CITY OF BATTLE GROUND
RESOLUTION NO. 19-12

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 Resolution No. 19-08, which adopted the July 15, 2019 Council Governance Coordination Manual is hereby repealed.

SECTION 2. The Council Governance Coordination Manual amended and attached to Resolution No. 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 16th day of September, 2019.

Approved:

CITY OF BATTLE GROUND, WASHINGTON

Mike Dalesandro, Mayor

Attest:

Kay Kammer, City Clerk

Approved as to Form:

Christine Hayes, City Attorney

Governance Coordination Manual

Resolution No. 19-12

Adopted 1997
Amended April 6, 2009, July 19, 2010,
July 16, 2012, July 15, 2013, September 19, 2016,
November 21, 2016, July 17, 2017, July 15, 2019, and September 16, 2019

A Comprehensive Collection of Information about Battle Ground City Government, Meeting Rules, Coordination Procedures, Administrative and Public Hearing Procedures, Best Practices and Applicable References from the Revised Code of Washington.

To the Battle Ground City Council:

The City of Battle Ground uses general rules of meeting procedure (including Roberts Rules of Order) to provide structure to Council proceedings. The original rules were adopted in 1997 and were revised and adopted on April 6, 2009, later amended on July 19, 2010, July 2, 2012, July 15, 2013, September 19, 2016, November 21, 2016, July 17, 2017, July 15, 2019 and lastly amended on September 16, 2019.

The responsibilities of modern government require that we update the procedures which help the City function effectively in the current atmosphere of complex laws, rules and regulations. Thus, this manual reflects the City Council's 2019 review and expansion of the rules of self-government.

Overall, the Battle Ground Governance Coordination Manual represents standards for Battle Ground's government practices in a single document. It is a comprehensive collection of meeting rules, coordination procedures, administrative references, public outreach guidelines and public hearing procedures. Included are relevant sections of the Revised Code of Washington that relate to the Council/Manager form of local government. Also included are City Council's Core Beliefs, policies that guide the City Council and Administration and encourage public participation and several related appendices.

This manual serves as a reference as to how the City Council and Administration operate together for effective and efficient local government.

Not surprisingly, the attorneys we rely on for legal guidance want everyone to know that these rules should not be construed to invalidate any action of the City Council which is otherwise in compliance with applicable law.

It is recommended that the members of the City Council and City Administration be familiar with the contents of this manual and keep it available for reference.

Respectfully,

Erin Erdman
City Manager

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"Exhibit A"
City of Battle Ground Governance Coordination Manual

ARTICLE 1 – USE OF RULES

Purpose. These Rules of Procedure are designed to provide guidance for the City Council and City Administration. They are not to be considered restrictions or expansions of the City Council's or City Manager's statutory authority. These rules have been prepared from review of many statutes, ordinances, court cases and "best practices". To promote a harmony of interrelated functions involving the Legislative and Executive branches of city government operations, some rules contained herein describe procedures where both branches are in complete agreement but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

Use. No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council's action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Council or City Manager may enforce these rules or rely on these rules.

Public Use or Reliance Not Intended. Because these rules are designed to assist the City Council and Administration and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

End of Article 1 – Use of Rules

ARTICLE 2 – CITY COUNCIL, THE GOVERNING BOARD

The City of Battle Ground is a Non-Charter Optional Municipal Code City, Operating under Title 35A of the Revised Code of Washington under the Council/Manager form of government. The following subchapters are the authority for the City Council to regulate itself.

Election of Councilmembers--Eligibility--Terms--Vacancies--Forfeiture of Office--Council Chair

RCW 35A.13.020: "In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030".

Council meetings — Quorum — Rules — Voting.

RCW 35A.13.170: "All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan".

Mayor/Deputy Mayor. Selection of Officers. Procedures for electing officers are as follows:

(a) Pursuant to RCW 35A.13.030, biennially, at the first meeting of the new council, the members thereof shall choose a chair from among their number by majority vote. The chair of the council shall have the title of mayor and shall preside at meetings of the council. 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. The Mayor shall not serve for more than two terms.

Biennially, at the first meeting of the new council, the members thereof by majority vote shall select a Deputy Mayor from among their number.

(b) The selection for mayor shall be conducted by the City Clerk. The City Clerk shall call for nomination(s). Each member of the City Council shall be permitted to nominate one (1) person, and nomination(s) shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The selection for Deputy Mayor shall be conducted by the Mayor, and nominations shall be made in the manner previously described for the selection of the Mayor.

(c) Except when there is only one (1) nominee, selection shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. The City Clerk shall publicly announce the results of the selection. Thereafter, the City Clerk shall record the individual votes by Councilmembers in the minutes of the meeting.

(d) In the event the Council is unable to agree on a Mayor or Deputy Mayor by majority vote of members present, the Mayor and/or the Deputy Mayor position shall be temporarily filled by the council member having served the most recent consecutive years on the council. Ties

shall be resolved in a contest by chance. The Acting Mayor and/or Acting Deputy Mayor shall continue in office and exercise such authority as is described in RCW 35A.13 until the members of the Council select a Mayor and/or Deputy Mayor in the manner described, at which time the role of Acting Mayor and Acting Deputy Mayor shall cease and terminate.

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. 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 members of the Council shall act as Mayor during the continuance of the absences. 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. In case of a mid-term vacancy in the position of Mayor, the Deputy Mayor will assume the title and duties through the unexpired term. The Council will then select a Deputy Mayor to complete the unexpired term as noted above in Mayor – Deputy Mayor. Selection of Officers Section (b).

Proclamations. The Mayor may authorize a ceremonial proclamation, which provides an opportunity to create public awareness and recognition of an event or matter of significance to the Battle Ground community. Proclamations are not issued on matters related to politics, ideological or religious beliefs, individual conviction, or for promotions of profit making or commercial entities.

Recognitions. The Mayor may authorize a Certificate of Recognition to honor individual(s) or group(s).

Attendance, Excused Absences, Forfeiture of Office. RCW 35A.12.060 (referenced through RCW 35A.13.020) provides that a Councilmember may forfeit his/her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Clerk, who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes.

Tardiness. The member shall contact the Mayor prior to the meeting and state the reason for his/her tardiness to the meeting. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Clerk, who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's tardiness, state the reason for such tardiness, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the tardy member shall be considered excused and the City Clerk will make an appropriate notation in the minutes.

Unexcused Absences and Tardiness Reconsideration. If a Councilmember has an unexcused absence due to an extraordinary circumstance which precluded the Councilmember from the notification procedures as described within this article, at the next meeting that the Councilmember attends, the Councilmember may request that the Council reconsider their previous motion. The Councilmember must ask for reconsideration prior to the conclusion of the next meeting that they attend and state the reason for his or her absence or tardiness. The Council would then have the opportunity to rescind the original motion and the motion shall be debatable. Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc.

Filling Council Vacancies. If a vacancy occurs on the City Council, the Council will follow the procedures outlined in RCW 35A.13.020. In order to fill the vacancy with the most qualified person available until an election is held, a notice of the vacancy shall be published in the newspaper of record by the City Clerk and placed upon the website and any other outlets deemed appropriate by the City's Public Information Officer (PIO) as soon as possible after the vacancy occurs so that the position may be filled at the earliest opportunity.

The City Clerk shall distribute the application form and procedures for applying. The City Clerk shall prepare an application which contains relevant information and may include questions relating to city business. The City Clerk shall notify applicants of the appointment process.

The council may review the qualifications of applicants during an executive session pursuant to RCW 42.30.110 (6) and may interview the applicants in an open public meeting. Action including nominations and voting will take place at a meeting open to the public. Balloting will continue until a nominee received a majority of votes and then the Mayor shall declare the nominee receiving the majority vote as the new Council member and shall be sworn into office by the City Clerk no later than the next regularly scheduled City Council meeting.

Council Representation. All council members shall represent the City and their positions in an appropriate manner. That includes social media, photos, dress and language. If the council member appears on behalf of the City before another governmental agency, another organization, through the media or otherwise speaks to an issue on which the council has taken a position, the council member will state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the council majority may be expressed if the council member clearly states that these statements do not represent the Council's position. Any correspondence with the media shall be communicated to all members of the council. Any meetings with City employees must be arranged in advanced through the City Manager. Communication with non-elected public sector officials shall be communicated through the City Manager and the Council informed.

End of Article 2 - City Council, The Governing Board

ARTICLE 3- COMMITTEES, BOARDS & COMMISSIONS

The City of Battle Ground has several Boards and Commissions and a Hearing Examiner System established by ordinance.

They are codified in the Battle Ground Municipal Code as:

Chapter 2.60
PARKS AND COMMUNITY ENGAGEMENT ADVISORY BOARD

Battle Ground has established a Parks and Community Engagement Advisory Board consisting of seven volunteer members who serve without compensation, appointed by the Mayor, and confirmed by a simple majority of the City Council.

Chapter 2.62
CIVIL SERVICE COMMISSION

Battle Ground uses the system commonly known as civil service, for all employment, advancement, demotion, discharge, and control thereof, for the police department of the City. A Civil Service Commission composed of three volunteer members who serve without compensation are apppointed by the City Manager.

Chapter 2.64
LODGING TAX ADVISORY COMMITTEE

Battle Ground has established a Lodging Tax Advisory Committee which is comprimsed of a minimum of five volunteer members appointed by the mayor and confirmed by a simple majority of the City Council to serve without compensation for a term of three years.

Chapter 2.28
PLANNING COMMISSION

The Battle Ground Planning Commission, whose seven members are appointed by the Mayor and confirmed by a simple majority of the City Council serve without compensation. Terms are four years.

Chapter 2.10
HEARING EXAMINER SYSTEM

The City has provided for the Hearing Examiner System to separate the land use regulatory function from the land use planning process; ensure procedural due process and appearance of fairness in land use regulatory hearings; and provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters. The examiner, appointed by the City Manager, interprets, reviews and implements land use regulations and policies when certain development applications are made with the City.

Chapter 2.78
COUNCIL ETHICS AND ADMINISTRATION COMMMITTEE

The City Council of the City of Battle Ground has established a council ethics and administration committee which is comprised of the mayor and two other city council members. The two other city council members shall serve a two year term. Biennially, at the first meeting of the new council, the council members shall choose the two council members that will serve on the committee in addition to the mayor. If any of the three committee members are the subject of an alleged violation of the rules or made the allegation at issue for the committee to consider, then that member shall be replaced by another sitting city council member for the purpose of consideration of that particular allegation.

Chapter 2.84
LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS DISABILITY BOARD

Battle Ground has established a Law Enforcement Officers and Firefighters Disability Board to be comprised of five members which include 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. The members shall serve a term of two years without compensation.

COUNCIL COMMITEES
BUDGET ADVISORY COMMITTEE

The City Council of the City of Battle Ground has established a Budget Advisory Committee which shall be comprised of three council members to be appointed by the mayor, the city manager, the city finance director, and the city engineer. The council members appointed to the 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.

LEGISLATIVE ADVISORY COMMITTEE

The City Council of the City of Battle Ground has established a Legislative Advisory Committee which shall be comprised of three council members to be appointed by the mayor with the option for the mayor to appoint him/herself to the committee with each member to be confirmed by a consensus of the City Council. The appointments to this committee shall occur during the first council meeting in August in odd numbered years. The council members appointed to the committee shall serve two year terms. The council members appointed to this committee shall be the only city council members to attend the annual Washington D.C. lobbying trip.

Other Committees or Task Forces

Any standing committees, Boards and Commissions, which may be or hereafter are required by state law, shall be appointed by the Mayor with confirmation by a simple majority of the Council. Members of volunteer boards, commissions, committees, and tasks forces serve without compensation.

Any other Council ad-hoc committees or Citizen's Taskforce groups and their rules or operating procedures thereof, shall be established by Council directive with special attention to RCW 35A.13.120, and after consultation with the City Manager. Such committees, if used, shall be commissioned for a time certain, not to exceed two (2) years or the term of the appointing Mayor, whichever is less and provided with a clear task description and "sunset' provision. Appointment shall be by the Mayor with Council confirmation. Council may waive such confirmation in the directive instrument creating the committee or group. Such Committees or Task Force groups shall be reviewed, whenever a new Council is seated following elections, so as to determine whether the committee or Task Force group and its functions continue to be appropriate and necessary. Members of any committee, Task Force group, Board or Council, which has been appointed or confirmed by the Council, may be removed without cause by a majority vote of the Council. **A copy of the motion creating a committee shall be kept by the City Clerk.**

Committees, liaisons and citizen's taskforce groups shall be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson shall present the recommendation(s) during discussion of that business item on a Council agenda.

No Advisory Board or Commission shall take any final action outside of an open public meeting.

Council Relations with Boards, Commissions and Citizens Advisory Groups

All established Boards and Commissions or citizen advisory bodies, if used, shall provide the Council with copies of minutes of all meetings except minutes of quasi-judicial hearings which may be appealed or heard by the City Council. Communications from such Boards, Commissions and bodies to the City Council shall be acknowledged in the record as received by the Council. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Summary Reports." Should the Council determine that such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

End of Article 3 - Committees, Boards & Commissions

ARTICLE 4 - COUNCIL MEETINGS AND TYPES OF MEETINGS

Council Meeting - Time and Location Regular meetings of the Council shall be held on the first and third Monday of each month at 7 p.m. in the Council Chambers on the 2nd floor of City Hall at 109 SW 1st Street, Battle Ground, WA 98604, unless cancelled or postponed in accordance with applicable State or local procedures. Study sessions are held on the first and third Monday of each month at 6 p.m. in the Council Chambers on the 2nd floor of City Hall located at 109 SW 1st Street, Battle Ground, WA 98604. When a legal holiday falls on a 1st or 3rd Monday, Council meetings and Study Sessions are held on the next business day. Agendas for Monday meetings are distributed on or before the close of business the preceding Thursday. Special meetings may be held following appropriately posting public notice (24 hour minimum) of time, place and the business to be transacted. [RCW 42.30.080]

Council Meetings – 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 or RCW 42.30.140.

Quorum At all meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. Voting shall remain consistent with RCW 35A.12.120. A lesser number may adjourn from time-to-time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170,)

Respect and Decorum It is the duty of the Mayor and Council to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, the Mayor shall preserve order and decorum and no member of the public shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any member while speaking. Council and the public shall obey the proper orders of the Mayor.

Any person making disruptive, disparaging or impertinent remarks or unreasonably interrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as set forth in Article 9 of this resolution.

Council members shall refrain from using personal electronic devices at the dais during meetings, except in the case of an emergency.

Permission Required to Address the Council Persons other than Council and Administration may be permitted to address the Council at the proper time upon recognition and/or introduction by the Mayor or designee. A Councilmember or the City Manager may request the Mayor to recognize other citizens that would like to speak.

Forms of Address The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". The Deputy Mayor shall be addressed as "Deputy Mayor (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

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

Tele/Video Conferencing (Attendance by remote technology)

(a) Tele / video conferencing is permitted upon the approval of the Mayor when a council member is unavailable to be present during the meeting due to illness or away due to vacation or business. Only one member may conference in during a meeting. If a member is permitted to conference in, that member shall keep their sound on mute except when speaking.

(b) In cases of a declared emergency by the City Manager, a special meeting may be called in accordance with RCW 42.30.080 to review the declared emergency and consider adoption of a resolution terminating the declaration.

(c) In cases of a declared emergency, and there is no suitable venue to conduct a city council meeting, the meeting may be held outside of city limits to conduct necessary business. As soon as practicable and safe, council will convene a meeting within city limits to ratify the emergency. Council members may conference call in to ensure their safety.

Other Types of Meetings Special, Study Sessions, Workshops, and Retreats

Special Council Meetings (RCW 42.30.080)

(a) A special meeting may be called by the Mayor or four members of the Council. One of the Councilmembers that has requested the special meeting will notify the City Clerk of time, place, business to be transacted and the names of the four members requesting the meeting. The City Clerk shall verify the members of the Council requesting a meeting by calling and / or emailing each Councilmember to confirm that they have requested the meeting.

(b) Notice of the special meeting shall be prepared in writing by the City Clerk. The notice shall contain the following information about the meeting: **time, place, and business to be transacted**. Final action shall not be taken on any other matter at such special meeting of the Council.

(c) The notice shall be delivered by regular or electronic mail or personally to the residence of each Councilmember, City administrative staff, the Battle Ground City Hall, the Battle Ground City website and the business office of each local newspaper, radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

(d) The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080, that is: **(1)** As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, **(2)** As to any member who was actually present at the meeting at the time it convenes, and **(3)** 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; **(4)** As otherwise provided by law.

Study Sessions, Workshops, and Retreat Agendas

(a) Study Sessions, workshops, and retreats need have no formal agenda, except for any portion of the meeting that is a Special Meeting as required under RCW 42.30.080. The purpose of

Study Session, workshop, open houses, or retreat discussions 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. A Study Session, workshop, or retreat allows for the Council to do concentrated preliminary work with administration or the public on a single or multiple subjects (i.e., budget, complex legislation or reports, etc.). Study Sessions, workshops, and retreats shall not be audio recorded unless a portion of the meeting is formalized as a Special Meeting.. In such case, the Special Meeting shall be recorded and the recording shall cease when the Special Meeting has been adjourned.

(b) Study Sessions, workshops, and retreats shall be in a less formal setting, but shall not discourage public observation. Public comment is not normally allowed. . The Mayor, at his or her discretion, may allow or request participation in the same manner as a regular Council meeting.

(c) The City Manager shall arrange the Council Study Session topic(s) for discussion. After the Mayor has approved the Study Session topic(s), a notice, listing the topic(s) of discussion, shall be prepared for the Council, City administrative staff, the Battle Ground City Hall, the Battle Ground City website, and the press on or before close of business the Friday before a Monday Council Study Session.

A notice of quorum or an agenda for the purpose of a Council workshop or retreat shall be posted on the website and front door of City Hall.

Study Session, workshop and retreat Procedures
During a Council Study Session, workshop or retreat, the <u>Discussion Leader</u> should:

(a) **Introduce the subject** and give background information;

(b) **Identify the discussion goal**;

(c) **Act as facilitator** to keep the discussion focused toward the goal; and

(d) **Alert the Mayor** when, or if, it is appropriate to call for consensus, direction or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action or attention at a later time. (i.e., agenda, future budget changes etc.)

End of Article 4 - Council Meetings and Types of Meetings

ARTICLE 5 - CITY ADMINISTRATION

Role of the City Manager. The City Manager is the Chief Executive Officer of the City of Battle Ground. The Manager is appointed by and 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 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 day-to-day management decisions of the City Manager.

City Manager--Powers and duties. (RCW 35A.13.080)

"The powers and duties of the City Manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the City Manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution."
(RCW 35A.13.080)

Administrative Interference by Councilmembers. (RCW 35A.13.120) "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 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." **(RCW35A.13.120).**

City Clerk - Minutes - Public Information Access. The City Clerk is an appointed member of the Executive Department under direction of the City Manager. The City Clerk is the keeper of the public record. He/she shall be ex-officio Clerk-of-the-Council and 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, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. Generally, in accordance with Robert's Rules of Order, the minutes shall mainly record the action taken by the Council and not what is said by the members, unless such information explains a member's vote or the member states that he / she would like something on the record. Each topic discussed at the Council meeting shall be time-stamped in the minutes for the ease of one who wishes to listen to the audio recording of the meeting.

The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make audio recordings of all public hearings, regular and special Council meetings, and all land use and quasi-judicial proceedings. Access to the recordings shall be made reasonably available to any party who so requests, according to City public information procedures and State retention schedules.

Complaints and Suggestions to Council. When citizen complaints or suggestions are brought before a City Council meeting, not on the agenda, the Presiding Officer shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

(a) If legislative, and a complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to a committee, administration, or the Council-of-the-Whole for study and recommendation.

(b) If administrative, and a complaint regards administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer 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.

Decisions. Decision makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. **It is the intent of the Council that the Council and Administration abide by, best practices for the type of decision being made.**

It is recognized that the hands of decision makers should not be tied unnecessarily; however, any member of council may request additional time for consideration before a decision is made up to three presentations. The person(s) requesting the additional presentations and discussions should also explain the reason for the request.

Decisions affecting policy may have more than one presentation to the council. This principle excludes decisions governed by state law, staff reports, and other general communications not requiring a council decision.

City Staff – Attendance at Meetings. Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the Manager schedule adequate administrative support for the business at hand but also to protect the productive capability of Department Heads. When sound system or other monitoring capabilities exist, the City Manager may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

Presentations and Briefings. Administrative presentations: In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as;

- Overhead projection summaries or PowerPoint bullet points.
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems.
- Bullet point or summary handouts for the public and the press, when appropriate.
- Slide projector or video-cam clips to show actual situations or settings.
- Large maps to help pinpoint specific locations or parcels.
- Use of color to highlight important elements.
- White board for illustration.
- The presenter should layout the room or display so as to allow the public to follow and understand the issues.

End of Article 5 – City Administration

ARTICLE 6 - LEGISLATIVE POLICY MAKING
Definitions and Process.

Ordinances and Resolutions will customarily be prepared, introduced and proceed in the manner described on the flow chart attached hereto as Exhibit "A-3".

Ordinances

An ordinance, once enacted, is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that ["actions relating to subjects of a permanent and general character are usually regarded as legislative and those providing for subjects of a temporary and special character are regarded as administrative"] *(Durocher v. King County, 80 Wn.2d 139, 153, 492P2d 547(1972).)* Ordinances may be proposed as a draft by any member of the Council, the Council of the whole or the City Manager in consultation with the City Attorney. Ordinances may be requested by citizens as shown on the Legislative Flow Chart attached as Exhibit "A-3".

Ordinances. The procedures for ordinances are as follows:

Councilmember initiative; A Council member may, in open session, request of the Mayor/Deputy Mayor that the Council study the wisdom of enacting an ordinance. The Mayor/Deputy Mayor then may assign the proposed ordinance to the administration, an advisory committee or the Council of the whole for consideration. The committee or administration shall report its findings to the Council. The City Manager and the City Attorney may propose the drafting of ordinances and resolutions. Citizens, boards and commissions may also propose consideration of ordinances and resolutions. (see Legislative Flow Chart, Exhibit "A-3").

Sponsorship encouraged; When a Council member wishes to assume sponsorship or advocacy of an ordinance or resolution, he/she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

Repeal; 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.

Resolutions

A resolution, once enacted, is an administrative act, which is less formal than an ordinance and is a statement of legislative policy or direction 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 legislative policy more formal than a motion is desired.

Motions

A motion, once enacted, is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion, once approved and entered into the record, is the administrative 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.

City Administration cannot act unless there is a majority vote by Council on an issue to direct staff to proceed on research, study, act, or address an issue raised by an individual Councilmember. This does not preclude a Council member from contacting the City Manager about issues that any other citizen may raise. Motions to direct shall be as provided for in Article 6.

Draft proposals in process; Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as **DRAFTS and shall contain the date of revision and the name of the author.** Proposed ordinances and resolutions shall be accompanied by a staff report summarizing the proposal.

(a) **PROPOSED DRAFTS** shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.

(b) **COUNCIL DRAFTS** shall be documents or proposals which have been presented in open public session and continued by the City Council for further consideration or revision.

End of Article 6 - Legislative Policy Making

ARTICLE 7 - PREPARATION PROCEDURES FOR COUNCIL MEETINGS

Council Meeting Agenda.

The City Clerk, under the direction of the City Manager in consultation with the Presiding Officer, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council Meeting. Individual Councilmembers may make agenda requests directly to the Council. Council shall vote on whether to introduce the item on the agenda or for a subsequent Council meeting. A copy of the final agenda shall be transmitted to the required posting locations and the media who have filed a notification request, on or before close of business on a Friday preceding regular Council meeting, or at the close of business at least 24 hours preceding a special Council meeting. Any revised agenda thereafter distributed shall contain the date, time and author of the revision. Distribution of the agenda to Councilmembers, City Attorney and the City Manager shall include all supporting materials.

Requests for multi-media presentations to be scheduled on the formal agenda imply that the presentation is the official business of the City. Presentation of multi-media shall be prescreened by the City Manager or designee who shall rule on the appropriateness of the presentation.

Council Packets. Final Council Packets will be distributed on or before the close of business on a Thursday preceding a Monday meeting.

Council Study Session and Retreat Material. Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.

The Presiding Officer, three (3) Councilmembers, a majority of the Councilmembers present, or the City Manager may introduce a new item to the agenda at a meeting.

Consent Agenda

The City Manager, in consultation with the Presiding Officer, may place matters on the consent agenda which:

(1) have been previously discussed by the Council; or
(2) based on the information delivered to members of the Council by administration can be reviewed by a Councilmember without further explanation;
(3) are so routine, technical or "housekeeping" in nature that passage without discussion is likely; or
(4) otherwise deemed in the best interest of the City.

End of Article 7 – Council Meeting Procedures – Preparation

ARTICLE 8 - RULES OF ORDER FOR COUNCIL MEETINGS

Rules of order not specified by statute, ordinance or this resolution shall be governed by the chart of the most common "Roberts Rules of Order" questions. Attached as "A-2".

Motions and Discussion.

(a) Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

(b) Council should direct administrative questions primarily to the City Manager.

Voting. It is the duty and obligation of each council member to vote on all questions put to the Council to conduct the business of the city unless they have a conflict of interest or appearance of fairness that would disqualify them from 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 or touch pad, except that at the request of any Councilmember, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.

(b) In case of a tie vote on any proposal, the motion shall be considered lost. Ordinances, grants, revocation of franchise, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole council membership (RCW 35A.12.120).

(c) Every member who was in the Council chambers when the question was put, shall give his/her vote. Should a Council member, for special reasons, request to abstain from a vote, the council member must provide the reason for the abstention and the remaining council members shall excuse the member by motion at their discretion. If any Councilmember refuses to vote "aye" or "nay", their vote shall be counted as a "Nay" vote.

(d) Conflict of interest and appearance of fairness. A council member is considered disqualified to vote for items where a conflict of interest or an appearance of fairness issue exists. Members shall disqualify their self prior to any discussion of the matter and shall leave council chambers. Such a member shall be determined to have voted "Aye" for a vote of at least the majority of the whole council membership (RCW 35A.12.120).

(e) Absence. When disqualification of a member or members results or would result in the inability of the Council at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent may subsequently participate, provided such member first shall have reviewed all materials and listened to all recordings of the proceedings in which the member was not available.

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

(a) Any action previously reconsidered,

(b) Motions to adjourn or motions to suspend the rules,

(c) An affirmative vote to lay an item on, or take an item from, the table,

(d) Or a vote electing to office one who is present and does not decline.

Such motion for reconsideration can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion and/or action.

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

Audio Recordings of Meetings. All regular meetings, public hearings, and quasi-judicial proceedings of the City Council shall be recorded by the City Clerk on an audio recording device. Workshops or study sessions are mostly comprised of process or administrative project discussion with no formal action intended. Therefore, retreats, workshops or study sessions shall not be recorded except as set forth in" Special Council Meetings – Study Sessions – Section "A", unless the Council so elects upon advice of the City Manager, City Attorney, or City Clerk.

Photographs or multi-media recording –. Overhead projection, photographs, motion pictures, or other multi-media recording devices used by the public at City Council meetings is permitted as long as it does not obstruct others or is not disruptive to the meeting required to be open to the public by the Open Public Meetings Act (RCW 42.30). The City may regulate recording if necessary to preserve order at the meeting and facilitate attendance.

End of Article 8 – Rules of Order for Commission Meetings

ARTICLE 9 - ORDER OF BUSINESS FOR FORMAL COUNCIL MEETINGS

The following represents a detailed set of rules for formal Council meetings. Simplified scripts, not in conflict with these rules, may be prepared for easier reference unless questions of correct procedure must be resolved from the manual.

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

(a) **Call to order by the Mayor/Deputy Mayor**.

(b) **Pledge of Allegiance.**

(c) **Roll Call.** (see Section 2 for procedure to excuse an absence).

(d) **Summary Reports and Presentations.**
Councilmember Reports. (summary of meetings attended as an appointed representative and on behalf of the Council)
Mayor's Report.
Presentations. Presentations include items such as new employee introductions, service and certificates of recognition, proclamations and presentations from other agencies or the public with prior approval from the Mayor and/or City Manager.

(e) **Citizen's Communications [Note; Permission Required to Address the Council].**
Persons other than Council and Administration may be permitted to address the Council upon recognition and/or introduction by the Mayor, a Councilmember or the City Manager.

Comments are for subjects not on the agenda – up to a limit of 3minutes at the discretion of the Mayor/Deputy Mayor.

Note: "*The City Council desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. At any time the Mayor, in his/her sole discretion, may set such reasonable limits as are necessary to prevent disruption of other necessary business".*

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

Public comments received during the public comment period shall not be allowed by the Council if they relate to any matter upon which a public hearing may be required.

1. **Subjects not on the current agenda.** The Mayor may invoke a sign-in procedure for speakers which shall require speakers to fill out a speaker card with their name and city of residence. Any member of the public may request time to address the Council after first stating their name and the subject of their comments. The Mayor may then allow the comments subject to such time limitations as he/she deems necessary. Following such comments, the Mayor may place the matter on the agenda or a future agenda, or refer the matter to Administration for investigation and report.

2. **Subjects on the current agenda.** Any member of the public who wishes to address the Council regarding an item on the current agenda shall make such request to the Mayor at the time when comments from the public are requested during the agenda item discussion. **The Council may hear such comments before or after initial Council discussion.** As an option, the Mayor may invoke a sign in procedure. The Mayor, in consultation with the City Attorney, shall rule on the appropriateness of public comments as the agenda item is reached and shall rule on a specific individual or group time limit for public comment. The Mayor may change the order of speakers so that comment is heard in the most logical groupings.

3. **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 Open Comments from the Public, such person may request permission to speak by explaining the circumstances. The Mayor, at his/her sole discretion, shall rule on allowing or disallowing the out of order request.

4. Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. Speakers should first give name and subject. No comments shall be made from any other location. Anyone making "out of order" comments may be subject to removal from the meeting.

5. There will be no demonstrations during or at the conclusion of any person's presentation. Any disruptive behavior, as determined by the Mayor, shall be cause for removal from the meeting room.

6. Any ruling by the Mayor, relative to the subsections 1 and 2, above, may be overruled by a vote of a majority of members present.

(f) **Consent Agenda.**

The proper Council motion on the consent agenda is as follows: **"I move adoption of the consent agenda as presented".** This motion shall be non-debatable and will have the effect of moving to adopt or approve **all items** on the consent agenda.

Since adoption of any item on the consent agenda **implies unanimous consent**, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Mayor shall inquire if any Councilmember wishes an item to be withdrawn from the consent agenda. If such request is made, the Mayor shall remove the item from the consent agenda and place it on the current agenda or a future meeting.

(g) **Public Hearings.**

(h) **Business.** Business items including staff presentations and motions.
Additional Business. Council Members may seek a motion to add additional items of business that are not included on the current agenda to the current agenda or a future agenda at the conclusion of business items listed on the agenda.

(i) **Administrative Reports**. City Manager or staff reports of an administrative nature.

(j) **Council Communications**
Information regarding upcoming community everts or matters for the good of the order. A council member 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 on placing it on a future agenda.

(k) **Announce Executive Session** (as required). *In accordance with the Open Meetings Act, RCW Chapter 42.30, the Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Mayor/Deputy Mayor shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Mayor/Deputy Mayor made to those waiting in the nearest public area. No final action may be taken in executive session.*

Councilmembers must keep confidential all oral and written information provided during executive sessions to protect the best interests of the City. 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 Chapter 42).

(l) **Next meeting date.** Announced by Mayor/Deputy Mayor.

(m) **Adjournment**. No Council meeting should be permitted to continue beyond 10:30 pm without approval of a majority of the Councilmembers. A new time limit must be established before extending the meeting. In the event that a meeting has not been closed or continued by Council; as herein specified, the items not acted on shall be deferred to the next Council meeting, unless the Council determines otherwise.

Adjournment Due to Emergency or Disruption. In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Mayor shall declare the meeting adjourned or continued and the Councilmembers shall **immediately leave the meeting area**.

Amendments/Suspension of Sections. Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed so long as not in conflict with any superior statute.

End of Article 9 — Formal Meetings – Order of Business

ARTICLE 10 - PUBLIC HEARING PROCEDURES

Procedures for Public Hearings.

PUBLIC HEARING

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.)

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.

QUASI-JUDICIAL PUBLIC HEARING

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 Mayor Pro Tem) will ask if any Councilmember 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:

a. Open the public hearing
b. Introduce self, council and staff presenting information
c. State the purpose of the hearing and that the council may legally take action

d. Address the Appearance of Fairness doctrine as follows:

"All Council members (or Planning Commission members) should now give consideration as to whether they have":

1. if they have 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;

2. if they stand to gain or lose any financial benefit as a result of the outcome of the hearing;

3. whether they can hear and consider the application in a fair and objective manner; or

4. 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.

e. 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
f. 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.
g. State any ground rules
h. Have the clerk administer the oath to all those who wish to testify.
i. Staff to provide a report on the application, insure that all documents and exhibits are introduced and a number assigned.
j. Allow applicant to comment on the application followed by the testimony of any technical experts in support of the application.
k. Call for any public testimony by proponents then opponents and provide any rules regarding public testimony.
l. Allow for closing or rebuttal comments from the applicant, and if desired, from the public
m. Ask if staff has any additional comments or clarification
n. Ask for council member questions
o. Close the public hearing

End of Article 10 - Public Hearing Procedures

SECTION 10-A LAND USE AND THE APPEARNESS OF FAIRNESS
Appearance of Fairness Doctrine and its Application:

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 and Planning Commission 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.

Specific Statutory Provisions.

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

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

Ex Parte communications should be avoided whenever possible.

During the pendency of any quasi-judicial proceeding, no member may engage in ***ex parte*** communications with proponents or opponents about a proposal involved in the pending proceeding, unless the member: (1) places on the record the substance of such oral or written communications; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his 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)

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.

EXHIBIT "A-1"

RESOLUTION NO. 09 - 04

GENERAL POLICY RESOLUTION OF CORE BELIEFS

A RESOLUTION OF THE CITY OF BATTLE GROUND ESTABLISHING A GENERAL POLICY RESOLUTION EMANATING FROM THE "CORE BELIEFS" OF THE CITY COUNCIL AND SETTING FORTH DUTIES OF BOTH ELECTED AND APPOINTED OFFICIALS OF THE CITY TO HELP GUIDE DECISIONS TOWARD MORE EFFECTIVE, RESPONSIVE, AND OPEN GOVERNMENT

WHEREAS, the City Council of the City of Battle Ground, as the elective legislative body, is charged with adopting Ordinances and Resolutions which become the law of the city; and

WHEREAS, such Ordinances and Resolutions must provide enforceable provisions subordinate to, and in harmony with, all other applicable federal and state statutes and regulations; and

WHEREAS, the City Council desires to provide a clear set of general policy guidelines for the conduct of City Government;

NOW, THEREFORE, the City Council of the City of Battle Ground does hereby affirm and resolve that the following **core beliefs** shall serve as guidelines for the conduct of affairs by all branches of Battle Ground City Government.

Section 1. We believe that Battle Ground should be a visionary city encouraging its citizens and their government to look to the future beyond the present generation and to bring such ideas to public discussion and to enhance a sense of community identity.

Section 2. We believe that the City of Battle Ground should be known as "user friendly", and that practices and general operations should consider how citizens will be served in the most responsive, effective and courteous manner.

Section 3. We believe that careful observance of a clear set of rules of procedure can best enhance public participation and decision making.

Section 4. We believe in the City Council as policy leaders of the City. City Councilmembers are encouraged to take the lead, where practical, in sponsoring or advocating ordinances, resolutions and motions excepting quasi-judicial or other public hearings.

Section 5. We believe in hearing the public view. We affirm that members of the public should be encouraged to speak and be heard through reasonable rules of procedure when the public business is being considered, thus giving elected officials the broadest perspectives from which to make decisions.

Section 6. We believe that the economic and commercial job base of the community should be preserved and encouraged to grow as an alternative to increasing taxes and fees. We believe the City should practice development and regulatory policies, where possible, which encourage job producing commerce and industry.

Section 7. We direct the City Manager to conduct the affairs of the City with the following goals:

(a) Promoting mutual respect between the citizens, City staff and the City Council by creating the organizational teamwork necessary for effective, responsive and open government.

(b) Maintaining a formal citywide customer service program with emphasis on timely response, a user-friendly atmosphere, and an attitude of facilitation and accommodation within the bounds of responsibility, integrity, and financial capability of the City, including organizational and job description documents.

(c) Providing the City Council and public reasonable advance notice when issues are to be brought forward for discussion.

(d) Seeking creative ways to contain or impede the rising cost of governmental services such as, reducing any ineffective uses of time or resources for City staff and examining private sector or intergovernmental contracting alternatives in lieu of some existing services.

(e) Providing a database of needful projects and future dreams for the City of Battle Ground, so that good ideas from its citizens, staff and elected leaders are not lost.

(f) Requiring that City departments review and examine operations and/or employment as to whether there are more effective ways to organize or conduct departmental activities whenever opportunities, such as attrition or retirement etc., may make such examination appropriate.

Passed and approved by the City Council of the City of Battle Ground at a regular meeting on April 6, 2009.

_____
Mayor

Approved as to form:

_____
City Clerk

_____
City Attorney

EXHIBIT "A-2"

PARLIAMENTARY PROCEDURE AT A GLANCE					
To do this:	**You say this:**	May you interrupt speaker?	Must be seconded ?	Is motion debatable ?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"(until when during the same meeting)	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..."(when- date specific)	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration of this"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..." (time-date?)	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

EXHIBIT "A-3"

LEGISLATIVE PROCESS FLOW CHART

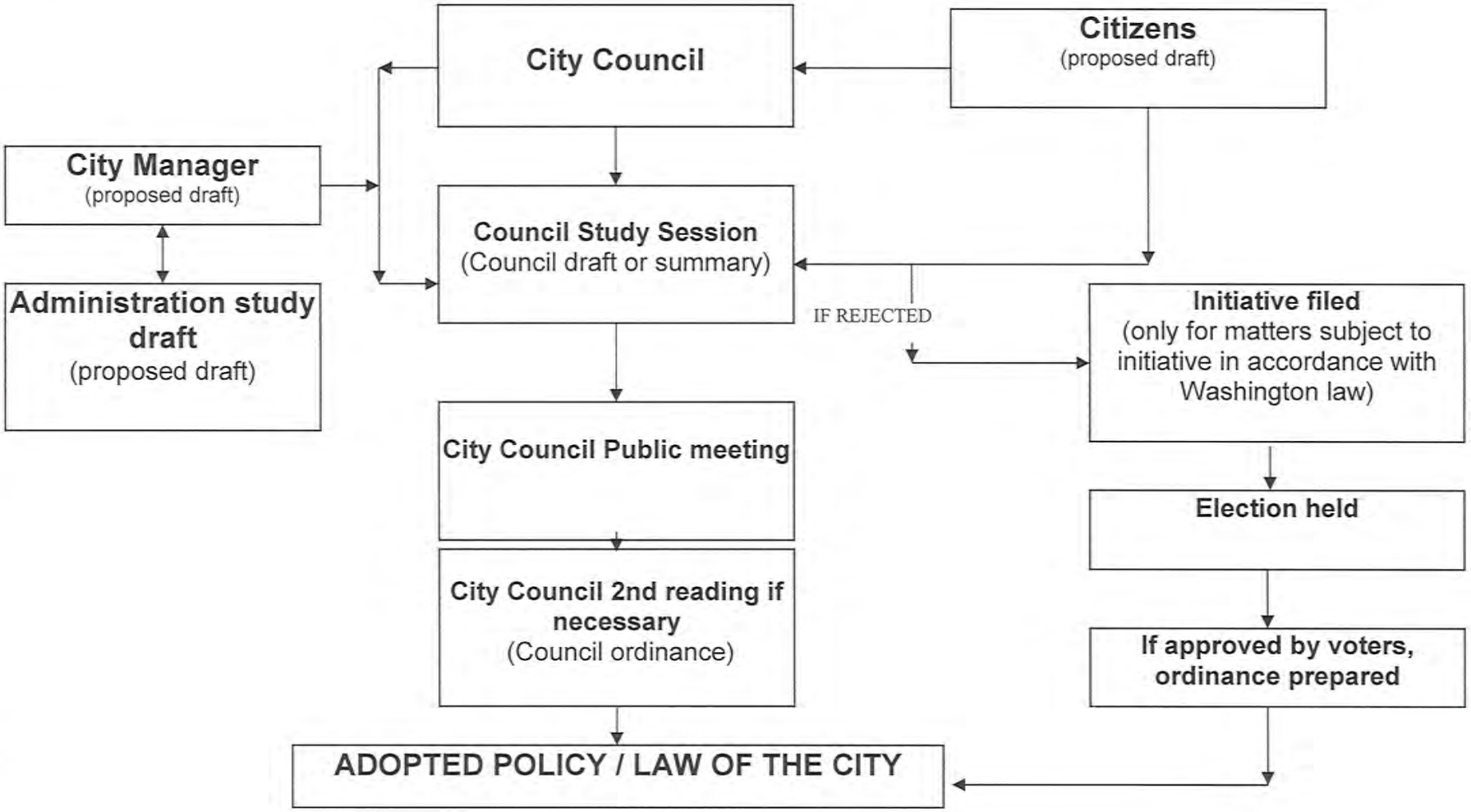


EXHIBIT "A-4"

TASK FORCE / TOWN HALL MEETINGS GENERAL MODEL

Meetings; Committee meetings (when held) should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the whole Commission.

Ad hoc appointments; The Council may appoint such ad hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of "sunsetting" the committee at the conclusion of the assigned task.

2. **Council liaison to citizen committees.** Liaisons shall be appointed by the Mayor and confirmed by a simple majority of the Commission for specific purposes and for a time certain.

3. **Liaison Procedures.** Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attendance when the group or activity takes place or communication with appropriate leaders so the liaison Councilmember can keep the Council informed. Liaisons may, at times, advocate Council actions on behalf of their assigned group or activity. Extreme care must be taken to avoid an *Appearance of Fairness Doctrine* violation or conflict of interest possibilities with agencies or circumstances where such possibilities may exist (i.e.: quasi-judicial). Liaisons' functions and duties may be further defined and/or directed by the Mayor/Deputy Mayor with concurrence of Council.

4. **Task Force Creation and Guidelines.** The City Council may, from time to time, create, and appoint members to, small task force groups for the purpose of examining issues and making recommendations important to the City Council but not requiring the more formalized process stated in (5) below. In all cases, the instrument appointing a task force shall set forth a clear task assignment and a method of "sunsetting" the group upon completion of the task.

5. **Task Force/Public Forum Steering Group for Public Issues of high interest/high impact.** Upon motion of the City Council, a Councilmember may be appointed as a liaison leader to organize a steering group to strategize a particular community subject or issue. The steering group shall consist of one Councilmember and one representative of City Administration. The Councilmember shall be appointed by the Mayor, and confirmed by a simple majority of the Council, and the technical support shall be appointed by the City Manager. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed. The steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned. Various City representation roles and

Council liaisons may be involved in bringing information together on the task or issue. The steering group liaison informs the Council of the group's activity at Council meetings (when appropriate). A task force group may then be created by Council motion (directive) to substantially function according to the model attached as Exhibit "A-5".

6. **Task Force/Public Forum Procedures.** When major public policy development warrants, and after adequate preparation of issues and alternatives, the steering group may conduct **larger citizen forums** to help develop a public consensus on the issues. The product of such **citizen forums**, when held, shall be presented to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action. The procedures are further illustrated in Exhibit "A-5" attached.

   The City Manager may also appoint such ad hoc or special projects **administrative advisory task groups** as he or she may deem necessary to assist City administrative activity. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed.

7. **Citizens Task Force Steering Procedures.** When the nature of a major issue indicates a need for **increased citizen involvement or expertise at the steering level of a task force**, the Council may, by legislative directive, commission a **Citizens' Task Force Steering Group** consisting of one (1) Councilmember, one (1) citizen familiar with the issues, and the City Manager. The Citizens' Task Force shall function in a manner similar to the Task Force Procedures contained in Sections 3 and 4 above. The procedures are further illustrated in Exhibit "A-7" attached.

8. **Multi-Agency /Regional Task Force Steering Procedures.** When a major regional effort involves key agencies outside of City government but vital to a project's coordination, the Council may create by legislative directive or intergovernmental agreement, an appropriately named (**Multi-Agency) Task Force Steering Group**. Membership shall consist of one (1) Councilmember or the City Manager, one (1) representative from each partner agency and one (1) member from each private, consultant or non-profit agency with a key interest or resource vital to the issue or project.

   Each agency shall appoint one (1) member to serve on the Steering Group and one (1) member to serve as alternate. Except for the first organizational start-up meeting or when necessary, alternates should not routinely attend group meetings. Steering Group members should function in a manner similar to the task force procedures described in Sections 3, 4, and 10 above. The procedures are further illustrated in Exhibit "A-7" attached.

General Town Hall/Neighborhood Meetings. The public should be encouraged to attend regular and special City Council meetings to participate in their government. The City Council rules of procedure are designed to facilitate an open atmosphere for citizen participation. However, any member of the City Council may convene citizens' town hall/neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such town hall meetings shall, when convened, provide information pertaining to specific issues as well as opportunity for citizens to ask questions or express views on any

subject. The Councilmember may request that the City Manager or his/her designee attend these meetings to answer questions on administrative matters. Although not official Council meetings, members of the City Council shall report issues or conclusions to the whole Council. **Councilmembers should avoid discussion or comments which pertains or may pertain to potential lawsuits, land use issues, or other quasi-judicial proceedings which might later come before the Council.**

EXHIBIT "A-5"
TASK FORCE/TOWN HALL MEETINGS
GENERAL MODEL CHART

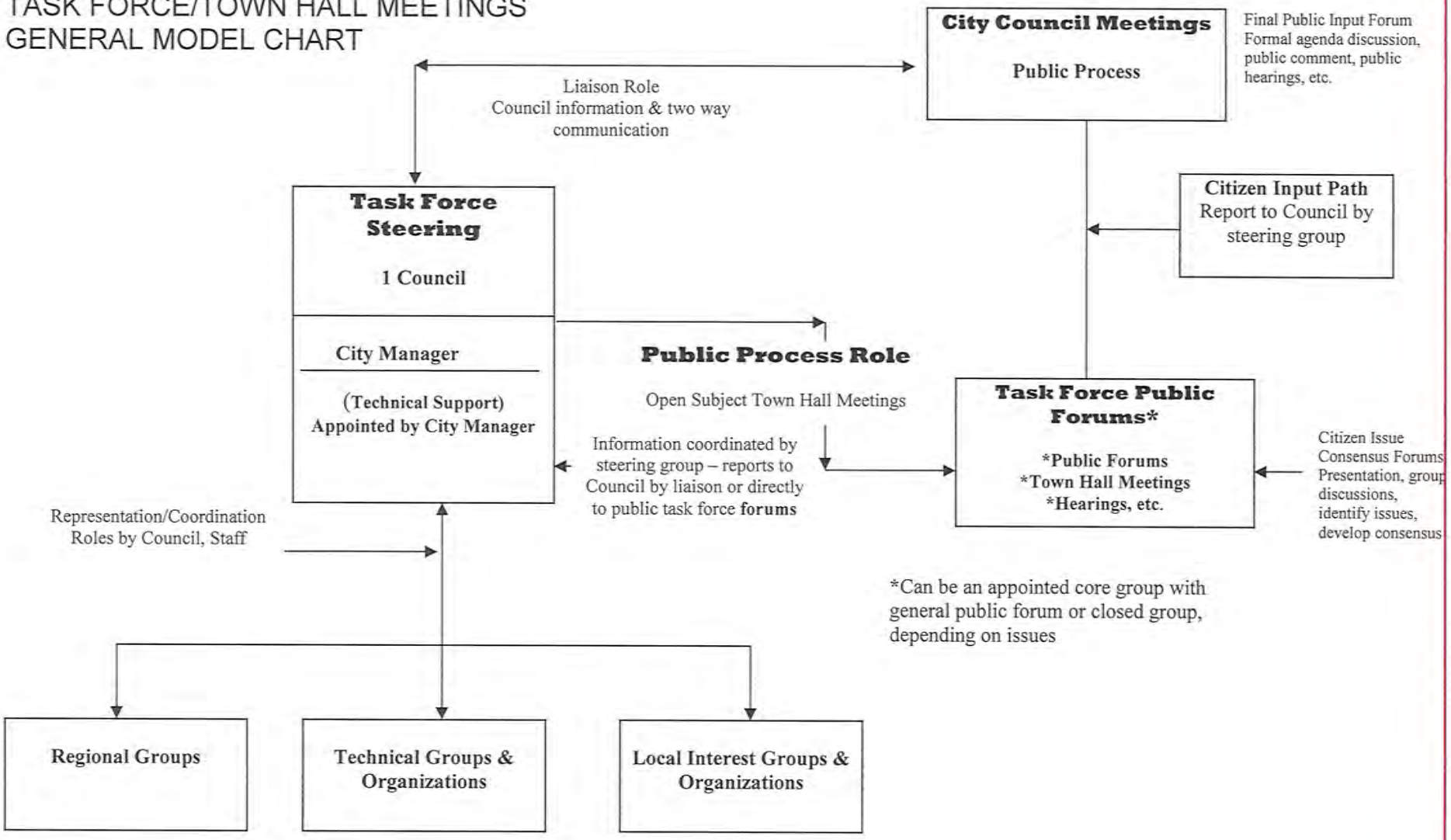
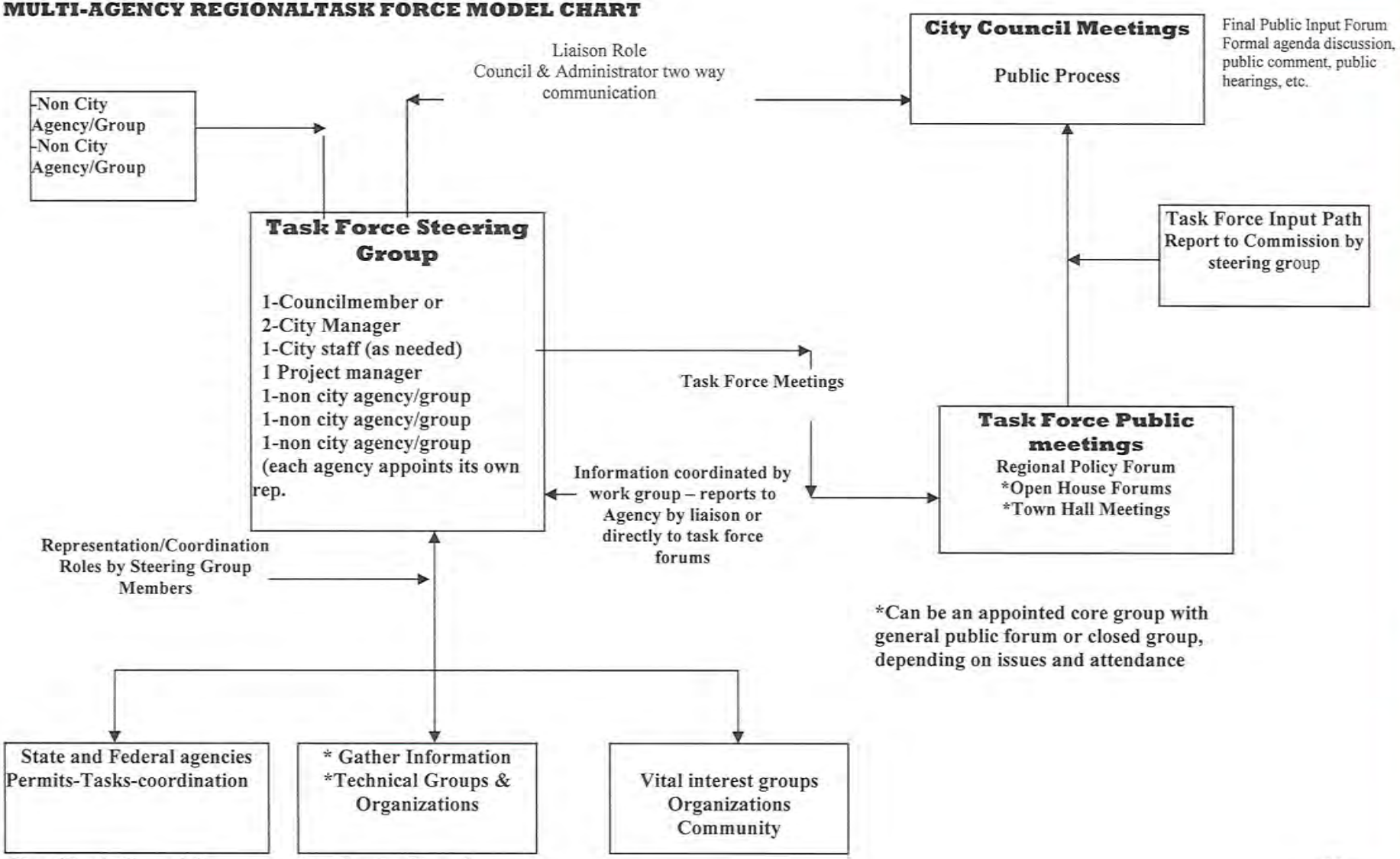


EXHIBIT "A - 6"

MULTI-AGENCY REGIONALTASK FORCE MODEL CHART



Citizen Task Force General Model

EXHIBIT "A - 7"

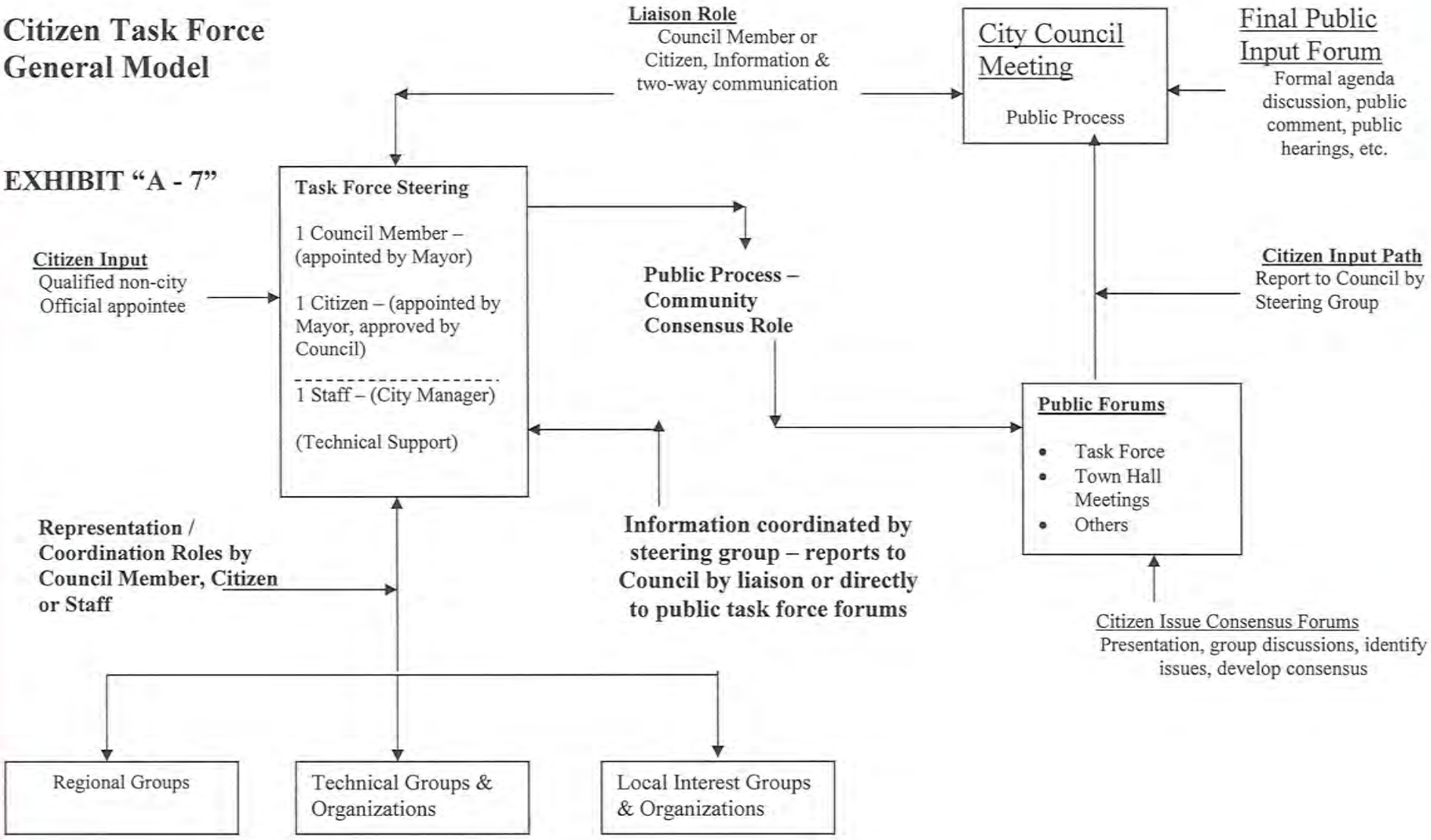


EXHIBIT "A – 8"
RCW 35A, Council / Manager Form of Government

35A.13.010 City officers -- Size of council.

35A.13.020 Election of councilmen -- Eligibility -- Terms -- Vacancies -- Forfeiture of office -- Council chairman.

35A.13.030 Mayor -- Election -- Chairman to be mayor -- Duties.

35A.13.033 Election on proposition to designate person elected to position one as chairman -- Subsequent holders of position one to be chairman.

35A.13.035 Mayor pro tempore or deputy mayor.

35A.13.040 Compensation of councilmen -- Expenses.

35A.13.050 City manager -- Qualifications.

35A.13.060 City manager may serve two or more cities.

35A.13.070 City manager -- Bond and oath.

35A.13.080 City manager -- Powers and duties.

35A.13.090 Creation of departments, offices, and employment -- Compensation.

35A.13.100 City manager -- Department heads -- Authority.

35A.13.110 City manager -- Appointment of subordinates -- Qualifications -- Terms.

35A.13.120 City manager -- Interference by council members.

35A.13.130 City manager -- Removal -- Resolution and notice.

35A.13.140 City manager -- Removal -- Reply and hearing.

35A.13.150 City manager -- Substitute.

35A.13.160 Oath and bond of officers.

35A.13.170 Council meetings -- Quorum -- Rules -- Voting.

35A.13.180 Adoption of codes by reference.

35A.13.190 Ordinances -- Style -- Requisites -- Veto.

35A.13.200 Authentication, recording and publication of ordinances.

35A.13.210 Audit and allowance of demands against city.

35A.13.220 Optional division of city into wards.

35A.13.230 Powers of council.

35A.13.010
City officers—Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" 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. The council of a

noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.

35A.13.020
Election of councilmembers—Eligibility—Terms—Vacancies—Forfeiture of office—Council chair.

In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.

35A.13.030
Mayor—Election—Chair to be mayor—Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW 35A.13.033. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

35A.13.033
Election on proposition to designate person elected to position one as chair—Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

35A.13.035
Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

35A.13.040
Compensation of councilmembers—Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants—twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants—a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants—a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

35A.13.050
City manager—Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

35A.13.060
City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

35A.13.070
City manager—Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

35A.13.080
City manager—Powers and duties.

The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his or her attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution.

35A.13.090
Creation of departments, offices, and employment—Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

35A.13.100
City manager—Department heads—Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

35A.13.110
City manager—Appointment of subordinates—Qualifications—Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

35A.13.120
City manager—Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not 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.

35A.13.130
City manager—Removal—Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

35A.13.140
City manager—Removal—Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

35A.13.150
City manager—Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

35A.13.160
Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

35A.13.170
Council meetings—Quorum—Rules—Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

35A.13.180
Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

35A.13.190
Ordinances—Style—Requisites—Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . . do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

35A.13.200
Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

35A.13.210
Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

35A.13.220
Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

35A.13.230
Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.