

## Title 2

### ADMINISTRATION AND PERSONNEL

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## Chapter 2.04

### CITY COUNCIL MEETINGS

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- 2.04.060 Authority of chair.
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#### **2.04.010 Time.**

The regular meeting of the city council will be held on the second Monday of each month, commencing at 6:30 p.m. (Ord. 824 § 1, 2008; Ord. 518 § 1, 1990; Ord. 472 § 1, 1988; Ord. 28 § 1, 1956; Ord. 1 § 1, 1955)

#### **2.04.020 Place.**

The regular meeting place of the city council will be at the Medina Improvement Clubhouse at the south extreme of the Medina Dock Road (76th N.E.), Medina, Washington. (Ord. 1 § 2, 1955)

#### **2.04.030 Rules of order.**

Except as otherwise provided in this chapter, the procedure of the meetings of the city council shall be governed by Robert's Rules of Order Revised, Seventy-fifth Anniversary Edition. (Ord. 2 § 1, 1955)

#### **2.04.040 Order of business.**

*Repealed by Ord. 809.* (Ord. 637 § 1, 1998; Ord. 2 § 2, 1955)

#### **2.04.050 Duties of presiding officer.**

It is the duty of the presiding officer of the council meeting to:

- A. Call the meeting to order;
- B. Keep the meeting to its order of business;
- C. Handle discussion in an orderly way:

1. Give every councilman who wishes a chance to speak,

2. Permit audience participation at appropriate times,

3. Keep all speakers to the rules of order, and to the questions,

4. Give pro and con speakers alternating opportunities to speak;

D. State each motion before it is discussed, and before it is voted upon;

E. Put motions to a vote and announce the outcome;

F. Appoint committees when authorized to do so. (Ord. 2 § 3, 1955)

#### **2.04.060 Authority of chair.**

All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member. (Ord. 2 § 4, 1955)

#### **2.04.070 Right to speak.**

A. No member of the council shall speak more than twice on the same subject without permission of the presiding officer.

B. No person, not a member of the council, shall be allowed to address the same while in session without the permission of the presiding officer. (Ord. 2 § 5, 1955)

#### **2.04.080 Precedence and prerogative.**

A. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

B. A motion for adjournment shall always be in order.

C. Motions to reconsider must be by a member who voted with the majority and at the same or next succeeding meeting of the council. (Ord. 2 § 10, 1955)

#### **2.04.090 Ordinances, resolutions and motions to be written.**

Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances shall be in writing. (Ord. 2 § 9, 1955)

#### **2.04.100 Suspension of rules.**

The rules of the city council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present. (Ord. 2 § 11, 1955)

**2.04.110 Committees.**

The city council may, from time to time, appoint temporary or long-term committees from among its membership. All committees shall dissolve at the time of council elections.

The chairman, if any, of each respective committee of the council, or the councilman acting for him in his place, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council. (Ord. 755 § 1, 2003; Ord. 2 § 8, 1955)

vision station, as provided in RCW 42.30.080 as now or hereafter amended. (Ord. 460 § 1, 1988; Ord. 3 § 1, 1955)

**2.04.120 Attendance of officers.**

The city manager, clerk, and city attorney, and such other officers or employees of the city as may by the council be requested to do so, shall attend all meetings of the council and shall remain in the council room for such length of time as the council may direct. (Ord. 2 § 12, 1955)

**2.04.130 Failure to attend – Penalty.**

Every officer, whose duty it is to report at the regular meetings of the council, shall in default thereof, be fined at the discretion of the council. (Ord. 2 § 13, 1955)

**2.04.140 Duty to vote.**

Each member present must vote on all questions put to the council, except as to any matter in which such councilman has a personal financial interest. (Ord. 2 § 7, 1955)

**2.04.150 Duty of clerk.**

The clerk shall keep a correct journal of all proceedings and at the wish of any member the ayes and noes shall be taken on any question and entered in the journal. (Ord. 2 § 6, 1955)

**2.04.160 Special meetings.**

A. Special meetings may be called by the mayor or any three councilmembers by written notice delivered to each member of the council at least 24 hours before the time specified for the proposed meeting.

B. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation and to each local radio or tele-

**Chapter 2.06****COUNCILMEMBERS**

(Repealed by Ord. 713)

**Chapter 2.08****MUNICIPAL JUDICIAL SYSTEM**

(Repealed by Ord. 664)

**Chapter 2.16****POLICE DEPARTMENT**

Sections:

2.16.010 Created.

2.16.020 Organization.

2.16.030 Duties of the police chief.

**2.16.010 Created.**

The creation of a city police department of the city government is hereby memorialized, said department to be under the general supervision and control of the head of the executive branch of the city, the city manager. (Ord. 722 § 1, 2001; Ord. 254 § 1, 1970)

**2.16.020 Organization.**

The commissioned staff of the department shall consist of a chief of police and a sufficient number of command, supervisory, investigative and patrol officers to effectively and efficiently discharge the responsibilities of the department. A commissioned officer of the department shall be a full-time employee and certified as a law enforcement officer by the Washington State Criminal Justice Training Commission. The noncommissioned staff of the department shall consist of a records manager and a sufficient number of clerical support personnel as may be required to effectively and efficiently discharge the responsibilities of the department. (Ord. 722 § 1, 2001; Ord. 477 § 3, 1988; Ord. 254 § 2, 1970)

**2.16.030 Duties of the police chief.**

The chief of police shall be chief executive officer of the department, responsible for the effectiveness thereof, enforcement of state and local laws and general protection of the safety and welfare of the community, its residents and the general public. The chief of police shall be appointed by and under the general supervision and control of the city manager, reporting to the city manager or to the council as the city manager directs. The chief of police shall be assisted by a staff as set forth in MMC 2.16.020, who shall have such duties and responsibilities as the chief shall assign. The chief of police shall meet all requirements of the Washington State Criminal Justice Training Commission related to certification of law enforcement officers.

In addition to the duties provided by law, the chief of police shall be responsible for coordination of fire and marine protective services, emergency

medical services and other related functions and duties, unless the city manager contracts for such services or otherwise assigns these duties to other city employees. (Ord. 722 § 1, 2001; Ord. 477 § 4, 1988; Ord. 254 § 3, 1970)

## Chapter 2.20

### CIVIL SERVICE SYSTEM

#### Sections:

- 2.20.010 Civil service system adopted.
- 2.20.020 Appointment of civil service commissioners.
- 2.20.030 Filling of vacancies in police department.
- 2.20.040 Chief of police exempt.
- 2.20.050 Appointment of secretary and chief examiner.
- 2.20.060 Probationary periods.

#### **2.20.010 Civil service system adopted.**

Pursuant to the authorization of RCW 41.12.010, a civil service system for the city of Medina is hereby adopted. The civil service system shall consist of Chapter 41.12 RCW as previously adopted by the city, amended as explicitly set forth in this chapter. Three copies of Chapter 41.12 RCW were attached to Ordinance No. 183 when the original system was adopted in 1966. (Ord. 794 § 1, 2006; Ord. 183 § 1, 1966)

#### **2.20.020 Appointment of civil service commissioners.**

Members of the civil service commission of the city shall be appointed by the city manager with the approval of the city council. If the city manager has recommended three persons for appointment to a particular position, none of whom have been approved by the city council, then he may select the appointee from among the number so recommended for appointment. (Ord. 183 § 2, 1966)

#### **2.20.030 Filling of vacancies in police department.**

A. In addition to any opportunity afforded the appointing authority to exercise a choice in the filling of a vacancy in the police department by the terms of Chapter 41.12 RCW, as amended, and as adopted by the city as set out in MMC 2.20.010 and 2.20.020, whenever requisition is made upon the civil service commission for the names of persons eligible for appointment to any vacancy, including both original appointments and promotions, the commission, instead of furnishing the name of the one person highest on the eligibility list, shall certify to the appointing authority the names of the three persons highest on such eligibility list for each vacancy, if there are three such persons available, and shall indicate the grade received by any

such person in a civil service examination. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing authority shall then appoint one of the certified persons to such vacant position.

B. Any rule or regulation of the civil service commission which might otherwise limit the certification of less than three applicants shall be construed and applied so as to allow and provide for the certification of three or more applicants as provided in this section. (Ord. 356 §§ 1, 2, 1979)

**2.20.040 Chief of police exempt.**

Pursuant to RCW 41.12.050, the chief of police shall be excluded from the civil service, and consistent with MMC 2.16.030 shall be appointed by the city manager. (Ord. 477 § 6, 1988)

**2.20.050 Appointment of secretary and chief examiner.**

The secretary and chief examiner shall be appointed as a result of competitive examination, which examination may either be original and open to all properly qualified members of the public or promotional, and limited to persons already in the service of the city. The secretary and chief examiner need not be a citizen of the city. (Ord. 578 § 1, 1993)

**2.20.060 Probationary periods.**

The probationary period authorized by RCW 41.12.100 shall be 12 months of full-time service from the date of graduation from the Washington State Criminal Justice Training Commission Academy. Minor absences due to vacations, annual military leave, illness and similar causes shall not be construed as interrupting the probationary period. If an absence or absences are considered to be excessive the city may apply for and the secretary will approve for good cause shown a departmental request for interruption of the probationary period to a total probationary period not to exceed 18 months in length dating from the date of graduation from the academy. (Ord. 794 § 2, 2006)

**Chapter 2.24**

**BOARDS AND COMMISSIONS**

Sections:

2.24.010 Election of chairpersons and vice-chairpersons.

2.24.020 *Repealed.*

**2.24.010 Election of chairpersons and vice-chairpersons.**

Commencing at its regularly scheduled meeting for the month of January, 1987, the members of the planning commission and park board shall select from among their members by a majority vote, a chairperson and a vice-chairperson to serve for a one-year term. Previous service of nominees shall not affect their ability to serve. (Ord. 710 § 1, 2001; Ord. 436 § 1, 1986)

**2.24.020 Limitations on reappointment.**

*Repealed by Ord. 713.* (Ord. 710 § 1, 2001; Ord. 408 § 3, 1985)

**Chapter 2.28**

**MEETINGS AFFECTED BY  
PUBLIC HOLIDAYS**

Sections:

2.28.010 Rescheduling.

**2.28.010 Rescheduling.**

When the regularly established time for meetings of the council or of boards, bureaus and commissions of the city falls upon a public holiday, then such meeting shall be held on the next succeeding weekday, and the council or the board, bureau or commission in question shall have full authority as if such meeting had been held on the regular date and such regular date had not been a public holiday. (Ord. 57 § 1, 1957)

**Chapter 2.32**

**BOARD OF ADJUSTMENT**

(Repealed by Ord. 710)

## Chapter 2.40

### PARKS AND RECREATION BOARD\*

Sections:

- 2.40.010 Parks and recreation board.
- 2.40.020 Membership.
- 2.40.030 Meetings.
- 2.40.040 Duties and responsibilities.
- 2.40.050 Reporting.
- 2.40.060 Severability.

\*Prior legislation: Ords. 81, 154, 262, 263, 408, 490 and 566.

#### **2.40.010 Parks and recreation board.**

There is created a parks and recreation board, consisting of seven members, to provide guidance in meeting the parks and recreational needs of the city by advising the city council and staff on matters relating to planning, acquisition, development and operation of park facilities and recreational programs within the city. (Ord. 771 § 1, 2004)

#### **2.40.020 Membership.**

A. Number of Members. The parks and recreation board shall consist of seven voting members, each of whom shall be appointed for a term of four years. However, the first appointments to the parks and recreation board shall consist of two individuals appointed for terms of two years, two individuals appointed for terms of three years, and three individuals appointed for terms of four years. Subsequent appointments shall be for four-year terms. Terms shall expire on June 30th.

B. Appointment. The mayor shall appoint, with the consent of the city council, members of the parks and recreation board. Members of the parks and recreation board must reside within the city limits of Medina. Parks and recreation board members shall be selected and serve without compensation.

C. Removal. Members of the parks and recreation board may be removed at any time by the mayor, with the prior consent of the city council, for neglect of duty, conflict of interest, malfeasance in office or other just cause, or for unexcused absence for more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal.

D. Vacancies. Vacancies, occurring other than through the expiration of term, shall be filled for the unexpired term in the same manner as for

appointments as provided by this chapter. (Ord. 771 § 1, 2004)

#### **2.40.030 Meetings.**

A. Election of Officers. The parks and recreation board shall elect from among its members a chairperson, who shall preside at all meetings and a vice chairperson, who shall preside in the absence of the chairperson. The chairperson and vice chairperson shall be elected each January. A majority of the parks and recreation board members shall constitute a quorum for the transaction of business and a majority vote of those present shall be necessary to carry any motion.

B. Rules and Regulations. The parks and recreation board shall adopt such rules and regulations as are necessary for the conduct of its business.

C. Meeting Schedule. The parks and recreation board shall provide a regular meeting schedule, including time, place and frequency of meetings as necessary, but no less frequent than once a month. The board may, from time to time, provide for special meetings in accordance with Chapter 42.30 RCW, the Open Public Meetings Act.

D. Staffing. Staff provided to the board shall be advisory.

E. Documentation. The board shall ensure minutes of the meeting are recorded and a monthly summary of minutes are recorded along with all decisions. (Ord. 771 § 1, 2004)

#### **2.40.040 Duties and responsibilities.**

The parks and recreation board shall be an advisory board to the city council, responsible for providing guidance concerning the following matters:

- A. Comprehensive park planning.
- B. Acquisition of park land and/or facilities.
- C. Development, design and operation of parks and recreation programming and facilities.
- D. Use fees and procedures for collecting fees.
- E. Park, play field and facility design.
- F. Capital improvements planning.
- G. Regulations and restrictions governing the hours of park and facilities use.
- H. Concessions.
- I. Contracts, interlocal agreements, and lease agreements regarding parks and recreation activities.
- J. Proposed annual budget for the acquisition, development and operation of parks and recreation facilities and programs.
- K. All matters as may from time to time be referred to the parks and recreation board by the

city council or the city manager. (Ord. 771 § 1, 2004)

**2.40.050 Reporting.**

The board shall provide a written report to the city council at least once each quarter on progress made on established work plans of the board. The board shall report at other times to the city council such recommendations, events and activities as necessary or directed by the city council to carry out the established duties and responsibilities by this chapter. (Ord. 771 § 1, 2004)

**2.40.060 Severability.**

If a court of competent jurisdiction should hold any section, sentence, clause or phrase of the ordinance codified in this chapter invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. (Ord. 771 § 1, 2004)

**Chapter 2.44**

**PLANNING COMMISSION**

Sections:

- 2.44.010 Membership – Appointment – Term of office.
- 2.44.020 Powers and duties.
- 2.44.030 Advisory capacity.
- 2.44.040 Quorum.
- 2.44.050 Secretary.
- 2.44.060 Annual report.

**2.44.010 Membership – Appointment – Term of office.**

A. The city planning commission shall consist of seven members who shall be appointed by the mayor and confirmed by the council.

B. The term of office of each member shall be four years. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired terms.

C. Members may be removed by the mayor, with the approval of the council, for such causes as the council may deem sufficient which shall be set forth in a letter to the member or members affected; provided, that should the member or members affected request public hearing thereon, there shall be such a hearing before removal.

D. The members shall be selected to represent a cross-section of the community thinking and they shall serve without compensation.

E. No person and no two members of the same household shall serve on both the planning commission and the board of adjustment at the same time. (Ord. 408 § 1, 1985; Ord. 363 § 1, 1980; Ord. 26 § 1, 1956; Ord. 8 § 1, 1955)

**2.44.020 Powers and duties.**

The planning commission shall have all of the powers and perform each and all of the duties, subject to the limitations expressed therein, specified in Chapter 35A.63 RCW, as now or hereafter adopted, together with any other duties and authority which may hereafter be conferred on the commission by laws of the state. (Ord. 363 § 2, 1980; Ord. 8 § 2, 1955)

**2.44.030 Advisory capacity.**

The city council may refer to the planning commission, for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chapter 35A.63 RCW, and the commission shall

promptly report to the council thereon, making such recommendations and giving such counsel deemed proper. (Ord. 363 § 3, 1980; Ord. 8 § 3, 1955)

**2.44.040 Quorum.**

A majority of the membership of the planning commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present at any regular or special meeting of the planning commission where a quorum is present shall be deemed and taken as the action of the commission. If a quorum is not present at any regular or special meeting of the planning commission, the member or members present may adjourn said meeting to a later date, not later than the regular meeting of the commission. (Ord. 363 § 4, 1980; Ord. 145 § 1, 1963; Ord. 8 § 6, 1955)

**2.44.050 Secretary.**

The city manager shall act as secretary to the planning commission, and shall serve as such without additional compensation. (Ord. 8 § 5, 1955)

**2.44.060 Annual report.**

The planning commission shall, on or before the thirty-first day of January of each year, make a full report in writing to the city council of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters within its authority as may to it seem proper. (Ord. 8 § 7, 1955)

**Chapter 2.48**

**PUBLIC RECORDS**

Sections:

- 2.48.010 Relationship to Public Records Act.
- 2.48.020 Public records officer.
- 2.48.030 Maintenance of records.
- 2.48.040 Index of public records – Findings.
- 2.48.050 Index of public records – Order.
- 2.48.060 Disclosure of public records.
- 2.48.070 Procedure for inspection or copying.
- 2.48.080 Processing public records requests – Review of decision.
- 2.48.090 Exemptions.
- 2.48.100 Reimbursement for copying costs.
- 2.48.110 Model rules and administrative procedures.

**2.48.010 Relationship to Public Records Act.**

This chapter constitutes the city's rules and regulations to carry out and implement the Public Records Act, Chapter 42.56 RCW. (Ord. 830 § 1, 2008)

**2.48.020 Public records officer.**

The city clerk shall serve as the city's public records officer. Contact information for the city clerk will be made available to the public in a manner reasonably calculated to provide notice of to whom members of the public may direct requests, such as posting such contact information at City Hall or on the city's Internet website. (Ord. 830 § 1, 2008)

**2.48.030 Maintenance of records.**

A. All substantive and procedural rules of general applicability, including but not limited to ordinances and resolutions of the city council, minutes of the regular meetings of the city council, and statements of general policy, and all public contracts, deeds, easements and leases shall be indexed and maintained by the city clerk.

B. All police records shall be maintained in the Medina police department. Access to police records shall be in accordance with the policy established by the police department, pursuant to laws including but not limited to Chapter 10.97 RCW, Washington State Criminal Records Privacy Act, and Chapter 13.50 RCW, Keeping and Release of Records by Juvenile Justice or Care Agencies.

C. All other such records of the city relating to the specific function or responsibility of a particu-

lar department shall be maintained for the use of the department and the general public in the office of the particular department. Such records shall include, but not be limited to: planning policies and goals, and interim and final planning decisions; factual staff reports and studies; factual consultant's reports and studies; scientific reports and studies; and any other factual information derived from tests, studies, reports or surveys, whether conducted by city employees or others. (Ord. 830 § 1, 2008)

**2.48.040 Index of public records – Findings.**

A. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

B. RCW 42.56.070(4) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with agency operations.

C. The city is comprised of numerous departments, their divisions and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of records and information.

D. Because the city has records which are diverse, complex and stored in multiple locations and in multiple computer systems, formats and/or databases, it is unduly burdensome, if not physically impossible, to maintain a current index of all records. (Ord. 830 § 1, 2008)

**2.48.050 Index of public records – Order.**

Based upon the findings set forth in MMC 2.48.040, and pursuant to RCW 42.56.070(4), the city council orders the following:

A. The city is not required to maintain an all-inclusive index of public records due to the undue burden and near impossibility of maintaining such an index.

B. The city will make available for inspection and/or copying all public records, including any indexes that are maintained by the city as set forth in MMC 2.48.030, except to the extent that such records are exempt from public disclosure. (Ord. 830 § 1, 2008)

**2.48.060 Disclosure of public records.**

Unless exempt from disclosure under this chapter or other law, public records shall be available

for inspection and copying in accordance with this chapter. (Ord. 830 § 1, 2008)

**2.48.070 Procedure for inspection or copying.**

A. All persons desiring to inspect or obtain a copy of any public record must make their request in writing to the city clerk. The city clerk shall create and avail for public use a standard form by which a requestor may specify particular public records and provide the requestor's relevant contact information. Reasonable assistance as may be necessary to help a requestor locate particular records shall be provided either by the city clerk or by the city department maintaining the records; provided, that the provision of such assistance shall not unreasonably disrupt the normal operations of the city clerk, the department, or the assisting employee.

B. Except to the extent required or authorized by law, the city clerk or other city employee shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or copying would violate Chapter 42.56 RCW or other statute or ordinance that exempts or prohibits disclosure of specific information or records to certain persons. (Ord. 830 § 1, 2008)

**2.48.080 Processing public records requests – Review of decision.**

A. Responses to requests for public records shall be made promptly pursuant to Chapter 42.56 RCW. Within five business days of the date of receipt by the city of a written request for a record, the city clerk shall:

1. Provide the record; or
2. Acknowledge that the city has received the request and (a) provide a reasonable estimate of the time the city will require to respond to the request, or (b) request clarification; or
3. Deny the public record request in whole or in part.

B. Public records may be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public inspection or copying. Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. If a

public records request is unclear, the city clerk may ask the requestor to clarify what information the requestor is requesting. If the requestor fails to clarify the request, the city need not further respond to or process the request.

C. If the city clerk determines that the document is exempt in part but can be made available after deletion of exempt portions, the request shall be granted; provided, that such exempt portions shall first be deleted. If the city clerk determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided to the requestor; provided, that nothing herein shall be construed as requiring the city to disclose portions of a requested document if the entire document is exempt from disclosure.

D. In the event the city clerk denies inspection of all or any part of a request, the city clerk may seek review by the city attorney. The city clerk will notify the requestor by mail of the decision to grant or deny the request. (Ord. 830 § 1, 2008)

#### **2.48.090 Exemptions.**

The city adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the Public Records Act provided by law, including but not limited to those exemptions set forth in Appendix C to "Public Records Act for Washington Cities and Counties," Municipal Research and Services Center, Report No. 61, July 2006, as may be amended from time to time, a copy of which shall be maintained in the office of the city clerk. (Ord. 830 § 1, 2008)

#### **2.48.100 Reimbursement for copying costs.**

A. No fee shall be charged for the inspection of public records. Any person who requests a copy of any public record from the city clerk shall pay to the city clerk or designee a copying charge. The copying charges for public records, including but not limited to photocopies, maps, photographs including slides, audio tape recordings, video tape recordings and diskettes, shall be established by city council resolution. Nothing herein shall be construed to apply to charges for accident reports pursuant to RCW 46.52.085.

B. The city may charge all costs directly incidental to shipping such public records, including but not limited to the cost of postage or delivery charges and the cost of any container or envelope pursuant to RCW 42.56.070(7).

C. The city may, at its discretion, require the requestor to deposit a sum in an amount not to exceed 10 percent of the estimated cost of providing copies for a request. If the records are made available on a partial or installment basis, the city may charge for each part of the request as it is provided. If an installment of a records request is not paid for or reviewed within 20 days after the city provides notice of availability of the installment, the city is not obligated to fulfill the balance of the request.

D. Where the request is for a certified copy, there shall be an additional charge in the amount established by city council resolution to cover the additional expense and time required for certification. (Ord. 830 § 1, 2008)

#### **2.48.110 Model rules and administrative procedures.**

The city may, in its discretion, follow the Public Records Act model rules on file at the city clerk's office. The city manager, upon recommendation of the city clerk, may issue additional administrative procedures for the implementation of this chapter. (Ord. 830 § 1, 2008)

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**Chapter 2.52****DOCUMENT SUBMISSION  
REQUIREMENTS**

Sections:

- 2.52.010 Definitions.
- 2.52.020 Requirements – Exceptions.
- 2.52.030 Revisions to submitted documents.

**2.52.010 Definitions.**

For purposes of this chapter the words and phrases defined in this section shall mean as follows:

“Professional” means any architect, landscape architect, surveyor, engineer, or other professional examined and licensed or subject to licensing by the state. (Ord. 546 § 1, 1991)

**2.52.020 Requirements – Exceptions.**

A. Documents prepared, reviewed or submitted by a professional filed with the city shall carry the name of the individual, firm, company or corporation who prepared the documents and shall be signed and stamped or sealed by the professional responsible for its content on each sheet of the documents unless excepted by this chapter.

B. Exceptions.

1. Written correspondence and technical reports on the letterhead of the individual, firm, company or corporation need only be signed by the responsible professional.

2. Specifications, detail manuals, technical reports, calculations, or other notebook-size bound documents may be signed and stamped or sealed on page one of the index of contents. (Ord. 546 § 2, 1991)

**2.52.030 Revisions to submitted documents.**

Documents submitted to effect revisions to previous submittals shall have the signature and stamp or seal of the professional responsible for any part of the content affixed to each sheet of the documents at the time of submittal unless excepted by this chapter.

Revisions shall be made only by the professional signing the original document unless said professional notifies the city in writing that revisions to the documents have been approved by him or may be made without his approval. (Ord. 546 § 3, 1991)

**Chapter 2.56****TRAVEL AND EXPENSE  
REIMBURSEMENT**

Sections:

- 2.56.010 Reimbursement of expenses authorized.
- 2.56.020 Reimbursement policy.
- 2.56.030 Documentation of expenses – Receipts required.
- 2.56.040 Reimbursement for meals.
- 2.56.050 Reimbursement for travel.
- 2.56.060 Reimbursement for accommodations and lodging.
- 2.56.070 Reimbursement claims and approval procedure.
- 2.56.080 Travel advances.

**2.56.010 Reimbursement of expenses authorized.**

A. Officials and employees of the city are entitled to reimbursement of certain expenditures incurred while on official city business. Reimbursable expenses shall include expenses for transportation, lodging, meals, tips and other actual and necessary expenses related to official business.

B. “Official business” means performance of officially assigned duties, travel for approved public purposes, attendance at approved meetings or training and education seminars, attendance at approved conferences and other approved sessions involving municipal affairs. Approval shall be obtained from the city manager or city council as appropriate. (Ord. 551 § 1, 1992)

**2.56.020 Reimbursement policy.**

To qualify for reimbursement, expenses must be directly related to the conduct of city business and be actual, reasonable and necessary under the circumstances. Unnecessary or excessively costly expenditures will not be reimbursable. Exceptions to the policies and regulations set forth in this chapter may be made only for unusual or extenuating circumstances upon the written directive of the city manager, or in the case of the city manager and city councilmembers, by the council finance committee, but only when the claimed expenses reasonably relate to a benefit or service received by the city and compliance with these regulations was not feasible. (Ord. 551 § 2, 1992)

**2.56.030 Documentation of expenses – Receipts required.**

No claim for reimbursement shall be paid unless it is accompanied by a bona fide receipt. Receipts should show the date, a description of the purchase, vendor identification and amount paid. Credit card receipts are required where available. Meal ticket stubs or invoices will be accepted as long as the name of the restaurant and date of issue are included. Other rules for documenting specific types of expenses are identified below. (Ord. 551 § 3, 1992)

**2.56.040 Reimbursement for meals.**

A. Actual meal costs must be documented by a receipt. Meal costs shall not exceed \$60.00 per day (tip included).

Additional amounts may be approved by the city manager on an individual case basis, where and as required for high cost areas. Payment for table service at a restaurant, commonly referred to as a tip, is reimbursable but may not exceed 15 percent of the restaurant price of the meal.

B. If meal costs for persons other than the claimant are included, those persons must be entitled to reimbursement in their own right, and they shall be listed by name and title in the claim documentation. If such persons are not city employees or officials, the credit card receipt or expense voucher must detail the nature of the topic or topics discussed.

C. Unauthorized and unpermitted meal costs include, but are not limited to, liquor and expenses of a spouse or other person not authorized to receive reimbursement under this chapter. (Ord. 712 § 1, 2001; Ord. 551 § 4, 1992)

**2.56.050 Reimbursement for travel.**

The actual and necessary costs of travel for official business are reimbursable pursuant to the following guidelines:

A. City Vehicles. Necessary out of the area costs for operation of city vehicles, such as gas, tires and repairs;

B. Personal Vehicles. Authorized use of private vehicles shall be reimbursed at the prevailing Internal Revenue Service reimbursement rate for actual miles traveled;

C. Rental Vehicles. Vehicle rentals must be approved in writing in advance by the city manager;

D. Air Travel. Advance arrangements and authorization for air travel should be made using a requisition and purchase order;

E. Other Travel Expenses. Other travel expenses such as bus and taxi fare, bridge or other tolls, parking, ferry, porter, bellman and the like (not including maid service) are reimbursable if itemized on the reimbursement form. Receipts shall be submitted where possible. If any individual item exceeds \$5.00, a receipt is required. (Ord. 551 § 5, 1992)

**2.56.060 Reimbursement for accommodations and lodging.**

Actual and necessary hotel/motel accommodations will be reimbursed or paid in advance, limited to the maximum single room rate of the specific hotel or motel. A vendor's receipt is required for all accommodations. In the event the receipt includes nonreimbursable expenses, the claimant shall be responsible for such expenses. (Ord. 551 § 6, 1992)

**2.56.070 Reimbursement claims and approval procedure.**

A. All claims for reimbursement shall be submitted on approved forms supplied by the finance officer. If a travel advance has been obtained, the amount of the advance and the actual costs incurred must be reconciled. All claims for reimbursement must be submitted within 30 days of incurring the expense or the claim will be denied.

B. Claims requiring special or written approval of the city manager or finance officer must include such approval.

C. All noncouncil reimbursement claims must be authorized by the claimant's department head and the city manager.

D. Claims of the city manager and councilmembers must be approved by the council finance committee.

E. All approved reimbursable expense claims shall be paid and charged to the fund and department responsible for the expenses of the claimant. Minor expense items may be paid out of the petty cash fund. (Ord. 551 § 7, 1992)

**2.56.080 Travel advances.**

Whenever it becomes necessary for an employee or official to travel and incur expenses, a reasonable amount of funds may be drawn in advance of said expenditure subject to the approval of the finance officer. Said advance shall be calculated to include reasonably anticipated expenses for lodging, mileage and meals.

On or before the fifth working day following the close of the travel period for which expenses have been advanced, the official or employee shall sub-

mit to the finance officer a fully itemized travel expense voucher for all reimbursable items legally expended, accompanied by any unexpended portion of such advance. Any travel advance or portion thereof not repaid or accounted for in the time and manner specified herein shall be immediately reimbursed by check, cash or salary deduction and shall bear interest at the rate of 10 percent per annum from the date of default until paid. A travel advance may not be issued for less than \$50.00. (Ord. 551 § 9, 1992)

## Chapter 2.58

### CREDIT CARDS

#### Sections:

- 2.58.010 System adopted.
- 2.58.020 Implementation.
- 2.58.030 Distribution.
- 2.58.040 Authorization and control.
- 2.58.050 Credit limits.
- 2.58.060 Payment of bills.
- 2.58.070 Unauthorized charges.
- 2.58.080 Cash advances.
- 2.58.090 Additional procedures or policies.

#### **2.58.010 System adopted.**

The city council hereby adopts the following system as set out in this chapter for the issuance, use and control of credit cards by city officials and employees. (Ord. 711 § 1, 2001)

#### **2.58.020 Implementation.**

The finance officer shall implement the following system for the distribution, authorization and control, credit limits and payment of bills related to the use of credit cards by city officials and employees. (Ord. 711 § 1(A), 2001)

#### **2.58.030 Distribution.**

Credit cards may be distributed to those city officials and employees who, in the opinion of the finance officer, have job responsibilities which would be facilitated by the use of a credit card and the credit card use would benefit the city. (Ord. 711 § 1(A)(1), 2001)

#### **2.58.040 Authorization and control.**

The city manager shall develop and implement guidelines and accounting controls to ensure the proper usage of credit cards and credit card funds. (Ord. 711 § 1(A)(2), 2001)

#### **2.58.050 Credit limits.**

The finance officer shall set credit limits on each credit card issued. The credit limit shall not exceed \$2,500 without written approval of the city manager. (Ord. 711 § 1(A)(3), 2001)

#### **2.58.060 Payment of bills.**

The finance officer shall establish and implement a written procedure for the payment of all credit card bills. (Ord. 711 § 1(A)(4), 2001)

**2.58.070 Unauthorized charges.**

Any employee using a city-issued credit card for noncity business shall be billed for all charges on the credit card, and the city manager or his/her designee is directed and authorized to take all necessary legal actions to recover any unauthorized charges. (Ord. 711 § 1(A)(5), 2001)

**2.58.080 Cash advances.**

No city-issued credit card shall be used to obtain a cash advance. (Ord. 711 § 1(A)(6), 2001)

**2.58.090 Additional procedures or policies.**

The finance officer is authorized to adopt any additional procedures or policies necessary to implement the provisions of this chapter. (Ord. 711 § 1(B), 2001)

**Chapter 2.60**

**DISPOSAL OF SURPLUS  
PERSONAL PROPERTY**

Sections:

- 2.60.010 Sale of unneeded property owned by the city.
- 2.60.020 Trade-ins-of personal property.
- 2.60.030 Sale at public auction.
- 2.60.040 Advertisement of sale.
- 2.60.050 Intergovernmental sale.
- 2.60.060 Rejection of bids – Bid deposits.

**2.60.010 Sale of unneeded property owned by the city.**

The city manager may authorize department heads to sell property owned by the city and which is in the custody of their department when they have declared in writing to the city manager that the property is no longer of public use to the city, or that the sale thereof would be in the best interest of the city; provided, that the city council must approve any declaration of surplus property with a value in excess of \$300.00. (Ord. 552 § 1, 1992)

**2.60.020 Trade-ins-of personal property.**

A. The city manager may direct either the sale or the “trade-in” of personal property upon the purchase of substitute personal property.

B. If the city manager elects to trade-in used personal property, the city shall include in a call for bids for the substitute equipment a notice that the city has for sale or trade-in used equipment of a specific type and description which will be sold or traded-in on the same day and hour that bids for new equipment are opened. Any bidder on the new equipment may include in his offer to sell an offer to accept the used equipment as part payment of the new equipment purchase price setting forth the amount of such allowance.

C. Bids may be submitted for purchase of the used property only.

D. In determining the lowest and best bid on the new equipment, the city shall consider the net cost of such new equipment after trade-in allowances or independent offers to purchase have been deducted. (Ord. 552 § 2, 1992)

**2.60.030 Sale at public auction.**

All sales of city property, except items offered for trade-in or sold to another governmental agency, shall be sold at public auction. The city manager may determine whether such auction shall

be by sealed bid or by public auction. (Ord. 552 § 3, 1992)

**2.60.040 Advertisement of sale.**

Whenever city property is to be sold by sealed bid or by public auction, the city clerk shall publish notice thereof in the official newspaper of the city. Such notice shall also be posted in a conspicuous place at City Hall. The notice shall be published at least 10 days prior to the date fixed for the sale of the property. The notice shall describe the property to be sold and designate the day, hour, place of sale and method of bidding. (Ord. 552 § 4, 1992)

**2.60.050 Intergovernmental sale.**

The city manager may dispose of city property to another governmental agency, and may acquire property from another governmental agency by means of private negotiations, upon such terms as may be agreed upon, and for such consideration as may be deemed by the city manager to be appropriate. (Ord. 552 § 5, 1992)

**2.60.060 Rejection of bids – Bid deposits.**

The city shall have the right to reject all bids received, whether by sealed bids or at public auction. When sealed bids are called for, the city shall have the right to require bid deposits. (Ord. 552 § 6, 1992)

**Chapter 2.64**

**SMALL WORKS ROSTER**

Sections:

- 2.64.010 MRSC rosters.
- 2.64.020 Small works rosters.
- 2.64.030 Consulting services rosters.

**2.64.010 MRSC rosters.**

The city of Medina has contracted with the Municipal Research and Services Center of Washington (MRSC) to adopt for city of Medina use those statewide electronic databases for small works roster and consulting services developed and maintained by MRSC. In addition, paper and/or electronic rosters may be kept on file by appropriate city of Medina departments. (Ord. 822 § 2, 2007)

**2.64.020 Small works rosters.**

The following small works roster procedures are established for use by the city of Medina pursuant to RCW 39.04.155:

A. Cost. The city of Medina need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed \$200,000, which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the city of Medina may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

B. Publication. At least once a year, the city of Medina, on its own or through MRSC, shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate city or MRSC roster or rosters at any time that they submit a written request and necessary records. The city of Medina may require master contracts to be signed that become effective when a specific award is made using a small works roster.

C. Telephone or Written Quotations. The city of Medina shall obtain telephone, written or electronic quotations for public works contracts from

contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350(2).

1. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.

2. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the city of Medina may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

3. If the estimated cost of the work is from \$100,000 to \$200,000, the city of Medina may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The city of Medina has the sole option of determining whether this notice to the remaining contractors is made by:

a. Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;

b. Mailing a notice to these contractors; or

c. Sending a notice to these contractors by facsimile or email.

4. At the time bids are solicited, the city of Medina representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

5. A written record shall be made by the city of Medina representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

D. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than \$35,000, the

city of Medina may award such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the city of Medina will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the city of Medina may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under RCW Title 82 that may be due from the contractor for the limited public works project. However, the city of Medina shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The city of Medina shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

E. Determining Lowest Responsible Bidder. The city council or designated city official shall award the contract for the public works project to the lowest responsible bidder; provided, that all bids may be rejected and the city may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the city of Medina.

F. Award. The city manager shall be authorized to award and execute contracts in accordance with Chapter 2.66 MMC. (Ord. 822 § 3, 2007)

### **2.64.030 Consulting services rosters.**

A. Consulting Services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

B. Publication. At least once a year, the city of Medina, on its own or acting through MRSC, shall publish in a newspaper of general circulation

within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the city of Medina who can provide further details as to the city of Medina's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate roster or rosters at any time that they submit a written request and necessary records. The city of Medina may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

C. Professional Architectural and Engineering Services. The MRSC and city rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the city of Medina's projected requirements for any category or type of professional or other consulting services. The city of Medina reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate city of Medina departments. (Ord. 822 § 4, 2007)

## Chapter 2.66

### CONTRACTS

Sections:

2.66.010 Contract approval authorization.

#### **2.66.010 Contract approval authorization.**

The following procedure is hereby established for the approval of certain contracts and granting the city manager authority with respect to such contracts:

A. The city council authorizes the city manager to enter into and execute on behalf of the city the following contracts without individual approval of each contract by the city council, so long as the contract is consistent with the approved annual budget for the city, and the city's liability under the contract does not exceed available fund balances:

1. Contracts for purchases of goods, supplies, materials, or equipment involving a cost or fee (excluding sales tax) of less than \$15,000.

2. Professional service contracts, including contracts for architectural, engineering, legal, and consulting services involving a cost or fee (excluding sales tax) of less than \$15,000.

3. Maintenance contracts involving a cost or fee (excluding sales tax) of less than \$10,000 per year.

4. Public works projects involving a cost or fee of less than \$35,000 involving multiple trades and \$20,000 involving a single trade.

5. Settlement agreements involving a cost or fee of less than \$20,000, including retention of legal counsel and expert consultants, involving damage claims or suits.

6. Other routine agreements where no expenditure is involved, or the cost, expenditure, or fee (excluding sales tax) does not exceed \$10,000.

7. Lease agreements for materials, supplies, and equipment where the expenditure or fee does not exceed \$10,000.

8. Sale of unneeded surplus personal property with an estimated cumulative value of \$10,000 or less, which has been certified for disposition, such sale or disposition to be made by the city manager in accordance with informal procedures and in the best interest of the city.

9. Contracts that carry out or implement a provision of the Medina Municipal Code or established city policy, e.g., maintenance or performance bonds for plat improvements.

10. Emergency Contracts. “Emergency” means a set of unforeseen circumstances that either:

- a. Presents a real, immediate threat to the proper performance of essential functions; or
- b. May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; or
- c. For public works projects, may result in a substantial loss to the city if the contract is not immediately entered into.

11. Employment and Personnel Contracts for Positions That Have Been Approved by the City Council. All compensation, including wages, salaries and benefits such as health, dental and vision insurance, vacation time, sick leave, severance pay and similar matters, shall be established by the city council through budget allocation, motion, resolution, ordinance or approval of a contract. Compensation may be established in a fixed sum or the city manager may determine the exact sum if the city council establishes a compensation range.

B. The breaking down of any purchase or contract into units or phases for the purpose of avoiding the maximum dollar amount is prohibited. The amount of a contract includes all amendments; provided, however, that amendments that do not exceed in total 10 percent of the contract amount may be entered into without prior city council approval.

C. The city manager may present any contract to the city council for prior approval, even if the contract is allowed to be approved without prior city council approval.

D. The city manager is authorized to execute on behalf of the city an agreement that is made pursuant to the Interlocal Cooperation Act (see Chapter 39.34 RCW), provided the agreement either imposes no financial obligation on the city or the contract is for less than \$5,000. The interlocal agreement shall be delivered to the city clerk’s office in order that the interlocal agreement will be recorded for purposes of RCW 39.34.040.

E. The city manager shall promptly, within 10 days, provide the city council a copy (or summary) of any contract (or amendment, extension or renewal) that has not received prior approval by the city council.

F. “Contract” means any agreement creating a legal relationship between the city and another person or entity, or any amendment, extension or renewal thereto. (Ord. 775 § 1, 2004)

## Chapter 2.68

### POTENTIAL CONFLICTS OF INTEREST

#### Sections:

- 2.68.010 Declaration of policy.
- 2.68.020 Definitions.
- 2.68.030 Use of public property.
- 2.68.040 Conflict of interest.
- 2.68.050 Gifts and favors.
- 2.68.060 Outside employment.
- 2.68.070 Contracts and purchasing.
- 2.68.080 RCW Title 42.
- 2.68.090 Violation.

#### **2.68.010 Declaration of policy.**

This chapter is enacted to establish guidelines for standards of conduct which shall govern the performance of city employees in the conduct of public project work and other city business, and to prevent potential conflicts of interest. (Ord. 556 § 1, 1992)

#### **2.68.020 Definitions.**

Definitions as used in this chapter, unless additional meaning clearly appears from the content, shall have the meaning subscribed:

A. “Employee” means any person holding a regularly compensated position of employment with the city but does not include members of the city council and persons who serve without compensation on city boards and commissions.

B. “Interest” means direct or indirect monetary or material benefit accruing to a city employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which confer similar benefits to all other persons and/or property similarly situated. For the purpose of this chapter, an employee shall be deemed to have an interest in the affairs of:

1. Any person of the employee’s family or any person with whom the employee has a close or ongoing business or social relationship;

2. Any business entity in which the city employee is an officer, director or employee;

3. Any person or business entity with whom a contractual relationship exists with the employee; provided, that a commercially reasonable loan made in the ordinary course of business or contract for a commercial retail sale shall not be deemed to create an interest in violation of this chapter. (Ord. 556 § 2, 1992)

**2.68.030 Use of public property.**

No city employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit. Use is to be restricted to such services as are available to the public generally or for the authorized conduct of official business and for such purposes as and under such conditions as are directed by the city manager. (Ord. 556 § 3, 1992)

**2.68.040 Conflict of interest.**

No city employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

A. Receives or has any financial interest in any sale to the city of any service or property when such financial interest was received with prior knowledge that the city intended to purchase such property or obtain such service;

B. Solicits, accepts or seeks anything of economic value as a gift, gratuity or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the city; provided, that the prohibition against gifts or favors shall not apply to:

1. Attendance of an employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of city business or where official attendance by the employee as a staff representative is appropriate,

2. An award publicly presented in recognition of public service, or

3. Any gift which would have been offered or given to the employee if he or she were not a city employee;

C. Participates in his or her capacity as a city employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the city;

D. Influences the city's selection of, or its conduct of business with, a corporation, person or firm having business with the city if the employee has financial interest in or with the corporation, person or firm;

E. Engages in, accepts private employment from or renders services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties;

F. Appears on behalf of a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the city or a city officer in an official capacity is a part, or accepts a retainer or compensation that is contingent upon a specific action by the city;

G. Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the city to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the city;

H. Has a financial or personal interest in any legislation coming before the city council and participates in discussion with or gives an official opinion to the city council, unless the employee discloses on the record of the council the nature and extent of such interest;

I. Holds, directly or indirectly, for purposes of personal financial gain, investment or speculation, any interest in real property situated within the city, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the city in regard to the regulation of land use or development; provided, that his prohibition shall not apply to:

1. Real property devoted to the personal use or residence of the employee or member of the employee's immediate family. (Ord. 556 § 4, 1992)

**2.68.050 Gifts and favors.**

A. It is the policy of the city that no employee may give or accept gifts or favors of value in his business relationships with firms or persons with whom the city does business, except that the following shall be permitted:

1. Certain business courtesies, such as payment for a modest lunch or dinner to others under essentially the same business relationship with the donor;

2. Advertising novelties of no appreciable value which are widely distributed to others under essentially the same business relationship with the donor.

B. It is the policy of the city and a rule of public employment that no city employee shall:

1. Take or use any city property, money nor the name or credit of the city for his own personal or private use or benefit, or for the personal or private use of any other person, where to do so would constitute a gift or lending of city property, credit or name;

2. No city employee shall use his position or authority as a public employee to secure for himself, his spouse, child or parents, any special privilege or exemption. (Ord. 556 § 5, 1992)

**2.68.060 Outside employment.**

Employees shall not engage in, accept private employment for, or render services for private interest when such activity may (1) occur during working hours; (2) detract from the efficiency of the employee while performing city duties; (3) constitute a conflict of interest or create an appearance of impropriety as determined by the city manager; (4) stem from information or contacts made during city employment; (5) take preference over extra duty required by city employment; (6) interfere with emergency call-out duty; (7) tend to impair independence of judgement or action in performance of official duties; or (8) involve the use of any city resources such as copiers, telephones, supplies, other equipment or time. If an employee is unsure as to these criteria or the effect of his/her outside employment, he/she should contact the city manager prior to beginning outside employment. (Ord. 556 § 6, 1992)

**2.68.070 Contracts and purchasing.**

A. No city employee shall make any purchase or contract for supplies, materials, equipment or contractual service other than in accordance with the purchasing regulations of the city. Any city employee making such purchase or contract contrary thereto or accepting for delivery to the city, any items purchased contrary thereto shall be personally responsible for payment of same. To the extent that the city may be required to pay for same, the city shall be entitled to recover the full amount of such payment from such employee.

B. No city employee shall be beneficially interested, directly or indirectly, in any contract or purchase which may be made by, through or under the supervision of the employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract or purchase.

C. Any contract made in violation of the provision of this chapter shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the city. (Ord. 556 § 7, 1992)

**2.68.080 RCW Title 42.**

Nothing in this chapter shall be construed to permit, condone or allow any activity or practice pro-

hibited by Chapter 42.20 RCW or Chapter 42.23 RCW relating to conflicts of interest, improper practices and codes of ethics for public officials and employees.

This chapter is not intended to address all prohibited behaviors that may constitute conflicts of interest for employees. For those situations not addressed in this chapter, employees should consult with the city manager to guide their actions. (Ord. 556 § 8, 1992)

**2.68.090 Violation.**

Violation of any of the provisions of this chapter may be grounds for disciplinary action, including discharge. (Ord. 556 § 9, 1992)

**Chapter 2.72****BOARD OF LIBRARY TRUSTEES**

## Sections:

- 2.72.010 Creation.
- 2.72.020 Purpose.
- 2.72.030 Membership.
- 2.72.040 Officers.
- 2.72.050 Meetings.

**2.72.010 Creation.**

There is created an advisory board for library services to be called the board of library trustees, hereinafter referred to as the "board." (Ord. 557 § 1, 1992)

**2.72.020 Purpose.**

The purpose of the board shall be to further library service for the city.

A. The board shall serve as liaison between, and provide input to, King County library district, the Bellevue library board, the community and the city council, undertaking any activities feasible to increase library consciousness on the part of local citizens and to bring about maximum use of library facilities and services.

B. The board shall cooperate with local, regional and national trustee associations, and the Bellevue Friends of the Library to participate in library matters of county, state and national scope.

C. In the event that moneys or property are donated to the city for library purposes, the board shall advise the city council as to the appropriate use of such moneys or property. Moneys or property so received shall be held in trust for library purposes to be used, administered and expended as directed by the city council. (Ord. 557 § 2, 1992)

**2.72.030 Membership.**

A. The board shall consist of five trustees appointed by the mayor with the consent of the city council. The trustees shall be selected from interested and qualified residents of the city.

B. The regular term of office for each trustee shall be three years except as to the initial membership which shall consist of two members appointed for four years and three members appointed for five years.

C. Trustees whose terms have expired may be reappointed subject to the limitations on reappointment set forth in MMC 2.24.020.

D. The mayor, with the consent of the city council, may appoint trustees to fill the unexpired terms of any positions that become vacant.

E. The position of a trustee shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the members of the board. (Ord. 557 § 3, 1992)

**2.72.040 Officers.**

A. Officers shall consist of a chairperson, a vice-chairperson and secretary.

B. Officers shall be elected by the board from its membership for a term of one year to expire on January 31st of each year. (Ord. 557 § 4, 1992)

**2.72.050 Meetings.**

A. A minimum of four meetings shall be held in every calendar year, on dates to be determined by the board. Special meetings may be called as necessary by the chairperson or a majority of the board, with proper notice to the public.

B. Three members shall constitute a quorum.

C. All meetings of the board shall be conducted in accordance with Robert's Rules of Order unless the board shall adopt its own rules of order. (Ord. 557 § 5, 1992)

## Chapter 2.76

### INDEMNIFICATION OF EMPLOYEES AND OFFICIALS

#### Sections:

- 2.76.010 Definitions.
- 2.76.020 Legal representation.
- 2.76.030 Exclusions.
- 2.76.040 Determination of exclusion.
- 2.76.050 Representation and payment of claims – Conditions.
- 2.76.060 Effect of compliance with conditions.
- 2.76.070 Failure to comply with conditions.
- 2.76.080 Reimbursement of incurred expenses.
- 2.76.090 Conflict with provisions of insurance policies.
- 2.76.100 Pending claims.

#### **2.76.010 Definitions.**

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

A. “Employee” means any person who is or has been employed by the city. Consultants shall not be included within the meaning of the word “employee” unless they are employed on a full-time salaried basis.

B. “Official” means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city.

C. “Insurance” means and includes any program of self-insurance.

D. “Insurance policy” means and includes any documents or agreements providing for or pertaining to any plan of self-insurance. (Ord. 573 § 1, 1993)

#### **2.76.020 Legal representation.**

A. As a condition of service or employment, the city shall provide to an official or employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official or employee resulting from any conduct, act or omission of such official or employee performed or omitted on behalf of the city in their capacity as a city official or employee, which act or omission is

within the scope of their service or employment with the city.

B. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance provides otherwise;
2. A conflict of interest or ethical bar exists with respect to said representation; or
3. The city attorney determines that outside counsel should be retained.

C. In the event that outside counsel is retained under subsection (B) of this section, the city shall indemnify the employee from the reasonable costs of defense. (Ord. 573 § 2, 1993)

#### **2.76.030 Exclusions.**

A. In no event shall protection be offered under this chapter by the city for:

1. Any dishonest, fraudulent, criminal or malicious act or course of conduct of an official or employee;
2. Any act or course of conduct of an official or employee which is not performed on behalf of the city;
3. Any act or course of conduct which is outside the scope of an official’s or employee’s service or employment with the city; and/or
4. Any lawsuit brought against an official or employee by or on behalf of the city.

B. Nothing in this chapter shall be construed to waive or impair the right of the city to institute suit or counterclaim against any official or employee nor to limit the ability to discipline or terminate an employee.

C. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official or employee is insured against loss or damages, provided the city shall, under the terms of this chapter, 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 or employee. The city shall have the right to require an employee to utilize any such policy protection prior to requesting the protection afforded by this chapter. (Ord. 573 § 3, 1993)

#### **2.76.040 Determination of exclusion.**

The determination of whether an official or employee shall be afforded a defense by the city under the terms of this chapter shall be made by the city manager. The determination of whether the

city manager shall be afforded a defense by the city under the terms of this chapter shall be made by the city council. (Ord. 573 § 4, 1993)

**2.76.050 Representation and payment of claims – Conditions.**

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

A. 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 or employee involved shall, as soon as practicable, give the city written notice thereof, identifying the official or employee involved, all information known to the official or employee with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

B. Upon receipt thereof, the official or employee shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city, and shall cooperate with the city attorney or an attorney designated by the city, and, upon request, assist in the defense or settlement of any suit and in enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city 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 out of state or federal statute upon determination that the suit brought is frivolous in nature.

C. Such official or employee 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 or employee and, in the event that an employee has left the employ of the city, no fees or compensation shall be provided.

D. Such official or employee shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to said claim or suit; other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage. (Ord. 573 § 5, 1993)

**2.76.060 Effect of compliance with conditions.**

If legal representation of an official or employee is undertaken by the city attorney or another attor-

ney retained by the city, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may at its discretion appeal such judgment. (Ord. 573 § 6, 1993)

**2.76.070 Failure to comply with conditions.**

In the event that any official or employee fails or refuses to comply with any of the conditions of this chapter, 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 and the city shall have no liability in connection with such claims against the employee or official and shall have no liability for payment of attorneys' fees. (Ord. 573 § 7, 1993)

**2.76.080 Reimbursement of incurred expenses.**

A. If the city determines that an official or employee does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official or employee and reasonable attorneys' fees incurred in defending against the claim. The city 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 or employee shall pay the city's costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter.

B. If the city determines that a claim against a city official or employee does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter by such city official or employee. (Ord. 573 § 8, 1993)

**2.76.090 Conflict with provisions of insurance policies.**

The indemnification provisions of this title do not constitute a policy of insurance, and nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official or employee thereof is an insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter only outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter. (Ord. 573 § 9, 1993)

**2.76.100 Pending claims.**

The provisions of this chapter shall apply to any pending claim or lawsuit against any official or employee, 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. 573 § 10, 1993)

**Chapter 2.78**

**HEARING EXAMINER**

Sections:

- 2.78.010 Purpose.
- 2.78.020 Hearing examiner position established – Appointment – Compensation.
- 2.78.030 Qualifications.
- 2.78.040 Hearing examiner pro tem.
- 2.78.050 Conflict of interest.
- 2.78.060 Rules for hearings.
- 2.78.065 Variances – Conditions for granting.
- 2.78.070 Hearing examiner – Duties.
- 2.78.080 Recommendations or decision.
- 2.78.090 Request for reconsideration.
- 2.78.100 Appeal from examiner's decision.
- 2.78.110 Transition period.
- 2.78.120 Hearing examiner fee.
- 2.78.130 Expiration of variances, conditional use permits and special use permits.

**2.78.010 Purpose.**

- A. Provide a single, efficient, integrated land use regulatory hearing system;
- B. Provide a greater degree of due process in land use regulatory hearing;
- C. Separate the land use policy formulation and the land use administration processes;
- D. Provide a single, efficient integrated system for hearing appeals of administrative decisions;
- E. Provide a forum to hear other matters as established by city code. (Ord. 701, 2001)

**2.78.020 Hearing examiner position established – Appointment – Compensation.**

The city council creates the position of hearing examiner. The city council shall provide the city manager with comments regarding the qualifications of the final candidates for the position. The city manager shall employ or contract with one or more persons to fill this position. (Ord. 701, 2001)

**2.78.030 Qualifications.**

The hearing examiner and examiner pro tem shall be appointed solely with regard to their qualification for the duties of the office. The hearing examiner and examiner pro tem shall have extensive legal experience in the area of land use management or administrative law. (Ord. 701, 2001)

**2.78.040 Hearing examiner pro tem.**

In the event of the absence or the inability of the hearing examiner to act, the examiner pro tem shall have all the duties and powers of the hearing examiner. (Ord. 701, 2001)

**2.78.050 Conflict of interest.**

The hearing examiner shall not conduct or participate in any hearing or decision in which the hearing examiner has a direct or indirect personal interest which might influence the examiner, interfere with the decision making process or raise an appearance of fairness concern. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery. In the event of a prehearing contact regarding a matter at issue, the hearing examiner shall disclose said contact and shall not participate in the hearing unless all parties agree in writing to have the matter heard by that hearing examiner. Nothing in this section may be construed to prohibit the city manager or any official or employee of the city from appearing before or submitting written information to the hearing examiner in the normal process of conducting public hearings for the city. (Ord. 701, 2001)

**2.78.060 Rules for hearings.**

The examiner shall provide rules for scheduling and conduct of hearings and other matters relating to the duties of the 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. 701, 2001)

**2.78.065 Variances – Conditions for granting.**

Where unnecessary hardships and practical difficulties are created for the landowner in the application of the provisions of the zoning ordinances, the hearing examiner shall have power, in passing on applications therefor, to grant a variance in harmony with the general purpose and intent of said zoning ordinances and such variances may vary any rules, regulations or provisions of the zoning ordinances relating to the use of land and/or structures so that the spirit of the ordinances will be observed, public safety secured, and substantial justice done.

A. The hearing examiner shall not vary any of the rules, regulations, or provisions of the zoning ordinances unless it finds, after public hearing, that all of the following conditions exist in each case of an application for variance:

1. Exceptional or extraordinary circumstances apply to the property itself, such as lot size, shape or topography, which do not apply generally to all other properties in the same zone or vicinity. Qualifying circumstances shall not be the result of the actions of the applicant or of the wrongful actions of any previous owner that the applicant was aware of or that the applicant should have been aware of with the exercise of reasonable care.

2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

3. The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.

4. The granting of a variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district.

5. The variance is necessary to relieve a material hardship, which cannot be relieved by any other means. The material hardship must relate to the land itself and not to problems personal to the applicant.

6. The variance permitted is the minimum variance necessary.

7. The variance is compatible with and meets the spirit of the comprehensive plan.

B. In determining whether to approve an application for a variance, evidence of variances granted under similar circumstances shall not be considered.

C. In authorization of a variance, the hearing examiner may attach such conditions regarding the location, character and other features of the proposed structure as he or she may deem necessary to carry out the spirit and purpose of the Medina zoning code and the public interest. (Ord. 752 § 1, 2003; Ord. 701, 2001)

**2.78.070 Hearing examiner – Duties.**

The hearing examiner shall review and act on the following:

A. Appeals of administrative decisions/determinations, including but not limited to SEPA determinations, lot line adjustments, short subdivisions, administrative interpretations, code enforce-

ment and any other decisions affecting a landowner's ability to develop property within the city;

- B. Conditional use permits;
- C. High bank density development permits;
- D. Planned land use development permits;
- E. Shoreline conditional use permits;
- F. Shoreline variances;
- G. Special use permits, except where reviewed administratively per MMC 14.08.020(B);
- H. Substantial development permits;
- I. Tree removal and pruning pursuant to Chapter 12.28 MMC;
- J. Variances, except where reviewed administratively per MMC 14.08.020(A);
- K. Historical use permits. (Ord. 820 § 1, 2007; Ord. 817 § 2I, 2007; Ord. 798 § 2, 2006; Ord. 760 § 1, 2003; Ord. 701, 2001)

**2.78.080 Recommendations or decision.**

The examiner's recommendation or decision may be to grant or deny the application, or the hearing examiner may recommend or require of the applicant such conditions, modifications and restrictions as the hearing examiner finds necessary to make the application compatible with applicable state laws, and to carry out the objective and goals of the comprehensive plan, the zoning code, the subdivision code, and other codes and ordinances of the city. Conditions, modifications and restrictions which may be imposed are, but are not limited to, additional setbacks, screening in the form of landscaping and fencing, covenants, easements and dedications of additional road rights-of-way. Performance bonds or other financial assurances may be required to insure compliance with conditions, modifications and restrictions.

The examiner shall render a written decision within 10 working days of the conclusion of the hearing, unless a longer period of time is agreed to in writing by the owner. The copy of such decision, including findings and conclusions shall be transmitted to the owner, applicant and other parties of record. (Ord. 701, 2001)

**2.78.090 Request for reconsideration.**

Any aggrieved party may file a motion for reconsideration of a decision of the hearing examiner. Such request for reconsideration shall be in writing and filed within 14 days of the date of the decision. The hearing examiner shall consider the request for reconsideration at its next regular meeting. Such requests shall be granted if one or more of the following elements are established:

A. The application has been substantially modified. Modifications which address concerns expressed by the hearing examiner in denying an application shall be given special consideration;

B. Irregularity in the hearing of the reviewing agency preventing a party from having a fair hearing;

C. Newly discovered, material evidence which the party applying for reconsideration could not have discovered and produced at the hearing with reasonable diligence;

D. Errors in law objected to at the time by the party filing the request for reconsideration.

Upon the filing of a motion for reconsideration, the time for appeal shall not commence to run until such request is denied or until notification of the issuance of a decision following the grant of a request for reconsideration. (Ord. 701, 2001)

**2.78.100 Appeal from examiner's decision.**

The decision of the examiner may be appealed by filing a land use petition in King County superior court. Such petition must be filed within 21 days from the date of decision. (Ord. 701, 2001)

**2.78.110 Transition period.**

The position of the hearing examiner shall replace the duties of the board of adjustment and planning commission as provided in MMC 2.78.070. The board of adjustment and the planning commission shall still function in their prior capacity until the transition period is complete as determined by the city manager, not to exceed six months from the effective date of the ordinance codified in this chapter. (Ord. 701, 2001)

**2.78.120 Hearing examiner fee.**

In addition to all other fees and costs required, each application for a permit which requires a hearing before the hearing examiner shall be assessed an additional fee of \$1,000 to defer the expense of the hearing examiner. (Ord. 705 § 1, 2001)

**2.78.130 Expiration of variances, conditional use permits and special use permits.**

All variances, conditional use permits and special use permits shall expire after 18 months unless the applicant has sooner filed a complete building permit application. Any time during which the decision is subjected to judicial review shall not be counted in calculating the expiration date. (Ord. 751 § 2, 2003)

**Chapter 2.82****PAYMENT OF CLAIMS OR OBLIGATIONS**

Sections:

2.82.010 Required.

**2.82.010 Required.**

Payment of claims or obligations of the city shall be payable by check out of solvent funds. The public depository under which such funds are to be drawn shall be U.S. Bank, Bellevue Branch, or such other banking institutions as may be contracted with to provide primary banking services to the city. The finance officer and city manager, or such other officers or employees of the city as have been designated in writing by the city manager, shall be the officers of the city authorized to sign city checks. (Ord. 697 § 1, 2000)

**Chapter 2.84****EMERGENCY SERVICES ORGANIZATION**

Sections:

2.84.010 Established.

2.84.011 Definitions.

2.84.015 Operations.

2.84.016 Proclamation of emergency.

2.84.017 Emergency authorizations.

2.84.020 Director of emergency services.

2.84.030 Powers.

2.84.040 Emergency operations director.

2.84.050 Emergency preparedness officer.

2.84.060 Continuity of emergency management.

**2.84.010 Established.**

Pursuant to Chapter 38.52 RCW, there is established in the city of Medina an emergency services organization for the purpose of performing local emergency management functions. The basic role of the organization is to represent the city during emergencies and to manage and coordinate the city's emergency mitigation, preparedness, response and recovery activities. (Ord. 733 § 1, 2002)

**2.84.011 Definitions.**

A. Emergency. An "emergency" is the actual or threatened existence of conditions that place life, property or the environment in danger and potentially impact the provision of essential city services. An emergency requires an immediate response to protect life and property.

B. Disaster. 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 city and require the combined forces of the city and other political jurisdictions to respond. (Ord. 733 § 1, 2002)

**2.84.015 Operations.**

The organization shall operate under the policy guidance of the Medina 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. 733 § 1, 2002)

**2.84.016 Proclamation of emergency.**

The mayor, upon determining that an emergency exists, has the authority and responsibility for making the proclamation of local emergency. The plan defines the criteria for making an emergency proclamation. (Ord. 733 § 1, 2002)

**2.84.017 Emergency authorizations.**

The proclamation of local emergency is a public acknowledgement of the serious situation the city faces and authorizes the city to exercise the powers vested by RCW 38.52.070 and RCW 35A.33.080. The city 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 expenditures of public funds. The director of emergency services or delegated representative may authorize emergency expenditures as needed to protect the health and safety of persons and properties during emergencies. (Ord. 733 § 1, 2002)

**2.84.020 Director of emergency services.**

A. The director of emergency services shall be directly responsible for the organization, administration and operation of the emergency services organization. The city manager or his designee shall serve as the director of emergency services. The Medina Comprehensive Emergency Management Plan and any amendments thereto shall be effective when approved by the director of emergency services.

B. The director of emergency services shall appoint an emergency services committee to help in the development, implementation and maintenance of the Comprehensive Emergency Management Plan. 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.

C. 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 city personnel assigned

emergency responsibilities in the plan, city consultants, representatives from emergency support agencies such as the Red Cross, and representatives from the agencies supplying fire, sewer and water services to the city. (Ord. 733 § 1, 2002)

**2.84.030 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. 733 § 1, 2002)

**2.84.040 Emergency operations director.**

A. The emergency operations director shall manage the Medina 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 city to combat the effects of a threatened or any actual emergency and the authority to request mutual aid or assistance from other public entities.

B. 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 city council during emergency and recovery periods and provide policy direction for development and maintenance of the Medina Comprehensive Emergency Management Plan.

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

D. The Incident Command System will form the basis for the organizational structure of the Emergency Operations Center and for field level emergency response.

E. The emergency operations director, in consultation with the director of emergency services, may convene a policy group to provide advice and recommendations to the city 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. 733 § 1, 2002)

**2.84.050 Emergency preparedness officer.**

The emergency preparedness officer shall direct and coordinate development, implementation and maintenance of the Medina Comprehensive Emergency Management Plan. 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. 733 § 1, 2002)

**2.84.060 Continuity of emergency management.**

The city's Comprehensive Emergency Operations Plan 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. 733 § 1, 2002)

**Chapter 2.86****GIFTS, GRANTS, DONATIONS  
AND BEQUESTS**

## Sections:

2.86.010 Acceptance authorized.

2.86.020 Policy – Procedure.

**2.86.010 Acceptance authorized.**

The city may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may extend or use it for any municipal purpose. (Ord. 810 § 1, 2007)

**2.86.020 Policy – Procedure.**

The city manager shall be responsible for creating policies and procedures for receiving, recording, accounting for, and safeguarding money or property received under this chapter, and such administrative guidelines shall be approved by the city council. (Ord. 810 § 2, 2007)

