

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.05

Chapter 2.09

MEETING TIMES

TOWN ADMINISTRATOR

Sections:

2.05.010 Town council.

2.05.020 *Repealed.*

2.05.010 Town council.

Commencing February 1, 1999, the regular meetings of the town council will be held on the first Monday of each month at the hour of 7:00 p.m. [Ord. 351 § 1, 1999; Ord. 281 § 1, 1994]

2.05.020 Board of adjustment.

Repealed by Ord. 422. [Ord. 281 § 2, 1994]

Sections:

2.09.010 Position created.

2.09.020 Appointment – Removal.

2.09.030 Prerequisites to employment.

2.09.040 Salary.

2.09.050 Responsibility to receive claims for damages.

2.09.010 Position created.

There is hereby created the position of town administrator. The town administrator’s duties shall include assisting the mayor in all administrative affairs, including the supervision of department heads. [Ord. 375 § 1, 2000]

2.09.020 Appointment – Removal.

The mayor shall appoint the town administrator, subject to confirmation by the town council. Pursuant to RCW 35A.12.100, the mayor shall retain the ability to remove the town administrator. [Ord. 375 § 1, 2000]

2.09.030 Prerequisites to employment.

The town administrator shall be required to sign a contract with the town which covers detailed terms of employment and other terms necessary or convenient to the effective administration of town business. [Ord. 375 § 1, 2000]

2.09.040 Salary.

The salary for the position of town administrator shall be provided for in the annual budget adopted by the town council. [Ord. 375 § 1, 2000]

2.09.050 Responsibility to receive claims for damages.

(1) Agent Appointed. The town administrator is hereby appointed to be the town agent responsible to receive claims for damages made under Chapter 4.96 RCW. Other than vacation, sick leave, and other temporary absences, the town administrator shall be available to receive claims for damages during

2.10.010

normal Town Hall business hours at Hunts Point Town Hall, 3000 Hunts Point Road, Hunts Point, Washington 98004.

(2) Recording with Auditor. The town administrator is requested to record the ordinance codified in this section with the King County auditor. [Ord. 396 §§ 1, 2, 2001]

Chapter 2.10

TOWN CLERK

Sections:

- 2.10.010 Offices of treasurer and clerk consolidated.
- 2.10.020 Deputy clerk.
- 2.10.030 Clerk pro tempore.

2.10.010 Offices of treasurer and clerk consolidated.

The office of town treasurer is hereby consolidated with the office of town clerk, and the clerk shall exercise all the powers and perform all the duties required by law to be performed by the treasurer. In the execution of any papers his designation as clerk shall be sufficient. [Ord. 98 § 1, 1970]

2.10.020 Deputy clerk.

The clerk may appoint a deputy, who may exercise all the powers and perform all the duties of the office of clerk, including those powers and duties previously held by the treasurer. The clerk and his bondsman shall be responsible for the acts of the deputy. [Ord. 98 § 2, 1970]

2.10.030 Clerk pro tempore.

Upon absence of the town clerk from King County, or upon his incapacity or infirmity, and if no deputy has previously been appointed, the mayor shall have the power to appoint a clerk pro tempore, who may exercise all of the powers and perform all of the duties of the office of clerk including those powers and duties previously held by the treasurer. The authority of the clerk pro tempore shall continue only during the day on which he is chosen. The mayor and his bondsman shall be responsible for the acts of the clerk pro tempore. [Ord. 98 § 3, 1970]

Chapter 2.15**PLANNING COMMISSION**

Sections:

- 2.15.010 Establishment.
- 2.15.020 Membership – Terms of office.
- 2.15.030 Duties.
- 2.15.040 Alternate members.

2.15.010 Establishment.

The planning commission of the town is hereby reconstituted with members nominated by the mayor and hereby approved by the council. All acts of the heretofore¹ appointed and existing planning commission, under prior ordinances of the town, are hereby ratified and confirmed. [Ord. 51 § 1, 1964]

2.15.020 Membership – Terms of office.

The planning commission shall consist of seven commissioners, appointed by the mayor and approved by the council. Each shall serve for a term of six years, or until his successor is qualified.² [Ord. 469 § 1, 2008; Ord. 439 § 1, 2004; Ord. 432 § 1, 2004; Ord. 424 § 1, 2003; Ord. 51 § 2, 1964]

2.15.030 Duties.

It shall be the duty of the planning commission to prepare such plans and regulations as are prescribed by Chapter 35.63 RCW, make timely recommendations to the council for their adoption or revision, to consider application for amendment thereto and advise the council thereon, and perform such other advisory duties as the council may prescribe. In the event any members of the planning commission are ex officio members who also hold other town offices, their terms as planning commissioners expire with the expiration of their other town terms. The commission shall adopt rules for the conduct of affairs which shall be filed with the town clerk. [Ord. 292 § 1, 1995; Ord. 51 § 3, 1964]

1. Ord. 51 was passed May 11, 1964.

2. Code reviser's note: Ord. 51 here set forth the terms for specific commissioners, with the last original term ending on May 31, 1970.

2.15.040 Alternate members.

One or more alternate members may be appointed to the planning commission by the mayor, with the approval of the town council. Alternate members may participate in the deliberations and decisions of the planning commission whenever a member of the planning commission is absent or is disqualified from service. Alternate members shall not participate in the deliberation or decision of the planning commission on any matter which relates to a specific person or parcel of property unless the alternate member has been present at all planning commission meetings where the particular proposal was discussed or has reviewed tape recordings of all such prior meetings and examined all exhibits considered at such meetings. [Ord. 296 § 1, 1995]

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Chapter 2.20

PARK COMMISSION

Sections:

- 2.20.010 Established.
- 2.20.020 Advisory body.
- 2.20.030 Chairman.
- 2.20.040 Duties.

2.20.010 Established.

The town park commission is hereby reestablished, to consist of five members appointed by the mayor, with the consent of the town council. The commissioners initially appointed pursuant to this chapter shall determine by lot whose term of office shall expire each year, and a new commissioner shall be appointed annually to serve for a five-year term in order that one term shall expire each year. In addition, the mayor shall designate three persons to regularly meet and consult with the park commission, one from the town council, one from the town planning commission, and one from the Wetherill Nature Preserve commission. [Ord. 244 § 1, 1991]

2.20.020 Advisory body.

The town park commission shall advise the town council on all matters of park acquisition, design, development, maintenance, budget, and programs. [Ord. 244 § 2, 1991]

2.20.030 Chairman.

The commission shall designate one of its members as chairman and shall meet at the pleasure of the chairman, but at least quarterly. The commission chairman shall make a verbal and written report to the town council on the commission's activities and recommendations quarterly at the February, May, September, and November council meetings and shall submit the commission's proposed park and recreational annual budget to the town council at least 30 days prior to the council's preliminary budget hearing. [Ord. 244 § 3, 1991]

2.20.040 Duties.

The park commission shall have the following duties, powers and authority with respect to the management, supervision, and control of town parks, recreational facilities, and programs:

(1) To provide liaison with the Wetherill Nature Preserve commission to ensure communication and cooperation concerning the Wetherill Nature Preserve.

(2) To prepare and recommend to the town council the adoption of rules and regulations for the operation and use of the parks and recreational facilities, including, but not limited to, hours of operation, restrictions upon use, fees to be charged for facilities, and parking regulations.

(3) To arrange for policing, maintenance and repair of such facilities, provided that any expenditure shall conform to a budget previously adopted by the town council or otherwise approved by the council. [Ord. 244 § 4, 1991]

Chapter 2.25

INDEMNIFICATION OF EMPLOYEES AND OFFICERS

Sections:

- 2.25.005 Definitions.
2.25.010 Request for defense or indemnification.
2.25.020 Representation and payment of claims – Conditions.
2.25.030 Payment of judgment by town.
2.25.040 Failure to comply with conditions.
2.25.050 Reimbursement of incurred attorneys’ fees and costs.
2.25.060 Pending claims.

2.25.005 Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

- (1) “Employee” means any person who is or has been employed by the town.
(2) “Official” means any person who is serving or has served as an elected town official, and any person who is serving or has served as an appointed member of any town board, commission, committee or other appointed position with the town.
(3) “Volunteer” means any person who is working or has worked in an unpaid position for the town. [Ord. 336 § 2, 1998]

2.25.010 Request for defense or indemnification.

- (1) Whenever an action or proceeding for damages is brought against a past or present official, employee or volunteer, which arises from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee or volunteer may request the town council to authorize the defense of the action or proceeding at the expense of the town.
(2) Upon receipt of the request for defense described in subsection (1) of this section, the town council will consider whether any of the following factors are present:
(a) The official, employee or volunteer engaged in any dishonest, fraudulent, criminal,

willful, intentional or malicious act or course of conduct;

- (b) The official, employee or volunteer engaged in any act or course of conduct which was not performed on behalf of the town;
(c) The official, employee or volunteer engaged in any act or course of conduct which is outside the scope of the official’s, employee’s or volunteer’s service or employment with the town; and/or
(d) Any lawsuit is brought against an official, employee or volunteer by or on behalf of the town.

(3) If none of the factors outlined in subsection (2) of this section are present, and the acts or omissions of the official, employee or volunteer were, or in good faith purported to be, within the scope of his or her official duties, then the request shall be granted.

(4) If the town council grants the request, then the town shall pay all necessary attorneys’ fees and costs of defending the action or proceeding.

(5) If the request is granted by the town council, any legal services necessary to defend against the action or proceeding shall be provided by the office of the town attorney unless:

- (a) Any provision of an applicable policy of insurance provides otherwise; or
(b) A conflict of interest or ethical bar exists with respect to said representation.

(6) Nothing herein shall be construed to waive or impair the right of the town council to institute suit or counterclaim against any official, employee or volunteer nor to limit its ability to discipline or terminate an official, employee or volunteer.

(7) The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the town or the official, employee or volunteer is insured against loss or damages. This chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee or volunteer. The town shall have the right to require an offi-

cial, employee or volunteer to utilize any such policy protection prior to requesting the protection afforded by this chapter.

(8) Nothing herein shall preclude the town from undertaking an officer's, employee's, or volunteer's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the town council shall be made without the vote of such member or members of the town council unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the town council, all such affected members shall retain their voting privileges under this section. [Ord. 336 § 2, 1998]

2.25.020 Representation and payment of claims – Conditions.

The provisions of this chapter shall apply only when the following conditions are met:

(1) In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official, employee or volunteer involved shall, as soon as practicable, give the town attorney written notice thereof. Such notice shall include the following information:

(a) The identity of the official, employee or volunteer involved;

(b) All information known to the official, employee or volunteer involved;

(c) All information known to the official, employee or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit;

(d) The names and addresses of all persons allegedly injured or otherwise damaged thereby; and

(e) The names and addresses of all witnesses;

(2) Upon receipt of any claim, demand, notice or summons or other process relating to any such incident or conduct, the official, employee or volunteer shall immediately deliver the same to the town attorney, and shall cooperate with the town attorney or an attor-

ney designated by the town attorney, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the town because of any damage or claim of loss arising from said incident or course of conduct, including, but not limited to, rights of recovery for costs and attorneys' fees arising under state or federal law upon a determination that the suit brought is frivolous in nature;

(3) Such official, employee or volunteer shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official, employee or volunteer and, in the event that an employee has left the employ of the town, no fee or compensation shall be provided; and

(4) Such official, employee or volunteer shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to said claim or suit. [Ord. 336 § 2, 1998]

2.25.030 Payment of judgment by town.

(1) If legal representation of an official, employee or volunteer is undertaken by the town attorney, all of the conditions of representation are met, and a judgment is entered against the official, employee or volunteer, or a settlement made, the official, employee or volunteer may request the town to pay any judgment entered against him or her under the terms of this section.

(2) Upon receipt of a request to pay a judgment, the town council will consider whether the official, employee, or volunteer was acting, or in good faith purported to be, within the scope of his or her official duties when the action or omission resulting in the judgment occurred. Payment of the judgment shall be in the sole discretion of the town council, except as specified in subsection (3) of this section.

(3) In accordance with RCW 4.96.041(4), when an official, employee or volunteer is represented at the expense of the town, all of the conditions of representation are met, a judgment is entered against the official, employee

2.25.040

or volunteer for damages under Chapter 4.96 RCW or 42 U.S.C. Section 1981 et seq., and the court hearing the action has found that the officer, employee or volunteer was acting within the scope of his or her official duties, then the town shall pay any judgment against the official, employee or volunteer to the extent that such judgment is not for punitive damages. The decision to pay a punitive damage award is within the discretion of the town council. [Ord. 336 § 2, 1998]

2.25.040 Failure to comply with conditions.

In the event that any official, employee or volunteer fails or refuses to comply with any of the conditions of HPMC 2.25.020, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation. [Ord. 336 § 2, 1998]

2.25.050 Reimbursement of incurred attorneys' fees and costs.

(1) If the town determines not to provide representation of an official, employee or volunteer under the provisions of this chapter, and a court of competent jurisdiction later determines that such representation should have been provided within the provisions of this chapter, then the town shall pay any attorneys' fees and costs incurred by the official, employee or volunteer in defending against the claim. The town shall pay any costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter; provided, if a court of competent jurisdiction determines that such claim does not come within the provisions of this chapter, then the official, employee or volunteer shall pay the town's costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter.

(2) If the town provides representation to the official, employee or volunteer within the provisions of this chapter, and a court of com-

petent jurisdiction later finds the existence of one of the factors in HPMC 2.25.010(2), then the official, employee or volunteer shall reimburse the town for the attorneys' fees and costs incurred in obtaining the determination that such claim is not covered by the provisions of this chapter. [Ord. 336 § 2, 1998]

2.25.060 Pending claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against an official, employee or volunteer, or any such claim or lawsuit hereafter filed, without regard to the date of events or circumstances which are the basis of such claim or lawsuit. [Ord. 336 § 2, 1998]

Chapter 2.30

MILEAGE REIMBURSEMENT

Sections:

2.30.010 Amounts.

2.30.010 Amounts.

Employees and/or representatives of the town of Hunts Point shall be reimbursed for the use of personal vehicles while in the course of town business in an amount per mile equal to that allowed by the Internal Revenue Service for business deductions at the time said mileage is reported. [Ord. 168 § 1, 1982]

Chapter 2.35

HEARING EXAMINER

Sections:

- 2.35.010 Purpose.
- 2.35.020 Office created.
- 2.35.030 Appointment.
- 2.35.040 Qualifications.
- 2.35.050 Freedom from undue influence – Conflict of interest.
- 2.35.060 Rules for hearings.
- 2.35.070 Power of hearing examiner.
- 2.35.080 Report of building official.
- 2.35.090 Public hearings.
- 2.35.100 Decision of hearing examiner.
- 2.35.110 Request for reconsideration.
- 2.35.120 Final decision and order.
- 2.35.130 *Repealed.*
- 2.35.140 *Repealed.*
- 2.35.150 *Repealed.*
- 2.35.160 *Repealed.*
- 2.35.170 Legal counsel.
- 2.35.180 Conduct of hearing.
- 2.35.190 *Repealed.*

2.35.010 Purpose.

The purpose of this chapter is to establish a system of land use regulatory hearings which will satisfy the following basic needs:

- (1) A prompt opportunity for a hearing and decision of alleged violations of land use regulations and such other regulations as may be assigned to the hearing examiner;
- (2) An efficient and effective system for deciding variances, appeals from administrative decisions and other land use issues;
- (3) To insure procedural due process and the appearance of fairness by conducting hearings before a neutral party, competent in the field of land use and procedural requirements. [Ord. 317 § 1, 1996]

2.35.020 Office created.

The office of hearing examiner, referred to in this chapter as examiner, is hereby created. The examiner shall perform the following duties:

- (1) Interpret, review and implement land use regulations;

2.35.030

(2) Hear all applications for variances to HPMC Title 18;

(3) Hear all appeals of the building official's or town engineer's interpretations of HPMC Title 18;

(4) Hear appeals of all notices of violation;

(5) Hear all other quasi-judicial appeals of administrative decisions, except those specifically prescribed by state law to be heard by the town council; and

(6) Perform other duties as may be assigned by the mayor or council by ordinance. [Ord. 406 § 1, 2002; Ord. 349 § 1, 1998; Ord. 317 § 2, 1996]

2.35.030 Appointment.

The hearing examiner shall be appointed by the mayor and confirmed by a majority of the town council. The hearing examiner will be appointed and shall serve as hearing examiner under such terms and conditions as are set forth in a written contract between the parties. The compensation of the hearing examiner shall be established by contract, which shall be approved by a resolution of the town council or may be established by the terms of an agreement with any other city or county to provide for a joint hearing examiner procedure. The duties and responsibilities of the hearing examiner shall be quasi-judicial in nature. [Ord. 328 § 1, 1997; Ord. 317 § 3, 1996]

2.35.040 Qualifications.

The hearing examiner shall be appointed solely with regard to qualifications for the duties of the office and will have such training and experience as will qualify him or her to conduct administrative or quasi-judicial hearings and to discharge the other functions conferred upon the office. An examiner shall hold no other elective appointive office or position in the town of Hunts Point. Examiners shall be appointed solely with regard to their qualifications to the duty of the office which shall include, but not be limited to, appropriate educational and practical experience in urban planning or law. [Ord. 317 § 4, 1996]

2.35.050 Freedom from undue influence – Conflict of interest.

(1) No person shall attempt to influence an examiner in any matter pending before him, except publicly at a public hearing duly called for such purpose, or to interfere with examiner in the performance of his duties in any other way; provided, that this section shall not prohibit the town attorney from rendering legal services to the examiner.

(2) No examiner shall conduct or participate in any hearing or decision in which the examiner has direct or indirect substantial financial or other interest, or concerning which the examiner has had substantial prehearing contacts with proponents or opponents wherein the issues were discussed; nor shall any member of the town council who has such an interest or who has such contacts participate in the consideration thereof. The office of the examiner shall be separate from and not a part of the building department or any other agency of the town. This section is not intended to prohibit necessary or prompt inquiries on matters as scheduling but, whenever possible, such inquiries shall be in writing and be entered into the official record of the hearing. [Ord. 317 § 5, 1996]

2.35.060 Rules for hearings.

The examiner shall provide rules for scheduling and conduct of hearings and other matters relating to the duties of his office. Such rules shall provide for the admission of evidence, examination and cross-examination of witnesses, rebuttal evidence and all other matters relevant to the conduct of the hearing. The examiner may limit the time allowed to parties testifying on an equal basis, may establish time limits for initial or rebuttal evidence, may limit cross-examination of witnesses and may limit the number of witnesses to be heard. [Ord. 317 § 6, 1996]

2.35.070 Power of hearing examiner.

The examiner shall receive and examine available information, conduct public hearings, prepare a record and tape recording thereof, and enter written decisions as provided for in this section.

(1) The written decision of the examiner on land use and building decisions, requests for variances and appeals shall be final and the only appeal therefrom shall be to the King County superior court.

(2) In the performance of duties set forth in this chapter, the examiner may:

(a) Administer oaths and affirmations, examine witnesses, rule on offers of proof, receive relevant evidence, conduct discovery procedures which may include interrogatories and oral depositions pursuant to Washington State Court Rules; provided, no person shall be compelled to divulge information which could not be compelled in a court of law;

(b) Upon the request of the town, or any party, or upon the examiner's own request, issue and cause to be served subpoenas for the attendance of witnesses and for the production for examination of any books, records, or other information in the possession of or under the control of any witness; provided, that such subpoena must state the name and address of the witness sought and if for the production of books, documents or things, shall specifically identify the same;

(c) Regulate the course of the hearing in accordance with this chapter and other applicable ordinances;

(d) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(e) Dispose of procedural requirements or similar matters;

(f) Take any other action authorized by ordinance;

(g) In case of failure or refusal without lawful excuse of any person duly subpoenaed to attend pursuant to such subpoena or to be sworn, or to answer any material and proper question, or to produce upon reasonable notice any material or proper books or records or other information in the witness's possession or under the witness's control, the examiner may invoke the aid of the town attorney who may apply to an appropriate court for an order or other court action necessary to secure enforcement of the subpoena. [Ord. 467 § 1, 2008; Ord. 422 § 2, 2003; Ord. 328 § 2, 1997; Ord. 317 § 7, 1996]

2.35.080 Report of building official.

On any land use issue coming before the examiner, the town building official shall coordinate and assemble the reviews of all town departments, agencies and other interested parties and shall prepare a report summarizing the factors involved and the building official's findings and recommendations. Said report shall be filed with the examiner at least seven calendar days prior to the scheduled hearing and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to all interested parties upon payment of reproduction costs. [Ord. 317 § 8, 1996]

2.35.090 Public hearings.

(1) Prior to rendering a decision on any land use matter, the examiner shall hold at least one public hearing. Public notice shall be given when required by HPMC 11.10.160 or other notice provisions in this code.

(2) All evidence, including records of documents in the possession of the building department, which the examiner desires to consider, shall be offered and made a part of the record. After all interested parties have had an opportunity to speak, in accordance with the examiner's rules for conducting the hearing, the examiner shall either close the hearing, continue the hearing to a specified date, or invite additional testimony or evidence restricted only to issues in which, in the opinion of the examiner, there is a need for additional testimony. [Ord. 467 § 2, 2008; Ord. 328 § 3, 1997; Ord. 317 § 9, 1996]

2.35.100 Decision of hearing examiner.

The examiner shall render a written decision within 10 working days of the conclusion of the hearing, unless a longer period is agreed to by the applicant. The decision shall include at least the following:

(1) Findings of fact and conclusions of law based upon and supported by the record;

(2) A decision on the application to grant, deny or grant with conditions, modifications or restrictions based on applicable codes, ordinances and regulations;

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(3) A statement that there is no administrative appeal of the hearing examiner's decision, and that judicial appeals may be brought under Chapter 36.70C RCW;

(4) A statement of any threshold determination made under Chapter 43.21C RCW;

(5) The examiner shall state in the decision, if applicable, any conditions associated with granting of the relief including the time limit after which any approval shall expire if not utilized;

(6) The decision of the hearing examiner shall be filed with the town clerk who shall, within three working days thereafter, mail copies to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The town clerk shall also provide for notice to the public of the decision as required by other applicable ordinances or codes. [Ord. 467 § 3, 2008; Ord. 328 § 4, 1997; Ord. 317 § 10, 1996]

2.35.110 Request for reconsideration.

Any party to the proceeding who is aggrieved by the decision of the examiner may submit a written request for reconsideration of the examiner by filing a request with the town clerk within 14 calendar days of the examiner's decision. Such request shall specify the error of law or fact, procedural error or new evidence which could not have been reasonably available at the time of the hearing conducted by the examiner which is the basis for the request. Within 10 working days from the date the hearing examiner receives a request for reconsideration, a decision shall be issued on whether or not to reopen the hearing. Said decision shall be mailed to all parties of record within three days after the examiner's decision is made. [Ord. 317 § 11, 1996]

2.35.120 Final decision and order.

The decision or order of the examiner shall become a final decision or order upon issuance unless appealed in King County superior court pursuant to Chapter 36.70C RCW. [Ord. 467 § 4, 2008; Ord. 328 § 5, 1997; Ord. 317 § 12, 1996]

2.35.130 Notice of violation.

Repealed by Ord. 467. [Ord. 317 § 13, 1996]

2.35.140 Contents of notice of violation.

Repealed by Ord. 467. [Ord. 317 § 14, 1996]

2.35.150 Hearings on notices of violation.

Repealed by Ord. 467. [Ord. 317 § 15, 1996]

2.35.160 Collection of civil penalty.

Repealed by Ord. 467. [Ord. 317 § 16, 1996]

2.35.170 Legal counsel.

(1) At the request of the examiner, the town attorney shall be present at public hearings or meetings to advise the examiner on matters of law and procedure.

(2) All interested parties to a hearing before the examiner may be represented by legal counsel. [Ord. 317 § 17, 1996]

2.35.180 Conduct of hearing.

(1) The format of the hearing will be of an informal nature yet designed in such a way that the evidence and facts relevant to the issues will become the most readily and efficiently available to the hearing examiner.

(2) Prior to the hearing, the examiner may hold conferences for settlement, simplification of the issues, or for any other proper purpose.

(3) Subject to revision by the examiner, the public hearing shall normally contain the following elements: A brief introductory statement by the hearing examiner; a report by town staff which shall include introduction of the official file, reference to maps and visual aids, and a summary of the recommendation of the staff; testimony by the applicant or petitioner; testimony in support of the application; testimony of opposing parties; cross examination and rebuttal; and opportunities for questions by the hearing examiner.

(4) The record of the hearing conducted by the hearing examiner shall include but not be limited to the following materials:

(a) The application or petition;

(b) The departmental staff reports;

(c) All evidence received or considered, which shall include all exhibits and other materials filed;

(d) Statement of all matters officially noticed;

(e) A decision containing the findings and conclusions of the hearing examiner;

(f) A recording of the hearing made on electronic equipment;

(g) A record of the town assigning the matter to the hearing examiner for decision.

(5) Rules of Evidence.

(a) Burden of Proof. In each particular proceeding, the petitioner or the proponent of an individual petition or application shall have the burden of proof.

(b) Admissibility. The hearing generally will not be conducted according to technical rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall not be effective to the extent recognized by law. The examiner shall retain discretion on the admissibility of all evidence.

(c) Copies. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available.

(d) Official Notice. The examiner may take official notice of judicially admissible facts and in addition may take notice of general, technical or scientific facts within the examiner's specialized knowledge. When any recommendation or decision of the hearing examiner rests, in whole or in part, upon the taking of official notice of a material fact not apparent in evidence of record, opportunity to disprove such notices of fact shall be granted to any affected person making a timely motion therefor. The examiner shall not take notice of disputed facts that are at the center of a particular proceeding.

(e) Evidence Received Subsequent to the Hearing. If additional evidence is submitted after the public hearing, it will be considered only upon a showing of significant relevance and just cause for the delay in admission. All parties of record will be given notice of the consideration of this evidence and have an opportunity to review such evidence and file rebuttal statements.

(f) All parties will be allowed an opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof from any party.

(g) All costs of preparing and copying documents and transcribing the hearing shall be paid for by the applicant. [Ord. 328 § 6, 1997; Ord. 317 § 18, 1996]

2.35.190 Process for use of hearing examiner.

Repealed by Ord. 349. [Ord. 317 § 19, 1996]

Chapter 2.40

BOARD OF ADJUSTMENT

(Repealed by Ord. 407)

Chapter 2.45

OFFICE HOURS

Sections:

2.45.010 Town Hall office hours.

2.45.010 Town Hall office hours.

Town Hall shall remain open for the transaction of business Monday through Thursday, from 8:00 a.m. to 12:00 p.m., and from 1:00 p.m. to 5:00 p.m. Town Hall shall be closed Friday, Saturday and Sunday. [Ord. 470 § 1, 2008; Ord. 443 § 1, 2005; Ord. 420 § 1, 2003; Ord. 389 § 1, 2001]

Chapter 2.50

EMERGENCY SERVICES ORGANIZATION

Sections:

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- 2.50.100 Continuity of emergency management.

2.50.010 Emergency services organization established.

Pursuant to Chapter 38.52 RCW, there is hereby established in the town of Hunts Point an emergency services organization for the purpose of performing local emergency management functions. The basic role of the organization is to represent the town during emergencies and to manage and coordinate the town's emergency mitigation, preparedness, response, and recovery activities. [Ord. 419 § 1, 2002]

2.50.020 Definitions.

The following terms as used in this chapter shall have the following meanings:

A "disaster" or "catastrophe" is a situation where the community's available resources to carry out an emergency response are expended or insufficient. Conditions may be beyond the capability of the services, personnel, equipment and facilities of the town, and may require the combined forces of the town and other political jurisdictions to respond.

"Emergency" means the actual or threatened existence of conditions that place life, property, or the environment in danger and potentially impact the provision of essential town services. An emergency requires an immediate response to protect life and property. [Ord. 419 § 2, 2002]

2.50.030 Operations.

The organization shall operate under the policy guidance of the Hunts Point comprehensive emergency management plan (CEMP). As set forth in WAC 118-30-060, this plan is based on a hazard analysis and contains the following elements in the basic plan: purpose, authorizations, situation, planning assumptions, organizations and responsibilities, concept of operations, administration and logistics, and direction and control. As required, the plan addresses 26 operational functions. The required operational functions are organized within the incident command system (ICS) structure. [Ord. 419 § 3, 2002]

2.50.040 Proclamation of emergency.

The mayor, upon determining that an emergency exists, has the authority and responsibility for making the proclamation of local emergency. The CEMP defines the criteria for making an emergency proclamation. [Ord. 419 § 4, 2002]

2.50.050 Emergency authorizations.

The proclamation of local emergency is a public acknowledgement of the serious situation the town faces and authorizes the town to exercise the powers vested by RCW 38.52.070. The town shall have the power to enter into contracts and incur obligations necessary to protect the health and safety of persons and property and to provide assistance to disaster victims without regard to formalities prescribed by law (except mandatory constitutional requirements), including but not limited to budget law limitations and the appropriation and expenditure of public funds. The director of emergency services or his designee may authorize emergency expenditures as needed to protect the health and safety of persons and properties during emergencies. [Ord. 419 § 5, 2002]

2.50.060 Director of emergency services.

(1) The director of emergency services shall be directly responsible for the organization, administration, and operation of the emergency services organization. The town administrator or his designee shall serve as the

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director of emergency services. The Hunts Point CEMP and any amendments thereto shall be effective when approved by the director of emergency services.

(2) The director of emergency services shall appoint an emergency services committee to help in the development, implementation, and maintenance of the CEMP. The director of emergency services shall chair the committee. The emergency operations director shall be the vice-chair. The emergency preparedness officer shall provide staff support to the committee.

(3) The director of emergency services shall appoint the remaining committee members in consultation with the emergency operations director and the emergency preparedness officer. The committee may be comprised of town personnel assigned emergency responsibilities in the plan, town consultants, representatives from emergency support agencies such as the Red Cross, and representatives from the agencies supplying fire, sewer and water services to the town. [Ord. 419 § 6, 2002]

2.50.070 Powers.

The organization shall have all powers granted under Chapter 38.52 RCW as now or hereafter amended, by the CEMP, and as may otherwise be provided by law. [Ord. 419 § 7, 2002]

2.50.080 Emergency operations director.

(1) The emergency operations director shall manage the Hunts Point emergency operations center (EOC) during emergencies. The chief of police shall serve as the emergency operations director. As the need arises, the emergency operations director has the authority to direct all human or material resources owned by the town to combat the effects of a threatened or any actual emergency and the authority to request mutual aid or assistance from other public entities.

(2) The director of emergency services, in consultation with the emergency operations director and the emergency services committee, shall oversee and provide policy recommendations to the town council during

emergency and recovery periods and provide policy direction for development and maintenance of the Hunts Point CEMP.

(3) The emergency operations director shall appoint the emergency preparedness officer (EPO).

(4) The incident command system will form the basis for the organizational structure of the emergency operations center and for field level emergency response.

(5) The emergency operations director, in consultation with the director of emergency services, may convene a policy group to provide advice and recommendations to the town council on issues related to governance that may occur during an emergency. Membership is selective and selected on a case by case basis depending upon the nature of the emergency. Issues that might be addressed include unintentional negative outcomes of enforcement of existing policy and emergency conditions, resolution of resource allocation conflicts, and equitable assignment of emergency response priorities in community-wide emergencies. [Ord. 419 § 8, 2002]

2.50.090 Emergency preparedness officer.

The emergency preparedness officer shall direct and coordinate development, implementation and maintenance of the Hunts Point CEMP. As part of this planning process, the emergency preparedness officer will seek to establish coordination with outside agencies and organizations involved in emergency planning, provide for public education and information, and perform such other functions as the emergency operations director shall designate. [Ord. 419 § 9, 2002]

2.50.100 Continuity of emergency management.

The town's CEMP shall list at least two successors to essential personnel identified in the plan. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all duties and powers of the primary staff. [Ord. 419 § 10, 2002]

