter 35A.13.RCW for a description of the role of the City Manager.)

Although this summary is provided as an overview of the Governance Manual, reading the entire Manual is strongly encouraged.

CHAPTER 1
Council Meetings



A. General

1. Time and Location

Regular meetings of the City Council shall be held at Battle Ground City Hall Council Chambers on the 1st and 3rd Monday of every month beginning at 7:00 p.m. Pursuant to RCW 42.30.070: "If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day." As noted, in such case, the meeting held on the next business day after a holiday would also be a regular meeting, as opposed to a special meeting. The Council always has the option of cancelling such meeting.

2. Open to the Public

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[1] (Executive Sessions), or RCW 42.30.140[2] (Open Public Meetings Act).

3. Presiding Officer

The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties unless specifically set forth herein. In case of the Mayor's absence or temporary disability, the Deputy Mayor shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Deputy Mayor, an acting Mayor Pro Tempore selected by majority vote of the remaining members of the Council, shall act as Mayor during the continuance of the absences [RCW 35A.13.035[3]]. The Mayor, Deputy Mayor (in the Mayor's absence) or Mayor Pro Tem are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

B. Meetings

1. Regular Meetings: Formal Format

a. Normally held 1st and 3rd Monday of each month. The City Clerk, under the direction of the City Manager in consultation with the Mayor, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. On or before close of business on the Thursday preceding a Monday Council meeting, or at the close of business at least 24 hours preceding a special Council meeting, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, appropriate staff, and the media who have filed a notification request.

b. Requests for presentations from outside entities or individuals to be placed on a future agenda, will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, must be submitted to the City Clerk at least ten days prior to the appropriate Council meeting.

c. Forms of Address. The Mayor shall be addressed as "Mayor (surname)." The Deputy Mayor shall be addressed as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)" unless waived by the Presiding Officer.

d. Order of Business. The business of all regular formal meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However,

adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."

i. *Call to Order by the Presiding Officer*
ii. *Pledge of Allegiance*
iii. *Roll Call* (See Chapter 1, C5 [page 15] for procedure to excuse an absence)
iv. *Summary Reports, Proclamations, and Presentations.* This shall include the following:
    a. Councilmember Reports: Council or government-related activities (e.g. synopsis of committee, commission, task force or other board meetings). These verbal reports are intended to be brief, City work-related reports of significance in keeping the Council informed of pertinent policy issues or events stemming from their representation of the City on a regional board, committee, task force or commission, whether as a formal or informal member. Extended reports shall be placed as future agenda items for presentation or submitted in writing as an informational memo.
    b. Mayor's Report: Same as "iv(a)" above except given by the Mayor.
    c. Proclamations: The Mayor will announce the proclamation, announce who has requested this proclamation and after the Mayor or Councilmember reads the proclamation, invites that person or other appropriate person to the podium. The original proclamation will be handed to that appropriate person by the City Clerk or the Mayor, and the individual will be permitted to speak for one or two minutes.
    d. Presentations: Presentations include items such as new employee introductions, recognitions of service, and presentations from other agencies or the public with prior approval from the City Manager or the Mayor.

v. *Approval of Agenda/Amended Agenda.* In case of an emergency or an extremely time-sensitive issue which neither the administration nor the entire Council was aware of prior to the distribution of the agenda and accompanying materials, a new item may be introduced by a Councilmember, and suggested as an amended agenda item for the present meeting. If a new item(s) is added, Council shall then consider a motion to approve the amended agenda. It is preferable that any motion to amend the agenda be made at the onset of the meeting in place of 'Approval of Agenda,' recognizing that there will emergencies or other situations when such motion to amend the agenda might need to be made at other times during the meeting.
vi. *Citizen Communications.* See Section "C Meeting Rules and Procedures"
vii. *Consent Agenda.* Items which may be placed on the Consent Agenda are those which have been previously discussed by the Council; can be reviewed by a Councilmember without further explanation; are so routine, technical or no substantive in nature that passage without discussion is likely; or are otherwise deemed in the best interest of the City. The proper Council motion on the Consent Agenda is: "I move approval of the Consent Agenda." This motion has the effect of moving to approve all items on the Consent Agenda. Prior to the vote on the motion to approve the Consent Agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting, or the matter may be addressed immediately after passage of the remaining items on the Consent Agenda.
viii. *Public Hearings.* See Chapter 4 for procedural details
ix. *Business.* This shall include staff presentations and motions.
x. *Administrative Reports.* City manager or staff reports of an administrative nature.
xi. *Council Communications.* Information regarding upcoming community events or matters for the good of the order. A Councilmember may also utilize this as an opportunity to request that a specific topic be placed on a future agenda with a vote of the majority of the council concurring with the request. Discussion regarding the specific topic shall not occur during this time except as necessary to clarify the request and to take a vote placing it on a future agenda.
xii. *Executive Session (as required)* (See Chapter 1, section B3 below)
xiii. *Adjournment.* No Council meeting should be permitted to continue beyond approximately 10:30 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be

established before taking a Council vote to extend the meeting. When a motion is made to adjourn into Executive Session for a specified period of time, and if the executive session is the last item on a regular agenda, no additional motion is needed to extend the meeting beyond 10:30 p.m. since that is implied as part of the motion to adjourn into Executive Session. In the event that a meeting has not been closed or continued by Council as herein specified, the items not acted on shall be deferred to the next regular Council meeting, unless the Council by a majority vote of members present determines otherwise.

2. Regular Meetings: Study Session Format

a. Normally held 1st and 3rd Monday of each month at 6:00 p.m. The purpose of the study session format is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. Action items should normally not be included on a study session agenda, although there will be times when due to deadlines or other pressing or time sensitive issues, action items must be included. Study sessions shall be in a less formal setting than regular formal meetings. Council may be seated other than at the dais, but shall not discourage public observation. Unless there are designated action items which permit public comment, there shall be no public comment at study sessions although the Council may request staff or other participation in the same manner as a regular formal Council meeting. As may be applicable, the City Clerk, under the direction of the City Manager, shall provide accompanying background materials to Councilmembers, the City Manager, appropriate staff and the press, on or before close of business on a Thursday preceding a Monday Study Session.

b. Action Items. Although action items may be included on a study session agenda, it is the preference of Council to keep those instances to a minimum. Because a study session is a recognized meeting according to the "Open Public Meetings Act," it is permissible for Council to take final action during these meetings. As in the formal format meetings, public comment will be allowed on action items.

c. Unexpected Motions. Because study sessions are usually understood by the public and media as referring to meetings at which Council considers and discusses items and does not take final action or vote, it could be misleading to the public as to the purpose of the meeting if a motion is made unexpectedly. As such, the Council considers it to be inappropriate to make a "surprise" motion unless there is a rare special circumstance. Voting or making a motion when neither is included on an agenda does not violate state law, but for consistency sake and to avoid any surprises to the public and media, the practice is discouraged.

d. Presiding Officer's Role. The role of the Presiding Officer is to facilitate free flowing discussion without the necessity of each Councilmember being recognized by the Presiding Officer. The Presiding Officer retains the option of assuming the function of the discussion leader at any time in order to maintain decorum and ensure all Councilmembers have the opportunity to be heard, and to keep the discussion properly focused.

e. Outside Requests. Outside requests to present during a Study Session will only be permitted if the presentation is considered the official business of the City. Such requests to present to the City Council during a Study Session should be submitted to the City Clerk at least 30 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager or designee, who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, shall be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting.

f. Forms of Address. Councilmembers and staff have the option of addressing each other on a first name basis during the study session format meetings.

g. Order of Business. The business of all study session meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."

i. Call to Order

ii. Presenter's Role. During the Council study session, the presenter should introduce the subject and give background information, identify the discussion goal, act as facilitator to keep the discussion focused toward the goal, and alert the Presiding Officer when it is appropriate, to schedule the topic for a motion or official direction of the Council.

iii. Adjourn. No Council study session should be permitted to continue beyond approximately 6:50 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be established before taking a Council vote to extend the meeting.

3. Regular Meetings: Executive Sessions

a. Executive sessions shall be held pursuant to the Open Public Meetings Act, chapter 42.30 RCW. Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall ask for a motion from Council to publicly announce the purpose for adjourning into executive session; when the executive session will be concluded; and the likelihood of Council taking action at the close of the executive session and return to open session.

i. At the close of the executive session and upon Council's return to chambers, the Presiding Officer declares Council out of executive session, and asks for the appropriate motion (i.e., an action motion or a motion to adjourn).

ii. To protect the best interests of the City, Councilmembers shall keep confidential all verbal and written information provided during executive sessions. Confidentiality also includes information provided to Councilmembers outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW 42.52[4]) and/or the Public Records Act (RCW 42.56[5]).

b. RCW 42.30.110 explains the purpose for holding an executive session, some of which include:

i. RCW 42.30.110(1)(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price *(pending land acquisition)*.

ii. RCW 42.30.110(1)(g). To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. [The only employee subject to this evaluation is the position of City Manager.] However, subject to RCW 42.30.140(4) (*labor negotiations*), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public. [Note: stating that an executive session's purpose is to discuss a "personnel matter" is not sufficient because only certain types of personnel matters are appropriate for discussion in an executive session.] *(review qualifications of a public employee)*

iii. RCW 42.30.110(1)(h). To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public (*review qualifications of an elected official*).

iv. RCW 42.30.110(1)(i). To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency *litigation or potential litigation* to which the agency, the governing body, or a member acting in an official capacity

is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. For purposes of this subsection (1)(i), "potential/pending litigation" means matters protected by Rules of Professional Conduct (RPC) 1.6 or RCW 5.60.060(2)(a) concerning:

(a) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(b) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(c) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

c. Council may adjourn into executive session even if it is not listed on the meeting agenda. There is a requirement in RCW 35A.12.160[6] that the public be made aware of the preliminary agendas of meetings in advance of the meeting, but that does not mean that an item that arises after the agenda has been posted cannot be discussed at the meeting, even in executive session. Since final action on the matter would not be taken at the executive session, it would not violate any provision in state law to hold an executive session at a regular Council meeting even if the executive session was not listed on the agenda. [MRSC Index-General Government-Executive sessions.] Although amending the agenda is not required in order to adjourn into executive session, it is a good practice for the Mayor to announce at the beginning of the meeting, that Council will be adjourning into an executive session at the end of the regular meeting.

d. Attendance at Executive Sessions. The City Attorney or Deputy City Attorney shall attend executive sessions which address litigation or potential litigation. The question of who may attend an executive session other than the Council, is determined by the City Manager.

4. Special Meetings

a. Meetings set at days, times, and places other than the 1st and 3rd Monday of each month at 7:00 p.m. in the Battle Ground City Council Chambers shall be deemed "special meetings," such as joint meetings with other jurisdictions or entities (Clark County Council, Planning Commissioners), and Council workshops or retreats.

b. A special meeting may be called by the Mayor or any three members of the Council. (RCW 35A.13.170[7], 35A.12.110[8]). Written notice of the special meeting shall be prepared by the City Clerk. The notice shall contain information about the meeting, including date, time, place, and business to be transacted and shall be posted on the City's website and displayed at the main entrance of the meeting location (RCW 42.30.080[9]). The notice shall be delivered to each member of Council at least 24 hours before the time specified for the proposed meeting (RCW 35A.12.110[10]). The noticing regarding such decision to hold a special meeting (made by the Mayor or any three Councilmembers), shall be handled by the City Clerk's Office through the City Manager.

c. The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080[11], that is: (a) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, (b) As to any member who was actually present at the meeting at the time it convenes, and (c) In the event a 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, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.

d. Agendas shall be drafted in a form submitted by the City Clerk, approved by the City Manager, and distributed in a manner similar to agendas for formal and study session meetings. The processes and rules for agenda content apply to regular formal, study session format, as well as special meetings.

e. Special meeting agendas may include action and non-action items. It is the practice of Council to allow time for the public to comment on action items and the "public comment" should be so noted on the agenda. Once the Special Meeting Agenda has been published and distributed, the agenda may be amended provided the amended agenda is distributed to Councilmembers and to the media, and posted on the City's website and at the meeting doorway, at least 24 hours in advance of the special meeting. Final disposition shall not be taken on any other matter at such meeting, which means that the governing body may address other matters not identified in the special meeting notice or agenda, provided 'final disposition' regarding such matters is not taken (RCW 42.30.080(3)[12]) Council may not pass a franchise ordinance at a special meeting [RCW 35A.47.040].

f. There have been questions about whether it is necessary to call a special meeting in situations where Councilmembers are invited to attend a public meeting not called by the City as an official Council meeting, and whether it is legal for a quorum of Councilmembers to be present without violating the Open Meeting Act. According to the Washington State Attorney General Opinion 2006, No. 6, the "presence of a quorum of members of a city or county council does not, of itself, cause the Open Public Meetings Act to apply if councilmembers attend a public meeting called by a third party. The gathering of councilmembers would be a 'meeting' for purposes of the Act only if the councilmembers take 'action' as defined in the Act, such as voting, deliberating, or other official business of the council."

g. There are times when several Councilmembers desire to attend a meeting of a City Department as permitted by the City Manager. Because these meetings can at times present questionable concern when it comes to the Open Public Meeting Act, Councilmembers who desire to attend such meetings shall notify the City Manager at least two working days prior to the meeting, of their intent to attend, and only the first three Councilmembers who indicate they will be attending any particular meeting, may attend. This is necessary in order not to violate or perceive to violate the Open Public Meetings Act.

h. RCW 42.30.070 states in part: "It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular or special meeting provided that they take no action as defined in this chapter." [MRSC Research News – Summer, 2016] A quorum of Councilmembers traveling together for a scheduled tour would not be in violation of the Open Public Meetings Act provided they do not discuss City business. However, comments and discussion as a result of the tour, shall be done at a regular Council meeting and not during the tour or outside of a regular or special Council meeting.

5. Emergency Meetings: Emergency Council meetings may be called by the Mayor or any two Councilmembers, consistent with the provisions of chapter 42.30 RCW. Meeting time, location and notice requirements do not apply to emergency meetings called for emergency matters as permitted by RCW 42.30.070, 42.30.080, and 42.14.075:

> "If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirement of this chapter shall be suspended during such emergency." [RCW 42.30.070]
>
> "The notices provided in this section may be dispensed with in the event a 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, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage." [RCW 42.30.080(4)]
>
> "Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at a regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of

the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency." [RCW 42.14.075]

6. Cancellation of Meetings:
State law does not require any specific procedure for canceling an upcoming meeting, however, notice of the cancellation to the public, Councilmembers, and staff should be given by the Clerk in a similar manner that notice is given for a special meeting. The decision to cancel a meeting will be made by the City Manager in consultation with the Mayor and/or Agenda Committee and time permitting, will be noted on the Advance Agenda. The noticing of such decision will be handled by the City Clerk through the City Manager. Upon cancellation of a formal meeting, either the study session immediately before such meeting or the study session immediately after such meeting, shall include an opportunity for general public comment.

C. Meeting Rules and Procedures

1. Public Comments

This is an opportunity for public comments on subjects not on the agenda for action. Speakers may sign in to speak, but it is not required. Speakers are limited to a maximum of three minutes.; however, members of the public shall be prohibited from allocating any of their own speaking time, to other members of the public. This time is an opportunity to hear from various members of the public in a limited public forum, and not an opportunity for extended comments or dialogue. Although the City Council desires to allow the opportunity for public comment, the business of the City must proceed in an orderly, timely manner. At any time the Presiding Officer, in the Presiding Officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption or undue delay of other necessary business.

a. Verbal Comments:

i. Comments can be made from the podium microphone, or via zoom (or given virtual format used at the time), first giving name, city of residence and subject. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting. The public shall be reminded that this is not an opportunity for dialogue or questions and answers, but public comment. When appropriate and as directed by a majority of the City Council to the City Manager, staff shall research issues and report back to those making the comment as well as to Council. Public comments are opportunities for speakers to briefly address Council, and those speaking are to address members of Council and not the audience. In order to prevent disruption of the Council meeting, members of the public are asked to refrain from distributing materials to the audience, since Council meetings are not a public forum to address the audience. Since this is an opportunity for public comment, in the interest of time and keeping in mind all documents submitted during Council meetings become the property of the City, graphs, charts, posterboards, PowerPoint presentations, or other display materials are not permitted, although written comments and written materials including photographs and petitions may be submitted to Council via the City Clerk.

ii. Demonstration, applause or other audience participation before, during or at the conclusion of anyone's public comments is prohibited. Any disruptive conduct, as determined by the Presiding Officer, shall be cause for removal from the meeting room. Any ruling by the Presiding Officer relative to these subsections on public comments may be overruled by a vote of a majority of Councilmembers present.

iii. Council shall not permit public comments if they relate to any matter upon which a quasi-judicial hearing has been required, scheduled, or held. (See page 23 for procedure for taking public comment on legislative matters.) Unless solicited and scheduled, comments shall not be permitted relative to any future or possible/probable future ballot issue. (See page 30, Chapter 2, E Ballot Measures.)

iv. Disruptive public conduct:

a. Conduct in any form that interferes with Council's ability to timely conduct the business of the City will not be allowed. If a situation arises where a speaker exceeds the three minutes (unless permitted to

continue by the presiding officer), the City Clerk will turn off the microphone or mute the participant, and the Mayor will ask the speaker to please stop talking and either step away from the podium or mute themselves.

b. If the speaker continues after the first request, the Mayor will ask the speaker once again to stop talking. If the speaker continues, the Mayor will gavel in a five-minute recess.

c. Upon return from recess, public comment will start again with a caution from the Mayor that if any other speaker refuses to stop talking after being asked to do so after the three minutes, the remainder of the public comment for the night will be terminated.

d. If necessary in the discretion of the Presiding Officer, and in an attempt to reasonably calm a situation or resolve a conflict, the Chief of Police shall act as a staff liaison with a member of the public who refuses to stop talking and refuses to move away from the podium.

b. Written Comments:

Citizens have the option of submitting written views, opinions, comments, data and arguments to Council on any topic and at any time, not just prior to or during public Council meetings. Unless the Mayor asks the Clerk to read written mailed or e-mailed comments, or the citizen reads their own prepared written comments, such comments shall not be read aloud during regular or special Council meetings although they shall be included as part of the public record on the topic and if appropriate, may be publicly acknowledged. Any written comments submitted to Council via the City Clerk shall be distributed to Council by placing copies in each Councilmember's inbox; or in the case of e-mailed or other electronic comments, shall be forwarded to Council via e-mail, unless such e-mail has already been supplied to members of Council. If individual Councilmembers receive written (including electronic) public comments or materials for the purpose of reading/sharing those materials during Council meetings, those materials should be submitted to the City Clerk prior to the Council meeting so the Clerk can make copies for later distribution to members of Council.

c. Electronic Comments:

Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns to the entire Council at once. (See also page 16, C9 Internet Use)

2. Council Rules of Order

The City Attorney shall serve as the official parliamentarian for all Council meetings and shall keep a copy of the most current "*Robert's Rules of Order*" (RONR) in Council Chambers during Council meetings.

3. Quorum

At all regular and special meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors pursuant to RCW 42.30.090[13]. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170[14], 35A.12.120[15])

4. Seating Arrangement

Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

5. Attendance

a. Unexcused Absences: A Councilmember's responsibility to attend Council meetings should not be taken lightly, nor should a decision to remove a Councilmember for missing meetings. Pursuant to RCW 35A.12.060[16] "a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council." As soon as possible after two consecutive unexcused absences, and prior to a third consecutive unexcused absence, the absent Councilmember must request a leave of absence if they desire to remain on the Council. At a third consecutive meeting where a Councilmember is not excused and there has been no request for a leave of absence, the absent Councilmember's office shall be forfeited effective immediately.

b. Excused Absences: Members of Council may be excused from meetings with prior notification to the Mayor, City Clerk, and City Manager prior to the meeting, and by stating the reason for the inability to attend. Acceptable absences may include death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, family or personal emergency, City related business, or unusual or unforeseen circumstances. Following or prior to roll call, the Presiding Officer shall inform the Council of the member's absence and inquire if there is a motion to excuse the member. The motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the City Clerk shall make an appropriate notation in the minutes.

c. Leave of Absence: A Councilmember whose serious health or physical condition would prevent them from performing the duties of Councilmember may ask to be placed on a leave of absence under the following conditions:

i. Such serious health or physical condition must be certified in writing by a medical physician.

ii. The request for a leave of absence shall be in writing, and hand-delivered or mailed to the Mayor, City Clerk, and City Manager at least one week prior to the date when such leave would commence.

iii. The request for a leave of absence must state the anticipated date the Councilmember will resume their duties.

iv. By majority vote of the whole Council, a leave of absence shall be granted as follows:

(a) The absence shall not exceed 90 days from the date the motion is passed by Council;

(b) The absent Councilmember shall retain pay and medical benefits during the leave of absence;

(c) At the end of the 90-day leave of absence, the absent Councilmember shall either:

i. Return to normal Council duties commencing with the first Monday following the end of the 90-day leave; or

ii. be subject to RCW 35A.12.060 concerning three consecutive absences, beginning with the first Monday following the end of the 90-day leave.

d. A leave of absence may only be granted twice during a Councilmember's four-year term, with no less than six months between each request. Upon approval of a leave of absence, the absent Councilmember shall not be replaced with a pro-tem Councilmember during the absence.

6. Respect and Decorum

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall preserve order and decorum and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any Councilmember or City staff member while speaking. Councilmembers and the public shall comply with the directives of the Presiding Officer

7. Dissents and Protests

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

8. Councilmember Meeting Remote Participation

Council members are allowed to attend meetings remotely as long as they can be seen and heard on the virtual platform used at the time of the meeting. The Council member shall contact the Mayor prior to the meeting to inform them they will be attending virtually. If a council member is in town and healthy, they are expected to attend meeting in person.

9. Internet Use

a. Use of the City's network systems implies Council is aware of and understands that the system is provided to assist in the performance of their roles as Councilmembers, and as such, Councilmembers are obligated to use, conserve and protect electronic information and information technology resources and to preserve and enhance the integrity of those resources which belong to the citizens of Battle Ground.

b. As noted on page 16, Councilmembers shall avoid accessing any electronic message during Council meetings whether by e-mail, text, or other means, Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns. Likewise, Councilmembers shall avoid browsing the Internet, or using personal electronic devices during Council meetings as it will be subject to public record – also note language that in virtual format the chat is part of public record.

c. Information technology resources are provided for the purpose of conducting official City business. The use of any of the City's information technology resources for campaign or political use is prohibited unless it has been determined by the City Attorney, Washington State Attorney General, or Washington Public Disclosure Commission, that such use is not a violation of RCW 42.17A.555[17] or is otherwise authorized by law.

d. Confidential material shall not be sent via e-mail or text.

e. All letters, memoranda, and interactive computer communication (e-mail, text, tweet, etc.) involving Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, with specific exceptions stated in the Public Records Act (RCW 42.56) are public records. Copies of such letters, memoranda and interactive computer communication shall not be provided to the public or news media without the member of the public or news media filing a public record request with the City Clerk. With this in mind, texting and tweeting concerning City business is strongly discouraged.

f. E-mail communications that are intended to be distributed among all Councilmembers, whether concurrently or serially, shall be considered in light of the Open Public Meetings Act. If the intended purpose of an e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur, and Council discussion should wait until everyone has had ample opportunity to view the message before including such topic(s) on an upcoming agenda.

10. Adjournment Due to Emergency or Disruption

In the event of an emergency such as a fire or other natural or catastrophic disaster, threatened violence, or inability to regain or retain good order, the Presiding Officer shall forthwith declare a recess, adjourn, or continue the meeting, and the City Council as well as everyone in the room shall immediately leave the meeting room and if necessary, leave the building. The Presiding Officer may reconvene the meeting when it has been determined by the appropriate safety officials that it is safe to do so.

11. Permission Required to Address the Council

Persons other than Councilmembers and staff shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or City Manager.

12. Approaching the Dais by Members of the Public

Once a Council meeting has been called to order, members of the public are prohibited from stepping between the speaker's podium and the dais, or stepping behind any part of the dais or stepping behind those sections adjacent to the dais. If citizens wish Council to receive materials, those materials should be handed to the City Clerk prior to the meeting or during the public comment section of the agenda, and the Clerk will distribute the materials to members of Council. Council reserves the right to invite anyone forward to the podium to be addressed by Council.

13. Out of Order Requests

Occasionally a member of the public may wish to speak on an agenda item but cannot remain until the item is reached on the agenda. During "*Citizen Communications*," such person may request permission to speak by explaining the circumstances. The Presiding Officer in his/her sole discretion shall rule on whether to allow the out of order request. Alternatively, the member of the public could also discuss their request with the Mayor prior to the meeting.

14. Photographs, Motion Pictures or Videos Requiring Artificial Illumination – Prior Permission Required

No overhead projection, photographs, motion pictures, or videos that require the use of floodlights, or similar artificial illumination shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

15. Placing Items on an Agenda:

a. New Item Council Business: During the "*Council Communications*" portion of a council agenda, a Councilmember may request to have items placed on a future agenda. Each request shall be treated separately. The following process shall be used to propose an item for a future Council meeting:

i. A Councilmember may propose an item and give a brief explanation of the issue and its importance to the City.

ii. Councilmembers may ask clarifying questions.

ii. By a show of hands, a consensus of four or more Councilmembers may move the item forward to a future agenda.

iii. The City Manager is most familiar with staff's workload and shall determine when the item can be prepared and brought forward to Council, unless the Council wants to discuss the item prior to staff's involvement.

b. Except for routine items such as those found on most Consent Agendas, requests for items to come before Council shall be routed through the City Manager or come directly from the City Manager as part of the normal course of business.

16. Motions and Discussion

a. Order of Procedure:

i. Member of Council makes a motion by stating: "**I move . .** ." After the motion is seconded, the Mayor will ask Council if there are any further questions of staff.

iii. The Mayor will open the floor to Council for discussion. The maker of the motion normally begins the discussion. The discussion must have bearing on whether the pending motion should be adopted (RONR §43); and can be prefaced by a few words of explanation, but must not become a speech (RONR §4). All Council remarks should be addressed through the Mayor.

iv. When discussion has ended, the Mayor will re-state the motion or ask the Clerk to re-state the motion. Once the motion is re-stated, the Mayor will call for the vote, which is normally taken by voice. The Mayor or the Clerk will then state whether the motion passed or failed.

b. In General:

i. Except in rare circumstances, Council motions shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

ii. Councilmembers should direct questions to the City Manager or the designated presenter.

iii. Main motions are made when no other motion is pending (see chart below). They are debatable and subject to amendment. Since seconding a motion means "let's discuss it," if there is no second but discussion ensues, the matter of having a second to proceed is moot and the motion can proceed. However, if there is no second and no discussion, the motion does not progress. Note that the motion does not "die for a lack of a second" but it merely does not progress.

iv. The maker of a motion can withdraw their motion with the approval of the majority of Councilmembers (see notes below table below). The person making the motion is entitled to speak first to the motion. A maker of the motion may vote against the motion but cannot speak against their own motion.

v. No one should be permitted to speak twice to the same issue until everyone else wishing to speak has spoken. All remarks shall be directed to the Presiding Officer and shall be courteous in language and deportment (*Robert's Rules of Order Newly Revised*, Article VII, Section 43, Decorum in Debate), keeping in mind it is not the Councilmember, but the measure that is the subject of debate.

vi. As a general principal, councilmembers are encouraged to provide an explanation for the reason behind their vote.
vii. When an amended motion is on the floor, the vote is taken on whether to adopt the amendment. If adopted, the next vote is on the fully amended motion.
viii. Except in special circumstances as otherwise addressed herein, motions should be reserved for items marked on the agenda for action, so as to avoid any surprises for Council, staff and the public.

Parliamentary Procedure at a Glance

Roberts Rules of Order §	IF YOU WANT TO	YOU SAY	INTERRUPT	NEED 2ND	Can be Debated	Can be Amended	VOTE
11	Postpone indefinitely (the purpose is to prevent action or kill an issue.)	I move to postpone . . . . (an affirmative vote can be reconsidered; a negative vote cannot.) indefinitely	No	Yes	Yes	No	Majority
12	Modify wording of motion	I move to amend the motion by . . .	No	Yes	Yes	Yes**	Majority
14	Postpone to a certain time	Ex: I move to postpone the motion to the next Council meeting.	No	Yes	Yes	Yes	Majority
16	Close debate	I move the previous question, or I call for the question ***	No	Yes	No	No	Majority*
17	To Table a motion	I move to lay on the table, the motion to	No	Yes	No	No	Majority
19	Complain about noise, room temperatures etc	Point of Privilege	Yes	Yes	Yes	Yes	Chair decision
20	Take break	I move to recess for . .	No	Yes	No	Yes	Majority
21	Adjourn meeting	I move to adjourn	No	Yes	No	No	Majority
23	Object to procedure or personal affront	Point of Order	Yes	No	No	No	Chair decision
25	Suspend rules	I move to suspend the rules and . . .	No	Yes	No	No	Majority*
34	Take matter from table	I move to take from the table the motion to	No	Yes	No	No	Majority
35	Reconsider something already disposed of	I move we reconsider action on . . .	No	Yes	Yes	Yes	Majority

It should be noted that **the purpose of tabling a motion** is not to simply postpone an issue or a vote. If the intended purpose is to postpone, then the motion to postpone should be used. If more information is needed or desired in order to make the most informed vote possible, then an option would be for the maker of the motion to simply withdraw the motion. The consent of the seconder is not needed to withdraw a motion, however, **withdrawal of a motion should be done with the approval of a majority of Councilmembers present** [Mayor, I request permission to withdraw my motion. The Mayor asks if there is any objection, and if none, the motion is withdrawn. If there is objection, the Mayor will call for a vote.] While a motion is still on the table, no other motion on the same subject is in order. The motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen. The motion to "Lay on the Table" is out of order if the evident intent is to kill or avoid dealing with a measure. *(Robert's Rules of Order Newly Revised, 10th Edition)*

*(*Robert's Rules of Order Newly Revised* states 2/3 vote required. Council direction is to base vote on majority except on matters where 2/3 (or majority plus one) is required by state statute.

** If the main motion to amend can be amended.

***Call for the Question: if it is felt that debate on a motion on the floor has continued longer than warranted, a member of Council may "call the question." The "call for the question" is a motion to end debate and vote immediately. If this "call for the question" motion is passed by a majority vote, then the vote must be taken on the original debated motion on the floor.

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

a. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, show of hands, or touchpad as determined by the Presiding Officer. At the request of any Councilmember or the City Clerk, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.

b. Unless otherwise provided by statute, ordinance, or resolution, in case of a tie vote on a motion, the motion shall be considered lost.

c. Every member who was present when the question was called, shall give his/her vote. If any Councilmember refuses to vote "aye" or "nay," their vote shall be counted as a "nay" vote unless the Councilmember has recused themself due to actual or perceived appearance of a conflict of interest, which shall be so stated prior to the vote at hand. Abstentions are not permitted as abstentions are equivalent to not voting, and the members of the public expect their elected officials to vote on issues.

d. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council (RCW 35A.12.120[18]). Except as provided in "e" below, all other motions or resolutions shall require an affirmative vote of at least a majority of the quorum present.

e. Majority Plus One: The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090[19]), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190[20]).

18. Recusal From Discussion and Consideration.

a. Situations may arise when a Councilmember should consider whether to recuse themselves from the consideration and decision-making on a particular item. These situations can arise in various ways, including having an interest in a contract being considered by the City, or when a Councilmember has a bias in some fashion regarding an issue before the Council. For additional discussion and explanation, please see Appendix B – Battle Ground Councilmembers' Statement of Ethics. The overarching goal of the conflict-of-interest laws is to prevent municipal officers from engaging in self-dealing. *Seattle v. State*, 100 Wn.2d 232, 246 (1983). [Self-dealing is defined as a situation in which a fiduciary act in his own best interest in a transaction rather than in the best interest of his clients. A fiduciary is legally obligated to act in the best interest of his clients. A fiduciary is a person to whom property or power is entrusted for the benefit of another.]

b. Prohibited acts. There are some conflicts which cannot be waived, and some actions in which Councilmembers shall not engage. RCW 42.23.070 prohibits municipal officers from:

i. Using "his or her position to secure special privileges or exemptions for himself, herself, or others."

ii. Directly or indirectly giving or receiving or agreeing to receive "any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law."

iii. Accepting employment or engaging in business or professional activity that "the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position."

iv. Disclosing confidential information "gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit."

c. Conflict of interest – contracts. In contractual matters, Councilmembers are required to avoid directly benefitting from contracts entered into by the City. When a Councilmember is aware that they may benefit from such a contractual relationship, they are required to recuse themselves. Other situations may arise where a Councilmember may indirectly benefit. In these circumstances, the determination of whether a conflict of interest exists such that they should recuse themselves will have to be made by that Councilmember based on facts and circumstances known at the time.

d. Bias for or against a proposed action. There will be situations for each Councilmember where, based upon their current or prior work or personal relationships, that Councilmember may not be able to participate in a discussion and decision on a given issue because they likely can't be objective. In such an event, the Councilmember must give due consideration to their potential to be predisposed, and whether they believe they can objectively consider and decide on the issue. If the answer is yes, then the Councilmember may proceed. If this self-analysis is difficult as to whether the Councilmember can be objective, but the determination is that they can, the Councilmember should strongly consider disclosing the nature of the potential bias to the Council, and then announce whether they believe they can or cannot proceed. If the Councilmember does not believe they can be reasonably objective, they should recuse themselves from the discussion and consideration. The purpose for recusal under such circumstances is that the Council wants the public to have the utmost confidence that decisions are made objectively, and that all citizens and businesses will be treated equally and fairly.

e. Process and Disclosure: When a Councilmember determines recusal is appropriate, or when it is required by law, the Councilmember shall announce that they need to recuse themselves, explain the factual circumstances, then step off the dais and out of the Council chambers. A staff member will retrieve the Councilmember once that issue is finished being discussed. The determination of whether to recuse oneself from an issue, and then formally recusing, shall occur before any discussion has taken place on that issue to ensure that Councilmember does not participate in the matter in any fashion.

f. The following is an example of appropriate language where recusal is warranted:

Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I have known the owners of * business for * years, am friends with them, and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room. OR

Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I own a business that competes directly with the business at issue and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room.

g. The following is an example of appropriate language where the Councilmember determines that he/she <u>does not</u> need to recuse themselves from the matter:

Following careful analysis and consideration, I think it is appropriate for me to participate in the discussion and decision on this matter. Although I am somewhat familiar with this matter from my prior association with *, I believe I can be objective and unbiased. As such, I will not recuse myself and will participate with the rest of the Council in the discussion and decision.

19 <u>Ordinances</u>

a. Except for unusual circumstances or emergencies as determined to exist in the sole discretion of the City Manager, ordinances shall customarily be prepared, introduced, and proceed.

b. A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance for a specific purpose. The Presiding Officer then may assign the proposed ordinance to the administration, a committee, or the Council for consideration. The committee or administration shall report its findings to the Council. The City Manager may propose the drafting of ordinances (RCW 35A.13[21]). Citizens, Boards and Commissions may also propose consideration of ordinances and resolutions.

c. Sponsorship. When a Councilmember wishes to assume sponsorship of an ordinance or resolution, once on the agenda, he or she should so announce, make the initial motion and provide an introduction of the measure.

d. Ordinances shall normally have two separate readings at separate Council meetings. Unless waived by the City Council at each reading, the title of an ordinance shall be read by the City Clerk prior to its passage. However, if a Councilmember requests that the entire ordinance or certain sections be read, such request shall be granted. Printed copies shall be available upon request to any person attending a Council meeting.

e. The provision requiring two separate readings of an ordinance may be waived at any meeting of the Council by a majority vote of all members present. This would require a successful motion to suspend the rules and pass the ordinance on a first reading.

f. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to a first reading.

g. Any ordinance repealing any portion of the Battle Ground Municipal Code shall also repeal the respective portions of the underlying ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

h. Council may **not** pass a franchise ordinance at a special meeting [RCW 35A.47.040[22]].

i. The **passage of any ordinance**, grant or revocation of franchise or license shall require the affirmative vote of at **least a majority of the whole membership** of the Council. [RCW 35A.13.170[23]

j. The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090[24]), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190[25]).

k. Occasionally, an ordinance will be on an agenda the same night as a public hearing on the same topic, such as a public hearing on a budget, amended budget, proposed tax, or moratorium, and an ordinance approving that item.. Public comment will also not be taken during the ordinance's second reading at a subsequent Council meeting. This procedure will also be used if a public hearing on a specific issue is held before the Planning Commission; so that when the resulting ordinance comes before Council, public comment will not be taken on either the first or the second reading.

20. <u>Resolutions</u>

a. A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may invoke the two reading procedures described above to facilitate public understanding and/or comment on the resolution. If Council invokes the two reading procedures, a Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested. Printed copies shall be made available upon request to any person attending a Council meeting.

b. The passage of any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

c. Occasionally, a resolution will be on an agenda the same night as a public hearing on the same topic, such as a public hearing on an amended Transportation Improvement Program, and a Resolution approving that amendment. This procedure will also be used if a public hearing on a specific issue is held before the Planning Commission, which would result in a resolution for Council consideration.

21. Proclamations:

a. Ceremonial proclamations:

i. These proclamations are not statements of policy but are a means by which the City can recognize an event, group, or individual. As part of the ceremonial duties of the Mayor, the Mayor is charged with approval of proclamations at his/her discretion; and reserves the right to decline any proclamation request as well as the right to make exceptions to these guidelines and procedures. Individual Councilmembers will not issue proclamations, and requests for a proclamation should be directed to the Mayor or the City Clerk.

ii. Proclamations will be considered for approval which will proclaim certain events or causes when such proclamation positively impacts the community and conveys an affirmative message to Battle Ground residents. Proclamations should not be considered that are potentially controversial, political or religious in nature unless approved by the 2/3 majority of Councilmembers.

iii. Proclamations can be issued at the discretion of the Mayor, and may be for organizations, individuals, or businesses within or outside Battle Ground's jurisdiction.

b. Procedure for proclamations to be read at a Council Meeting:

i. The person making the request need not be a Battle Ground resident;

ii. Requests should be made at least four weeks in advance of the scheduled Council meeting;

iii. The person asking for the proclamation should agree to be in attendance or have someone attend in their stead;

iv. The City Clerk will inform the requestor whether the proclamation request is approved;

v. The person making the request shall draft the proclamation and send it to the City Clerk once approval is given;

vi. The City retains the right to modify and/or edit the proposed proclamation as it sees fit;

vii. It is the Council's preference to have proclamations read at formal meetings, which are generally held the 1st and 3rd Mondays.

c. For those instances where proclamations are requested for events other than to be read at an open Council meeting, the same procedure as above shall be followed, but instead of having someone at a Council meeting to officially receive the proclamation, the City Clerk will mail the proclamation to the requestor, or it can be hand-carried by the Councilmember attending the event to read the proclamation.

d. Reading of these proclamations will typically take place at a formal format Council meeting, immediately after the Mayor's report. .

22. Public Hearings: [note: See Appendix A for quasi-judicial hearings]

a. Purpose

i. Held to obtain public input on legislative decisions on matters of policy;

ii. Are required by state law in such matters as comprehensive plan use plans, or annual budget;

iii. Do not involve legal rights of specific private parties in a contested setting;

iv. Affect a wide range of citizens or perhaps the entire jurisdiction;

v. Decisions reached as a result of these hearings are not second-guessed by the courts, and if challenged, are reviewed only to determine if they are constitutional or violate state law

b. Process

i. State statutes do not specify how public hearings should be conducted. Because legislative hearings are generally informal, the main concern is to provide an opportunity for all attending members of the

public to speak if they desire. Individual comments shall be limited to a specific amount of time as determined by the Presiding Officer, and the public should be advised that comments must relate to the matter at hand. The "ground rules" for the conduct of the hearing may be stated by the Presiding Officer at the beginning of the hearing:

a. All public comments shall be given from the speaker's podium or by unmuting from the virtual platform once called upon and shall be directed to the Mayor and Council, and any individual making comments shall first give their name and city of residence. Speakers may be asked to spell their last name because an official recorded transcript of the public hearing is being made.

b. No comments shall be made from the audience or via zoom unless called upon and anyone making "out of order" comments shall be subject to removal from the meeting.

c. Unless otherwise determined by the Presiding Officer, all public comments shall be limited to three minutes per speaker and members of the public are not permitted to give any of their own speaking time to other members of the public. This time is an opportunity to hear from various members of the public in a limited public forum, and not an opportunity for extended comments or dialogue.

d. At the discretion of the Presiding Officer, members of the public shall only speak once per issue.

e There shall be no demonstrations, applause or other audience participation, before, during or at the conclusion of anyone's presentation. Such expressions are disruptive and take time away from the speakers.

f. Unless read and/or handed in by the individual speaker during the public hearing, previously received written public comments shall be read by the City Clerk at the pleasure of the Mayor. In the interest of time, the Mayor may limit the reading of such comments to the Clerk reading who the letter or written material is from, and if easily discernible, whether that person is for or against the issue at hand. All written comments become an official part of the record.

g. These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard, and to ensure that individuals are not embarrassed by exercising their right of free speech.

ii. The Presiding Officer declares that the public hearing on the topic at hand is open, notes the time for such opening, and asks staff to make their presentation.

iii. After staff presentations, the Presiding Officer calls for public comments.

iv. The Presiding Officer asks if any members of Council have questions of any of the speakers or staff. If any Councilmember has questions, the appropriate individual shall be recalled to the podium.

v. The Presiding Officer declares the public hearing closed and notes the time for such closing.

23. Reconsideration

a. The purpose of reconsidering a vote is to permit change or correction of an erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. 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:

i. any action previously reconsidered;
ii. motions to adjourn or motions to suspend the rules;
iii. an affirmative vote to lay an item on, or take an item from, the table;
iv. previously passed motion to suspend the rules; or
v. a vote electing to office one who is present and does not decline.

b. Such motion for reconsideration:

i. shall be reconsidered during the same Council meeting or during the next succeeding regular City Council meeting;
ii. shall be called up when no business is pending (no action is pending);

iii. if action is pending, the Mayor asks the Clerk to note that the motion to reconsider has been made and shall be taken up when a member calls the motion to reconsider the vote when no other business (action) is pending;
iv. shall be made by a member who voted on the prevailing side on the original motion. This means a reconsideration can be moved only by one who voted aye if the motion involved was adopted, or no if the motion was lost. It is permissible for a Councilmember who cannot make such a motion, but believes there are valid reasons for one, to try to persuade someone who voted on the prevailing side, to make such a motion.
v. a member who makes this motion should state that he or she voted on the prevailing side;
vi. needs a second, and can be seconded by any member;
vii. is debatable if the type of motion it reconsiders is debatable; and
viii. is not amendable and requires a majority vote to adopt.

c. Step 1: A member of Council who voted on the prevailing side makes the motion, such as "I move to reconsider the vote on the resolution relating to holidays. I voted for [or against] the resolution." This motion needs a second, which can be seconded by any Councilmember.

d. Step 2: If the motion for reconsideration is adopted, the original motion is then placed before Council as if that motion had not been voted on previously; and Council again takes that motion under discussion, followed by a new vote.

e. 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 days advance notice of such discussion and/or action.

24. Council Materials/Packets

a. Council Materials: Councilmembers and staff should read the agenda material and ask clarifying questions of the City Manager when possible. Council recognizes there are times when Councilmembers may wish to bring additional documentation to a meeting on a specific subject, whether that subject is on the agenda or not, in order to share with Council and staff. When possible, the materials should be distributed to Councilmembers and staff prior to the Council meeting, or if distributed during a meeting, Councilmembers should indicate they would like the materials considered for a future meeting, since except in an emergency, Councilmembers would normally not take time at the dais to read material just received. Pre-scheduled materials Council wishes to share as part of the Council packet could also be included on study session agendas under "Council Comments."

b. Council Packets: The final Council Packet will be distributed via e-mail to each Councilmember on or before the close of business on a Thursday preceding a Monday meeting. In addition, Councilmembers have the option of accessing their Council packet via the City's website. If specifically requested by any individual Councilmember, the City Clerk shall prepare a hard copy agenda packet for said individual Councilmember.

c. Packet Materials - Staff Reports: This is a cover sheet used by staff to introduce an agenda item. It includes the agenda item title, citing of governing legislation associated with the topic, previous Council action taken, and background on the topic. Options for Council consideration are also included, as well as a staff recommended action or motion. The options and recommended action or motion should be viewed as aids to Council in making a motion or taking action, but should not be thought of as obligatory, as Council always has the option of making a motion different from what is included on the form. Generally, by the time an item is ready for a motion, Council has already read, heard, and/or discussed the item at least three times (such as an informational item, an administrative report, and lastly as an action item), and the wording of a motion would not normally be controversial, although it is important to state the motion as a motion, such as "I move to" or "I move that" or other similar language.

CHAPTER 2
Legislative Process



A. Election of Council Officers Procedures for electing officers are as follows:

1. Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, election of a Deputy Mayor shall be conducted in the same manner. The term of the Deputy Mayor shall run concurrently with that of the Mayor. (RCW 35A.13.030[26]) The Mayor and Deputy Mayor shall serve two-year terms, with no back-to-back consecutive terms allowed.

2. The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one person, and a nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at that time. Nominations are then closed. The election for Deputy Mayor shall be conducted by the Mayor, and nominations shall be made in the manner previously described for the election of the Mayor.

3. Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Selection of Mayor and of Deputy Mayor shall each be determined by majority vote of Councilmembers present. The City Clerk shall publicly announce the results of the election. Thereafter, the City Clerk shall record the individual Councilmember's vote in the minutes of the meeting.

4. If the first round of votes results in no majority vote of Councilmembers present, the voting process shall be repeated no more than two more times. During subsequent votes, Councilmembers do not have to vote the same as they did in the previous vote. If after three attempts, Council is unable to agree on a Mayor by majority vote of Councilmembers present, the office of Mayor shall be temporarily filled by an Acting Mayor, which shall be the Councilmember who just previously served as Mayor if that person is still a member of Council, or if the previous Mayor is no longer a Councilmember, then by the Deputy Mayor, or if such person prefers not to serve as Mayor or if that person is no longer a member of Council, the Councilmember with the next highest seniority. The Acting Mayor shall continue in office and exercise such authority as is described in RCW 35A.13[27] until the members of the Council agree on a Mayor, which shall be determined at the next scheduled Council meeting, at which time the role of Acting Mayor shall cease and terminate.

5. At the next scheduled Council meeting voting for Mayor shall proceed in the same manner as the initial first round of voting from the previous Council meeting, but Councilmembers shall only vote on the Councilmembers who received the highest number of votes. If after three voting attempts, there is still no majority vote of Councilmembers present, the vote shall be determined by whichever Councilmember has the most votes at the third voting attempt. If at that time, there is a two-way tie of Councilmembers receiving the most votes, the tie shall be broken based on seniority.

B. Filling Council Vacancies

1. General Process: (Note that public comment shall not be taken during this entire process.) If a vacancy occurs on the City Council, the Council shall follow the procedures outlined in RCW 35A.13.020[28] and Council's adopted procedure in compliance with RCW 35A.13.020, as well as RCW 42.12.070.[29] The timeline will vary depending on when the process begins. Pursuant to RCW 35A.13.020, City Council has 90 days from the vacancy to appoint a qualified person to the vacant position. If this timeframe is not met, the City's authority in this matter would cease and the Clark County Council would appoint a qualified person to fill the vacancy. In order to be qualified to run for Battle Ground City Council, or hold such position, a person must be [RCW 42.04.020[30]] a citizen of the United States, 18 years of age or older, a resident of the City of Battle Ground for a year or more preceding his or her election, a registered voter in the City of Battle Ground at the time of filing the declaration of candidacy and at the time of filing the declaration of candidacy if the candidate had ever been convicted of a felony, they must no longer be under the authority of the Department of Corrections, or currently incarcerated for a felony.

Pursuant to RCW 42.12, remaining members of Council shall appoint a qualified person to fill the vacancy as an interim position who will serve from the date of appointment until the person elected in the November odd-numbered year general election takes office, which is the date the election results are certified, normally around the 26th of November. (See also 35A.12.040) Immediately upon the election being certified, that just-elected person will take the oath of office, take their position as a member of Council, and complete the remainder of the unexpired term.

a. Procedure for Filling a Council Vacancy, Timeline/Procedure-Publication:

1. The City Clerk shall publish the vacancy announcement inviting citizens of the City who are interested and qualified to sit as a Councilmember, to apply on an application form provided by the City (see Appendix D for application). Qualifications to sit as a Councilmember are set forth in RCW 35A.13.020, which refers to RCW 35A.12.030: (1) must be a registered voter of the city at the time of filing his or her declaration of candidacy; (2) has been a resident of the city for a period of at least one year next preceding his or her election. Additional qualifications include those stated above under #1 General Process, and that Councilmembers shall not hold any other office or employment within the Battle Ground City government [RCW 35A.12.030]. In order to avoid any real or perceived conflict of interest, no member of Council's immediate family may be currently employed by the City of Battle Ground since employment is considered a contractual matter, and a councilmember would have a prohibited interest in a contract between a family member who is an employee of the city, and the city. (See Appendix E Definitions for description of immediate family.) If possible, the vacancy announcement shall be published for three consecutive weeks.

2. The City Clerk shall establish the deadline to receive applications, for example, no later than 4:00 p.m. on a certain date.

3. Pursuant to the authority granted under RCW 42.30.110(1)(h), on the first Monday following the deadline to receive applications, a special meeting with an executive session beginning at 5:00 p.m. shall be set. Council shall meet and adjourn to executive session to review and discuss all of the applications. Pursuant to RCW 42.30.110(1)(h), Council shall meet in open session for selection of applicants to interview. Selection shall be by nomination and second. A vote shall be taken and candidates receiving a majority vote of those councilmembers present, shall be interviewed.

4. Immediately after this special meeting or as soon as practicable, the Clerk shall send a list of potential questions to all those to be interviewed.

5. The conducting of the interviews shall be scheduled at a regular upcoming Council meeting, with the exact date to be determined by the City Council. Pursuant to RCW 42.30.110(1)(h), the interviews shall be conducted during an open Council meeting. Each interview shall be a maximum of 30 minutes. At the conclusion of the interviews, pursuant to RCW 42.30.110(1)(h), Council shall meet and adjourn to executive session (closed session) to discuss applicants. At the conclusion of the executive session and pursuant to RCW 42.30.110(1)(h), Council shall meet in open session to take a vote to fill the vacancy. Upon selection of the new Councilmember, that person shall be sworn in by the City Clerk and take their seat at the dais.

2. <u>Nomination Options for Conducting Interviews:</u>

a. After holding an executive session to review applications, during a subsequent open session, any Councilmember may

i. nominate an applicant to be interviewed;

ii. the nomination must be seconded;

iii. Councilmembers may make more than one nomination, but only one at a time;

iv. the Mayor shall ask if there are further nominations;
v. if no further nominations, the Mayor shall close the nominations;
vi. votes shall be taken on each applicant in the order of nomination;
vii. votes shall be by touchpad; and
viii. applicants receiving a majority of votes of those Councilmembers present, shall be interviewed
ix. once all voting has taken place, the City Clerk shall summarize which applicants shall be interviewed based on the voting outcome. As soon as possible after the Council meeting, the City Clerk shall notify each applicant to inform them if they will or will not be interviewed; notify those to be interviewed of the date and time for their interview, and send each person to be interviewed, the list of possible interview questions; **or**
x. Instead of the above nomination process, after holding an executive session to review applications, Council may choose to interview all applicants.

b. The length of each interview shall be for a maximum duration of 30 minutes and interviews shall be done in last-name alphabetical order. The City Clerk shall notify all applicants of the date, time and procedure for their interview. To keep the process as fair as possible, on the date of the interview, applicants not yet interviewed shall be asked to wait in a waiting area outside the Council Chambers and away from viewing or hearing the meeting's proceedings.

c. If during open session, Council has nominated only one person to interview, or in the case of more than one vacancy, one person per vacancy, Council may forego the interview process and move to make the appropriate appointment.

3. Interview Questions/Process:
During the interview, each Councilmember may ask each candidate a maximum of three questions, which includes any follow-up questions. Candidates shall be interviewed in alphabetical order of last name.

4. Nomination and Voting Process to Select Applicant:
a. Nomination Process: Councilmembers may nominate an applicant to fill the vacancy. A second is required. If no second is received, that applicant shall not be considered further unless no applicant receives a second, in which case all applicants who were nominated may be considered again. Councilmembers may not make more than one nomination unless the nominee declines the nomination and unless there is no second to the nomination; in which case the Councilmember make another nomination. Once the nominations are given, the Mayor shall close the nominations and Council shall proceed to vote.

b. Voting Process. RCW 42.12.070 states that where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position. By adoption of this policy, Council has chosen the following process for making such appointment:

i. Except when there is only one nominee, a vote for an applicant shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it.
ii. The vacancy may only be filled when a majority of the remaining City Council (whether present or not) affirmatively votes for the applicant, i.e. if five City Councilmembers are present, this would require at least four Councilmembers voting for an applicant. If subsequent rounds of voting are needed, each round of voting follows the same process. The Mayor may ask for Council discussion between voting rounds.
iii. Round One Vote: The City Clerk shall publicly announce the results of the election. The applicant receiving the majority of votes shall be the new Councilmember. If no applicant receives a majority of votes from the City Council, then the three applicants receiving the most affirmative votes would be considered in a second round.
iv. Round Two Vote: Round Two proceeds the same as Round One. If one of the three applicants still fails to receive a majority of affirmative votes, then the two applicants of the three who received the most affirmative votes would then be considered in a third round; or if there are only two applicants

and they receive tie votes, a third round shall be taken. Councilmembers may change their vote between rounds.

v. Round Three Vote: Round Three proceeds the same as Rounds One and Two. If after this round, the vote of the two applicants results in a tie, then the City Manager, with concurrence of Council shall flip a coin to determine who shall fill the vacancy,

5. Seating of New City Councilmember:

Once an applicant either has received a majority of votes or wins the coin flip, if the appointed applicant is at the meeting, the City Clerk shall administer the oath of office, and the new Councilmember shall be officially seated as a City Councilmember. If the appointed applicant is not at the meeting, such action is not official until the applicant takes the oath of office.

C. Legislative Agendas

Councilmembers work each year to draft a "legislative agenda" to address Council ideas, suggestions and specific legislative programs in terms of upcoming or pending legislative activity in Olympia that would or could have an effect on our City. Additionally, Councilmembers also work each year to draft a separate "legislative agenda" to address concerns on a national level. Legislative agendas shall be brought forward by the Legislative Committee in conjunction with the City Manager and contracted lobbyists (See Legislative Committee).

E. COUNCIL COMPENSATION AND REIMBURSEMENT

1. Council Compensation and Benefits.

Council compensation and benefits shall be determined by the Salary Commission (see Ch. 4, B-in house committees, board, etc., f- salary commission). The salary commission shall review Council compensation and benefits on an annual basis and submit their decision to the City Clerk no later than September 1st of each calendar year. Refer to BGMC 2.04 for additional information on Council compensation and benefits.

2. Travel and Business Expense Policy.

The applicable policies and procedures for Councilmembers allowable travel and business expenses incurred in the court of official city business shall be as outlined by the City's Travel and Business Expense Policy, which is attached as Appendix H and is incorporate herein by Reference.

3. Cancellation.

A Councilmember shall adhere to cancellation deadlines when canceling conferences, seminars, regional meetings, hotel, and airfare, or any other pre-payment or obligation made on his/her behalf. Except in the case of a personal or family emergency, or in the event the cancellation was a City business decision, expenses incurred by the City resulting from failure to conform to cancellation deadlines are the personal responsibility of the Councilmember and the Finance Committee shall be informed, and those expenses shall be repaid to the City within fourteen calendar days of the cancellation.

E. Ballot Measures:

1. State Law

RCW 42.17A 555. State law has enacted statutory prohibitions (with limited exceptions) against the use of public facilities to support or oppose ballot propositions:

> *"No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:*

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.
(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
(3) Activities which are part of the normal and regular conduct of the office or agency." [emphasis added]

2. City's Implementation of RCW 42.17A.555
In the City's implementation of RCW 42.17A.555, the City Council shall not, during any part of any Council meeting, consider requests from outside agencies or individuals for Council to support or oppose ballot measures; nor shall Council permit any public comment on any proposed or pending ballot issue, whether or not such comments seek endorsement or are just to inform Council of upcoming or proposed ballot issues; nor shall Councilmembers disseminate ballot-related information.

3. Providing Informative Materials to Council
The requestor has the option of mailing materials to individual Councilmembers via the United States Postal Office. Because even the use of e-mail for ballot purposes could be construed as use of public facilities and could be interpreted as being in violation of RCW 42.17A.555, materials should be sent via regular mail through the United States Postal Office. Information shall be objective only and not soliciting a pro or con position.

4. Public Comment.
Council has chosen not to support or oppose ballot issues as those are left to the will of the people voting. The use of any of the City's facilities including the use of the Council chambers and/or broadcast system would likely be construed as being in violation of RCW 42.17A.555 and therefore, general public comment on ballot issues, or proposed ballot issues shall not be permitted.

CHAPTER 3
Council Contacts



A. Citizen Contacts/Interactions Outside of a Council Meeting

1. Mayor/Council Correspondence

Councilmembers acknowledge that in the Council/Manager form of government, the Mayor is recognized by community members as a point of contact. To facilitate full communications, staff shall work with the Mayor to circulate to Councilmembers, copies of emails and written correspondence directed to the Mayor regarding City business. This provision shall not apply to invitations for mayoral comments at various functions, nor requests for appointments or other incidental contact between citizens and the office of the Mayor.

2. Concerns, Complaints and Suggestions to Council

When citizen concerns, complaints or suggestions are brought to any, some, or all Councilmembers, the Mayor shall, when deemed appropriate and/or necessary, consult with the City Manager to, first determine whether the issue is legislative or administrative in nature and then:

i. If legislative, and a concern or complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if such complaint suggests a change to an ordinance or resolution of the City, the Mayor and City Manager may refer the matter to a future Council agenda for Council's recommendation in forwarding the matter to a committee, administration, or to the Council for study and recommendation.

ii. If administrative, and a concern or complaint regards administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Mayor should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief the Council when the City Manager's response is made.

3. Administrative Complaints Made Directly to Individual Councilmembers

a. When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember shall then refer the matter directly to the City Manager for review and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. However, the City Manager shall not be required to divulge information he/she deems confidential, in conformity with applicable statutes, ordinances, regulations, policies or practices.

b. Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with customer service unless an unsatisfactory result has occurred in the past. In that case, refer to the paragraph above.

4. Social Media

Councilmembers shall not use social media as a mechanism for conducting official City business, although it is permissible to use social media to informally communicate with the public. Examples of what may not be communicated through the use of social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not been released to the public. As with telephone and e-mails, communication between and among Councilmembers via social media could constitute a "meeting" under the Open Public Meetings Act, and for this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers.

5. Donations

On occasion, Councilmembers could be contacted by citizens or businesses regarding donations. (See Battle Ground Municipal Code 3.70 for policy on donations).

B. Staff Contacts and Interactions

1. Role of the City Manager

The City Manager is the chief administrative officer of the City of Battle Ground. The City Manager is directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments. The powers and duties of the City Manager are defined by Washington law RCW 35A.13.080. Such duties may be expanded by Ordinance or Resolution. Balanced with the City Manager's accountability to the City Council for policy implementation is the need for the Council to allow the City Manager to perform legally defined duties and responsibilities without interference by the City Council in the management decisions of the City Manager.

2. City Staff Attendance at Meetings

a. The City Manager or his/her designee shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. (RCW 35A.13.080[31])

b. It is Council's intent that the City Manager schedule adequate administrative support during Council meetings for the business at hand, keeping in mind that the City Manager must also protect the productive capability of department heads and of all staff. Required attendance at meetings by City staff shall be at the pleasure of the City Manager.

3. City Clerk - Minutes

The City Clerk, or in the Clerk's absence the Deputy City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk and the Deputy City Clerk, the City Clerk shall appoint a replacement to act as Clerk during the Council meeting. The Clerk shall keep minutes which identifies the general discussion of the issue and complete detail of the official action or agreement reached, if any. As a rule and when possible and practical, regular meetings, or those Council meetings held at 7:00 p.m. on Mondays, (which includes formal format) shall be audio-recorded. Special meetings shall not normally be audio-recorded. Executive Sessions shall not be video or audio recorded. Original, signed and approved minutes shall be kept on file in the City Clerk's office and archived according to State Record Retention Schedules. Copies of the approved minutes shall also be posted on the City's website as soon as practical after such minutes are approved and signed.

4. Administrative Interference by Councilmembers

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any directives, tasks, or orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A.13.120[32].)

5. Informal Staff Communications

RCW 35A.13.120 should not be construed as to prevent informal communications with City staff that do not involve orders, direction, or are meant to influence actions or administrative policy. Upon prior notification and agreement from the City Manager, members of the Council are permitted to interact informally and

casually with City staff for the purpose of gathering information, obtaining explanations of policies and programs, or providing incidental information to staff relevant to their assignment. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers must be careful in such interaction to avoid giving direction or advice to members of City staff. While maintaining open lines of communication, City staff responding to information requests from Councilmembers shall inform their supervisor of such contact and provide the supervisor with the same information shared with the Councilmember.

CHAPTER 4
COMMITTEES, BOARDS, COMMISSIONS



A. Regional Committees, Commissions and Boards

1. Committees

a. Battle Ground Councilmembers and/or residents who seek representation on any standing committee, board, or commission required by state law, shall be appointed by the Mayor with confirmation by the Council.

b. Appointment Process: Any committee, board, commission, task force, etc., requiring Mayoral appointment of committee members, shall also require confirmation by the Council, which shall be by majority vote of those present at the time the vote takes place. By majority vote, Council can reject the appointment. If Council fails to confirm the recommended appointment, the Mayor could either make another recommendation, or the appointment may be postponed to a later date, giving City staff opportunity to further advertise for committee openings.

c. Removal Process of Councilmember. Any Councilmember on any committee, board, commission, task force, etc., requiring Mayoral appointment, may be removed by the Mayor, with confirmation by the Council, which shall be by majority vote of those present at the time the vote takes place.

d. Removal Process of Citizen: Any citizen on any committee, board, commission, task force, etc., requiring Mayoral appointment, may be removed by the Mayor, with confirmation by the Council, which shall be by majority vote of those present at the time the confirmation vote takes place. Reasons for removal include conflict of interest, unexcused multiple absences, or for those committees which require the appointee to be a Battle Ground citizen, failure to qualify as to residency.

e. A Councilmember or citizen may resign due to conflicts of time or scheduling commitments, or other personal reasons. A vacancy caused by resignation, shall be filled as soon as appropriate, but not sooner than two weeks, with notation of such on the advance agenda.

f. These committee, commission board appointments as well as removals, shall be placed as business items on Council meeting agendas, and when possible and practical, will be noted on the Advance Agenda at least two weeks prior to such action.

2. Council Relations with Boards, Commissions and Advisory Bodies

a. The purpose of these appointments is to provide Council with insight into areas of interest or concern within each board. As liaisons and representatives of the City, it is the duty of Councilmembers to remember that their sole purpose in attending these meetings and participating as an appointed board/committee member is to represent the City; and as such during those meetings, Councilmembers may not act as a representative of any other business, group or organization without the express consent of the Council.

b. Councilmembers are encouraged to share with all Councilmembers, copies of minutes from any statutory boards, commissions, or committees on which they serve and participate. Communications from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter from the Mayor. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "*Summary Reports, Proclamations, and Presentations.*" If any member of the Council requests that any such communication be officially answered by the Council, the Presiding Officer may place the matter on an agenda under Business or other appropriate place, for a specific Council meeting, or take other appropriate action.

B. In-House Committees, Boards, etc.

1. Standing committees or commissions required by law shall be appointed by the Mayor for a time certain not to exceed the term provided by law or the term of office of the appointing Mayor and confirmed by Council. Such appointments are generally made at the first or second meeting in January. Following are established in-house committees:

a. Planning Commission -- 7 members.

"BGMC 2.28.010 Created – Membership – Appointment - Terms

There is created a planning commission of seven members to serve without compensation and to be known as the Battle Ground planning commission, whose members shall be appointed by the mayor and confirmed by city council. Not less than five members shall reside within the city of Battle Ground and two members may reside outside the city of Battle Ground but within the Urban Growth Area of the city of Battle Ground or may reside in Clark County and must actively own and operate a business with a physical presence of a structure inside the Battle Ground city limits.

A. Each planning commission member shall serve for a term of four years, with their terms of office staggered. Each member shall be assigned a position. Beginning in 2011, at the time of new appointment or reappointment, Positions 1 and 2 shall serve initially two years; Positions 3, 4, and 5 shall serve three years; and Positions 6 and 7 shall serve four years. After this initial one-time appointment for each position beginning in 2011 and ending in 2012, all subsequent appointments or reappointments thereafter shall be appointed for terms of four years.

B. In addition, the mayor, with confirmation by city council, may appoint up to three alternates, each of which can exercise all authority granted to members of the planning commission but can only exercise said authority in the absence of a regularly appointed member. Each alternate will serve for a period of two years.

C. Any board member may be removed by the council for being absent for three consecutive regular meetings without excuse, ceasing to comply with the residential qualifications stated in subsection A of this section, convicted of a crime of moral turpitude, or failing to live up to the duties and qualifications of the planning commission members.

2.28.020 Chairman elected – Board to act as advisor.

The Battle Ground planning board shall elect a chairman and adopt regulations for the transaction of such business as may come before it; the board shall advise the city manager and council on such matters as shall be referred to it in the best interest of the city of Battle Ground.

2.28.030 Powers and Duties

In addition to such other duties and powers that may later be conferred upon it, the planning board shall adopt such rules and regulations pertaining to plats, subdivisions, and dedications as it shall see fit which are not in derogation of Battle Ground development codes."

b. Lodging Tax Advisory Committee -- 5 members.

"BGMC 2.64.010 Created – membership – Appointment - Terms

Consistent with RCW 67.28.1817(1) there is established a tax advisory committee of five members to serve without compensation and to be known as the Battle Ground lodging tax advisory committee, whose members shall be appointed by the mayor and confirmed by city council. The number of members who are representatives of businesses required to collect tax under this chapter shall equal the number of members who are involved in activities authorized to be funded by revenue received under this chapter (two each). One member shall be an elected official of the municipality who shall serve as chair of the committee. The advisory committee may include one nonvoting member who is an elected official of Clark County. The appointing authority shall review the membership of the advisory committee annually and make changes as appropriate. The mayor may remove any member of the committee for any reason other than disagreement, with an official recommendation of the committee or its members; provided, that the majority of the city council must confirm such removal.

2.64.020 Duties.

The board is entrusted with the responsibilities of advising and making recommendations concerning the collection and use of lodging taxes. The city shall submit any proposal that will impose a tax under Chapter 67.28 RCW, increase the rate of a tax imposed under this chapter, repeal an exemption from a tax imposed under this chapter, or change the use of revenue received under this chapter, to the

lodging tax advisory committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the fund created under RCW 67.28.1815. Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the municipality from acting on the proposal. A municipality is not required to submit an amended proposal to an advisory committee under this section.

2.64.030 Procedure.
The board shall convene meetings when necessary to meet the duties required under this chapter. Records of the committee meetings will be kept by the city's finance director (or designee). A majority of the committee shall constitute a quorum for the transaction of business and any action taken by a majority of those present shall be deemed action of the committee."

c. Parks and Community Engagement Advisory Board – 7 members
Battel Ground Municipal Code 2.60 establishes the Parks and Community Engagement Advisory Board, consisting of six members and one youth member. The members are volunteers who support city parks and recreation programs by fostering public interest in events and activities, participating in programs, and soliciting participation from community organizations and the general public. The board also serves in an advisory capacity, making recommendations to the city council regarding the development and operations of public parks, playgrounds and recreational facilities. For duties and procedures of the board please refer to BGMC 2.60

d. Law Enforcement Officers and Firefighters Disability Board – 5 members
"BGMC 2.84.010 Board Created.
There is hereby created a city of Battle Ground law enforcement officers and firefighters disability board. The word "board" shall be deemed to mean the city of Battle Ground law enforcement officers and firefighters disability board whenever used in this chapter.

2.84.020 Board Membership.
A. The membership of the board shall consist of the following five members:
Two council members to be appointed by the mayor;
Two active or retired law enforcement officers employed by or retired from the city who are elected by the law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board; and
One member from the public at large who resides within the city and who is appointed by the other four members designated in this subsection.
B. Only those active or retired law enforcement officers who are subject to the jurisdiction of the board have the right to election under this section.
C. For the purposes of the initial board membership, the appointed council members and the elected law enforcement officer representatives shall meet solely for the purpose of appointing the public-at-large member on or before July 2, 2018.

2.84.030 Terms.
All members appointed or elected pursuant to this section shall serve a two-year term, with the exception of one law enforcement member and one city councilmember who, on the first term, shall only serve a one-year term. All terms shall expire on the thirty-first day of December of the last year for which the term is made; provided, each member shall hold office until a successor is appointed or elected.

2.84.040 Resignation, removal and vacancy.

A. In accordance with Chapter 42.12 RCW, any member resignation shall be made to the city council and to the board. The vacancy caused by the resignation shall be deemed to occur upon the effective date of the resignation.
B. Appointed members may be removed prior to the expiration of their term by a majority vote of the city council upon a recommendation made to the city council by a majority vote of the board.
C. A board position shall become vacant for the same reasons applicable to elective offices in Chapter 42.12 RCW and council positions in RCW 35A.12.060. Prior to a third consecutive absence, a member may request that the board excuse one or more absences. The board shall determine the validity of the request, and approve or deny the request. Vacant appointed positions shall be filled by mayoral appointment and vacant elected positions shall be filled pursuant to the applicable election method set forth in this chapter and RCW 41.26.110.

2.84.050 Officers.
A. The board shall elect from among its membership a chairperson and vice chairperson, and such other officers as it deems necessary. The term of office shall be one year. Officers shall be elected at the first meeting that occurs on or follows the first Monday in January.
B. The chairperson shall preside at meetings and shall rule on all points of procedure.
C. If the office of the chairperson becomes vacant, the vice chairperson shall assume the responsibilities of said office and shall serve in said capacity until the board elects officers during the next term. In the event such a vacancy occurs, the board shall elect a new vice chairperson who shall serve until the board elects officers during the next term.

2.84.060 Meetings.
A. The board shall hold meetings as necessary for the proper discharge of its duties. The board may postpone or cancel a present or future board meeting.
B. Meetings of the board shall be open and public pursuant to Chapter 42.30 RCW. The public shall be notified of upcoming board meetings and the preliminary agenda for each meeting. Such notice may include, but is not limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming meeting agendas, or such other processes as the board determines will satisfy the intent of this requirement.
C. A quorum for conducting business shall be a simple majority of the membership of the Board.

2.84.070 Authority and duties.
A. The board shall have such powers and duties as prescribed in Chapter 41.26 RCW.
B. The board shall establish rules, policies, and procedures consistent with the requirements of Chapter 41.26 RCW and Chapter 415-105 WAC.

2.84.080 State law adopted.
To the extent that it is applicable, Chapter 41.26 RCW is adopted by reference, and shall be in effect in the city of Battle Ground."

e. Civil Service – 3 members
"BGMC 2.62.020 Adoption of civil service system.
Pursuant to the provisions of Chapter 13 of the Washington State Session Laws for the year 1937, and subsequent amendments thereto, there is adopted for the police and fire departments of the city of Battle Ground the system commonly known as civil service, and all employment therein, advancement, demotion, discharge, and control thereof, shall be under control of and governed by rules and regulations of the civil service commission herein created.

2.62.020 Civil service commission created.
There is created for the administration of such civil service for the police and fire department of the city of Battle Ground, a civil service commission composed of three members, whose powers and duties shall be as specified by law, including but not limited to the following:

A. The power to make suitable rules and regulations not inconsistent with provisions of law, providing in detail the manner in which examinations may be held; appointments, promotions, transfers, or any reinstatements, demotions, suspensions, and discharges shall be made; and for any other matters connected with the general subject of personnel administration in the police and fire department;
B. The power to make investigations, the power to administer oaths, subpoena, and require the attendance of witnesses, and all other investigatory powers allowed by law concerning all matters touching the enforcement and effect of the provisions of civil service law;
C. The power to hear and determine appeals or complaints regarding administrative work, allocation of positions, rejections of examinations, and any other matters that may be referred to the commission;
D. The power to hold competitive tests as provided by law and to certify those test results as provided by law when there is a vacant position to be filled.

2.62.030 Membership of commission – Terms of office – Quorum.
A. The members of the civil service commission shall serve without compensation and no person shall be appointed as a member who is not a citizen of the United States and a resident of the city of Battle Ground for at least three years immediately preceding such appointment, and an elector of Clark County. The term of the office of each commissioner shall be for a period of six years, except that the first three members of the commission shall be appointed for different terms as follows:

1. One to serve for a period of three years;
2. One to serve for a period of four years; and
3. One to serve for a period of six years.

B. Members of the commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause in the manner provided for by law. Provided, however, that no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had.
C. Two members of the commission shall constitute a quorum, and the votes of any two members of such commission concurring shall be sufficient for the decisions of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter.
D. Members of the commission shall be appointed by the city manager and confirmation of said appointment or appointments of the commissioners by the council shall not be required. At the time of any appointments, not more than two commissioners shall be adhering to the same political party.

2.62.040 Departments designated.
A. The classified civil service and provisions of this chapter under the laws of the state of Washington shall include all full-paid employees of the police department of the city of Battle Ground; provided, however, the chief of police, administrative assistant to the chief of police, and an additional number of positions depending on the total number of department personnel may be excluded from the provisions of the civil service.
B. All appointments to and promotions in these departments shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation, and no person shall be reinstated in or transferred, suspended, discharged, from any such place, position, or employment contrary to the provisions of the laws of the state of Washington.

2.62.050 Commission chairman – Meetings – Duties.
Immediately after appointment, the commission shall organize by electing one of its members chairman, and hold regular meetings at least once each month and such additional meetings as may be required for the proper discharge of their duties, and shall proceed to make suitable rules and regulations and perform all other duties imposed by law.

2.62.060 Application of provisions
The provisions of this chapter shall apply only to all members of the police and fire departments, respectively, who are paid regularly and fully by the city and devote their whole time to their respective positions."

f. Salary Commission – 3 members
"BGMC 2.86.010 Created – Membership
A. There is created a salary commission for the city. The commission shall consist of three members, to be appointed by the mayor with the approval of the city council.
B. The members of the salary commission shall serve without compensation.
C. Each member of the commission shall serve a term of three years, except that the initial members shall be appointed for staggered terms of one, two, and three years.
D. No member of the commission shall be appointed to more than two terms.
E. In the event of a vacancy on the salary commission, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the vacated position.
F. A member of the commission shall only be removed from office for cause of capacity, incompetence, neglect of duty, or malfeasance in office, or for disqualifying change of residence.

2.86.020 Qualifications.
A. Each member of the commission shall be a resident of the city.
B. No member of the commission shall be an officer, official, or employee of the city or immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, sibling, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

2.86.030 Duties.
A. The commission shall have the duty to meet annually commencing the year 2022, to review the salaries paid and the health insurance benefits provided by the city to each elected city official. The commission shall determine the number of meetings necessary to fulfill the duties as prescribed herein, but in so doing shall comply with the obligation to hold no fewer than two public hearings thereon as required by BGMC 2.86.040. The commission shall be required to complete the fulfillment of their duties by September 30th of each year.
B. If after such review the commission determines that the salary paid to an elected city official should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary and the effective date. Prior to filing the salary schedule with the city clerk, the city attorney shall review the salary schedule for ambiguity and legality and shall approve the salary schedule as to form if the schedule is unambiguous and legal. This salary schedule shall be provided to the city attorney by September 30th of each year. In the event the city attorney determines the salary schedule contains any ambiguity or illegality, the city attorney shall notify the city manager of such and the city manager shall be permitted to call a meeting of the salary commission to correct the ambiguity or illegality.

1. Any increase or decrease in salary established by the commission shall become effective and incorporated into the city budget without any review or further action from the city council or the salary commission.
2. Salary increases established by the commission shall be effective as to all city elected officials, regardless of their terms of office. Salary increases established by the commission shall be effective on the next payday for city employees, or under the condition established in the salary schedule if different.
3. Salary decreases established by the commission shall become effective as to incumbent city elected officials at the commencement of their next subsequent terms of office.
4. For purposes of this section, "salary" means any fixed compensation paid or provided periodically for work or services and includes, but is not limited to, wages and medical or

other benefits. This definition expressly excludes any expenses paid or reimbursed on behalf of the mayor or council member for training and travel expenses.

C. If after such review the commission determines that the health insurance benefits provided to an elected city official should be changed, the commission shall file a written statement with the city clerk indicating what changes should occur and what types of health insurance benefits, if any, shall be provided. Prior to filing the written statement with the city clerk, the city attorney shall review the written statement for ambiguity and legality and shall approve the written statement as to form if the statement is unambiguous and legal. This written statement shall be provided to the city attorney by September 30th of each year. In the event the city attorney determines the written statement contains any ambiguity or illegality, the city attorney shall notify the city manager of such and the city manager shall be permitted to call a meeting of the salary commission to correct the ambiguity or illegality.

1. Any change in health insurance benefits as established by the commission shall become effective and incorporated into the city budget without any review or further action from the city council or the salary commission.
2. Any change in health insurance benefits established by the commission shall be effective as to all city elected officials, regardless of their terms of office. A change in health insurance benefits established by the commission shall be effective on January 1st of the next calendar year.
3. In determining what type of health insurance benefits shall be provided to the city council, the commission shall be limited to only authorizing health insurance benefits currently available and already provided by the city to employees.

2.86.040 Open Meetings.

All meetings, actions, hearings, and business of the commission shall be subject to the Open Public Meetings Act as set forth in Chapter 42.30 RCW. Prior to the filing of any salary schedule by September 30th of each year, the commission shall hold no fewer than two public hearings thereon within the two months immediately preceding the filing of its salary schedule.

2.86.050 Referendum.

A. Any salary increase or decrease established by the commission pursuant to this chapter shall be subject to referendum petition by the voters of the city, in the same manner as city ordinance, upon filing of a referendum petition with the city clerk within thirty days after filing of a salary schedule by the commission. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people.

B. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall otherwise be governed by the provisions of the state constitution and the laws generally applicable to referendum measures."

g. **Council Ethics and Administration Committee** –3 members

The city council will implement a council ethics and administration committee which will consist of the mayor and two other city council members. Biennially, at the first meeting of the new council, the members thereof shall choose the two council members that will serve on the committee in addition to the mayor. If any of those three committee members are the subject of an alleged violation of the rules, then they shall be replaced by another sitting city council member.

The purpose of this committee is to keep up with the policies declared by the State Legislature in enacting codes of ethics for state officials, it is recognized that high moral and ethical standards among city officials are equally essential to the conduct of local government; that a code of ethics for guidance of city officials is necessary in order to prevent conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of the city in their

governing body. The council ethics and administration committee will initially receive and process complaints and allegation of violation of the City of Battle Ground Code of ethics per BGMC 2.78.

h. Budget Advisory Committee—5 members.
The Budget Advisory Committee generally consists of three Councilmembers, the City Manager, the Finance and Information Services Director, and the Public Works Director. The Councilmembers appointed to this Committee shall serve two-year terms, with the exception of one member appointed the first year who shall serve only a one-year term to create staggered terms. Meetings are conducted on an as-needed basis as determined by the City Manager. The City Manager shall have the discretion to require any other staff person to attend any given meeting as may be deemed appropriate.

The purpose of this Committee is to develop a budget that ensures core services are maintained and supports the vision and initiatives of the Council and community. Budget initiatives and procedures are referenced in Appendix F - Budget Advisory Committee Guidelines Policy and Procedure.

i. Governance Manual Committee –6 members
This Governance Manual Committee generally consists of three Councilmembers, the City Manager, the City Attorney, and the City Clerk. The Councilmembers appointed to this Committee shall serve two-year terms, with the exception of one member appointed the first year who shall serve only a one-year term to create staggered terms

The purpose of this Committee is to periodically review the Governance Manual for edits needed for clarity or correction, or to add or edit specific sections by Council consensus, or by request of staff as the need arises. After discussion as a committee, the matter may be scheduled as an administrative report on a future Council agenda. The finalized Governance Manual shall be approved via Resolution.

j. Legislative Advisory Committee –4 members
The Legislative Advisory Committee generally consists of three Councilmembers and the City Manager. The Councilmembers appointed to this Committee shall serve two-year terms, except for one member appointed the first year who shall serve only a one-year term to create staggered terms.

The purpose of this Committee is to compile legislative agendas at both the state and federal level and to build relationships and strive for ongoing communication with out local and federal legislators. Committee expectations and Procedures are referenced in Appendix G- the Legislative Advisory Committee Guidelines Policy and Procedure.

C. Private Committees, Commissions, and Boards

The Council recognizes there are various other private boards and committees, which appointments are made by their own board. These boards and committees which do not require an appointment by our Mayor, with confirmation by our Council, are nonetheless important aspects of our community and we recognize the time commitment any Councilmember may extend as a member of any of those committees and/or boards. As well, Council appreciates hearing a periodic report or update on activities and issues surrounding those boards and committees.

APPENDIX A – PUBLIC HEARINGS
Quasi-Judicial Hearings

1. Purpose
Quasi-judicial public hearings involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the "record" developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Most quasi-judicial hearings held by local government bodies involve land use matters, including site specific rezones, preliminary plats, variances, and conditional uses. (*MRSC Public Hearings When and How to Hold Them by Bob Meinig, MRSC Legal Consultant August 1998)*

2. Specific Statutory Provisions
a. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning, pursuant to RCW 42.36.040[33], except that sitting Councilmembers shall not express their opinions on any such matter which is or may come before the Council.

b. *Ex-parte* communications should be avoided whenever possible. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding unless the Councilmember: (1) places on the record the substance of such verbal or written communications; and (2) provides that a public announcement of the content of the communication and of the parties' rights 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 or 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)

3. Actions/Procedures for a Quasi-Judicial Public Hearing

a. Prior to the start of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as 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. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer 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.)

b. The Presiding Officer introduces the agenda item, opens the public hearing, and announces the following Rules of Order or similar:

1. Those wishing to testify need to complete a speaker request form and give it to the City Clerk. Once you have been called, please step to the podium and state your name for the record. You will have up to five (5) minutes for testimony at the discretion of the Mayor/Deputy Mayor.

2. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting.

3. There will be no demonstrations, applause, or other audience participation during or at

the conclusion of anyone's presentation.

4. These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard and to ensure that individuals are not embarrassed by exercising their right of free speech.

c. Public Hearing Procedure:

When Council conducts a hearing to which the Appearance of Fairness Doctrine applies, the Presiding Officer (or in the case of a potential violation by that individual, the Deputy 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. The form of the agenda and announcement or similar is as follows:

1. Open the public hearing;

2. Introduce self, council and staff presenting information;

3. State the purpose of the hearing and that the council may legally take action;

4. Address the Appearance of Fairness doctrine as follows:

   "All Council members should now give consideration as to whether they have:"

   a. Any interest in the property or the application or if they own any property within a certain distance of the property subject to the application;
   b. If they stand to gain or lose any financial benefit as a result of the outcome of the hearing;
   c. Whether they can hear and consider the application in a fair and objective manner; or
   d. If they have engaged in any ex parte communications with either proponents or opponents of the application, and, if so, ask them to place on the record the substance of any such communications so that interested parties have the opportunity at the hearing to rebut the communications.

5. Ask members of the audience if they wish to challenge on appearance of fairness grounds participation in the matter by any member of the council and include the reason for the request;

6. Any council member challenged will be given the opportunity to either disqualify or refuse to disqualify him/herself. Any council member disqualified based on appearance of fairness must leave council chambers and not participate further in the hearing;

7. State any ground rules;

8. Have the clerk administer the oath to all those who wish to testify;

9. Staff to provide a report on the application, ensure that all documents and exhibits are introduced and a number assigned;

10. Allow applicant to comment on the application followed by the testimony of any technical experts in support of the application;

11. Call for any public testimony by proponents then opponents and provide any rules regarding public testimony;

12. Allow for closing or rebuttal comments from the applicant, and if desired, from the public;

13. Ask if staff has any additional comments or clarification;

14. Ask for council member questions;

15. Close the public hearing.

d. Appearance of Fairness Doctrine:

Appearance of Fairness Doctrine Defined. "In short, when the law which calls for public hearings gives the public not only the right to attend, but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance." Smith vs. Skagit County, 75 Wn.2d 715 (1969). "The test of whether the appearance of fairness doctrine has been violated is ... as follows: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Swift vs. Island County, 87 Wn.2d 348 (1976).

Types of Hearings to Which the Doctrine Applies. The Appearance of Fairness Doctrine shall apply 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 (versus site-specific) significance (RCW 42.36.010). Street vacations are typically legislative actions, unless clearly tied to, and integrated into, a site-specific development proposal which is quasi-judicial in nature.

Obligations of Council members - Hereafter "Member" -
Immediate self-disclosure of interests that may appear to constitute a conflict of interest is hereby encouraged. Members 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 member or a member's business associate, or a person of the member's immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the member'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 should disclose such facts to the City Manager or Commission Chair who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Attorney shall communicate such opinion to the member and to the Presiding Officer.

Anyone seeking to disqualify a member 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 the member 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 outcome of the proceedings, prejudgment 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 Manager shall direct the City Attorney to interview the member 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 member shall either recuse him/herself or the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

1. The Presiding Officer shall have authority to request a member to excuse him/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more members believe that an Appearance of Fairness violation exists, such individuals may move to request a member to excuse him/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other members shall give due regard to the opinion of the City Attorney.

Public Disclosure File.

The City Clerk shall maintain a public disclosure file, which shall be available for inspection by the public. As to elected officials, the file shall contain copies of all disclosure forms filed with the Washington State Public Disclosure Commission.

APPENDIX B: STATEMENT OF ETHICS

BATTLE GROUND CITY COUNCILMEMBERS' STATEMENT OF ETHICS

By adoption of the Resolution which adopts this Governance Manual, the Battle Ground City Councilmembers hereby agree to be bound by the following rules of ethics:

DECLARATION OF PURPOSE:

- Provide guidelines and set high ethical standards for Councilmembers to perform their duties in an open, honest, and unbiased manner.
- Establish procedures for prevention and/or elimination of possible conflicts of interest.
- Improve and strengthen the public's perception and trust in their local government.

DEFINITIONS:

Compensation: Anything of economic value regardless of amount, however designated, which is paid, loaned, advanced, granted, transferred, or gifted, or to be paid, loaned, advanced, granted, transferred or gifted for or in consideration of personal services to any person or that person's immediate family as that term is defined in RCW 42.17A.005[34].

Contract: Includes any contract or agreement, sale, lease, purchase, or any combination of the foregoing. A contracting party is any person, partnership, association, cooperative, corporation, whether for profit or otherwise, or other business entity which is a party to a contract with a municipality.

PROHIBITED CONDUCT:

(a) Acceptance of Gifts: No Councilmember, based upon their position with the City of Battle Ground, shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value regardless of the amount, as a gift, gratuity, or favor from any person or entity outside the City organization. Exceptions to this prohibition are if a meal is provided to a Councilmember while that person is participating in a meeting or event held by an entity to which a Councilmember is assigned for representation by the City; or when actively participating on a panel giving a presentation to others, in other words as a working lunch; or unless the meal is paid for by the City. Campaign donations made and reported in conformance with Washington law are exempt from this provision. [RCW 42.23.070[35]]

(b) Interest in Contracts, Exceptions: No Councilmember shall be beneficially interested, directly or indirectly, in any contract where the City of Battle Ground is named as a party to the contract; and no Councilmember shall accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract. This prohibition shall not apply to the exceptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth.

(c) Incompatible Service, Confidential Information: No Councilmember shall engage in or accept private employment or render services for any person, or engage in any business or professional activity when such is incompatible with the faithful discharge of his/her official duties as a Councilmember. No Councilmember shall disclose confidential information acquired by reason of such official position, nor shall such information be used for the Councilmember's personal gain or benefit.

PERSONAL OR PRIVATE INTERESTS, PUBLIC DISCLOSURE: Any Councilmember who has a financial or other private or personal interest in any ordinance, resolution, contract, proceeding, or other action pending before the City Council or any of its committees, shall promptly disclose such interest at the first public meeting when such matter is being considered by the City Council, and a summary of the nature of such interest shall be incorporated into the official minutes of the City Council proceedings. Any Councilmember who feels disqualified by reason of such interest in any matter before the City Council, shall make a public statement and disclose the reasons why that Councilmember feels disqualified, and state that they are recusing themselves from the issue, and with permission of the Presiding Officer, will leave the Council Chambers until such time as the issue at hand has been disposed of in the regular course of business.

Appendix C: Frequently Used Acronyms

AACE - American Association of Code Enforcement

ADA - Americans with Disabilities Act

ADT - Average Daily Traffic

ATF - Bureau of Alcohol, Tobacco & Firearms

AWC - Association of Washington Cities

CAFR - Comprehensive Annual Financial Report

CCC – Clark County Council

CDBG - Community Development Block Grant

CIP - Capital Improvement Plan

CM – City Manager

CM/AQ - Congestion Mitigation & Air Quality Program

COVID-19 – CO=corona, VI=virus, & D=disease; 2019 novel coronavirus; infectious disease caused by severe acute respiratory syndrome coronavirus 2; WHO declared it a global pandemic March 2020

CTED - Community, Trade, & Economic Development (now Department of Commerce)

CTR - Commute Trip Reduction (legislation)

CUP - Conditional Use Permit

DEIS - Draft Environmental Impact Statement

DEM - Department of Emergency Management

DNR - Department of Natural Resources

DNS - Declaration of Non-Significance

DOC – Department of Commerce

DOE - Department of Ecology; Department of Energy

DOT - Department of Transportation (also WSDOT)

EA - Environment Assessment

EDC - Economic Development Council

EEO/AA - Equal Employment Opportunity/Affirmative Action

EEOC - Equal Employment Opportunity Commission

EIS - Environmental Impact Statement

EOE - Equal Opportunity Employer

EPA - Environmental Protection Agency

ERU - Equivalent Residential Unit (for measuring water-sewer capacity and demand)

ESU - Equivalent Service Unit (for measuring stormwater utility fees)

F & WS - Federal Fish & Wildlife Service

FAA - Federal Aviation Administration

FCC - Federal Communications Commission

FEIS - Final Environmental Impact Statement

FEMA - Federal Emergency Management Agency

FICA - Federal Insurance Contribution Act

FIRM - Flood Insurance Rate Maps

FLSA - Fair Labor Standards Act

FMLA - Family Medical Leave Act

FMSIB – Freight Mobility Strategic Investment Board

FY - Fiscal Year

GAAP - Generally Accepted Accounting Principles

GASB - Governmental Accounting Standards Board

GIS - Geographic Information System

GMA - Growth Management Act

GPM - Gallons Per Minute

HOV - High-Occupancy Vehicle

HR - Human Resources

HUD - Housing & Urban Development (Department of)

ICMA - International City/County Management Association

L & I - Labor & Industries (Department of)

LID - Local Improvement District

MGD - Million Gallons per Day

MOA - Memorandum of Agreement

MOU - Memorandum of Understanding

MPO - Metropolitan Planning Organization

MRSC - Municipal Research Services Center

NEPA - National Environment Policy Act

NIMBY - Not In My Backyard

NPDES - National Pollutant Discharge Elimination System

PE - Preliminary Engineering; Professional Engineer

PERC - Public Employment Relations Commission

PMS - Pavement Management System

PPE - Personal Protective Equipment

PPM - Parts Per Million; Policy & Procedure Manual

PUD - Public Utility District

PW - Public Works

QA - Quality Assurance

RCW - Revised Code of Washington

REET - Real Estate Excise Tax

RONR - *Robert's Rules of Order Newly Revised*

ROW - Right of Way

SAO - State Auditor's Office

SBA - Small Business Administration

SEPA - State Environmental Policy Act

SMA - Shorelines Management Act

SWAC - Solid Waste Advisory Committee

TIB - Transportation Improvement Board

TIP - Transportation Improvement Program

TMDL - Total Maximum Daily Load

UBC - Uniform Building Code

UFC - Uniform Fire Code

UGA - Urban Growth Area

WAC - Washington Administrative Code

WACO - Washington Association of County Officials

WCIA - Washington Cities Insurance Authority

WCMA - Washington City/County Management Association

WHO – World Health Organization

WSDOT - Washington State Department of Transportation

WSP - Washington State Patrol

WUTC - Washington Utilities & Transportation Commission

WWTP - Wastewater Treatment Plant

APPENDIX D

CITY OF BATTLE GROUND
109 SW 1st Street
Battle Ground, WA 98604
(360) 342-5000

APPLICATION FOR INTERIM COUNCIL POSITION

Thank you for your interest in serving the Battle Ground community as an Interim Council Member. An Interim Council Member is the term used for someone to serve in a vacated council position until that vacated position can be filled as a result of the next general municipal election (held odd years) [RCW 42.12.070]

To be considered, **applicants must use this form**. Applications shall be completed, signed, and received at the City Clerk's office, 109 SW 1st Street Battle Ground, WA 98604, **no later than _____ p.m. on _____ (late arriving applications will not be considered)**. Applications may be hand-delivered or mailed. Faxed or e-mailed applications **will not be accepted** because the original application with the original signature must be received by the City.

During the interview process, Current Councilmembers will ask applicants several questions on a variety of topical subjects, which could include but are not limited to: budget, pavement preservation, transportation, infrastructure, public safety, economic development, planning and development, open space, familiarity with Council meetings, Open Public Meetings Act, Public Records Act, and Council/Manager form of government.

Name (please print): _____

Complete Residence Address: _____

Complete Mailing Address: (if different from above address): _____
Length of time lived at current address: _____

U.S. Citizen? [ ]yes [ ]no WA State Registered Voter? [ ]yes [ ]no

If you have lived at your current address less than one year, please list your previous addresses and state how long you lived at those residences:

Complete Previous Address **Length of Time at this Address**

_____ _____

_____ _____

Which is your preferred way for us to contact you: [*Note: If you have an unlisted phone number, or do not wish your e-mail address made public, do not include that information. Once this document is submitted to the City, it becomes subject to public disclosure.]*

[ ] Home Phone _____ [ ] work phone _____
[ ] Cell Phone _____ [ ] other message phone _____
[ ] e-mail address: (please print plainly): _____
[ ] regular mail to residence or mailing address shown above

EMPLOYMENT: *Start with most recent*

1. [ ] present [ ] previous
Name of Employer: _____
Address: _____ Phone: _____
Position held: _____ Dates of Employment: _____

2. [ ] present [ ] previous
Name of Employer: _____
Address: _____ Phone: _____
Position held: _____ Dates of Employment: _____

3. [ ] present [ ] previous
Name of Employer: _____
Address: _____ Phone: _____
Position held: _____ Dates of Employment: _____

EDUCATION:
Name of High School _____ Address: _____
Diploma or GED: [ ] yes [ ] no

Trade School/College/University:
Name of School _____ Address: _____
Diploma: [ ] yes [ ] no Degree or Certification Earned: _____

Trade School/College/University:
Name of School _____ Address: _____
Diploma: [ ] yes [ ] no Degree or Certification Earned: _____

Other Certifications/Licenses: _____
_____
_____

VOLUNTEER EXPERIENCE: name of social, fraternal, organizations, etc.
1. [ ] current [ ] previous_____
2. [ ] current [ ] previous_____
3. [ ] current [ ] previous_____
4. [ ] current [ ] previous_____
5. [ ] current [ ] previous_____

LOCAL, STATE OR NATIONAL PROFESSIONAL ORGANIZATIONS, INCLUDING GOVERNMENT BOARDS, COMMITTEES, OR COMMISSIONS
1. [ ] current [ ] previous_____
2. [ ] current [ ] previous_____
3. [ ] current [ ] previous_____
4. [ ] current [ ] previous_____
5. [ ] current [ ] previous_____

1. Are you a registered voter in the City of Battle Ground? Yes [ ] No [ ]

2. Have you continuously resided within the city limits of the City of Battle Ground for a year or more? (State law requires a councilmember to be a resident of Battle Ground for at least a year prior to appointment, and to be a registered voter at the time of application.) Yes [ ] No [ ]

3. Have you ever been convicted of anything other than a minor traffic infraction? Yes [ ] No [ ]

4. If you answered "YES" to #3 above, please explain: _____

_____

_____

5. Do you or your spouse or any immediate family member (spouse, children, siblings, parents) have a financial interest in, or are you an employee or officer of any business or agency which does business with the City of Battle Ground? Yes [ ] No [ ] If yes, please explain: _____

_____

_____

_____

6. Is any member of your immediate family currently employed, either full time or part time, by the City of Battle Ground, or currently perform any volunteer work for the City of Battle Ground?
Yes [ ] No [ ]
If yes, please explain: _____

_____

7. Would your appointment create a conflict of interest or an appearance of a conflict of interest?
Yes [ ] No [ ]
If yes, please explain: _____

8. Why are you interested in serving in this position? _____

_____

_____

_____

_____

9. What do you feel is the primary responsibility of a Councilperson? _____

_____

_____

_____

_____

10. Have you ever attended a live meeting of the Battle Ground City Council? Yes [ ] No [ ]
If yes, give an estimate of how many meetings you have attended in the past twelve months: _____

11. Appointment to the City Council will require your attendance at regularly scheduled Council meetings, which generally occur on Monday evenings, as well as other special meetings that may be scheduled from time to time. This meeting commitment includes preparation time, such as reading the Council packet materials. Councilmembers also participate on various boards and committees (final list of boards and committees to include) as assigned by the Mayor and confirmed by Council. Many of these groups meet during regular work hours. Can you commit the appropriate time and energy to participate as an interim member of the Battle Ground City Council. Yes [ ] No [ ]

12. References: Please list name, address and phone number:
    1. _____
    2. _____
    3. _____

Once submitted, applications and related materials become a public record subject to public disclosure, and could be included in Council agenda packets. Selection of the applicant must be approved by a majority vote of the remaining Councilmembers. No City officer shall hold any other office or employment within the Battle Ground City government.

By signing this application, I certify under penalty of perjury, that such appointment would not represent a conflict of interest or an appearance of a conflict of interest; that I recognize this application is subject to public disclosure; and that the information entered hereon by me is true and correct to the best of my knowledge and belief.

_____ _____

Signature Date Signed

Appendix E: Definitions

Action: All transactions of a governing body's business, including receipt of public testimony, deliberations, discussions, considerations, reviews, and evaluations, as well as "final" action. [RCW 42.30.010, 42.30.020(3)].

Codified: The process of forming a legal code (i.e., a municipal code or book of laws) by collecting and including the laws of a jurisdiction or municipality.

Consensus: A collective judgment or belief; solidarity of opinion: *"The consensus of the group was that they should meet twice a month.* General agreement or harmony. [*Random House Webster's College Dictionary*, April 2001] [Wikipedia: explains it as a group decision making process, or Does anyone object?] It is not unanimity, but more a process for deciding what is best overall. Members of the group reach a decision to which they **consent** because they know it is the best one overall. It differs from voting which is a procedure for tallying preferences. It does not require each member of the group to justify their feelings. [Taken from: *Consensus Is Not Unanimity: Making Decisions Cooperatively, by Randy Schutt."]* Similar to a type of verbal "show of hands" on who feels particularly strong on this?" Sometimes thought of as preliminary approval without taking final "action." A show of hands is not an action that has any legal effect. ["Voting and Taking Action in Closed Sessions" by Frayda Bulestein.]

Ex-parte: from a one-sided or partisan point of view; on the application of one party alone. An ex-parte judicial proceeding is conducted for the benefit of only one party. Ex-parte may also describe contact with a person represented by an attorney, outside the presence of the attorney.

Immediate Family: includes a spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half-sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person (RCW 42.17A.005(24)).

Motion: An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. Once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing state or federal statutes, City ordinances or resolutions.

Ordinance: An enacted ordinance is a law passed [enacted] by a municipal organization legislatively prescribing specific rules of organization or conduct relating to the corporate affairs of the municipality and those citizens and businesses therein. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. Special ordinances such as adopting the budget, vacating a street, amending the Comprehensive Plan and/or Map, and placing a matter on an election ballot, including general obligation bonds, are not codified into the City's municipal code.

Resolution: 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.

Regular Meeting: Any Council meeting that meets in the Battle Ground City Council Chambers on the 1st and 3rd Monday at 7:00 p.m. shall be deemed a "regular meeting."

Social Media: A term used to define the various activities that integrate technology, social interaction and content creation. Through social media, individuals or collaborations of individuals create on-line web content, organize content, edit or comment on content, combine content, and share content. Includes many technologies

and forms including syndicated web feeds, weblogs (blogs), wiki, photo-sharing, video-sharing, podcasts, and social networking. (From MRSC, and Social Media and Web 2.0 in Government, WebContent.gov

APPENDIX F – BUDGET ADVISORY COMMITTEE GUIDELINES

Subject	**BUDGET ADVISORY COMMITTEE GUIDELINES**	
Index	FINANCE POLICIES	Page 1 of 2
Approved by		Effective Date: June 1, 2019 Revised: November 20, 2019

1.0 PURPOSE

The primary purpose of the budget advisory committee is to develop a budget that ensures core services are maintained and supports the vision and initiatives of the council and community.

2.0 REFERENCES

35A.33 Revised Code of Washington

3.0 BUDGET COMMITTEE

The budget advisory committee (committee) is tasked with aligning the annual budget with policy priorities of city council. The process used to create and communicate the budget shall reflect these priorities. The committee is comprised of three council members, the city manager, the city finance director, and the public works director. The committee shall hold a planning meeting early each year to create the budget work plan and calendar with oversight responsibility assigned to the finance director.

4.0 STRATEGIC BUDGET INITIATIVES

The committee shall consider the financial resources and review resource allocation procedures as well as cost drivers in developing the annual budget to support the following strategic initiatives.

- Establish appropriate levels of city services which are financially sustainable; adjust to changing community priorities
- Ensure the city is able to withstand local and regional economic variations
- Focus on the total financial picture of the city rather than single-issue areas
- Expenditures are budgeted and controlled so as not to exceed current revenues plus the planned use of fund balance accumulated through prior years
- Personnel service expenditures reflect employee resources necessary to provide established quality and scope of city services

5.0 BUDGET PROCEDURES

- The city budgets on an annual, calendar year basis.
- The base operating budget is the city's comprehensive six year financial plan which provides for an acceptable level of service. The finance department will update these projections annually. Any unexpected changes in economic conditions or other circumstances may prompt more frequent updates. Any significant changes shall be reported to the budget advisory committee.

- The city's accounting and budgeting systems are organized and operated on a fund basis. Fund are accounting entities used to record revenues and expenditures. Each fund is balanced, meaning total revenues equal total expenditures. The budgeted funds are grouped into six categories: general, special revenue, debt service, capital projects, enterprise, and internal service.

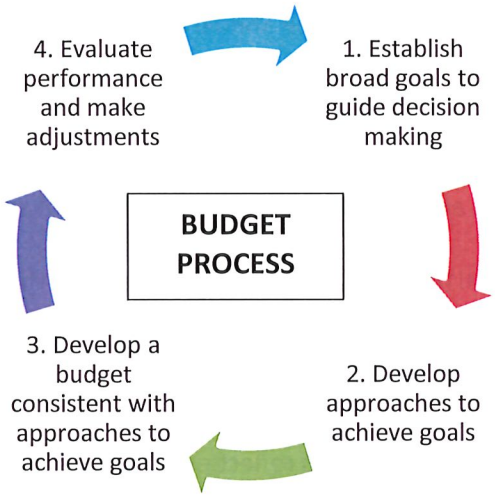
- Budget managers will provide sufficient documentation to support requested budget appropriations and in a manner that clearly demonstrates that the expenditure is necessary to either meet regulatory requirements, provide core city services, or contributes to the achievement of stated goals or policies of the city.

- Meetings are held with each department to review their submission and programs and address questions and possible solutions to improve efficiency and effectiveness. Follow-up meetings are later held to review the city manager's recommended budget with each department and address any remaining issues.

- Budgetary and accounting procedures which balance the current budget at the expense of future budgets will be avoided.

- The finance director is responsible for coordinating the overall preparation and administration of the city's annual budget.

- The city manager is responsible for making the final determination of the proposed budget to be submitted for approval to the city council.



APPENDIX G – LEGISLATIVE ADVISORY COMMITTEE GUIDELINES

POLICY AND PROCEDURES

Subject	**LEGISLATIVE ADVISORY COMMITTEE GUIDELINES**	
Index	LEGISLATIVE POLICIES	Page 1 of 2
Approved by		Effective Date:

1.0 PURPOSE

The primary purpose of the legislative advisory committee is to compile legislative agendas at both the state and federal level and to build relationships and strive for ongoing communication with our local and federal legislators.

2.0 REFERENCES

Governance Manual

3.0 LEGISLATIVE COMMITTEE

The legislative advisory committee (committee) is tasked with aligning the state and federal legislative agendas with policy priorities of city council and funding needs. The process used to create and communicate the legislative agenda's shall reflect these priorities. The committee is comprised of three council members, the city manager, the state lobbyist, and the federal lobbyist. The committee shall hold a planning meetings quarterly (at a minimum) for creation of a work plan for agenda creation, legislative meetings and travel plans. There shall be a calendar with oversight responsibility assigned to the city manager.

4.1 STRATEGIC LEGISLATIVE INITIATIVES

The committee shall consider council priorities, financial resources, funding and program opportunities as well as political climate and cost drivers to develop legislative agendas and focus points with legislators to support the following strategic initiatives.

- Monitor, analyze, and formulate appropriate positions on current and prospective legislative issues affecting the City.
- Monitor the progress of legislative and public policy initiates and recommend adjustments to the appropriate governance bodies and staff.
- Identify programs and funding sources to aid with project planning and development that meets council guiding principles.

5.1 COMMITTEE MEMBER EXPECTATIONS

- Coordinate and plan yearly legislative trip to Washington DC. All committee members and the City Manager shall attend unless waived by the Mayor.
- Coordinate, plan and attend Olympia events as recommended by lobbyist. Work with other members of the council to attend other Olympia events as needed.
- Create state and federal legislative agendas that is in line with city guiding principles and has the support of state legislators and the City Council.

- Establish and maintain relationships with state and federal legislators. This includes regular visits, conducting tours of city projects, and ongoing communication. Other recommendations from state and federal lobbyist.

- Review, comment and testify on pending bills and issues as they arise.

- Work with city staff to strategically plan upcoming projects and funding resources to ensure the City is competitive in the market.

Appendix H: Travel and Business Expense Policy

Policy & Procedure

Subject:	TRAVEL AND BUSINESS EXPENSE POLICY	
Index:	FINANCE	Page 1 of 7
Approved By:	Eric Erdman	Effective Date: 9/23/19

Supersedes policy dated 11/1/13

1.0 PURPOSE

To establish policies and procedures for allowable travel and business expenses incurredin the course of official city business.

2.0 ORGANIZATIONS AFFECTED

City employees, members of city council, commissions and citizen advisory committees are covered by this policy and are collectively referred to herein as "employee" for the purposes of this policy.

3.0 REFERENCES

RCW 42.24.090- 42.24.170
Purchase Card Use Policy
Office of Financial Management (OFM) 10.90
Internal Revenue Service (IRS) Regulations

4.0 POLICY

It shall be the policy of the City of Battle Ground ("city") to allow the attendance and participation of authorized employees at meetings, conventions, seminars and other events where such participation is determined to be in the best interests of the city.

Employees shall use city issued purchase cards for allowable expenses incurred while on official business in accordance with the rules established in this policy. City administrative policies contain the policies and procedures associated with the use of purchase cards. An employee may not use a city issued credit card for personal purchases.

Employees are responsible for complying with travel policies and procedures. Care mustbe taken to avoid unnecessary or excessive expenses. Only those expenses directly related to official city business are allowable.

5.0 DEFINITIONS

Business Expense	Reasonable and necessary expenses incurred in the courseof official city business
Expense Claim Form	Form in which employees request reimbursement, to besupported by original itemized receipts
Local ExpenseLocality	Expenses incurred within a 50 mile radius of city hall
Official City Business	Location of where the conference, meeting, or trainingtakes place Conferences, meetings or training for which there is abenefit to the city
Travel	Official city business conducted outside the workplace Expenses
Travel Related ExpenseTravel	incurred outside of a 50 mile radius of city hallAuthorization for
Request Form	travel and travel related expenses

6.0 TRAVEL AUTHORIZATION

6.1 Overnight Travel: Overnight travel requests shall be documented on the Travel Request Form and approved, in advance, by the director. Approved forms shall be submitted to the finance department at least three weeks in advance whenever possible.

Overnight accommodations are not allowable within a 50 mile radius of city hall, with limited exceptions. Exceptions are when weather conditions make driving dangerous, or where conference or other work related event hours make the drive to or from the city unreasonable. Any approval of overnight accommodations within the local, 50 mile travel area will be approved only after careful consideration by the employee and manager.

6.2 Non-Local Travel: Travel for official city business that does not include an overnight stay shall be authorized by the department director/manager. The Travel Request Form will be required if travel expenses will be incurred.

7.0 TRAVEL REQUIREMENTS

7.1 Transportation

a. City Vehicle: For daily or overnight travel for official city business, use of a city vehicle is encouraged. Costs for operation of a city vehicle outside the city limits are authorized for fuel, oil and any necessary minor repairs. If any major repairs are needed, the employee operating the vehicle shall contact the public works director for authorization of repairs. In accordance with policy, no employee shall use a city-owned vehicle for personal use.

b. Personal Vehicle: An employee must receive prior authorization by his/her department head to use a personal vehicle for city business. The rate for reimbursement is the current Internal Revenue Service (IRS) rate per mile. Reimbursement for mileage expenses will be paid through the accounts payable process.

- If the employee elects to use his/her own vehicle and air transportation is less than the mileage reimbursement, the city will pay the lesser amount. The selection is subject to approval via the *Travel Request Form.*

- Should more than one employee travel in the same vehicle, only the employee owning the vehicle shall be entitled to reimbursement for transportation.

- If an employee uses a personal vehicle, the employee must carry liability insurance when his/her vehicle is used for city business.

- Mileage will be calculated from the lesser of the employee's official work station or employee's home to the business destination when traveling from home.

c. Air Travel: Arrangements for air travel shall be made by the department whose employee is involved in the travel as outlined below:

- Air travel arrangements shall be requested and approved on the *Travel Request Form.* Employee should obtain approval at least three weeks in advance of the departure date.

- Air travel shall be based on the lowest available airfare for a regularly scheduled flight which reasonably accommodates the time of travel requested. All tickets purchased must be in coach.

- If changes in travel plans occur that are the result of city business requirements, the city will pay the associated costs. The employee willpay any increase in costs due to changes for personal convenience.

d. Rental Vehicle: The use of a rental vehicle must be approved in advance of travel through the *Travel Request Form.* Please contact the Finance Department to receive information on the city's contracted rental car providers. Personal use of rental cars must be reimbursed to the city on an equitable basis (days of use or miles driven).

e. Taxi/Ride-Share Services: Reasonable costs for transportation are allowable when clearly identified as required to conduct official city business.

f. Parking: The cost for parking while conducting official city business is reimbursable. If parking costs were paid in a lot which does not offer receipts, an alternative method for documenting costs must be submitted.

7.2 Meals

7.2.1 Local Meal: Business meal expense incurred in the necessary discharge ofthe employee's official duties.

a. Allowability of costs for local meals is contingent upon availability of adequate budgeted funds at the department level.

b. Individual meal will be made on an actual cost basis to include the cost of the meal, beverages (excluding alcohol), and a reasonable, customary gratuity.

The following list of activities is provided as illustration of qualifying meal expenses:

- A meal for elected officials, city manager, department heads, and other staff as appropriate where official city business is being conducted.

- A manager takes a job applicant to lunch as part of a selection process. Expenses of this nature should be limited to position finalist.

- Meal expense associated with special events, such as departmental retreats and in-house training sessions are allowable if approved by the department head or city manager in advance. Special events are by definition, infrequent activities (i.e. annual or semi-annual events

vs. weekly or monthly events). Department heads are accountable for exercising responsible judgment in determining when to approve meal, beverage or snack purchases under this section. The purchaseof doughnuts and coffee for regularly occurring meetings such as department staff meetings are not allowable business expenses.

7.2.2 Travel-Related Meals:

Overnight Travel:
Meals consumed while on official City business and overnight, by employees and City officials, shall include the cost of the meal, beverages
{excluding alcohol), and a reasonable, customary gratuity up to the per diem limit for the destination location. The per diem allowance is determined each year by the Internal Revenue Service {IRS) for each locality across the United States. Meals included as part of the conference, meeting or training, shall not be claimed by employee for per diem.

Meals should be charged to the employee[1]s City issued purchase card when possible.

Qualifying Meals {member must be in travel status)

Travel Status	Time Period	Meal(s) allowed
If travel status begins:	Before 8:00 am	Breakfast, Lunch, Dinner
	Between 8:00 am - 2:00 pm	Lunch, Dinner
	Between 2:00 pm - 6:00 pm	Dinner
If employee comes off travel status by returning to the official duty station or residence:	Before 12:00 pm	Breakfast
	Between 12:00 pm - 6:00 pm	Breakfast, Lunch
	After 6:00 pm	Breakfast, Lunch, Dinner

Day Travel:
When an employee is traveling outside the 50 mile radius of the City, they are eligible to receive the cost of their lunch up to the per diem limit for the destination location. Meals included as part of the conference, meeting or training, shall not be claimed by the employee.

7.3 Lodging:

7.3.1 Lodging Expenses:
Travelers should request the lowest room rate available {i.e. government rate, conference room block, etc.)

7.3.2 Lodging Expense Exceptions:

a. For an employee attending a convention, meeting or seminar where the

lodging is provided by a designated hotel(s);

b. When it is determined that either the region of the country is recognized as a high cost area, or that the event's location required payment at a greater cost.

7.4 Unallowable Expenses: Include, but are not limited to, the following items:

a. Alcoholic beverages
b. Expense of a spouse or other persons not authorized to receive reimbursement under this policy
c. Personal entertainment
d. Personal telephone calls
e. Theft, loss or damage to personal property
f. Costs associated with damage caused by employee actions
g. Barber or beauty parlor services
h. Airline or other trip insurance
i. Personal postage
j. Reading material
k. Personal toiletry items
l. Valet or laundry service
m. Parking fines

Expenses incurred on a combined business/personal trip are allowable to the extent of the business component. Airfare costs will be based on a round trip coach fare from the traveler's official work location to the business destination. Personal mileage incurred at the business destination, such as sightseeing, is not allowable.

Meals and lodging expense are limited to the period of duration of official city business. Meal and lodging expense incurred during additional travel days relating to the personal component of the trip are at the expense of the traveler. In instances where additional travel days result from the employee's decision to use his/her personal vehicle rather than air travel, meals associated with the additional days are at the expense of the traveler.

8.0 POST TRAVEL PROCEDURES

8.1 Purchase card receipts shall be submitted to the department proxy upon the employee's return. Receipts shall include the detailed itemized copy of items purchased whenever possible.

8.2 Travel Expense Reimbursement

a. Requests for travel expense reimbursement shall be made to the finance department on the *Expense Claim Form.* Detailed receipts and copy of agenda, schedule, or syllabus must be attached.

b. Approval for any expenses not covered by this policy must be received in writing and approved by the city manager in advance of

travel. The written approval shall be submitted with the *Travel Request Form.*

c. Travel reimbursement should be infrequent as employees are encouraged to use their City issued purchase cards for pre-approved travel purchases.

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Endnotes:

[1] RCW 42.30.110 – Open Public Meeting Act, Executive Sessions

[2] RCW 42.30.140- Open Public Meeting Act,

[3] RCW 35A.13.035- Optional Municipal Code (35A) – Council-manager plan of government

[4] RCW 42.52 – Ethics in Public Service

[5] RCW 42.56 – Public Records Act

[6] RCW 35A.12.160 Optional Municipal Code (35A) – Council manager plan of government; public notice of hearings and meeting agendas

[7] RCW 35A.13.170 – Optional Municipal Code (35A) – Council manager plan of government; council meetings – quorum, rules - voting

[8] RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.

[9] RCW 42.30.080 – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

[10] RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.

[11] RCW 42.30.080 - Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

[12] RCW 42.30.080(3) – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

[13] RCW 42.30.090 – Open Public Meetings Act, Adjournments

[14] RCW 35A.13.170 - Optional Municipal Code (35A) – Council mgr plan of gov't; meetings: quorum, rules, voting

[15] 35A.12.120 – Council meetings, shall meet regularly, at least once a month

[16] RCW 35A.12.060 – A council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

[17] RCW 42.17A.555 – Use of public office or agency facilities in campaigns – Prohibition – Exceptions

[18] RCW 35A.12.120 – Council – Quorum – Rules – Voting

[19] RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.

[20] RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

[21] RCW 35A.13 - Council-manager plan of government.

[22] RCW 35A.47.040 – Franchises and permits – "no ordinance or resolution granting any franchise in a code city . . shall be adopted or passed by the city's legislative body on the day of its introduction nor for five days thereafter, nor at any other than a regular meeting . . . nor without having been granted by the approving vote of at least a majority of the entire legislative body.

[23] RCW 35A.13.170 – passage of a franchise ordinance

[24] RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.

[25] RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

[26] RCW 35A.13.030 - Mayor – election – chair to be mayor – duties: Biennially at the first meeting of the new council members shall choose a chair from among their number; chair's title shall be mayor and preside at meetings.

[27] RCW 35A.13 – Council-manager plan of government.

[28] RCW 35A.13.020 – Mayor – election, chair to be mayor, duties

[29] RCW 42.12.070 – Filling nonpartisan vacancies

[30] RCW 42.04.020 – Eligibility to hold office. That no person shall be competent to qualify for or hold any elective public office within the state of Washington . . . municipal corporation or other district, . . . unless he or she be a citizen of the United States and state of Washington and an elector of such county, district, precinct, school district, municipality or other district or political subdivision.

[31] RCW 35A.13.080 – City manager powers and duties

[32] RCW 35A.13.120 – city manager – Interference by councilmembers

[33] RCW 42.36.040 – Public discussion by candidate for public office

[34] RCW 42.17A.005 – 'compensation' includes payment in any form for real or personal property or services of any kind

[35] RCW 42.23.070 – 'prohibited acts' – no municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.