

Title 2

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Chapter 2.04

Chapter 2.06

COUNCIL MEETINGS

MAYOR PRO TEMPORE

Sections:

2.04.010 Time and place designated.

Sections:

2.06.010 Election.

2.04.010 Time and place designated.

Effective April 6, 1998, the regular meeting of the council of the city of Newport, Washington, shall be held in the Council Chambers, City Hall, 200 So. Washington Avenue, Newport, Washington at 6:00 p.m. on the first and third Mondays of each calendar month. (Ord. 909 § 1, 1998; Ord. 572 § 1, 1979; Ord. 311 § 1, 1950)

2.06.010 Election.

At the second regular meeting in January of each year, members of the city council shall elect from their number a mayor pro tempore who shall hold office at the pleasure of the council, and in case of the absence of the mayor, perform the duties of mayor except that he shall not have the power to appoint or remove any officer or to veto any ordinance. This requirement is in addition to that of RCW 35.24.190. (Ord. 632 § 1, 1982)

2.08.010

Chapter 2.08

CLERK/TREASURER

Sections:

2.08.010 Office established.

2.08.020 Office hours.

2.08.010 Office established.

The appointive offices of town clerk and town treasurer are consolidated, creating a combination office of city clerk/treasurer, and the former independent positions, namely that of city clerk and city treasurer, are abolished. (Ord. 321 § 1, 1951)

2.08.020 Office hours.

A. The opening and closing hours of the clerk/treasurer’s office in the City Hall are established as follows:

1. Opening hour, 8:00 a.m., Monday through Friday of each week, except for holidays;

2. Closing hour, 4:30 p.m., Monday through Friday of each week, except for holidays.

B. The hours shall be observed during the periods of Pacific Standard Time and Pacific Daylight Standard Time. (Ord. 473 § 1, 1971)

Chapter 2.10

**ANIMAL-PARKING
CONTROL OFFICER**

(Repealed by Ord. 1036)

Chapter 2.11**FEDERAL GRANT FUNDS – CODE
OF CONDUCT**

Sections:

- 2.11.010 Purpose.
- 2.11.020 Applicability.
- 2.11.030 Conflicts of interest.
- 2.11.040 Remedies.

2.11.010 Purpose.

The purpose of establishing a code of conduct is to ensure the efficient, fair and professional administration of federal grant funding in compliance with federal Office of Management and Budget (OMB) Circular A-102, Attachment O, Paragraph 7 and other applicable federal, state and local standards, regulations, laws and ordinances. (Ord. 864 § 1, 1995)

2.11.020 Applicability.

The city of Newport code of conduct applies to all officers, employees, or agents of the city of Newport engaged in the award or administration of contracts supported by federal funds. (Ord. 864 § 2, 1995)

2.11.030 Conflicts of interest.

No officer, employee or agent of the city of Newport shall participate in the selection, award or administration of a contract supported by federal grant funds if a conflict of interest, real or apparent, would be involved. Such conflict of interest would arise when:

A. An organization which employs or is about to employ any city employee, officer or agent, or members of their immediate family or partners; or

B. City officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors. (Ord. 864 § 3, 1995)

2.11.040 Remedies.

To the extent permitted by federal, state or local laws, rules, regulations or ordinances, violations of the city of Newport code of con-

duct may cause penalties, sanctions or other disciplinary actions to be taken against the officers, employees or agents, or contractors, potential contractors, subcontractors or their agents. (Ord. 864 § 4, 1995)

Chapter 2.12

**SELECTION OF PROFESSIONAL
CONSULTANTS**

Sections:

- 2.12.010 Compliance required.
- 2.12.020 Definitions.
- 2.12.030 Major professional contract selection procedure.
- 2.12.040 Minor professional contract selection procedure.
- 2.12.050 List of consultants and publication of requirements.
- 2.12.060 Selection criteria.
- 2.12.070 Negotiation guidelines.
- 2.12.080 Emergency services.

2.12.010 Compliance required.

Whenever the city requires the services of a professional consultant, the responsible city official or the consultant selection committee shall advertise the city's particular and general requirements for professional consultation services, shall interview, evaluate and select a professional consultant, and shall negotiate compensation for such services with the selected professional consultant that is fair and reasonable to the city, all of which shall be performed as provided in this chapter. (Ord. 635 § 1, 1982)

2.12.020 Definitions.

A. "Consultant selection committee" is a three-member committee composed of the mayor, one member of the city staff, and one member of the city council, chosen by the council on an annual basis.

B. "Letter of interest" means a professional consultant's statement of intent to compete for the advertised project, plus a statement of qualifications and performance date, the content of which shall be determined at the discretion of the responsible official.

C. "Professional consultant" means any individual, organization, firm, group, association, corporation, partnership, joint venture or combination thereof that provides professional services including, but not limited to, engi-

neers, architects, appraisers, surveyors and accountants.

D. "Responsible city official" means the mayor or his or her designee. (Ord. 635 § 2, 1982)

2.12.030 Major professional contract selection procedure.

A. Council Authorization. The city council shall authorize the selection of a professional consultant by the procedure of this section whenever it finds the public works project cost estimate will exceed \$15,000.

A consultation project shall not be segmented or divided into phases thereby making the estimated cost of several or all such phases less than set forth above for the purpose of avoiding the procedures of this section.

B. Publication of Notice. After council authorization, the responsible official shall publish notice as often as he or she deems necessary and in newspapers or trade journals chosen at his or her discretion with the goal of soliciting an adequate number of letters of interest. The first such notice should be published at least 21 days before the date after which no further letters of interest will be accepted.

C. Notice Contents. The notice shall state:

1. The general scope and nature of the particular public works project for which the services are required;

2. The name, address and telephone number of the responsible official to whom inquiries may be directed and letters of interest may be sent; and

3. The date after which no further letters of interest will be accepted or considered.

D. Project Information. Upon request from professional consultants, the responsible official shall provide full details and specifications of the public works project for which the services are required, plus a full description of the selection procedure to be followed.

E. Consultant Screening.

1. The responsible official shall screen the letters of interest received, as well as those professional consultants who have submitted annual statements of qualifications and performance data as set forth in NMC 2.12.050, and

select five consultants based upon the criteria developed and approved by the consultant selection committee as provided in this chapter.

2. The consultant selection committee shall review the names submitted by the responsible official and select no more than three consultants.

F. Request for Proposals. The responsible official shall request proposals from each of the consultants selected by the consultant selection committee and shall notify all unselected consultants of their rejection.

G. Consultant Interviews. The committee shall interview the selected consultants to discuss, among other things, the scope of services required, the work product anticipated, methods of performance, and any available alternative approaches that would equally meet the city's requirements.

H. Recommendation to the Council. The consultant selection committee shall evaluate each of the finalists on the basis of the criteria adopted by the committee as provided by this chapter and select one consultant for recommendation to the city council for approval.

I. City Council Action. The city council shall accept or reject the committee's recommendation. Upon acceptance, the council shall authorize the mayor or his or her designee to negotiate a contract with the selected consultant pursuant to the guidelines of this chapter. The council must approve any final contract negotiated with the consultant.

If the council rejects the committee's recommendation, or the city is unable to negotiate an acceptable contract with the consultant, negotiations with that consultant shall be terminated and the council may direct the consultant selection committee to recommend another consultant from the consultants previously screened or re-advertise the solicitation for new letters of interest according to the procedure set forth for original consultant selection. (Ord. 635 § 3, 1982)

2.12.040 Minor professional contract selection procedure.

A. Procedure. The following selection procedures shall be used for public works projects

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where the estimated cost therefor will be \$15,000 or less.

B. Professional Consultant Selection. The responsible official shall review current letters of interest on file with the city as well as other consultants who may be qualified. The responsible official shall select a consultant after discussions with one or more professional consultants regarding the scope and purpose of the proposed project. The selection of the professional consultant shall be based upon the criteria adopted by the consultant selection committee as provided by this chapter.

C. Contract Negotiation. The responsible official shall negotiate a contract for the professional consultant's compensation regarding the proposed project, consistent with the negotiation guidelines provided in this chapter, and submit the contract to the city council for approval.

D. Council Approval. The council shall approve, modify or reject the proposed professional consultant contract and/or authorize the responsible officials to select another professional consultant using the procedures set forth in this section. (Ord. 635 § 4, 1982)

2.12.050 List of consultants and publication of requirements.

A. List Maintained. The responsible official shall maintain a list of professional consultants who have filed annual statements of qualifications and performance data. The responsible official shall encourage professional consultants who have contracted with the city or have expressed an interest in contracting with the city to submit annual statements of qualifications and performance data.

B. Publication of Notice. The responsible official shall publish a notice of the city's general projected requirements for minor professional consultation services, as described in NMC 2.12.040, in newspapers or trade journals selected at the discretion of the responsible official as appropriate for the type of services advertised, and at intervals consistent with the regularity of the city's need for such service.

C. Contents of Notice. The notice shall state:

1. The general requirements of the city for professional consultant services of a particular type or category;

2. The name, address and telephone number of the responsible city official who can be contacted for details of the selection procedure and with whom letters of interest may be filed. (Ord. 635 § 5, 1982)

2.12.060 Selection criteria.

A. The consultant selection committee shall adopt written criteria to be used in the evaluation and selection of professional consultants. The criteria shall generally include the consideration of the consultant's experience, capability, reputation, familiarity with the type of project, quality of work, budget control ability, existing workload, professional credentials, and upon the intuitive opinion of the interview(s).

B. In addition to the other criteria provided by this section, the consultant selection committee, pursuant to NMC 2.12.030, or the responsible official, pursuant to NMC 2.12.040, shall afford minority-owned and women-owned consultant firms the maximum practicable opportunity to compete for and obtain such contracts with the city. Furthermore, when considering the selection of minority-owned or women-owned consultant firms, the consultant selection committee or responsible official shall strive wherever possible to insure that the level of participation by minority-owned and women-owned firms in consultation projects for the city is consistent with the general availability of such firms within the professional consultant community involved. (Ord. 635 § 6, 1982)

2.12.070 Negotiation guidelines.

The responsible official shall negotiate the contract with professional consultants who have been selected pursuant to this chapter with the goal of establishing compensation for the services that is fair and reasonable to the city. The responsible official shall, among other things, consider the estimated value of services to be rendered against the scope, complexity and professional nature of the services

2.12.080

required by the proposed project. (Ord. 635 § 7, 1982)

2.12.080 Emergency services.

In the event that the city council or the responsible official makes a determination that an emergency exists requiring the immediate execution of professional consultant services, and that any delay necessitated by the procedures of this chapter may be detrimental to the best interests of the city, the procedures of this chapter need not be complied with to the extent that the procedures would necessitate a delay. (Ord. 635 § 8, 1982)

Chapter 2.13

PURCHASING AND SMALL WORKS ROSTER PROCEDURES

Sections:

- 2.13.010 Purchase of materials, supplies, or equipment.
- 2.13.020 Small works roster procedures.
- 2.13.030 Limited small works roster.

2.13.010 Purchase of materials, supplies, or equipment.

A. Cost. The city is not required to use formal sealed bidding procedures or the procedures set forth in this section to purchase materials, supplies or equipment not connected to a public works project where the cost of the same will be under \$7,500. The city will attempt to obtain the lowest practical price for such materials, supplies, or equipment. When the city desires to purchase materials, supplies or equipment not connected to a public works project and such materials, supplies or equipment are estimated to cost from \$7,500 to \$15,000, the procedures set forth in this section may be used.

B. Publication of Notice. At least twice a year, the city shall publish, in a newspaper of general circulation within the city, notice of the existence of the city's roster of vendors for materials, supplies and equipment, and shall solicit names of vendors for the roster.

C. Telephone Quotations. The city shall follow the following process to obtain telephone or written quotations from vendors for the purchase of materials, supplies or equipment:

1. A written description shall be drafted for the specific materials, equipment or supplies to be purchased, including the number, quantity, quality and type desired, the proposed delivery date, and any other significant terms of purchase;

2. A city representative shall make a good faith effort to contact at least three vendors, and, using the written description, obtain telephone or written quotations from the vendors on the required materials, equipment or supplies;

3. At the time such telephone or written quotations are solicited, the city representative shall not inform a vendor of any other vendor's bid on the materials, supplies or equipment;

4. A written record shall be made by the city representative of each vendor's quotation on the materials, equipment and supplies, and of any conditions imposed on the quotation by such vendor; and

5. All of the telephone bids or quotations shall be collected and presented at the same time to the city administrator for consideration, determination of the lowest responsible bidder, as defined in RCW 43.19.1911, and award of the contract; provided, however, that the city administrator shall award such contracts only within the limits established by the city council and the city's annual budget.

D. Determining Lowest Responsible Bidder. The city shall purchase the materials, equipment or supplies from the lowest responsible bidder; provided, that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the city may call for new bids or enter into direct negotiations to achieve the best possible price. The following factors, in addition to price, may be taken into account by the city in determining the lowest responsible bidder:

1. Any preferences provided by law to Washington products and vendors;

2. The quality of the materials, supplies and equipment to be purchased;

3. The conformity of the materials, supplies and equipment to the city's specifications;

4. The purposes for which the materials, supplies and equipment are required;

5. The times for delivery of the materials, supplies and equipment;

6. The character, integrity, reputation, judgment, experience and efficiency of the bidder; and

7. Such other information as may have a bearing on the decision to purchase the supplies, materials or equipment.

E. Life Cycle Costing. In considering bids for purchase or lease, whenever there is reason to believe that applying the "life cycle costing"

method to bid evaluation would result in the lowest total cost to the city, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications. "Life cycle cost" mean the total cost of an item to the city over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.

F. Award. Immediately after the contract award is made, the written record of each vendor's quotations shall be open to public inspection and available to the public by telephone inquiry. Any contract awarded under this section need not be advertised.

G. Posting. A list of all contracts awarded under this section must be posted at City Hall at least once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased under the contract and the date it was awarded. The list shall also state the location where the bid quotations are available for public inspection. (Ord. 957 § 1, 2002)

2.13.020 Small works roster procedures.

A. Cost. The city 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 \$300,000, which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable. Instead, the city may use the small works roster procedures for public works projects as set forth in this section. The breaking of any project into units or accomplishing any projects by phases is prohibited if done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

2.13.020

B. Number of Rosters. The city may create a single general small works roster, or may create a small works roster for different categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

C. Contractors on Small Works Roster(s). The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s) and are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the city as a condition of being placed on a roster or rosters.

D. Publication. At least once a year, the city shall publish in a newspaper of general circulation within the city 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 an appropriate roster or rosters at any time that they submit a written request and necessary records. The city may require master contracts be signed that become effective when a specific award is made using a small works roster. An interlocal contract or agreement between the city and other local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the small works roster provisions.

E. Electronic, Telephone, or Written Quotations. The city shall obtain electronic, telephone, or written 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 the lowest responsible bidder, as defined in RCW 43.19.1911, as follows:

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. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes;

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 attempts to equitably distribute opportunities among the contractors on the appropriate roster;

3. If the estimated cost of the work is from \$150,000 to \$300,000, the city may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The city 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 other electronic means;

4. For purposes of this section, "equitably distribute" means that the city may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the city 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 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; and

6. At least once every year a list of contracts awarded under this section shall be fur-

nished to the city council and made available to the general public. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

F. Determining Lowest Responsible Bidder. The city council shall award the contract for the public works project to the lowest responsible bidder; provided, that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the city council may call for new bids. In addition to price and the factors described in NMC 2.13.010(D), the city council shall take into account the following:

1. The ability, capacity and skill of the bidder to perform the contract;
2. Whether the bidder can perform the contract within the time specified by the city;
3. The quality of the bidder's performance of previous contracts or services; and
4. The previous and existing compliance by the bidder with laws relating to the contract or services.

G. Life Cycle Costing. In considering bids for the construction of public works projects, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation would result in the lowest total cost to the city, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications. Evaluation of "life cycle cost" shall follow the process described in NMC 2.13.010(E).

H. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the city council for consideration, determination of the lowest responsible bidder, and award of the contract. (Ord. 1059 § 1, 2009; Ord. 957 § 1, 2002)

2.13.030 Limited small works roster.

A. Cost. In lieu of awarding public works contracts under NMC 2.13.020, the city may award a contract for work, construction, alter-

ation, repair, or improvement of real property where the estimated cost does not exceed \$35,000, which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable using the limited small works roster procedures of this section. Public works contracts awarded under this section are exempt from the other requirements of the small works process outlined in NMC 2.13.020. The breaking of any project into units or accomplishing any projects by phases is prohibited if done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the limited small works roster process established herein.

B. Electronic or Written Quotations. The city shall solicit electronic or written quotations from contractors on the appropriate small works roster established under NMC 2.13.020 and shall award the contract to the lowest responsible bidder, as defined in RCW 43.19.1911. The following procedures shall be utilized:

1. A contract awarded using the limited small works roster process 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. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes;

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 three contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that attempts to equitably distribute opportunities among the contractors on the appropriate roster;

3. For purposes of these procedures, "equitably distribute" means that the city may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are

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solicited, the city representative shall not inform a contractor of the terms or amount of any other contractor’s bid for the same project;

4. A written record shall be made by the city 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 electronic request; and

5. The city shall maintain a list of the contractors contacted and the contracts awarded under the limited small works roster process for a period of 24 months. The list shall contain 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.

C. Bonds and Retainage. For limited public works roster projects, the city may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage bond requirements of Chapter 60.28 RCW, and thereby assume full responsibility and 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; provided, however, that such a waiver by the city shall not constitute a waiver of the city’s right of recovery against the contractor for any payments made on the contractor’s behalf by the city. (Ord. 957 § 1, 2002)

Chapter 2.14

INTERLOCAL CONTRACT FOR JAIL AND SHERIFF SERVICES

Sections:

- 2.14.010 Authority.
- 2.14.020 Purpose.
- 2.14.030 Negotiation.
- 2.14.040 Funding.
- 2.14.050 Signing.

2.14.010 Authority.

The city shall enter into contracts for jail and sheriff services pursuant to the state of Washington laws, under RCW 39.34.030, the Interlocal Cooperation Act, and under RCW 70.48.090, Interlocal Contracts for Jail Services. (Ord. 700 § 1, 1986)

2.14.020 Purpose.

The purpose for entering into said contracts is to provide the city with a jail facility for the lodging of city prisoners and to provide for certain sheriff services that are otherwise unavailable to the city at the present time. (Ord. 700 § 2, 1986)

2.14.030 Negotiation.

The mayor or his designee is authorized to negotiate said contracts. (Ord. 700 § 3, 1986)

2.14.040 Funding.

The current expense fund within the city budget is designated as the funding source for the payment of incurred costs, associated to the provided jail and sheriff services. (Ord. 700 § 4, 1986)

2.14.050 Signing.

The mayor is authorized to sign the contract and only upon final approval of the provisions of said contracts by the city council. (Ord. 700 § 5, 1986)

Chapter 2.16

PLANNING COMMISSION

Sections:

- 2.16.010 Created.
- 2.16.020 Term of office.
- 2.16.030 Filling vacancies.
- 2.16.040 Organization.
- 2.16.050 Powers and duties.
- 2.16.060 Recommendation to council.
- 2.16.070 Recommendation on subdivisions or dedications.
- 2.16.080 Annual report.

2.16.010 Created.

Pursuant to the authority conferred by Chapter 35A.63 RCW, there is created a city planning commission, consisting of nine members. All members of the planning commission shall be appointed by the mayor and confirmed by the city council. All appointments and reappointments to the planning commission shall be made in writing by the mayor. (Ord. 941 § 2, 2000)

2.16.020 Term of office.

The term of office for the various positions will expire as set forth below, and new or reappointments to these positions shall be for a six-year term:

- Position 1 expires January 2, 2003;
- Position 2 expires January 2, 2003;
- Position 3 expires January 2, 2004;
- Position 4 expires January 2, 2004;
- Position 5 expires January 2, 2005;
- Position 6 expires January 2, 2005;
- Position 7 expires January 2, 2006;
- Position 8 expires January 2, 2006;
- Position 9 expires January 2, 2004. (Ord. 941 § 2, 2000)

2.16.030 Filling vacancies.

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms of the position number vacated. Planning commission members may be removed, after public hearing, by the mayor,

with the approval of the city council for neglect of duty or malfeasance in office. (Ord. 941 § 2, 2000)

2.16.040 Organization.

The planning commission shall organize and elect from its members a chair, who shall preside at all meetings of the commission, and a vice-chair, who shall preside in the chair's absence. The commission may designate one of its members to act as secretary, or if requested by the commission, the mayor shall designate a member of the city staff to serve as secretary, who shall serve without additional compensation. The commission may create and fill such other offices as it may determine are required. The planning commission may adopt rules of procedure for the conduct of meetings and other functions delegated to the planning commission by the city council; provided, that the rules of procedure adopted are in accordance with state law and city ordinances. The rules of procedure need not be approved by the city council. A majority of the membership of the planning commission, not less than five, shall constitute a quorum for the transaction of business. (Ord. 941 § 2, 2000)

2.16.050 Powers and duties.

The planning commission shall have the power to perform all duties specified to be performed by the planning commission in Chapter 35A.63 RCW, as the same now exists or may hereafter be amended. In addition, the commission has the power to perform any other duties which may hereafter be conferred upon them by city ordinance or the laws of the state. (Ord. 941 § 2, 2000)

2.16.060 Recommendation to council.

The planning commission may refer to the city council for action, recommendations regarding ordinances, resolutions or other proposals without the initial referral of the city council on the matters and subjects referred to in Chapter 35A.63 RCW. 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

2.16.070

35A.63 RCW, and the commission shall promptly report to the council thereon, making such recommendations as it may deem proper under the circumstances. (Ord. 941 § 2, 2000)

2.16.070 Recommendation on subdivisions or dedications.

All plats or plans for subdivisions of land within the city or proposed additions, as well as dedications of streets and alleys, offered to the city council for acceptance shall first be submitted to the planning commission for its recommendation and report, which shall be made to the council within 30 days after submission, or at such earlier date as the city council shall direct. (Ord. 941 § 2, 2000)

2.16.080 Annual report.

The planning commission, at or before its first regular meeting in February of each year, shall make a full report to the city council of its transactions and business for the preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as may seem appropriate. (Ord. 941 § 2, 2000)

Chapter 2.18

BOARD OF ADJUSTMENTS

Sections:

- 2.18.010 Established.
- 2.18.020 Membership and appointment.
- 2.18.030 Appeal authorized.
- 2.18.040 Support of opposition of appeal.
- 2.18.050 Variance – Findings.
- 2.18.060 Effective date of decisions.
- 2.18.070 Meetings.

2.18.010 Established.

A board of adjustments is established. The word “board” when used in this chapter means board of adjustments. (Ord. 968 § 1, 2003)

2.18.020 Membership and appointment.

The board shall consist of five members, all of whom shall serve without salary. The board members shall be appointed by the mayor with approval of the city council, and shall consist of citizens having an understanding of the benefits of organized development to the municipality. In case any vacancy should occur in the membership of the board, the mayor shall fill the vacancy by making an appointment with the approval of the city council. The members of the board may be removed by the mayor, subject to approval of the city council, for such causes as he deems sufficient and which shall be set forth in a letter filed with the city council. The initial membership shall consist of one member appointed for one year, one for two years, one for three years and two for four years; and each appointment thereafter will be for four years. (Ord. 968 § 1, 2003)

2.18.030 Appeal authorized.

Any person or persons aggrieved, or any officer, official of any department, board or commission of the city, jointly or severally, may be the appellant, and may make a request for a variance to the board in accordance with NMC 17.05.040. (Ord. 968 § 1, 2003)

2.18.040 Support of opposition of appeal.

Any person or persons aggrieved, jointly or severally, and any person, officer or official of any department, board or commission of the city may support or oppose, by petition or letter, the appellant's request. The petition or letter shall specify the reasons for supporting or opposing the appellant's request, and shall contain the signature and description of the land of each property owner signing the petition or letter. The petition or letter shall be submitted to the board at the time designated in its rules of procedure. (Ord. 968 § 1, 2003)

2.18.050 Variance – Findings.

The board's findings shall be set forth in a notice of decision which shall analyze the factors set forth in NMC 17.05.040(C). The notice of decision shall include all of the relevant facts of the appellant's request and such facts which support and oppose the contention of the appellant. The notice of decision shall be published. (Ord. 968 § 1, 2003)

2.18.060 Effective date of decisions.

The decision of the board granting or denying a variance shall become final 10 days after publication of the notice of decision, unless an appeal is filed in the Pend Oreille County superior court as provided in NMC 17.06.030(H). (Ord. 968 § 1, 2003)

2.18.070 Meetings.

Meetings of the board shall be held as needed, and as determined by the chairman of the board. Notice of all meetings will be given in accordance with the notification requirements of the Open Public Meetings Act. There shall be fixed places of meeting, and all regular board meetings shall be open to the public. The board shall adopt its own rules of procedure and keep record of its proceedings, findings and action in each case, and the vote of each member of each question considered in the proceedings.

The city clerk/treasurer or her designee shall be the secretary of the board and shall receive all applications for variances. With each application requesting a hearing, there shall be paid a fee of \$275.00 to cover the city's cost of pro-

cessing the request. The secretary shall maintain and be custodian of all records of the minutes of the meetings, findings and decisions of the board. All records shall be open to the public. Upon receipt of a request for hearing, the building inspector shall promptly transmit to the board all papers constituting the record and decision of the building inspector relating to the request.

The board shall set a hearing date that ensures the parties have sufficient time to prepare for the hearing. Notice of the hearing shall be given pursuant to NMC 17.06.040(B)(4) or (C), as applicable. Three members of the board constitute a quorum for conducting official business. All issues will be decided by majority vote. In the event of a tie vote, the request for a variance will be deemed denied. (Ord. 968 § 1, 2003)

2.20.010

Chapter 2.20

PARK ADVISORY COMMITTEE

Sections:

- 2.20.010 Park advisory committee created.
- 2.20.020 Duties.
- 2.20.030 Terms and vacancies.
- 2.20.040 Officers, meetings and quorum.

2.20.010 Park advisory committee created.

There is hereby created a park advisory committee consisting of seven members, all of whom shall serve without salary. The committee members shall be appointed by the mayor with the consent of the city council. The members of the park advisory committee are not required to be residents of the city of Newport; however, they must reside in either Washington or Idaho. (Ord. 1009 § 1, 2004)

2.20.020 Duties.

The park advisory committee shall make recommendations to the city council regarding major park improvements by submitting plans pertaining to the planning, maintenance and development of the Little People’s Park, the city park between 1st and Calispel and the Skateboard Park. The rodeo grounds, McNeil Field, Wain Fields and the area of the gazebo are not subject to the committee’s review. (Ord. 1009 § 1, 2004)

2.20.030 Terms and vacancies.

The term of office for the various positions on the park advisory committee will expire as set forth below, and new or reappointment to these positions shall be for a three-year term.

- Position 1 expires January 1, 2006.
- Position 2 expires January 1, 2006.
- Position 3 expires January 1, 2006.
- Position 4 expires January 1, 2007.
- Position 5 expires January 1, 2007.
- Position 6 expires January 1, 2007.
- Position 7 expires January 1, 2008.

Members of the park advisory committee may be removed at any time by the mayor with the approval of three members of the council. Three consecutive unexcused absences from

committee meetings shall constitute good cause for removal. Any vacancies occurring shall be filled in the same manner for the unexpired term of the park advisory committee position being filled. (Ord. 1009 § 1, 2004)

2.20.040 Officers, meetings and quorum.

A. Immediately after their appointment, members of the committee shall meet and organize by electing from the members of the committee a chair, a secretary and such other officers as they deem appropriate. Annually, the members of the committee shall elect a new chair, and no member shall serve as chair more than once every four years. It shall be the duty of the chair to preside at all meetings of the board and the duty of the secretary to keep minutes of all meetings and all proceedings of the committee. The secretary will also file a copy of the minutes with the city clerk/treasurer. A majority of the entire committee shall constitute a quorum for the transaction of business, and four affirmative votes shall be necessary to carry any proposition.

B. A meeting of the committee shall be held at least once per month on the last Tuesday of the month. In accordance with RCW 42.30.080, special meetings may be called by the chair or by a majority of the members of the committee. Written notice must be delivered personally or by mail at least 24 hours before the time of the special meeting to each member of the committee and to each local newspaper of general circulation and each local radio or television that has on file with the committee a written request to be notified of special meetings. The notice must specify the time and place of the special meeting and the business to be conducted. The committee may take final action only concerning matters identified in the notice of the meeting. Written notice to a member is not required when a member files at or prior to the meeting a written waiver of notice or the member is present at the meeting when it convenes. (Ord. 1009 § 1, 2004)

Chapter 2.21

**ECONOMIC DEVELOPMENT AND
TOURIST PROMOTION**

Sections:

- 2.21.010 Statutory authority.
- 2.21.020 Purpose.
- 2.21.030 Funding.
- 2.21.040 Authority to sign contracts.

2.21.010 Statutory authority.

RCW 35.21.703 as amended, entitled “Economic Development Programs,” provides that:

It shall be in the public purpose for all cities to engage in economic development programs. In addition, cities may contract with nonprofit corporations in furtherance of this and other acts relating to economic development.

And RCW 35.21.700, as amended, entitled “Tourist Promotion,” provides that:

Any city or town in this state acting through its council or other legislative body shall have power to expend moneys and conduct promotion or resources and facilities in the city or town, or general area, by advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion.

(Ord. 721 § 1, 1988)

2.21.020 Purpose.

The purpose for entering into contracts with nonprofit organizations particularly attuned to economic development and tourist promotion is to provide the necessary assistance and expertise that will enable the city to attain economic planning goals by strengthening community economic stability and diversification through economic development programs and tourist promotion. (Ord. 721 § 2, 1988)

2.21.030 Funding.

The hotel/motel tax fund and current expense fund are designated funding sources for the services identified herein. Organizations under contract shall submit a request for funds on or before September 28th of each year. The council shall allocate moneys in such amounts as the council deems appropriate. (Ord. 721 § 3, 1988)

2.21.040 Authority to sign contracts.

The mayor is authorized to sign contracts and only upon final approval of the payment, terms and conditions set forth in said contracts. (Ord. 721 § 4, 1988)

Chapter 2.24

VOLUNTEER FIRE DEPARTMENT¹

Sections:

- 2.24.010 Established.
- 2.24.020 Board of trustees.
- 2.24.030 Enrollment of fire fighters – Death, disability, retirement benefits.
- 2.24.040 Collection and payment of death, disability and retirement benefits.
- 2.24.050 Volunteer fire fighters compensation.
- 2.24.060 Officers – Terms of office.
- 2.24.070 Fire reports – Monthly activities report.
- 2.24.080 Amendments to volunteer fire fighters compensation.

2.24.010 Established.

That there is maintained in the city of Newport, Washington a regularly organized volunteer fire department as defined by Chapter 121 of the 1935 Session Laws of the state of Washington and as further amended and codified in Chapter 41.24 RCW, entitled “Volunteer Fire Fighters Relief and Pensions”. (Ord. 861 § 2(1), 1995)

2.24.020 Board of trustees.

There is hereby created and established a board of trustees which shall consist of the mayor, city clerk, one councilmember, the fire chief and one member of the fire department to be elected by the members of the fire department for a term of one year and annually thereafter.

A. Officers of the Board. The mayor shall be the chairman and the city clerk shall be the secretary-treasurer of the board of trustees.

B. Duties of the Board.

1. The board shall provide for enrollment of all members of the Newport fire department under the death and disability and retirement provisions of the law;

2. The board shall determine the eligibility of fire fighters for pensions;

3. The board shall provide for disbursements and of relief;

4. The board shall pass on all claims and direct payment thereof from the volunteer fire fighters relief and pension fund to those entitled thereto;

5. The board shall initially hear and decide all applications for relief of compensation and pensions pursuant to Chapter 41.24 RCW;

6. The board shall perform such other duties as prescribed by applicable law, ordinance or resolution.

C. Board Meetings. The board shall set a regular monthly meeting day. The board of trustees shall meet on the call of the chairman on the set regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any regular meeting day at the request of any member of the fund or his beneficiary claiming any relief, compensation or pension therefrom.

D. Board Compensation. No compensation or emoluments shall be paid to any member of the board of trustees in the performance of their duties or responsibilities required by law, ordinance or resolution.

E. Quorum. A majority of the board of trustees shall constitute a quorum. No claim shall be allowed where a majority of the board has not voted favorably on the claim.

F. Employment of Examining Physician. The board shall make provisions for the employment of a regularly licensed practicing physician for the purpose of examining new applicants for membership, examining all sick and injured fire fighters, and perform such services and operations and render all medical aid and care necessary for the recovery of fire fighters on account of sickness or disability received while in the performance of their duties. The board-appointed physician shall be paid his or her fees for services rendered by the state of Washington Department of Labor and Industries. (Ord. 861 § 2(2), 1995)

2.24.030 Enrollment of fire fighters – Death, disability, retirement benefits.

A. The city council, by passage of the ordinance codified in this chapter, retroactively

1. Prior legislation: Ords. 258 and 759.

ratifies past membership enrollment and authorizes the future enrollment of all fire fighters to the Newport volunteer fire department under the relief and compensation provisions of the laws of Chapter 41.24 RCW, as amended, for the purpose of providing protection for all of its fire fighters and their families from death or disability arising in the performance of their duties as volunteer fire fighters:

B. The city council, by passage of the ordinance codified in this chapter, retroactively ratifies past membership enrollment and authorizes the future enrollment of those members of the Newport volunteer fire department who elected or will elect to avail himself or herself of the retirement provisions of the laws of Chapter 41.24 RCW, as amended. (Ord. 861 § 3, 1995)

2.24.040 Collection and payment of death, disability and retirement benefits.

Annually, as directed by the State Board for Volunteer Fire Fighters, the city clerk/treasurer shall pay such amount as shall be due from city funds, together with the amounts collected from the enrolled fire fighter members of the Newport volunteer fire department. (Ord. 861 § 4, 1995)

2.24.050 Volunteer fire fighters compensation.

There is hereby established a compensation and reimbursement policy for members of the Newport volunteer fire department as follows:

A. Training and Drill Sessions.

1. The sum of \$10.00 per each fire fighter in attendance at each individual training and/or drill session, for no more than two training and/or drill sessions in any given month;

2. Monthly, the fire chief or designee shall certify to the city clerk/treasurer a list of its members attending all training and drill sessions:

B. Allowable Claims, Expenses and Per Diem Allowance.

1. Volunteer fireman, when authorized by the fire chief, shall be reimbursed for all attendance of required fire-related seminars, continuing education programs, and costs for

meals, travel and lodging expenses incurred on city fire-related business or activities;

2. Reimbursement for allowable claims, expenses and per diem incurred and authorized by the fire chief will be paid by submitting the proper expense vouchers provided by the city clerk/treasurer. (Ord. 861 § 5, 1995)

2.24.060 Officers – Terms of office.

The Newport volunteer fire department membership shall elect from the members of the department at a minimum two officers, which shall be the office of the fire chief and secretary. Additional officers may be established and filled by the election method or appointment by the fire chief. The terms of office shall be established by the membership of the department.

All officers, elected or appointed, shall serve without benefit of a salary for services required of their office.

The fire chief shall be the department head of the Newport volunteer fire department and shall be responsible for the general operation of the fire department and all matters relating to training, policy development, equipment maintenance and submission of an annual budget. (Ord. 861 § 6, 1995)

2.24.070 Fire reports – Monthly activities report.

The fire chief or designee shall submit a written monthly activities report to the city clerk/treasurer to be presented to the city council at the first council meeting of the month. (Ord. 861 § 7, 1995)

2.24.080 Amendments to volunteer fire fighters compensation.

The members of the Newport volunteer fire department shall receive such compensation as deemed appropriate by the city council. Hereafter, amendments to the volunteer fire department compensation schedule, as herein established, shall be authorized in Newport's personnel policy "pay range schedule" resolution. (Ord. 861 § 8, 1995)

Chapter 2.28

CANDIDATES FOR OFFICES

(Repealed by Ord. 927)

Chapter 2.32

OFFICERS' BONDS¹

Sections:

- 2.32.010 Purpose.
- 2.32.020 Bond required.
- 2.32.030 Premium payments.

2.32.010 Purpose.

The purpose of this chapter is to authorize bonding of certain city officials so as to be consistent with RCW 35A.12.080 and 35A.42.020 by authorizing blanket bonding and requiring approval of the mayor. (Ord. 751 § 1, 1989)

2.32.020 Bond required.

A. The city clerk/treasurer, chief of police, billing clerk, deputy clerk/treasurer, animal control officer, building inspector and other city employees as required by duties and responsibilities shall be bonded and may be so bonded by an individual bond or by blanket policy including other city employees, naming the city as beneficiary and bonding all covered officers and employees not less than the minimum amount provided below:

1. City clerk/treasurer, \$50,000;
2. Chief of police, \$5,000;
3. Billing clerk, \$4,000;
4. Deputy clerk/treasurer, \$50,000;
5. Animal control officer, \$2,000;
6. Building inspector, \$4,000.

B. Bonding amounts may be increased from time to time as required by entities doing business with the city.

C. The surety for such bond shall be a surety company authorized to do business in the state, or unauthorized surety insurer as a surplus line pursuant to Chapter 48.15 RCW. Any such bond offered in satisfaction of this section must be approved by the mayor. (Ord. 751 § 2, 1989)

1. Prior legislation: Ords. 17 and 228.

2.32.030 Premium payments.

The premiums of the bonds meeting the requirements of this chapter shall be paid by the city. (Ord. 751 § 3, 1989)

Chapter 2.36**OFFICERS' COMPENSATION**

Sections:

Article I. Compensation

2.36.010 Mayor.

2.36.020 Councilmembers.

Article II. Future Compensation

2.36.030 Compensation schedule.

2.36.040 *Repealed.*

2.36.050 *Repealed.*

2.36.060 *Repealed.*

2.36.070 Allowable claims – For expenses and per diem allowance.

2.36.080 Allowable claims – Reimbursements.

2.36.090 Allowable claims, expenses and per diem allowance – Approval.

Article I. Compensation**2.36.010 Mayor.**

From and after the effective date of January 1, 2003, all mayors of the city of Newport shall be compensated in the amount of \$700.00 each month. (Ord. 967 § 1, 2002; Ord. 838 § 2, 1993)

2.36.020 Councilmembers.

As set forth in NMC 2.36.030, all city councilmembers shall be compensated in the amount of \$50.00 per meeting, for no more than four meetings in any given month. (Ord. 999 § 1(1), 2003; Ord. 838 § 2, 1993)

Article II. Future Compensation**2.36.030 Compensation schedule.**

In accordance with this section, the below listed compensation schedule will be paid to the elected officers of the city:

A. The mayor, \$700.00 per month; and

B. The councilmembers, \$50.00 per meeting. (Ord. 999 § 1(2), 2003; Ord. 838 § 2, 1993)

2.36.040

2.36.040 Mayor – When compensation effective.

Repealed by Ord. 999. (Ord. 838 § 2, 1993)

2.36.050 Councilmembers – When compensation effective.

Repealed by Ord. 999. (Ord. 838 § 2, 1993)

2.36.060 Conditions as to applicability of NMC 2.36.010 and 2.36.020.

Repealed by Ord. 999. (Ord. 838 § 2, 1993)

2.36.070 Allowable claims – For expenses and per diem allowance.

From and after the effective date of the ordinance codified in this article, the incumbent mayor or newly elected mayors and councilmembers, or any person appointed to fill any unexpired term of the incumbent or newly elected to succeed the present incumbent councilmembers shall receive all allowable claims for expenses and per diem allowance as provided in this article. (Ord. 838 § 2, 1993)

2.36.080 Allowable claims – Reimbursements.

All reimbursements for allowable claims for expenses and per diem allowance incurred in the performance of the mayor’s and the councilmember’s duties of their office will be paid by submitting the proper expense vouchers provided by the city clerk/treasurer; provided, however, that there are sufficient funds available for reimbursement. (Ord. 838 § 2, 1993)

2.36.090 Allowable claims, expenses and per diem allowance – Approval.

Approval of all claims and expenses and per diem allowance will be at a regular council meeting in the same manner as all other city bills. (Ord. 838 § 2, 1993)

Chapter 2.40

APPOINTMENT OF OFFICIALS AND EMPLOYEES

Sections:

2.40.010 Council confirmation of appointed officials and employees.

2.40.020 Designation of effective employment date for appointed officials and employees.

2.40.010 Council confirmation of appointed officials and employees.

Confirmation of certain mayoral appointments of appointed officials shall be required subject to:

A. Any applicable law, rule or regulation relating to civil service;

B. An emergency appointment determined by the mayor to meet the immediate requirements of an emergency condition which threatens the health, safety and welfare of the citizens of Newport; which such appointment shall be limited to the duration of the emergency period and a report of the circumstances of the emergency made to the council at the first council meeting preceding the emergency condition. (Ord. 708 § 1, 1987)

2.40.020 Designation of effective employment date for appointed officials and employees.

A. An appointment made under the provisions of this chapter subject to the confirmation of the city council shall not discharge any of the job-related duties or responsibilities until the appointment is confirmed by the city council.

B. After the appointment is confirmed, a designated active employment date shall be determined by the council. (Ord. 708 § 2, 1987)

Chapter 2.41**PERSONNEL POLICY**

Sections:

- 2.41.010 Purpose.
- 2.41.020 Adoption.
- 2.41.030 Goals.
- 2.41.040 Application.
- 2.41.050 Reservation of rights.
- 2.41.060 Amendment procedure.
- 2.41.070 Designated responsible officials.
- 2.41.080 Dissemination of personnel policy manuals.
- 2.41.090 Employee review procedures.

2.41.010 Purpose.

The purpose of this chapter is to adopt the comprehensive city of Newport personnel policy dated January 20, 1998, designate the responsible officials to ensure a uniform system of personnel administration and establish a procedure for amending the Newport personnel policy. (Ord. 907 § 2, 1998)

2.41.020 Adoption.

The city of Newport personnel policy dated January 1, 1998, shall be in full force and effect as of January 20, 1998. (Ord. 907 § 3, 1998)

2.41.030 Goals.

The city of Newport policy is enacted in order to further the following goals:

- A. To provide a uniform system of personnel administration for all city employees;
- B. To ensure that recruitment, selection, placement, promotion, retention and separation of city employees are based upon employees' qualifications and fitness for duty and that the policy is in compliance with federal and state laws;
- C. To assist supervisors in the development of sound management practices and procedures and to make effective, consistent use of human resources throughout the city;
- D. To promote communications between the city council, mayor, supervisors and employees;

E. To clarify the rights and responsibilities of employees;

F. To ensure that the compensation plan is reviewed annually for recommended wages, salaries and cost-of-living adjustments;

G. To help achieve these goals, the city of Newport adopts a seven-step salary plan for all city employees. Each employee position within the city will be placed on the salary step plan. New employees will start at step one of the salary step plan unless otherwise authorized by the city council. Current employees will be placed in the appropriate step based upon years of service in their current position. Upon the completion of one year of service in each step, and upon a recommendation for advancement by the employee's supervisor, the employee will advance to the next salary step. In the event an employee's current salary is greater than the top salary for their position, the employee will continue to receive their current salary plus any cost of living or longevity adjustments. An employee moving from one position with the city to a different position will enter the salary schedule at the step determined by the city council. The city council will adopt by resolution the salary for each step within a position. (Ord. 970 § 1, 2003; Ord. 907 § 4, 1998)

2.41.040 Application.

The city of Newport personnel policy shall apply to all city employees except elected officials and independent contractors. In the event that the city of Newport personnel policy rules, guidelines and procedures conflict with civil service rules, federal or state law, then the terms and conditions of the civil service rules, federal and state laws shall govern. (Ord. 907 § 5, 1998)

2.41.050 Reservation of rights.

The city of Newport specifically reserves the rights to repeal, modify, or amend the personnel policies at any time. None of the provisions of the city of Newport policy shall be deemed to create a vested contractual right in any employee nor to limit the power of the mayor or city council to repeal or modify these

2.41.060

rules. The policies are not to be interpreted as promises of specific treatment. (Ord. 907 § 6, 1998)

2.41.060 Amendment procedure.

Proposed amendments to the city of Newport personnel policy shall be subject to review by the city administrator who shall cause a resolution to be prepared for review and adoption by the city council; provided, that the city administrator shall cause an ordinance to be prepared for review and adoption by the city council, if it is determined that provisions of this chapter are affected by a proposed amendment. (Ord. 907 § 7, 1998)

2.41.070 Designated responsible officials.

The city administrator is hereby designated the personnel officer of the city. The city clerk/treasurer, under the direction of the city administrator, is designated as the assistant personnel officer and shall be custodian of the personnel records and perform other personnel-related duties as prescribed by the city administrator, ordinance, the mayor or council. (Ord. 907 § 8, 1998)

2.41.080 Dissemination of personnel policy manuals.

The personnel officer shall ensure that a copy of the city of Newport personnel policy manual and amendments thereto are provided to all city employees. The manuals are assigned to positions, not individuals. Upon termination, policy manuals are to be left with the city. (Ord. 907 § 9, 1998)

2.41.090 Employee review procedures.

Each employee of the city shall acknowledge receipt of a personnel policy manual and amendments thereto by signing a receipt form provided by the personnel officer. It is the responsibility of each employee to review the policy manual and amendments. Questions regarding policies should be brought to the attention of department heads for clarification. (Ord. 907 § 10, 1998)

Chapter 2.42

RESIDENCY QUALIFICATIONS FOR OFFICIALS AND EMPLOYEES

Sections:

- 2.42.010 Generally.
- 2.42.020 Hiring practices.
- 2.42.025 City personnel response time comprehensive plan.
- 2.42.030 Police personnel – Requirements.
- 2.42.040 Exceptions.
- 2.42.050 Administration.
- 2.42.060 Effective date.

2.42.010 Generally.

All persons subject to the provisions of this chapter appointed to any office or employed by the city must, as a condition of employment, agree in writing to reside within a 30-minute response time from their place of residence to the corporate limits of the city as prescribed in this chapter. (Ord. 767 § 1, 1990; Ord. 709 § 1(A), 1987)

2.42.020 Hiring practices.

A. Residence within the corporate limits of the city shall not be a condition precedent for employment for any of the appointive officials or employees of the city. However, preference for employment shall be afforded to prospective appointive official and employee applicants who reside within the corporate limits of the city.

B. The intent of this chapter is to set forth a municipal policy of hiring residents and does not create a right or entitlement to appointment or employment to any position simply because of residency within the city. Hiring and employment matters are governed by administrative policies and the sound discretion of the administrative officials.

C. Persons appointed to any office or employed by the city subject to the provisions of this chapter and who do not reside within a 30-minute response time from their place of residence to the corporate limits of the city shall not be required to relocate until after successfully completing the probationary period. Relocation time limits shall be set forth in the

city personnel response time comprehensive plan.

D. The mayor or his/her designee shall prepare forms, statements and any necessary documents to ensure compliance with this chapter. The provisions of this chapter shall be incorporated into the personnel policy of the city. (Ord. 767 § 1, 1990; Ord. 709 § 1(B), 1987)

2.42.025 City personnel response time comprehensive plan.

A. It is the intent of the city council to establish procedures that are deemed appropriate and necessary to serve the health, safety and welfare of the citizens of the city by authorizing the mayor or his/her designee to develop a city personnel response time comprehensive plan.

B. Procedure and policy to implement the city personnel response time comprehensive plan shall be the responsibility of the mayor or his/her designee. The plan shall be consistent with the intent and purpose of this chapter to ensure that certain personnel job classifications are identified to respond to city needs as set forth in the plan and as prescribed in this chapter.

C. Nothing in this section shall restrict the mayor from requiring a new employee to reside within 30 minutes of the corporate limits of the city; provided that, the sole purpose of requiring a new employee to relocate is to ensure compliance management of the city personnel response time comprehensive plan. (Ord. 767 § 1, 1990)

2.42.030 Police personnel – Requirements.

A. The residency requirements provided for in this chapter shall not require any person applying for or holding office, place, position or employment under provisions applicable to Civil Service for City Police Laws, RCW 41.12.010 as amended, or this chapter, to reside within the corporate limits of the city.

B. Due to the need, from time to time, for emergency response, all police department personnel, subject to civil service for city police laws, are required to reside within a 30-minute response time from their place or resi-

dence to the City Hall; provided, however, this section shall not apply to police personnel who are employees of the city as of January 30, 1990. (Ord. 767 §§ 1, 4, 1990; Ord. 709 §§ 1(C), 4, 1987)

2.42.040 Exceptions.

A. General Provisions. All appointive officials and employees subject to the provisions of this chapter, appointed or employed prior to the effective date of the ordinance codified in this chapter, shall not be discharged by reason of such appointive officials or employees having established their residence outside of the 30-minute response time requirement of the corporate limits of the city.

B. City Attorney and Other Professional Appointive Officials. The city attorney and any other professional appointive officials, when it is deemed necessary by the city council, shall be exempt, and are not subject to the provisions of this title. (Ord. 767 § 3, 1990; Ord. 709 § 3, 1987)

2.42.050 Administration.

The city personnel officer shall monitor the response time provisions of this chapter for the purpose of insuring that all employees subject to the response time requirements are reported to the mayor in a timely manner after completing their probationary periods. (Ord. 767 § 5, 1990; Ord. 709 § 5, 1987)

2.42.060 Effective date.

From and after January 30, 1990, no person shall be appointed to any office or employed by the city, subject to the provisions of this chapter, who does not reside within 30 minutes of the corporate limits of the city. (Ord. 767 § 2, 1990; Ord. 709 § 2, 1987)

Chapter 2.43

OFFICIAL TRAVEL EXPENSES

(Repealed by Ord. 977)

Chapter 2.44

**PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

(Repealed by Ord. 997)

Chapter 2.48**CIVIL SERVICE COMMISSION**

Sections:

- 2.48.010 Established.
- 2.48.020 Statutes controlling.
- 2.48.030 Recommendation of names from eligibility list.

2.48.010 Established.

In accordance with the provisions of Chapter 41.12 RCW, there is established a civil service commission to exercise the powers and to perform the duties established by the state law in connection with the selection, appointment and employment of police in the city. (Ord. 643 § 1, 1983)

2.48.020 Statutes controlling.

Except as specifically provided in this chapter, the provisions of Chapter 41.12 RCW shall control the commission's selection, appointment and employment of police, and all other aspects of police civil service in the city. (Ord. 643 § 2, 1983)

2.48.030 Recommendation of names from eligibility list.

Notwithstanding anything to the contrary in Chapter 41.12 RCW, the following provision is directed:

In addition to any opportunity afforded the appointing authority to exercise the choice in the filling of a vacancy by the terms of the law, whenever requisition is made the 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 one person highest on the eligibility list, shall certify to the appointing authority the names of the three persons highest on the eligibility list for each vacancy, if there are three such persons available. The appointing authority shall forthwith appoint one of the certified persons to the vacant position. (Ord. 643 § 3, 1983)

Chapter 2.50**CITY CREDIT CARDS**

(Repealed by Ord. 991)

2.52.010

Chapter 2.52

INDEMNIFICATION OF OFFICIALS AND EMPLOYEES

Sections:

2.52.010 Intent.

2.52.020 Generally.

2.52.010 Intent.

It is the intent of the city council to indemnify and hold personally harmless all of its elected, appointed officials, employees and agents from any action, claim or proceeding against them based upon the performance or failure to perform the duties of their position. (Ord. 691 § 1, 1985)

2.52.020 Generally.

The city indemnifies and holds personally harmless all of its elected, appointed officials, employees and agents for any action, claim or proceeding instituted against said individual arising out of the performance, purported performance or failure of performance, in good faith of the duties for or the employment with the city. The city holds said individuals harmless from any expenses connected with the defense, settlement or monetary judgments from such actions, claims or proceedings. The purchase of insurance for this purpose for said individuals shall not be considered compensation for them. (Ord. 691 § 2, 1985)

Chapter 2.56

CITY ATTORNEY – CITY PROSECUTOR

Sections:

- 2.56.010 Establishing the position of city attorney.
- 2.56.020 Manner of appointment.
- 2.56.030 City attorney – Duties.
- 2.56.040 Establishing the position of city prosecutor.
- 2.56.050 City prosecutor – Duties.
- 2.56.060 Qualifications for city attorney and city prosecutor.
- 2.56.070 Compensation.

2.56.010 Establishing the position of city attorney.

The appointed position of city attorney is hereby created for the purpose of performing the services set forth herein. (Ord. 900 § 1, 1997)

2.56.020 Manner of appointment.

A. The city attorney shall be a part-time appointed official, with such position being filled and appointed by the mayor, subject to confirmation by a majority vote of the whole council.

B. An appointment made under the provisions of this chapter shall not discharge any of the duties or responsibilities of the office of city attorney until the appointment is confirmed by the city council. (Ord. 900 § 2, 1997).

2.56.030 City attorney – Duties.

General city attorney duties to be performed are as follows:

A. Be the chief legal advisor to the mayor, council, department heads, commissions and boards of the city in relation to matters pertaining to their operation in a governmental capacity;

B. When requested by the city administrator, mayor or council, reduce legal opinions to writing;

C. When requested by the city administrator, mayor or other city official, prepare or review and approve or disapprove ordinances, resolutions, leases, contracts, instruments of conveyance, agreements and any such other similar instruments as may be required by the business of the city;

D. Attend all regular and special meetings of the city council;

E. When from the deliberation of council meetings it appears to the city attorney necessary or appropriate to advise the council concerning the legal ramifications of its contemplated policies or actions, the city attorney shall fully advise the council, whether or not such opinions are requested;

F. Represent the city in all actions brought by or against the city or against the officials in their official capacity. In the event the city attorney determines there is a conflict of interest and is prevented in fairness to the city from acting on a particular case, the city attorney shall so advise the mayor in writing, and the mayor may appoint, subject to confirmation by the city council, an attorney for the limited purpose of representing the city in the conflict case;

G. Recommend to the city council when services of a special counsel are required in matters relating to local improvement districts (LIDs), city revenue bond issues, and other special similar matters not necessarily considered general city business. Said special counsel, fees, costs, and contracts shall be approved by the council;

H. Review the performance of the city prosecutor and make any recommendations to the city administrator, mayor and council that the city attorney deems appropriate.

I. The city attorney shall work under the direction of the city administrator. (Ord. 900 § 3, 1997)

2.56.040 Establishing the position of city prosecutor.

The appointed position of city prosecutor is hereby established for the purpose of performing the duties set forth herein.

2.56.050

A. The city prosecutor shall be a part-time appointed official, with such position being filled and appointed by the mayor, subject to confirmation by a majority vote of the whole council.

B. An appointment made under the provisions of this chapter shall not discharge any of the duties or responsibilities of city prosecutor until the appointment is confirmed by the city council.

C. The city prosecutor shall work under the direction of the city attorney. (Ord. 900 § 4, 1997)

2.56.050 City prosecutor – Duties.

The city prosecutor shall perform the following duties subject to the direction of the city attorney:

A. Diligently prosecute all violations of city ordinances both civil and criminal, and all other state misdemeanor and gross misdemeanor criminal violations which occur within the city limits;

B. Review and approve, in advance, all applications for search and arrest warrants whenever possible;

C. Work closely with law enforcement officers and advise them on all matters involving their official duties;

D. Coordinate the handling of criminal cases with other jurisdictions when said cases are no longer within the jurisdiction of the city to prosecute;

E. Notify the mayor, council and city attorney when the city will be a party to an appeal in any superior court or appellate court;

F. Report to the city on a quarterly basis all activities of the city prosecutor including the number of cases prosecuted during the reporting period, the time expended and such other information as may be required by the city to fully understand the workload, outcomes, etc. of city criminal cases;

G. Perform such other duties as may be assigned that are consistent with this position. (Ord. 900 § 5, 1997)

2.56.060 Qualifications for city attorney and city prosecutor.

A. Licensed and practiced law no less than five years in the state;

B. Provide evidence of all applicable licenses to practice within the state;

C. Consideration of qualifications in connection with past history concerning municipal law and criminal law, including education, experience and a willingness to attend seminars and educational programs dealing with municipal law and criminal law;

D. Provide information enabling the city to evaluate experience relating to municipal law and criminal law. (Ord. 900 § 6, 1997)

2.56.070 Compensation.

A. The city attorney shall prepare the city legal department annual budget in accordance with the city annual budget process.

B. The city attorney and the city prosecutor will provide services to the city under written contracts and upon such terms as may be negotiated from time to time between the parties. (Ord. 900 § 7, 1997)

Chapter 2.60**CITY ADMINISTRATOR**

Sections:

- 2.60.010 Purpose of provisions.
- 2.60.020 Appointment.
- 2.60.030 Authority.
- 2.60.040 Duties.
- 2.60.050 Qualifications.
- 2.60.060 Compensation.

2.60.010 Purpose of provisions.

The purpose of this chapter is to comply with the state laws by establishing the manner of appointment, duties and qualifications and compensation. (Ord. 788 § 2, 1991; Ord. 714 § 1, 1988)

2.60.020 Appointment.

The office of the city administrator is established. (Ord. 788 § 3, 1991; Ord. 714 § 2, 1988)

2.60.030 Authority.

The city administrator shall be assigned to the executive branch of the government of the city, who shall work as the executive and liaison officer at the direction of the mayor and for the city council keeping within the laws of the state for nonchartered code cities. (Ord. 788 § 4, 1991; Ord. 714 § 3, 1988)

2.60.040 Duties.

In view of the flexible nature of administrative work, the duties of the city administrator shall encompass the following:

- A. As directed, coordinate city projects by:
 - 1. Maintaining adequate administrative records of the city administrator;
 - 2. Seeking outside funding sources;
 - 3. Assisting city department heads as needed;
 - 4. Obtaining the services of project consultants when authorized;
 - 5. Preparing and presenting project status program updates to the mayor and council, as directed by the mayor and council;
 - 6. Manage all other city administrative projects when directed to do so.

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B. Coordinate city planning, priorities and goal setting by:

1. Having and maintaining a working knowledge and understanding of Washington State statutes, city ordinances and related laws, rules and regulations that pertain to the administrative management of the city;

2. Identifying the city planning, priority goal setting needs and assessments annually with the mayor and council;

3. Preparing and making reports to the council on the progress of established planning, priorities and goals no less than monthly;

4. Establishing a special annual review procedure under the direction of the council for the purpose of determining if the identified council plans, priorities and goals have been reasonably accomplished.

C. General budget duties:

1. Preparing the executive department annual budget for approval by the mayor;

2. Having a general working understanding of the Washington State BARS Manual;

3. Reviewing annual budget requests submitted by department heads;

4. Assisting the mayor when finalizing the budget for presentation to the council.

D. Identifying management administrative solutions and monitoring city paperwork flow by:

1. Attending all meetings and seminars when directed by the mayor and council;

2. Keeping the mayor and council informed of current city business;

3. Preparing and answering correspondence as directed by the mayor and council;

4. Coordinating with department heads effective administrative management of LID's, subdivisions, annexations and similar petitions and projects;

5. Coordinating the preparation of the council agenda;

6. Implementing new management procedures as directed by council motion, resolution or ordinance;

7. Negotiating and administering contracts and agreements as directed by council motion, resolution or ordinances;

8. Assisting the city attorney in the preparation and drafting of ordinances, resolutions and other documents.

E. Supervisory and administrative responsibilities as assigned.

F. Performing additional administrative tasks as assigned by the mayor and council. (Ord. 788 § 5, 1991; Ord. 714 § 4, 1988)

2.60.050 Qualifications.

The city administrator shall have:

A. A high school diploma or a GED equivalent, and a four-year degree in public administration or closely related field, or four years' work experience in public administration, or combination of work experience and college education;

B. Two years' minimum experience in a public agency involving significant administrative responsibilities;

C. Knowledge of municipal government, budgeting and financing procedures;

D. Proficiency to communicate the English language clearly, concisely and effectively, both orally and in writing;

E. Ability to establish and maintain effective working relationships with other employees and the general public;

F. Prior supervisory experience. (Ord. 788 § 6, 1991; Ord. 714 § 5, 1988)

2.60.060 Compensation.

The city administrator shall receive such compensation and benefits as may be fixed by the city council. In addition, the city administrator shall be reimbursed for all attendance of city-related seminars, continuing education programs, conventions and conferences, and travel and lodging expenses incurred on city business or activities. (Ord. 788 § 7, 1991; Ord. 714 § 6, 1988)

2.64.010

Chapter 2.64

**DANGEROUS BUILDINGS CODE
BOARD OF APPEALS**

Sections:

- 2.64.010 Purpose.
- 2.64.020 Chair and rules.
- 2.64.030 Members of the board.
- 2.64.040 Term of office and meetings.
- 2.64.050 Building official.
- 2.64.060 Authority.

2.64.010 Purpose.

The purpose of this chapter is to establish a board of appeals for the Uniform Code for the Abatement of Dangerous Buildings as provided by Ordinance 764, adopted March 20, 1990. (Ord. 782 § 1, 1990)

2.64.020 Chair and rules.

Appointed members shall elect from their members a chairperson to chair meetings and thereafter the board shall establish rules and regulations and procedures in conformance with the Uniform Code for the Abatement of Dangerous Buildings. The rules and regulations shall be written by the board and then filed with the clerk and the building inspector. (Ord. 782 § 6, 1990)

2.64.030 Members of the board.

The board of appeals shall be made up of three members, qualified by experience and training to pass on matters pertaining to building construction and are not employees of the city. Said members are to be appointed by the mayor and confirmed by the city council. (Ord. 782 § 2, 1990)

2.64.040 Term of office and meetings.

The board members shall serve for a term of two years and shall hold no less than one regular meeting per year. (Ord. 782 § 4, 1990)

2.64.050 Building official.

The city building official shall be an ex officio member of the board. He shall act as secretary but shall have no vote upon any matters

before the board of appeals established in this chapter. (Ord. 782 § 3, 1990)

2.64.060 Authority.

The board shall have the authority and power to hear and pass on all matters subject to appeal under the Uniform Code for the Abatement of Dangerous Buildings in accord with the procedures and regulations established therein. The decision of the board shall be final. (Ord. 782 § 5, 1990)

Newport Municipal Code

Chapter 2.68

YOUTH CENTER

(Repealed by Ord. 995)

