

# CITY OF BOTHELL

## CITY COUNCIL PROTOCOL MANUAL



City of Bothell

Adopted: June 12, 2000  
Resolution No. 1099 (2000)

Revised: July 22, 2002  
Resolution No. 1140 (2002)

Revised: April 17, 2007  
Resolution No. 1201 (2007)

Revised: March 13, 2006  
Resolution No. 1184 (2006)

Revised: March 17, 2009  
Resolution No. 1230 (2009)

Revised: March 20, 2007  
Resolution No. 1200 (2007)

Revised: May 4, 2010  
Resolution No. 1255 (2010)

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# TABLE OF CONTENTS

<b>OATH OF OFFICE .....</b>	<b>4</b>
<b>FOREWORD.....</b>	<b>5</b>
<b>CHAPTER 1 .....</b>	<b>6</b>
<b>INTRODUCTION AND OVERVIEW .....</b>	<b>6</b>
1.01 Council-Manager Form of Government .....	6
1.02 Association of Washington Cities and Municipal Research & Services Center of Washington .....	6
1.03 Purpose of City Council Protocol Manual .....	6
1.04 Overview of Basic City Documents.....	7
1.05 Orientation of New Members.....	8
<b>CHAPTER 2.....</b>	<b>9</b>
<b>BOTHELL CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES .....</b>	<b>9</b>
2.01 City Council Generally .....	9
2.02 Role of Council Members .....	9
2.03 Role of Mayor .....	10
2.04 Absence of Mayor and Council Members.....	11
2.05 Election of Officers .....	11
2.06 Emergency Response .....	12
2.07 Appointment of Officer.....	12
2.08 Advisory Bodies.....	12
2.09 Incompatibility of Offices .....	18
<b>CHAPTER 3.....</b>	<b>19</b>
<b>SUPPORT PROVIDED TO CITY COUNCIL.....</b>	<b>19</b>
3.01 Staff/Clerical Support .....	19
3.02 Office Equipment.....	19
3.03 Meeting Rooms .....	22
3.04 Mail, Deliveries .....	23
<b>CHAPTER 4.....</b>	<b>24</b>
<b>FINANCIAL MATTERS .....</b>	<b>24</b>
4.01 Council Compensation .....	24
4.02 Budget.....	24
4.03 Financial Disclosure .....	24
4.04 Travel Policy.....	24
<b>CHAPTER 5.....</b>	<b>28</b>
<b>COMMUNICATIONS .....</b>	<b>28</b>
5.01 Overview .....	28
5.02 Correspondence from Council Members.....	28
5.03 Local Ballot Measures .....	29
5.04 Proclamations.....	29
5.05 State Public Disclosure Act .....	29
5.06 <i>Bothell Bylines</i> – “Council Corner”.....	30
<b>CHAPTER 6.....</b>	<b>32</b>
<b>CONFLICTS OF INTEREST, APPEARANCE OF FAIRNESS DOCTRINE, AND LIABILITY OF ELECTED OFFICIALS.....</b>	<b>32</b>
6.01 Conflicts of Interest.....	32
6.02 Liability .....	35

<b>CHAPTER 7</b>	<b>36</b>
<b>INTERACTION WITH CITY STAFF/OFFICIALS</b>	<b>36</b>
7.01 Overview	36
7.02 Council-Manager Plan of Government	36
7.03 City Council Non-interference	37
7.04 City Council/City Manager Relationship	37
7.05 City Council/City Staff Relationship	38
7.06 Code of Ethics	38
7.07 City Council/City Attorney Relationship	38
7.08 Roles and Information Flow	38
7.09 Dissemination of Information	40
7.10 Magnitude of Information Request	40
7.11 Staff Relationship to Advisory Bodies	40
7.12 Restrictions on Political Involvement by Staff	41
7.13 Council Attendance Policy	41
7.14 Attendance via Speakerphone (AVS)	41
<b>CHAPTER 8</b>	<b>43</b>
<b>CITY COUNCIL MEETINGS</b>	<b>43</b>
8.01 Meeting Schedule	43
8.02 Public Notice of Meetings and Hearings	43
8.03 Special Meetings	44
8.04 Study Sessions	45
8.05 Placing Items on the Agenda	45
8.06 Development of the Agenda	46
8.07 Audio Recording of Meetings	46
8.08 Alarm System	47
8.09 Order of Business	47
8.10 General Procedures	53
8.11 Open Meeting Law	54
<b>CHAPTER 9</b>	<b>56</b>
<b>PARLIAMENTARY PROCEDURE</b>	<b>56</b>
9.01 Customs of Formality	56
9.02 Meeting Decorum and Order	56
9.03 Order of Discussion	57
9.04 Obtaining the Floor	57
9.05 Questions to Staff	57
9.06 Interruptions	58
9.07 Discussion Limit	58
9.08 Basic Steps to Conducting Business	58
9.09 Making a Motion	59
9.10 Seconding a Motion	59
9.11 Stating the Question	59
9.12 Amendment of the Main Motion	60
9.13 Postponement of Business	60
9.14 Debate	61
9.15 Voting Procedures	62
9.16 Right of Protest	63
9.17 General Rules of Procedure	63
9.18 Specific Rules of Procedure	64
9.19 Suggested Forms	67
9.20 Other Protocol	68
9.21 Parliamentarian	69
<b>CHAPTER 10</b>	<b>70</b>
<b>PROTOCOL ADMINISTRATION</b>	<b>70</b>
10.01 Biennial Review	70
10.02 Adherence to Protocol	70

10.03	City Attorney as Protocol Advisor .....	71
10.04	Adherence to Non-interference Ordinance .....	71
10.05	Applicability of Protocol Manual.....	71
<b>CHAPTER 11 .....</b>		<b>72</b>
<b>ADDITIONAL TRAINING AND RESOURCE MATERIALS .....</b>		<b>72</b>
11.01	Association of Washington Cities [(800) 562-8981].....	72
11.02	National League of Cities [(202) 626-3000].....	72
11.03	International City/County Management Association [(202) 289-4262].....	72
11.04	International Institute of Municipal Clerks [(909) 944-4162].....	72
11.05	Government Finance Officers Association [(312) 977-9700].....	73
11.06	Municipal Research & Services Center of Washington [(206) 625-1300].....	73
11.07	Appendix .....	73
11.08	Other Reference Materials on File.....	74
<b>CHAPTER 12 .....</b>		<b>75</b>
<b>LEAVING OFFICE .....</b>		<b>75</b>
12.01	Return of Materials and Equipment.....	75
12.02	Filling Council Vacancies.....	75
<b>APPENDIX.....</b>		<b>78</b>
ICMA Code of Ethics.....		78
League of Kansas Municipalities.....		82
<i>Tips for Successful Public Service</i> .....		82
Reference Guide to Motions .....		84
Reference Locator Guide.....		85
Glossary of Terms .....		93
Board & Commission Membership & Qualification Matrix.....		96
<b>CHAPTER 35.18 RCW .....</b>		<b>98</b>
<b>PERSONNEL POLICIES .....</b>		<b>106</b>
<b>POLICY 2.1.....</b>		<b>107</b>
<b>POLICY 2.2.....</b>		<b>109</b>
<b>POLICY 10.1.....</b>		<b>111</b>
<b>POLICY 10.2.....</b>		<b>113</b>
<b>POLICY 10.5.....</b>		<b>116</b>

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## **Foreword**

In the course of serving as a public official, there are myriad of issues with which you will become involved. This protocol manual attempts to centralize information on common issues related to local government and your role as a member of the Bothell City Council.

The issues that are addressed in this publication are often complex and subjective. This manual is intended to be a guide and is not a substitute for the counsel, guidance, or opinion of the City Attorney.

The protocols included in this reference document have been formally adopted by the City Council. Provisions contained herein will be reviewed as needed or every two years.

## **Chapter 1**

# **Introduction and Overview**

As a City Council Member, you not only establish important and often critical policies for the community, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

### **1.01 Council-Manager Form of Government**

The City of Bothell is a Council-Manager form of government. As described in the municipal code and Revised Code of Washington, certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines what public policy is and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

### **1.02 Association of Washington Cities and Municipal Research & Services Center of Washington**

The Code City Handbook, Report No. 37, published by the Municipal Research & Services Center, provides a wealth of general information on the major functions of a Council Member's job as a locally elected official. Another publication that goes hand in hand with the handbook is, *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*, published by Municipal Research & Services Center of Washington. This report discusses basic powers; basic duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Open Government-Public Records-Freedom of Information; immunities from tort liability. These documents are distributed to Council Members with this Manual and should be reviewed and considered an integral part of procedures utilized within the City.

### **1.03 Purpose of City Council Protocol Manual**

The City of Bothell has prepared its own protocol manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council Members in their actions.

## **1.04 Overview of Basic City Documents**

This protocol manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

### *A. Bothell Municipal Code*

The municipal code contains local laws and regulations adopted by ordinances. Title 2 of the code addresses the role of the City Council, describes the organization of City Council meetings and responsibilities and appointment of certain city staff positions and advisory boards and commissions. Titles 13 and 22 also address advisory boards and commissions. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

### *B. Personnel Policies and Procedures Handbook*

It is the policy of the City of Bothell to uphold, promote, and demand the highest standards of ethics from all of its elected and appointed officials. Accordingly, all members of the City Council, members of all appointed boards, commissions, committees, City employees, consultants and professional service providers are expected to maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their City position or powers for personal gain. Section 2 and 10 of the City of Bothell Personnel Policies and Procedures address general rules of conduct and provides guidelines for City officials to be worthy of the public trust and abide by their Oath of Office. Copies of Sections 2.1, 2.2, 10.1, 10.2 and 10.5 are included in the Appendix.

### *C. Revised Code of Washington*

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Bothell is an “optional code city,” which means it operates under the general laws of the state. As an optional code city of the State of Washington, Bothell is vested with all the powers of incorporated cities as set forth in the Revised Code of Washington (RCW), Constitution of the State of Washington, and Bothell Municipal Code. Conversely, there are a number of cities within Washington that are “charter cities” and have adopted local provisions that establish basic governing procedures for local government. There are also 1st, 2nd, 3rd, and 4th Class cities that have variable statutory authority based on population. (Please see RCW Titles 35 and 35 A in general, and RCW 35.18 and 35A.13 for more specific information relating to the Council-Manager Plan of Government.

### *D. Biennial Budget*

The biennial budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the biennial budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

#### *E. Annual Financial Report*

The annual financial report includes the financial statements of the City for a calendar year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial report includes statements for the various groups of funds and a consolidated group of statements for the City as a whole.

#### *F. Comprehensive Plan*

A state-mandated comprehensive plan addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's comprehensive plan, *Imagine Bothell...* is reviewed on an ongoing basis, but may only be revised once a year, except as provided by State law.

#### *G. Six-year Capital Improvement Program*

The Six-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and constructing capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of city services.

#### *H. Disaster Preparedness Plan*

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the Fire Chief directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident.

### **1.05 Orientation of New Members**

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Manager and City Clerk will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff. Another training opportunity for new members is the Association of Washington Cities-sponsored newly elected officials orientation. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

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## **Chapter 2**

# **Bothell City Council: General Powers and Responsibilities**

### **2.01 City Council Generally**

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety and general welfare of the citizenry. The City Council is the policy making and law making body of the City. State law and local ordinances grant the powers and responsibilities of the Council.

It is important to note that the Council acts as a body and speaks with one “corporate voice”. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Council Members should respect adopted Council policy. In turn, it is staff’s responsibility to ensure the policy of the Council is upheld.

Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council Members who held a minority opinion on an issue.

#### *A. Council Non-Participation in Administration*

In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, members of the City Council shall refrain from becoming directly involved in the administrative affairs of the City. As the Council is the policy making body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system. RCW 35A.13.120 specifically prohibits interference by Council Members in the city’s administrative service, including the hiring, firing, and work of city staff, with the exception of the City Manager.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager. Subject to RCW 42.30.110 and the holding of executive sessions to discuss and review personnel matters, the Council is not prohibited, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs.

### **2.02 Role of Council Members**

Members of the Bothell City Council are collectively responsible for establishing policy, adopting a biennial budget, and providing vision and goals to the City Manager. The following

outline is a brief description of the various duties of Council Members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

*A. Summary of Council Duties and Responsibilities as Provided in, but not Limited to, the Washington Administrative Code and Revised Code of Washington*

1. Establish Policy
  - a. Adopt goals and objectives
  - b. Establish priorities for public services
  - c. Approve/amend the operating and capital budgets
  - d. Approve contracts over \$10,000
  - e. Adopt resolutions
  
2. Enact Local Laws
  - a. Adopt ordinances
  
3. Supervise Appointed Officials
  - a. Appoint City Manager
  - b. Evaluate performance of City Manager
  - c. Establish advisory boards and commissions
  - d. Make appointments to advisory bodies
  - e. Provide direction to advisory bodies
  
4. Provide Public Leadership
  - a. Relate wishes of constituents to promote representative governance
  - b. Mediate conflicting interests while building a consensus
  - c. Call special elections as necessary
  - d. Communicate the City's vision and goals to constituents
  - e. Represent the City's interest at regional, county, state, and federal levels
  
5. Decision-Making
  - a. Study problems
  - b. Review alternatives
  - c. Determine best course of public policy

## **2.03 Role of Mayor**

*A. Presiding Officer*

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists. The Mayor does not possess any power of veto. The Mayor may not move an action, but may second a motion.

### *B. Ceremonial Representative*

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor's absence, the Deputy Mayor assumes this responsibility. Should both the Mayor and Deputy Mayor be absent, the Mayor will appoint another Council Member to assume this responsibility.

## **2.04 Absence of Mayor and Council Members**

In the absence of the Mayor, the Deputy Mayor shall perform the duties of the Mayor. When both the Mayor and Deputy Mayor are absent, the Council may choose from among its members a person to serve as acting mayor, who shall, for the term of such absence, have the powers of the Mayor.

If the Mayor or other Council Members are absent from the City for more than 15 days, they shall notify the other Council Members and the City Manager of such absence.

## **2.05 Election of Officers**

Procedures for electing officers are as follows:

### *A. Biennial Election of Mayor and Deputy Mayor*

Biennially, at the first meeting of the new Council, the members thereof will choose a presiding officer from their number who will have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she will continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting will select a Mayor from their number for the unexpired term. Following the election of the Mayor, there will be an election for Deputy Mayor. The term of the Deputy Mayor will run concurrently with that of the Mayor.

### *B. Nominations*

The City Clerk will conduct the election for Mayor. The City Clerk will call for nominations. Each member of the City Council will be permitted to nominate one (1) person, and nominations will not require a second. A nominee who wishes to decline the nomination will so state at this time. Nominations are then closed. The Mayor-elect will conduct the election for Deputy Mayor, and nominations will be made in the same manner described for the election of the Mayor.

### *C. Casting Ballots*

Except when there is only one nominee, election will be by written ballot. Each ballot will contain the name of the Councilmember who cast it. The City Clerk will publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Councilmember and the manner in which the Councilmember voted. Thereafter, the City Clerk will

record in the minutes of the meeting the manner in which each voting member of the Council cast his or her ballot. To be elected, a nominee must receive a majority vote of the members present.

*D. Ties*

Ties decided by coin toss.

*E. Resignation of Mayor or Deputy Mayor*

If the Mayor or Deputy Mayor resign, the City Council will appoint a new Mayor or Deputy Mayor, using the procedure outlined above.

## **2.06 Emergency Response**

The Mayor shall sign the declaration of emergency.

## **2.07 Appointment of Officer**

The City Council is responsible for appointing one position within the city organization--the City Manager. The City Manager serves at the pleasure of the Council. The City Manager is responsible for all personnel within the city organization, including the City Attorney, Municipal Court Judge, Municipal Prosecutor, and Public Defender. The City Manager's appointment of the Municipal Court Judge is subject to confirmation by the City Council.

## **2.08 Advisory Bodies**

*A. Appointments Made by the Council*

Boards, commissions and citizen committees provide a great deal of assistance to the Bothell City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards and commissions. In addition, special purpose committees and task forces are often appointed by the City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

The procedures established in this manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various advisory bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governing of their community.

The City Council is specifically empowered to create all advisory boards and commissions pursuant to the provisions of Chapter 35A (Optional Municipal Code), or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate desire to serve on such boards or commissions.

1. For full-term vacancies, the following filing period is established: first Wednesday of January through second full week of February. The City Clerk will:
  - a. Publicly announce the position vacancy and filing period by publication of it in the official newspaper of the City of Bothell.
  - b. Post notices of the position vacancy and filing period in the three public places established in Section 8.02(B) of this manual.
  - c. Notify by mail all residents of the community not currently a member of an advisory board or commission who have indicated interest in serving on a City board or commission.
  - d. Notify by mail the Chairpersons of advisory boards and commissions of the vacancy.
  - e. Notify by mail the incumbents of advisory boards and commissions whose terms are expiring of such term expiration and inviting incumbent to consider reapplying.
2. For partial-term vacancies, a minimum 30-day filing period applies, with dates to be determined by the City Clerk. Partial-term vacancies will be filled as outlined in Section 2.08(A)(1a-d), above.

*B. Qualifications, Terms of Service, Forms*

Persons wishing to be considered for appointment or reappointment will submit to the City Clerk's Office an application on a form provided by that office. The Council will review applications and make appointments.

Inasmuch as the qualifications and terms of service for each advisory body set forth in the Bothell Municipal Code may differ from each other, a membership and qualification matrix is appended to this document for Council reference. It is the policy of the City Council to evaluate each applicant on an objective basis, utilizing the following criteria:

1. Residency - Residency requirements for advisory boards and commissions are noted in applicable sections of the Bothell Municipal Code, and summarized on the Membership and Qualification Matrix appended hereto.
2. Sectional Composition - Normally, consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions.

The City Council will not appoint multiple members from the same family or household to a single board or commission, in order to avoid the reality or appearance of improper influence or favor.

The City Council will not appoint members of Council Members' families or households to boards or commissions to avoid the appearance of favor and to increase community representation.

3. Occupation - The Council will attempt to maintain a broad mix of occupational backgrounds on all boards and commissions.
4. Knowledge of Municipal and Planning Process - When ranking equally qualified applicants, the Council will consider background experience and knowledge of the municipal process as appropriate to the position, in reaching its decisions.
5. Contributive Potential - The Council will evaluate the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide the Council in its evaluation may include:
  - a. Ability to communicate
  - b. Desire to perform public service
  - c. Ability to express ideas, concepts, or philosophies
  - d. Desire to participate in decision-making process
6. Leadership Potential - Since each appointee may be called upon to serve as a Chair, the Council will evaluate leadership abilities, such as:
  - a. Past or present leadership experience (current employment, special interests, etc.)
  - b. Past or present participation in community services
  - c. Expressed interest in a leadership role
7. The City Council will not appoint persons to serve as members of more than one board or commission at the same time; however, persons serving on a board or commission who have requested appointment to another board or commission position may be appointed to such position if they, concurrent with the appointment, resign from the board or commission position they are holding at the time of the new appointment.

### *C. Reappointment Criteria*

At such time as reappointment is considered, the Council will be guided by the following performance criteria:

1. Regularity of Attendance
2. Understanding of board or commission function
3. Demonstrated leadership
4. Effectiveness
5. Demonstrated contribution during past term of office on issues, programs, policies, etc., of the advisory board or commission
6. Objectivity

#### *D. Council Action*

1. Council Interview Period - It shall be the privilege of the Council to personally interview each applicant individually, at a time and place to be designated by the Council.

However, the Council reserves the right to make appointments after reviewing applications and without conducting interviews. Prior to making selections pursuant to subsection 2 below, the Council further reserves the right to reduce the number of applicants by using a procedure chosen by a majority of Council without conducting interviews.

2. Council Evaluation & Selection - After each applicant or member is evaluated, the Council will deliberate and reach a decision at its earliest convenience, using the following procedure.

Council Members will cast their votes using a written ballot to be provided by the City Clerk's Office. Each ballot will contain an alphabetical-by-last-name list of all applicants (primary and alternate interest) for that particular advisory body, and Council Members will cast the same number of votes as there are vacancies.

For example, a ballot for the Parks & Recreation Board contains the names of all nine of the applicants who expressed either primary or alternate interest in serving on the Parks & Recreation Board. If there are only four vacancies on the Parks & Recreation Board, each Council Member would cast four votes on the Parks & Recreation Board ballot.

After all votes are cast, staff will collect the ballots, tally the votes, and assign position numbers to the applicants who receive a majority of votes of Council Members voting. Following this tallying, the results of the voting and position numbers will be announced to the Council for subsequent action to ratify the results of the voting.

All written ballots used to select board and commission members will be retained with the agenda packet for that Council meeting.

3. Decision & Announcement - Each applicant will be notified by mail of the decision of the Council. The City Clerk will also notify the Chair of the affected board or commission of its decision.

#### *E. Resignations*

In the interest of timely noticing of vacancies, and to minimize the impact of such vacancies on boards and commissions, the City Council delegates to the Mayor the authority to accept resignations. Following the Mayor's acceptance of the resignation, the City Clerk is authorized to advertise such vacancies according to the process set forth in Section 2.08(A).

#### *F. Representation by Council Members*

The City Council is often requested to appoint Council Members to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Membership appointment to these groups shall be made by consensus of the Council. If more than one Council Member desires to serve as a member of a particular outside group, the member for that group will be appointed by a majority vote of the Council.

Where applicable, Council will appoint an alternate to attend outside boards, councils, commissions, or committees, if the main delegate to such group is unable to attend a meeting of the group. If after hours, the main delegate will notify the alternate as soon as possible after the main delegate realizes they will be unable to attend an upcoming meeting of the outside group. If during regular business hours, the main delegate will notify the City Clerk. The City Clerk will immediately attempt to notify the alternate of the need for their attendance at the outside group meeting.

Council Members participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

#### *G. Rules of Conduct*

By accepting appointment to any City board or commission, members thereby agree to conduct themselves in accordance with the following rules of conduct.

1. All members of City boards and commissions will abide by all applicable state laws, City ordinances, and other doctrines relating to the conduct of board or commission members, including, but not limited to, the Appearance of Fairness Doctrine, conflict of interest statutes, and the State Open Public Meetings Act.
2. Members of City boards and commissions will not testify in their capacity as a board or commission member, before any other board, commission, administrative officer or agency of the federal government, the State of Washington, or of any county or other municipal corporation, including cities and towns, except as hereinafter provided. Exceptions to the policy set forth above shall be as follows:
  - a. If the member is testifying in such a capacity pursuant to a lawfully issued subpoena; or

- b. In the event the board or commission has designated the member or members to act as a spokesperson for the board or commission to explain the majority vote and recommendation of that board or commission; or
    - c. In the event the City Council appoints the member or members to represent the City before another tribunal.
  - 3. Notwithstanding the foregoing, nothing contained herein is intended to preclude a board or commission member from speaking as an individual citizen, so long as the following conditions are met:
    - a. The individual clearly identifies that he/she is speaking only as an individual citizen and is not in any manner representing or speaking on behalf of the board or commission of which he/she is a member; and
    - b. No board or commission member testifies orally or in writing as to any quasi-judicial matter being heard, or having the possibility of being heard, by the board or commission of which the person is a member.

*H. Council Members' Role and Relationship with City Advisory Bodies*

- 1. In accordance with the provisions of state law, Council Members shall not be appointed to City advisory bodies concurrent with their term of office as Council Member.
- 2. Unless specifically authorized by majority vote of a quorum of the Council, no Council Member shall be authorized to state or testify to the policy or position of the Council before any advisory board or commission of the City.
- 3. Limitations on the conduct of Council Members before the City's advisory boards and commissions should be voluntarily undertaken in order to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:
  - a. Council Members shall not testify in quasi-judicial matters pending before any advisory board or commission that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol may require the Council Member to disqualify him- or herself from participating in any appeal or review proceedings before the City Council.
  - b. Council Members, in their capacity as private citizens, should refrain from providing testimony in legislative or administrative matters pending before any advisory board that will receive, or could potentially receive, future review or other action before the Council. Where a Council Member elects to provide such testimony, the following rules shall apply:

- (i) The Council Member shall declare at the outset and upon the record that the Council Member is present in his or her private capacity as an interested citizen, and not on behalf or at the request of the City Council.
- (ii) The Council Member shall refrain from stating or implying that the Council Member's position or opinion is that of the City Council.
- (iii) The Council Member shall refrain from directing City staff or the advisory body to take any action on behalf of the Council Member.
- (iv) The Council Member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.

## **2.09 Incompatibility of Offices**

There is no single statutory provision governing dual office holding. Statutory law is usually silent on that question except where the legislature has deemed it best either to prohibit or permit particular offices to be held by the same person regardless of whether they may or may not be compatible under common law principles. Chapters 35.24 and 35A.12 RCW expressly permit the offices of clerk and treasurer to be combined in certain cases. However, RCW 35A.12.030 and 35A.13.020 prohibit a mayor or Council Member in a code city from holding any other public office or employment within Bothell's government "except as permitted under the provisions of Chapter 42.23 RCW." A statute expressly permits Council Members to hold the position of volunteer fire fighter (but not chief or other officer). RCW 35A.13.060 expressly authorizes a city manager to serve two or more cities in that capacity at the same time, but also provides that a city council may require the city manager to devote his or her full time to the affairs of that code city.

For additional information or clarification, please refer to *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*, published by the Municipal Research & Services Center.

## Chapter 3

# Support Provided to City Council

### 3.01 Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Clerk's Office. Secretarial services, including scheduling of appointments, receipt of telephone messages, and word processing, are available as needed. Sensitivity to the workload of support staff members in the City Clerk's Office is appreciated. Please note that individuals may have work assignments with high priority. Should requested tasks require significant time commitments, Council Members will consult with the City Manager prior to making assignments.

### 3.02 Office Equipment

To enhance Council Members' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business.

The Information Services Division (IS) will provide a laptop, at the request of Council members, for official City use. Information Services will ensure that all appropriate software is installed and will also provide an orientation in the use of computers and related software. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Personal media and programs cannot be stored on City computers. All policies under the City of Bothell Information Services Security Policies (Section 4. Logical Controls) must be adhered.

Throughout Council Member terms, City equipment is subject to audit. Virus protection software must not be disabled at any time on City equipment and non-city programs or media found during audits will be removed. When individual Council Members have completed their term of office, IS staff will retrieve City computers, software, and modems.

#### A. *Business Use and Limited Personal Use*

The City's electronic equipment and information systems are intended for professional business use in performing the duties of a Council Member. Limited personal use may be permitted, according to the following guiding principles:

1. It is incidental, occasional, of short duration and performed by Council Member.
2. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other solicitations not directly related to the duties of a Council Member;

3. It does not violate the other “prohibited uses” or other specific limitations outlined in this policy.

*B. Prohibited Uses*

The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following, are prohibited:

1. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation;
2. An expression regarding personal political or religious beliefs;
3. An expression of rumors or gossip about any individual or group of individuals;
4. Any business or non-profit organization as defined by the IRS;
5. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City’s Sexual Harassment Policy, 8.3;
6. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. Any information that violates copyright laws;
8. Copying any City-licensed computer software for personal use is prohibited;
9. See also specific prohibitions relating to individual types of system use, below.

*C. Internet Use: Browsing, List-Servs, Newsgroups, etc.*

1. It is the policy of the City to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All Council Members are responsible for using the Internet resources in an effective, ethical and lawful manner, and in accordance with this policy.
2. Limited personal use may only consist of browser capability and may not include ListServs, Newsgroups, Chat Rooms or other capabilities.
3. No purchases shall be made on behalf of the Council Member or the City via the Internet.
4. Using City equipment or City Internet connection to violate the integrity of another system (hacking) is prohibited.

*D. System Security*

1. Acquisition of computer equipment. All acquisitions of information systems components will be performed by the Information Services Division. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.
2. Conscientious care. All Council Members are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware. Any damage caused by personal use, including repair costs, will be the responsibility of the Council Member.
3. Virus Protection. Virus Protection software will be installed on all council member laptops. This software shall not be disabled for any purpose. Any task requiring that virus software be temporarily disabled is to be performed by Information Services Staff only.
4. Downloading files from the Internet. Council Members are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.
5. Unauthorized access. Council Members are prohibited from using “loopholes” or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Council Members are responsible for keeping their password confidential and not sharing it with other users.
6. Use of aliases. Use of aliases while using the Internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.
7. Unlicensed or copied software is prohibited on any City computer. No Council Member may use unlicensed or copied software on any City computer. In addition to the disciplinary penalties provided for in Section 10.02, the City shall seek reimbursement from any Council Member who installs, downloads, uses or authorizes the use of any unlicensed or copied software on any City computer, of any fines, costs or other expenses incurred by the City resulting from such use.
8. Authorized Parties. City computers and equipment are intended for the use of City Council Members only. Council Members are individually and directly responsible to ensure the City provided equipment is not used or accessed by an non-authorized persons. It is the responsibility of the councilmember to alert the City Manager or any unauthorized use or upon loss or theft of equipment.

*E. Computer Printers, Photocopy Machines*

1. Computers & Printers. Council Members may use City computers for personal use if said use meets the criteria outlined in Subsection 3.02(A) above and does not violate Subsection 3.02(B) of this policy; said Council Members will reimburse the City at the rate of 25 cents per page for use of City printers.
2. Photocopy Machines. Council Members may use City photocopy machines for personal use by paying a photocopy charge of 25 cents per page.
3. Other equipment. Except as provided in this policy, Council Members will not use City equipment for personal use. Except as provided herein, in no event shall a Council Member take City property to his or her home.

*F. Monitoring, Enforcement and Penalties*

1. All hardware, software, programs, applications, templates, data and data files residing on City information systems or storage media, whether City business or personal, are the property of the City of Bothell. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to Council Members.
2. The City retains the right to monitor and audit the use of e-mail and Internet use. The right to use these technologies does not include the right to privacy.
3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Council Members should assume that electronic evidence discovery might recover deleted or unsaved data.
4. Council Members' use of a personal Internet account on City equipment, and Council Members' use of a City Internet account on personal equipment, are to be arranged through the City Manager, and are subject to the provisions of this policy. Said Council Members should be aware that their personal e-mail and electronic files could be monitored by the City, and could be reviewed as part of a Public Records request.
5. Each Council Member is required to read and sign this policy. In addition to any other penalty, fine or cost reimbursement required by any provision of this policy, violation of this policy may result in discipline including, but not limited to, the provisions set forth in Section 10.02.

**3.03 Meeting Rooms**

Use of the conference room located at City Hall may be scheduled with the Office of the City Manager.

### **3.04 Mail, Deliveries**

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of mailboxes located at the entrance to City Hall. Individual mailboxes are maintained for each Council Member by the City Manager's staff. Council Members are encouraged to check mailboxes often. In addition, City staff will telefax or personally deliver materials that are time-sensitive to a member's home or office, if appropriate.

Correspondence addressed to one Council Member will be copied for all Council Members.

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## **Chapter 4**

### **Financial Matters**

#### **4.01 Council Compensation**

The municipal code provides for payment of a modest honorarium to members of the City Council. A seated City Council may not increase or decrease its own compensation. Councils may only pass an ordinance to adjust the compensation of an incoming City Council (BMC 2.12.050 and Constitutional Article 2, Section 25 and Article 30, Section 1).

#### **4.02 Budget**

The biennial City budget includes appropriations for expenses necessary for members to undertake official City business. Funding provided includes membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies. Reference is made to the attached City Manager's budget instructions.

#### **4.03 Financial Disclosure**

Candidates for the office of Council Member shall file a financial disclosure statement with the State Public Disclosure Commission within two weeks of filing a nomination paper. When appointed to fill a vacancy on the Council, the appointee shall file a financial disclosure statement with the Commission, covering the preceding 12-month period, within two weeks of being so appointed. Council Members are required to file a financial disclosure statement with the Commission on an annual basis after January 1 and before April 15 of each year covering the previous calendar year. Council Members whose terms expire on December 31 shall file the statement for the year that ended on that December 31. Statements filed in any of the above cases will be available for public inspection.

Failure to file or filing a false or incomplete financial disclosure statement, if done knowingly, is a Class 1 Misdemeanor. There are also civil penalties for violations.

#### **4.04 Travel Policy**

Members of the City Council, City boards and commissions are subject to the following travel policy:

*A. Travel Involving an Overnight Stay*

All reasonable transportation expenses for approved travel (as defined in the following paragraphs) will be reimbursed. Any travel involving an overnight stay should have the prior approval of the City Manager.

Elected and appointed officials should endeavor to attend training and conferences in the state whenever possible, if such training or conference is of comparable value to that offered out of state.

*B. Pre-authorization of Travel Involving an Overnight Stay*

Anyone traveling on City business on a trip that involves an overnight stay shall submit a travel authorization form to the Finance Department. The travel authorization form will include a complete estimate of the costs of the trip, including conference registration, transportation, lodging, meals, vehicle rentals, and incidentals. The travel authorization form will also include the purpose of the trip, the dates of travel, and other pertinent details.

The completed travel authorization form, including the appropriate authorizing signatures, must be submitted to the Finance Department before departure. The City Manager will authorize travel expenses within the legislative budget approved by the Council. The City Manager will authorize:

- a. Overnight travel by elected or appointed officials
- b. Use of a rental vehicle by elected or appointed officials
- c. Out-of-state travel by elected or appointed officials
- d. Any interpretations to the policies stated herein

*C. Reimbursement of Travel Expenses*

A fully itemized claim for expense reimbursement, along with any unexpended portion of the advance, must be submitted to the Finance Department within 15 days of the close of the authorized travel period for which expenses have been advanced. Any amounts not accounted for within the 15-day period shall bear interest at the rate of 10 percent per annum from the date of default until paid (RCW 42.24.150).

1. Transportation Costs - Reimbursement costs for transportation will be at the cost of the most reasonable means of transport. For example, airline costs will be reimbursed at a coach rate. If an elected or appointed official chooses to fly first class, the City will reimburse only at the coach rate and the official must pay for the difference. Efforts should be made to book air travel at least two weeks or more in advance to take advantage of lower rates. Frequent flyer miles earned accrue to the individual and not the City, but should not be the criteria for selecting a flight if lower-cost alternatives are available.

2. Hotel/Motel Accommodations - Reasonable expenses will be reimbursed at the rate of the single-room rate per person. Government or discount rates should be obtained wherever possible.

3. Individual Meals - Same Day Travel - Reasonable costs of necessary meals while conducting City business are reimbursable, to the following maximum amounts\*, including tip:

- Breakfast - \$14.00
- Lunch - \$16.00
- Dinner - \$28.00

\*These amounts are reviewed annually by the Finance Department and may be adjusted from time to time by resolution of the City Council. For travel to high-expense areas, i.e., Washington, DC, meals may be reimbursed at a higher rate than the amounts listed above, subject to prior approval of the City Manager.

- (a) Receipts are not required for per diem reimbursements.
- (b) Reimbursement requests must specify the function attended, date and place for purposes of auditing.
- (c) The cost of meals for official functions (political or professional organizations - usually include speaker and/or room rental) will be paid at full actual cost, even if the cost exceeds the rates above.
- (d) Tips are allowable up to 20% and should be considered as a part of the maximum allowable amount.
- (e) Reimbursement will not be paid for alcoholic beverages.
- (f) Reimbursement will not be paid for expenses for spouses, guests, non-employees, or other persons not authorized to receive reimbursement under this policy or State regulations.
- (g) Reimbursement may be claimed by one person for several employees or officials eating together, as long as all the names are listed on the reimbursement claim.

4. Per Diem for Out-of-Town, Overnight Meals - When traveling out of town overnight, officials will receive a per diem allowance for meals rather than submitting a request for individual meal reimbursements. No receipts are required for meals reimbursed under this section. The daily per diem rates for meals shall be the maximum amount as stated in paragraph 3 above (\$14.00, \$16.00 and \$28.00). If meals are provided as part of the registration fee, no per diem will be paid for those meals. Officials can claim the daily per diem rates only for those meals they pay for directly.

5. Incidental Expenses - Reasonable costs for parking, taxis, buses, rental cars (if necessary), etc., will be paid if itemized on the claim form and accompanied by a receipt. Use of rental cars must have prior approval via the travel authorization form. The cost of long distance telephone calls to the City for City business will be reimbursed, and one telephone call home per day of reasonable length (i.e., 15 minutes) will be reimbursed.

6. Personal Vehicles -When conducting official City business within the City of Bothell (other than Council meetings), officials are expected to utilize their personal vehicles. When traveling out-of-town, officials are expected to utilize rental cars through the City's approved rental car agency or their personal vehicle. Mileage for the use of personal vehicles will be reimbursed at the IRS allowable mileage rate. Officials using their personal vehicle from home to a destination different from City Hall are reimbursed for miles driven in excess of their usual commute to and from City Hall. The IRS rate will be published by the Finance Director by memo at the beginning of each calendar year. Officials using their personal vehicles for City business are advised to review their personal auto insurance for coverage of such use.

7. Reporting of Actual Expenses - All actual eligible expenses should be reported on an expense reimbursement request form to be filled out by the official within 15 days after completion of travel. Receipts must be attached for all expenses claimed, with the exception of per diem for meals. Expense reimbursement requests should be signed by the same party originally approving the travel and filed with the Finance Department for processing.

8. Advance Travel Fund - An Advance Travel Fund was created by City ordinance. The purpose of this fund is to provide reasonable allowances in advance of travel to minimize the impact on the personal finances of employees and officials when they are traveling for the benefit of the City. This fund is to provide cash for what would normally be out of pocket expenses for the employee. It is not to provide room deposits or pay conference fees that should be paid by a City credit card or through accounts payable. Requests for advance travel funds must be made on the travel authorization form and submitted to the Finance Department a week in advance of the official's travel. Amounts requested shall be available in the Finance Department the week before travel, provided the completed form has been submitted with all the required signatures.

A fully itemized claim for expense reimbursement, along with any unexpended portion of the advance, must be submitted to the Finance Department within fifteen days of the close of the authorized travel period for which expenses have been advanced. Any amounts not accounted for with the fifteen day period shall bear interest at the rate of ten percent per annum from the date of default until paid (RCW 42.24.150).

9. Responsibilities. The Finance Director is responsible for administration of these procedures, including the design of forms and review of forms submitted for compliance with state regulations and guidelines established by the State Auditor. The City Manager is responsible for adopting procedures for the administration of Council policies. It is the responsibility of the official incurring the expense to fill out a travel authorization form before traveling and to obtain the necessary approvals. The official is also responsible for filling out an expense reimbursement form when they return and file it with the Finance Director in a timely manner.

## **Chapter 5**

# **Communications**

### **5.01 Overview**

Perhaps the most fundamental role of a Council Member is communication:

- Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents;
- Communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

### **5.02 Correspondence from Council Members**

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

Council Members may occasionally be asked to prepare letters of recommendation for students or others seeking employment or appointment. It is appropriate for Council Members to utilize City letterhead and their Council titles for such letters.

City letterhead and staff support cannot be utilized for personal or political purposes.

### **5.03 Local Ballot Measures**

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

### **5.04 Proclamations**

Proclamations are issued by the Mayor as a ceremonial commemoration of an event or issue (i.e., National Night Out). Proclamations are not statements of policy, and do not require the approval or action of the Council. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue.

### **5.05 State Public Disclosure Act**

To ensure that business communications submitted to and by elected and appointed officials comply with the State Public Disclosure Act, RCW 42.17, and the State Open Meetings Act, RCW 42.30, the following is set forth:

#### **A. *Communications - Generally***

All letters, memoranda, and interactive computer communication involving City Council Members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions as stated by the Public Disclosure Act, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the filing of a public disclosure request with the City Clerk.

#### **B. *Written Communications***

Written letters and memoranda received by the City, addressed to a Council Member or the Council as a body, will be photocopied and provided to all City Council Members, and a copy kept according to the City's Records Retention Schedule.

#### **C. *Electronic Communications***

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.

- City Council GroupWise accounts will be automatically forwarded to CityCouncil@ci.bothell.wa.us.
  - Council Members will forward any non-GroupWise e-mail that pertains to City business to CityCouncil@ci.bothell.wa.us.
  - If a citizen sends an e-mail to a Council Member and requests that it be included in the record of a particular public hearing, the Council Member will forward said e-mail to: CityClerk@ci.bothell.wa.us.
  - If a Council Member wishes that an e-mail be distributed to a City staff member, the Council Member will forward said e-mail to the City Manager.
  - Staff will automatically save the e-mail to CD according to an established schedule, and retained in accordance with Disposition Authority No. GS50-01-12.
  - Staff will not review e-mail unless a public records request is received.
3. E-mail communications that are intended to be shared among four or more Council Members, whether concurrently or serially must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is inappropriate.
  4. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other “confidential” City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
  5. E-mail between Council Members and between Council Members and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
  6. E-mail will not be used for personal use, since Council Members’ conventional e-mail addresses include the City’s “return address.”

#### **5.06 Bothell Bylines – “Council Corner”**

Each issue of the City’s official newsletter, *Bothell Bylines*, will contain a column called “Council Corner.” This is an opportunity for Council Members to write articles on topics of interest to them and the Bothell community. The procedure of scheduling, writing and submittal is set forth below:

1. The Public Information Officer will provide a yearly schedule that shows the column rotation and which Council Member may write for each edition.

2. The Council Member column rotation is based on election season and equal writing opportunities.
3. Columns may consist of 150 to 200 words and are submitted to the Public Information Officer according to the provided rotation schedule.
4. Staff will review columns for grammar, punctuation, phrasing etc., but will not edit Council Members' columns.

## Chapter 6

# Conflicts of Interest, Appearance of Fairness Doctrine, and Liability of Elected Officials

### 6.01 Conflicts of Interest

The conflict of interest law is one of the most complicated laws on the books. To understand its effect on a Council Member's actions, it is suggested that members discuss the law and potential conflicts with a private attorney or the City Attorney. It is imperative that Council Members identify in advance what their conflicts are.

It is illegal to fail to declare a conflict of interest, or to participate or otherwise be involved in discussions on issues or contracts where such an interest exists. Violations of the conflict of interest law may result in significant penalties, including criminal prosecution.

In circumstances where only a "remote interest" (see below) exists, after disclosure of the interest to other Council Members and in the meeting minutes, the Council may approve the contract to which a Council Member has a remote interest, absent participation in the voting by the Council Member with the remote interest, but only if the Council Member refrains from any attempt to influence other members to approve the contract.

#### A. *Applicability*

All City officers, elected and appointed, are subject to the conflict of interest law in RCW 42.23. This includes Council Members.

#### B. *Definition*

*Remote Interests* are so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a City official is:

- a non-salaried officer or member of a nonprofit corporation doing business or requesting money from the City. Therefore, being such an officer or member would not constitute a conflict
- the landlord or tenant of a contracting party. For instance, a Council Member may lease office space to a party which has a private interest in a public matter without it resulting in a conflict of interest
- the owner of less than 1 percent of the shares of a corporation or a cooperative doing business with the City
- being reimbursed only for actual and necessary expenses incurred in performance of official duties

#### C. *Acts not Constituting a Conflict of Interest*

- receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Council Member who owns a business within the City votes for or against

an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits

- an officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Council Member who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Council Member
- a member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

A City official may sell equipment, material, supplies, or services to the City if this is done through an award or contract let after public competitive bidding. An exception to this law permits the City Council to approve a policy on an annual basis to allow the City to purchase supplies, materials, and equipment from a member of the Council without going to public competitive bid as long as the single transaction does not exceed \$300 and the annual total of such transactions does not exceed \$1,000.

#### *D. Declaration of a Conflict*

When a substantial interest exists, the City official must:

1. Refrain from voting or in any way influencing a decision of the City Council; and
2. Declare that a conflict of interest exists and make it known in the official records of the City.

Should a situation arise wherein a majority of Council Members or a majority of a quorum of those present at a Council meeting have a substantial conflict of interest, state law provides that if the conflict of interest statutes prevent the City Council from acting as required by law in its official capacity, such action shall be allowed if the members of the Council with the apparent conflicts of interest make them known.

#### *E. City Attorney Opinions*

A Council Member's request for an opinion from the City Attorney concerning conflict of interest is confidential. However, formal final opinions are a matter of public record and must be filed with the City Clerk. This filing requirement does not apply to verbal communications between Council Members and the City Attorney.

Council Members may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.

### *E. Filing of Disclosures*

The City Clerk maintains a special file for all disclosures and legal opinions of conflicts of interest.

### *F. Prohibited Acts (RCW 42.23.070)*

- No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

### *G. Apparent Conflict of Interest in Litigation Matters*

A Council Member who actively supports a position contrary to an official City of Bothell action or position, as adopted or ratified by a majority of the City Council, must recuse themselves and not participate in any vote, deliberation, executive session, or distribution of confidential information regarding further consideration or action in that matter once litigation has been served or filed regarding the matter. Litigation shall include but is not limited to legal action or appeals of any type including Growth Management Hearings Board appeals.

- The fact that a Council Member voted in opposition or expressed an opinion in opposition to the official action or position prior to the filing or service of litigation shall not, by itself, be sufficient to trigger the need for recusal or non-participation.
- Once litigation has been served or filed, communication regarding the case with anyone other than City staff or legal counsel involved in the litigation of the case is discouraged during the pendency of the litigation.
- Council Members shall voluntarily recuse themselves and choose not to participate under the conditions listed above; however, if Council Members fail to voluntarily recuse themselves or withdraw from participation, any other Council Member may challenge the ongoing participation and request the challenged Council Member to disclose any communication and participation with regard to the pending litigation.
- If the apparent conflict still cannot be resolved voluntarily after such challenge, a majority plus one of the council as a whole may vote to sanction and remove the challenged Council Member from further participation with regard to the pending litigation on the basis of an apparent conflict of interest.

Later legislative participation by a previously recused or sanctioned Council Member, related to the same issue, is not prevented by the provisions of this subsection once the conflict no longer exists or the litigation has terminated.

## **6.02 Liability**

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk- and loss-control activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Chapter 2.25 of the Bothell Municipal Code addresses indemnification of employees and officers.

Elected and appointed officials will participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

## **Chapter 7**

# **Interaction with City Staff/Officials**

### **7.01 Overview**

City Council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

The City Council also supports and acknowledges that Council and the City Manager are most effective when working as a team and as such the Council endeavors to support mutual respect between the City Council and City staff by creating the organizational teamwork necessary for successful implementation of the Council's policies and programs.

### **7.02 Council-Manager Plan of Government**

Bothell has a Council-Manager plan of government. Basically, with this structure, the City Council's role is to establish city policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Council Members, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments. The City Manager appoints members to the Civil Service Commission.

The Council-Manager plan of government is outlined in RCW 35A.13. The powers and duties of the City Manager include:

- General supervision over the administrative affairs of the city
- Appoint and remove at any time all department directors and employees
- Attend all meetings of the Council at which the manager's attendance may be required by that body
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency
- Recommend for adoption by the Council such measures as the manager may deem necessary or expedient
- Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to submit

- Keep the Council fully advised of the financial condition of the City and its future needs
- Prepare and submit to the Council a proposed budget for the fiscal year, and to be responsible for its administration upon adoption
- Perform such other duties as the Council may determine by ordinance or resolution
- Implements and administers City Council policy

### **7.03 City Council Non-interference**

The City Council is to work through the City Manager when dealing with administrative services of the City.

In no manner, either directly or indirectly, shall a Council Member become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City procurement code/procedures.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager. Subject to RCW 42.30.110 and the holding of executive sessions to discuss and review personnel matters, the Council is not prohibited, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs.

### **7.04 City Council/City Manager Relationship**

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

#### *A. Performance Evaluation*

The City Council is to evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance is evaluated based upon the City Manager's Performance Planning and Appraisal Program.

## **7.05 City Council/City Staff Relationship**

City Council Member contact with City staff members, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency.

## **7.06 Code of Ethics**

The City Manager is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA). These principles appear in the Appendix of this manual. It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by ICMA. This code is posted in the City Manager's office area.

## **7.07 City Council/City Attorney Relationship**

The City Attorney, similar to other Department Director positions, is appointed by the City Manager. Legal professional services performed under contract or agreement shall be consistent with the City's adopted Procurement Policy. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

1. provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

It is important to note that the City Attorney does not represent individual members of Council, but rather the City Council as a whole.

## **7.08 Roles and Information Flow**

### *A. Council Roles*

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

All Council Members with concerns affecting the community of Bothell should bring those concerns to the full Council before contacting an outside agency.

#### *B. Access to Information*

The City Manager is the information liaison between Council and City staff. Requests for information from Council Members are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all members of Council so that each member may be equally informed. The sharing of information with City Council is one of the City Manager's highest priorities.

There are limited restrictions when information cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (i.e., access to restricted or confidential information related to crimes) may not be available to members of the City Council.

#### *C. Staff Roles*

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Director. This direction follows the policy guidance of the City Council as a whole. Staff is directed to reject any attempts of individual Council Members to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Council Members; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

#### *D. Significant Requests*

No Council Member shall request or direct the City Manager or Department Directors to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. The City Manager shall determine whether or not a matter is significant.

## **7.09 Dissemination of Information**

In addition to regular, comprehensive memoranda written by the City Manager directly to City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Council Members receive copies of all correspondence received by the City Manager that will assist in them in their policy-making role. The City Manager also provides other documents to Council on a regular basis, such as status reports, executive summaries, and minutes of all weekly senior staff meetings.

A variety of methods are used to share information with Council. Workshops and study sessions are held to provide detailed presentations of matters. Council/staff retreats serve to focus on topics and enhance information exchange. The City Manager's open-door policy allows individual Council Members to meet with the Manager on an impromptu or one-on-one basis.

## **7.10 Magnitude of Information Request**

Any information, service-related needs, or policy positions perceived as necessary by individual Council Members that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so directed by action of the Council, staff will proceed to complete the work within a Council-established timeline.

## **7.11 Staff Relationship to Advisory Bodies**

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as outlined in Section 8.05(C) of this manual. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the City Council.

## 7.12 Restrictions on Political Involvement by Staff

Bothell is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy for the good of the community, not influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender rights to be involved in political activities. Employees may privately express their personal opinions. They may register to vote, sign nominating or recall petitions, and they may vote in any election.

## 7.13 Council Attendance Policy

RCW 35A.13.020 (Council-Manager Plan of Government) directs us to RCW 35A.12.060 (Mayor-Council Plan of Government) - Vacancy for Nonattendance. A council position shall become vacant if the Council Member fails to attend three consecutive regular meetings of the council without being excused by the council.

At the start of each City Council meeting, the Mayor or City Clerk, or designee, will call the roll. Any absent Council Member who has called the Mayor or City Manager's Office prior to 5:00 p.m. on the day of the meeting to advise of such absence will be deemed excused.

## 7.14 Attendance via Speakerphone (AVS)

From time to time, a Council Member will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting via speakerphone are as follows:

### A. *The Rare Occasion*

Attendance via speakerphone should be the rare exception, not the rule, and AVS is limited to two times per year per Council Member. Examples of situations where AVS would be appropriate include, but are not limited to:

- An agenda item is time sensitive, and AVS is needed for a quorum;
- An agenda item is of very high importance to the Council Member that cannot be physically present;
- It is important for **all** Council Members to be involved in a decision, but one Council Member is unable to be physically present.
- AVS should be limited to one agenda item, not the entire Council meeting.

B. *Attendance - Procedure*

1. The Council Member attending via speakerphone
  - a. must be able to hear the discussion on the agenda item taking place in the Council chambers, and
  - b. must be able to be heard by all present in Council Chambers.
2. When the particular agenda item is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:
  - a. Let the record reflect that Council Member \_\_\_\_\_ is attending via speakerphone for Agenda Item No. \_\_\_\_\_, relating to \_\_\_\_\_.
  - b. Council Member \_\_\_\_\_, can you hear me? [There must then be a clearly audible response in the affirmative.]
  - c. Let the record reflect that Council Member \_\_\_\_\_, who is attending via speakerphone, can be heard by all present in Council chambers.
3. Upon conclusion of the particular agenda item, the Mayor (or presiding officer, if the Mayor is not physically present) should state:
  - a. Council Member \_\_\_\_\_, discussion on Agenda Item No. \_\_\_\_\_ has concluded. Thank you for your attendance via speakerphone. The telephone connection will now be terminated. [Connection should be terminated at this time.]
  - b. Let the record reflect Council Member \_\_\_\_\_'s attendance via speakerphone has been terminated. Next on the agenda is ...

C. *Notification*

If a Council Member wishes to attend a Council meeting via speakerphone for an agenda item, the Council Member should notify Council of his or her intent at the Council meeting prior to the meeting for which they wish to attend via speakerphone. This notification should be made during the Council's review of the projected agenda.

If that is not possible, the Council Member should notify the City Manager of his or her wish to attend a Council meeting via speakerphone for an agenda item not later than the business day prior to the Council meeting for which he or she wishes to attend via speakerphone. With less notice, it may not be possible to make the necessary arrangements to allow attendance via speakerphone.

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## **Chapter 8**

# **City Council Meetings**

The City Council's collective policy and law-making powers are put into action at the council meetings. It is here that the Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of council meetings all lend themselves to the essential democratic nature of local government.

### **8.01 Meeting Schedule**

Regular meetings are held the first, second, and third Tuesdays of each month at 6:00 p.m., in the Bothell Municipal Court, 10116 NE 183<sup>rd</sup> Street, Bothell. The second Tuesday is intended to be reserved as a study session. Should these days happen to be designated as a legal holiday, the Council meeting will be held the fourth Tuesday of the month. Study sessions are held on the second Tuesday of each month, beginning at 6:00 p.m., or immediately following any regular meeting. No audience participation is allowed during the course of any study session, unless permitted by the consent of a majority of the council present, and no final action shall be taken on any matter at any study session.

### **8.02 Public Notice of Meetings and Hearings**

Pursuant to RCW 35.22.288, cities are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. The procedure followed by the City of Bothell is as follows:

#### *A. Notices*

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council or the City's Boards and Commissions shall be given by one publication of a notice containing the time, place, date, subject, and body before whom the hearing is to be held, in the City's official newspaper at least ten (10) days before the date set for the hearing.

#### *B. Preliminary Agenda of Council Meeting*

The public shall be notified of the preliminary agenda for the forthcoming regular City Council meeting by posting a copy of the agenda in the following three public places in the City at least 24 hours in advance of the meeting:

- Bothell City Hall  
18305 - 101st Avenue NE  
Bothell, WA 98011

- Bothell Post Office  
10500 Beardslee Boulevard  
Bothell, WA 98011
  - King County Library  
Bothell Branch  
9654 NE 182nd  
Bothell, WA 98011
- \*Also, a full agenda packet will be located at the Bothell Library Reference Desk

*C. Duties of City Clerk*

The City Clerk is directed to publish notices and post agendas as required by Section 8.02 of the Bothell City Council Protocol Manual.

RCW 42.30.080 addresses the subject of special meetings. For special meetings, only those items specifically listed on the agenda may be discussed, considered, or decided.

The City Clerk is responsible for posting the notice of public meeting at least 24 hours in advance of the meeting. Posting locations include the Bothell Post Office, the Bothell Branch of the King County Library, and the City Clerk’s Office at City Hall.

**8.03 Special Meetings**

Special meetings may be called by either the Mayor or Deputy Mayor, or by the written request of four Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, or by facsimile, written notice to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

At all regular and special meetings, public comments are invited during a public hearing before or during consideration of any item on the agenda. Public comment is appropriate on any matter within the jurisdiction of the City Council.

## **8.04 Study Sessions**

The City Council may meet informally in a study session. The study session is the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others. Further, the purpose of Study Sessions is to allow Councilmembers to do concentrated preliminary work with administration on single subjects of time consuming, complex matters (i.e., budget, complex legislation or reports, etc.). One of the goals of Study Sessions is to allow a less formal atmosphere within which Councilmembers may ask questions of staff and each other, as opposed to taking time at Regular meetings, thus shortening the time spent at Regular meetings. Study Sessions shall be in a less formal setting, but shall not discourage public observation.

All discussions and conclusions held during a study session are of an informal nature. No final action is taken while in a study session.

No audience participation is allowed during the course of any study session, unless permitted by the consent of a majority of the council present.

## **8.05 Placing Items on the Agenda**

### *A. Agenda Planning Committee*

All matters to be presented to the City Council at its regular meetings are reviewed by the Agenda Planning Committee. The Executive Leadership Team and City Clerk comprise the Agenda Planning Committee. The City Council may change the order of business on the Projected Agendas, when they deem it to be of a greater public benefit to facilitate public participation.

The City Manager and Mayor will review the agenda prior to the regular meeting.

### *B. City Council*

A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or submitting the request in writing to the City Clerk or City Manager at least ten working days prior to the meeting for which the item is requested to be placed on the agenda. The item shall be presented to the Agenda Planning Committee to schedule the item.

The City Council will review the projected agenda document at all regular meetings and agree to change the projected agenda if a majority chooses to do so.

### *C. Advisory Bodies and Civic Organizations*

Advisory bodies of the City Council and other civic agencies (i.e., Chamber of Commerce, Greater Bothell Association) may submit items for Council by submitting a request in writing to the City Clerk or City Manager at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda.

#### *D. Members of the Public*

A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting and/or by submitting the request in writing to the City Council, through the City Clerk's office. In order to allow sufficient time for Council to review, and staff to research the matter, the request should be submitted at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been placed on the agenda, the City Clerk will notify the requester so that he or she may plan to attend the meeting.

#### *E. Emergency Items*

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.

### **8.06 Development of the Agenda**

Staff is required to submit an agenda bill form for each topic of discussion on the City Council agenda. The deadline for submitting these forms to the City Manager's Office is 10:00 a.m., two Mondays prior to the date of the meeting for which the item is scheduled. The forms must include supporting documentation, including any information requested by Council at the previous Council meeting. The agenda bill and any attachments are also submitted electronically to the City Attorney and Finance Director by the due date.

Please see the Agenda Process Administrative Order for additional information on the agenda process.

Given the rigorous time frame for agenda development, it is extremely difficult for staff to compile or prepare information requested at a Tuesday night meeting in time for the next agenda bill deadline.

The Council will receive follow-up information at the second Council meeting following the date it is requested. This would allow staff sufficient time to prepare reports that require additional investigative research and/or additional time due to complexity of subject matter.

### **8.07 Audio Recording of Meetings**

The City Clerk, or designee, shall make and keep audio recordings of all meetings of the Bothell City Council, except those meetings or portions of meetings conducted in Executive Session, or unless a motion is passed to suspend audio recording of a meeting. Recordings and related records of all City Council meetings, except as referenced above, shall be retained by the City.

- Audio recordings are designated as the primary record of “Audio/Visual Recording of Official Proceedings” for Council and board/commission proceedings, and are kept for six years.
- Video recordings are designated as the secondary record copy for Council and Planning Commission, and are kept for two years.
- Agenda packets are retained for three years, with archival review by the regional archivist.

## **8.08 Alarm System**

The alarm system in the Municipal Courtroom / Council Chambers will be used in case of emergency.

## **8.09 Order of Business**

The City Council, by adoption of this manual, establishes the general order of meetings. This section summarizes each meeting component. The Council may, at any time by simple majority of those present, vote to consider items in a different order.

### *A. Call to Order*

The Mayor, or in the Mayor’s absence the Deputy Mayor, presides over all meetings of the City council, and after determining that a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, the City Clerk shall call the Council to order, whereupon a temporary Deputy Mayor shall be elected by the members of the Council present. Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

### *B. Roll Call*

The Mayor or City Clerk, or designee, takes roll and announces the presence or absence of individual Council Members.

### *C. Meeting Agenda Approval*

This is the time when Council Members or the City Manager may withdraw or move items on the agenda. A simple majority of those present may vote to consider items in a different order.

During this portion of the agenda, Council Members will share current activities on regional, state, and federal committees, boards, or commissions on which they serve.

### *D. Review Projected Agenda*

Provides an opportunity for members of the Council and the City Manager to review the projected agenda and make modifications thereto as necessary.

### *E. Special Presentations*

The City Council may receive awards or special recognition's from various agencies, committees, or individuals during this segment of the meeting. Chairpersons or other representatives of various municipal committees or agencies may be asked to report to the Council concerning the activities for which they are responsible. For discussion to occur on these reports, they must be listed with some specificity on the agenda.

Council may also take the opportunity to acknowledge outstanding achievements or present awards to employees, groups, or other individuals. Pursuant to Section 2.03(B) of this manual, the Mayor is vested with the authority to initiate and execute proclamations.

### *F. Consent Agenda*

Those matters of business that require action by the Council which are considered to be of a routine and non-controversial nature are placed on the consent agenda. The individual items on the consent agenda shall be approved, adopted, or enacted by one motion of the Council. Examples of such items include:

- Approval of all Council minutes;
- Acceptance of advisory board and commission minutes;
- Treasurer's Report;
- Approval of vouchers;
- Final approval of leases and agreements;
- Final acceptance of grants, deeds, or easements;
- Setting dates for public hearings/meetings;
- Acknowledging receipt of claims for damages against the City;
- Passage of resolutions and/or ordinances which the Council has given directions to place on the consent agenda;
- Final acceptance of public works construction projects as complete.

No discussion shall take place regarding any item on the consent agenda beyond asking questions for simple clarification.

Unless a member of the Council requests a reading of the minutes of a Council meeting, such minutes may be approved without reading, if the Clerk has previously furnished each member with a copy thereof.

Prior to approving the items on the consent agenda, Council Members may request to withdraw (or pull) any item and take action separately on that item. Council will consider each withdrawn item during the course of the meeting after the amended consent agenda has been approved.

### *G. Visitors*

During this portion of the meeting, the Mayor will invite citizens to talk with the Council about topics that are not scheduled for public testimony on the evening's agenda. Council is encouraged to establish and manage a time limit for each public hearing and/or single agenda item in order to permit adequate time for the Council to conduct its business. Speakers will limit their presentation to 3 minutes, unless a longer period is permitted by Council. No speaker may convey or donate his or her time for speaking to another speaker. If many people wish to speak to a particular issue, Council may choose:

- 1) To limit the total amount of time dedicated to that single issue; and/or
- 2) continue the time for visitor comments on that issue to a future Council meeting; and/or
- 3) In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed. Groups that desire to designate a spokesperson shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

Also, if many people wish to speak to a particular issue, Council may choose to continue the time for visitor comments on that issue to a future Council meeting.

Speakers are asked to sign the "Speakers Sign-in Sheet" provided.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the Clerk of the Meeting. A copy of the document will be provided to each Council Member; the document will not be read aloud.

The following language will be added to the published agenda under "Visitors:" 1. If you are asking a question under "Visitors," please remember that Council may not have specific information during the meeting to provide a complete reply. The Mayor, or Presiding Officer, may choose to ask the City Manager to determine the best method to address the citizen's question. The City Manager may refer the question to staff or suggest that staff research the answer and provide the answer within a certain timeframe with a copy to the citizen and all Councilmembers. If you have an item for Council consideration, the best procedure is to submit it in writing prior to a regularly scheduled council meeting; 2. PLEASE LIMIT YOUR REMARKS TO THREE MINUTES. The Mayor may interrupt citizen comments that continue too long, relate negatively to other individuals, or are otherwise inappropriate.

### *H. Award of Contract*

All contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or the City Attorney's authorized representative, and shall have been first referred for review to the head of the department under whose jurisdiction the administration of the subject matter of the contract document would devolve, and shall further have been presented to the City Manager or authorized representative for review.

### *I. Boards & Commissions*

During this portion of the meeting, Council may consider board and commission interviews, appointments, and/or other advisory board-related business as necessary.

### *J. Old Business*

Items and topics which have been previously brought before the Council, but which do not fit into any of the other categories listed in Section 8.09 of this manual, shall be placed under Old Business.

### *K. Ordinances & Resolutions*

Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced by a member of the Council, except that the City Manager, City Attorney, or department directors may present ordinances, resolutions, and other matters or subject to the Council, and any Council Member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered.

#### Prior Administrative Review

All ordinances and resolutions shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or the City Attorney's authorized representative, and shall have been first referred for review to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance or resolution would devolve, and shall further have been presented to the City Manager or authorized representative for review.

#### Ordinance Preparation

The City Attorney shall review all ordinances. The City Attorney shall prepare no ordinance unless ordered by a majority vote of the Council or requested by the City Manager.

#### Ordinance Passage

(i) No ordinance shall contain more than one subject that shall be fully and clearly expressed in its title. Ordinances shall be presented to each member of the City Council and the City Manager in written form prior to any vote thereon; provided, however, that revisions and amendments may be made by voice at such meeting.

(ii) Ordinances which have not been placed on the consent agenda, and which meet the requirements of subsection (i) of this section may be passed by having only the title read aloud and without having the full ordinance read aloud unless a motion approved by a majority of the Council Members present requests that the ordinance be read aloud in full.

### *L. Public Meetings, Public Hearings, Open Record Reviews, and Closed Record Reviews*

Public meetings, public hearings, open record reviews, and closed record reviews shall be held at 6:00 p.m. or later, unless otherwise noticed in accordance with law.

All Planning Commission recommendations and such other matters as staff may deem appropriate shall first be brought to Council at a study session for introduction, preliminary discussion and scheduling. At that initial study session, staff shall attempt to facilitate a determination by Council as to which of the following general tracks the Council would like to take for future discussion:

- 1) If Council determines by consensus after initial presentation that it can most likely act on the matter with very little or no change from Planning Commission or staff recommendations and no Council public hearing is required, the matter shall be brought back at a future meeting for deliberation and adoption; or
- 2) If Council determines by consensus after initial presentation that it wants to consider substantive but not drastic changes from Planning Commission or staff recommendations, the matter shall be scheduled for a single future council meeting for public hearing and adoption (tentatively) at the same meeting; or
- 3) If Council determines by consensus after initial presentation that it wants to consider major changes from the Planning Commission or staff recommendations and needs one or more additional study sessions before a public hearing is scheduled, the matter shall be scheduled for a future study session for additional study.

Individuals desiring to speak during a public hearing are to address the Council from the speaker podium after giving their name and address. Comments are limited to the specific matter for which the public hearing is held and are limited to 3 minutes, unless a longer period is permitted by the presiding officer and/or Council. No speaker may convey his or her time for speaking to another speaker. Written comments are encouraged during the public hearings. When materials are presented during public hearings, they should be submitted to the City Clerk before the public hearing is closed on the item.

In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed. Groups that qualify for this special treatment shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

After a public hearing is closed, no member of the public shall be permitted to address the Council or the staff. In fairness to members of the public, the City Council shall be considered to be in deliberations from that point forward. Continuance of the item shall place it on the “old business” portion of any forthcoming agenda. Additional public testimony either that evening or at a future meeting would be precluded until public hearing notification procedures required by the Bothell Municipal Code are concluded.

#### *M. New Business*

Items or topics that are new to the Council shall be scheduled for consideration under this section of the agenda.

#### *N. Executive Session*

At the call of the presiding officer, or with a majority vote, the City Council may recess to Executive Session to privately discuss and consider matters of confidential concern to the well being of the City. The purposes for which an Executive Session may be held are identified in RCW 42.30.110:

- Discussion with legal counsel of pending or potential litigation
- Property Acquisition/Disposition

- Matters affecting National Security
- Performance review of publicly bid contracts
- Complaints or charges brought against a public officer or employee
- Qualification/performance review of job applicants and employees
- Evaluate qualifications of candidates for appointment to an elective office

The City Council may also hold an Executive Session to receive confidential advice from the City Attorney under the attorney-client privilege.

An Executive Session may also be called for the purpose of planning or adopting a strategy or position to be taken during collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing proposals made in ongoing negotiations. State law specifically provides that the Open Public Meetings Act does not apply in the above-noted situations.

Before convening in Executive Session, the presiding officer shall publicly announce the purpose for excluding the public from the meeting place, and the time when the Executive Session will be concluded. An Executive Session may be extended to a stated later time by announcement of the presiding officer.

#### *O. Reports*

Members of the Council and the City Manager may take this opportunity to make comments, extend compliments, express concerns, or make announcements concerning any topic they wish to share with staff or the public.

#### *P. Addressing the Council -- Generally*

*Written Communications.* All persons may address the Council by written communication, including e-mail. Such written communication pertaining to items subject to public hearing procedures will be made a part of the public record, but will not be read aloud.

Written comments may be submitted to the Council at any time by mailing or otherwise delivering to the City Clerk, 18305 – 101<sup>st</sup> Avenue NE, Bothell, WA 98011. The Clerk will distribute a copy of the correspondence to each Council Member.

*Oral Communications.* All persons may address the Council verbally, either:

- a) During the Visitor's portion of the Agenda for items not on the Agenda;
- b) During public hearings, following staff (and applicant, if applicable) comments;
- c) During items on the agenda that are not public hearings, etc., following staff comments at the discretion of the Council.

*Addressing the Council -- Manner -- Limits.* Each person addressing the Council will give his or her name and address in an audible tone of voice for the record, and, unless the Council grants further time, shall limit the address to five minutes. All remarks will be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor will be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor.

*Q. Addressing the Council -- After a Motion is made*

After the Council makes a motion, no person will address the Council without first securing the permission of the Mayor or presiding officer to do so.

*R. Adjournment*

A Council Member may propose to close the meeting entirely by moving to adjourn. The meeting will close upon the majority vote of the Council. A motion to adjourn will always be in order and decided without debate. All Council meetings, except the second Tuesday meeting – Study Session, will conclude no later than 9:00 p.m. in order to afford the public the opportunity to comment, unless this provision is waived by a majority of the Council. The second Tuesday – Study Session meeting will conclude no later than 10:00 p.m. unless this provision is waived by a majority of Council. Consideration of the agenda matter then on the floor will be continued beyond 9:00 p.m. for meetings other than the second Tuesday – Study Session meetings by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by the times listed above, the meeting will be recessed to a definite time and place, and notice of such continued meeting will be given as provided by statute.

## **8.10 General Procedures**

*A. Seating Arrangement of the Council*

While the Deputy Mayor is customarily seated immediately next to the Mayor, he or she may choose to sit anywhere at the dais. The Mayor, with the approval of individual Council members, shall establish other seating arrangements for regular council meetings.

*B. Signing of City Documents*

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Deputy Mayor may sign such documents.

*C. Quorum*

Four members of the Council shall constitute a quorum and are necessary for the transaction of City business. In the absence of a quorum, the Mayor shall, at the request of any two members present, compel the attendance of absent members.

*D. Minutes*

The City Clerk or designee shall take minutes at all meetings of the City Council. The minutes shall be made available for public inspection.

Unless a member of the Council requests a reading of the minutes of a Council meeting, such minutes may be approved without reading, if the Clerk has previously furnished each member with a copy thereof.

*E. How Many Votes are Required for Passage?*

For all ordinances, resolutions, and motions, except for the following, a simple majority of the Council members present (assuming a quorum) is sufficient for passage:

The passage of any ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, requires an affirmative vote of at least a majority of the whole membership of the Council.

Public emergency ordinances, necessary for the protection of public health, public safety, public property, or public peace, may take effect immediately upon final passage (instead of after a five-day delay), if passed by a majority plus one of the whole membership of the Council.

Passage of an ordinance for an emergency expenditure requires a vote of more than a majority of all members of the Council.

*F. Electronic Voting*

When seated at the dais for regular Council meetings, votes will be cast using the electronic voting board unless suspended as necessity or convenience of the Council dictates.

**8.11 Open Meeting Law**

*A. Applicability*

The open meeting law applies to the City Council, all quasi-judicial bodies, and all standing, special or advisory boards, commissions, committees or subcommittees of, or appointed by, the City Council.

*B. Meetings*

All meetings of the Council shall be open to the public, except in the special instances as provided in RCW 42.30.110, as hereafter amended. A meeting takes place when a quorum (a majority of the total number of Council Members currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon. The label applied to a public meeting does not affect compliance with the law. Whether the meeting is referred to as regular or special, workshop or study session, the notice, agenda and minute-taking requirements must be met. The only exception to the public meeting requirement is an executive session, which was discussed in Section 8.09(0).

*C. ADA Requirements*

The City of Bothell strives to provide accessible meetings for people with disabilities. Assisted-listening devices are available for use in the Council Chambers. If these or other accommodations are required, please contact the Americans with Disabilities Act Coordinator at (425) 486-3256 at least three days prior to the meeting.

*D. Actions*

No legal action can be taken by the Council except in a public meeting. At a *Special Meeting*, action can be taken only on those items appearing on the posted agenda, except for emergency items as defined in Section 8.05(E). At a *Regular Meeting* of the City Council, the Council is free to take action on non-agenda items, subject to applicable notice requirements in state statutes or local ordinances for the subject matter being considered.

*E. Correspondence*

All writings distributed for discussion or consideration at a public meeting are public records, with the exception of written materials protected by the attorney/client privilege. The content of documents protected by the attorney-client privilege must not be cited or quoted in order to protect the privilege.

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## Chapter 9

# Parliamentary Procedure

By approval of the Council Protocol Manual, the City Council has adopted a modified version of *Robert's Rules of Order*. The abridged rules of order that will be entertained by the Bothell City Council can be found in the Appendix.

### 9.01 Customs of Formality

The presentation and disposition of motions at a City Council meeting involves significant interaction between the presiding officer and the members of the Council. Therefore, members should understand the customs of formality that are followed by the presiding officer and members in conformance with parliamentary procedure.

#### A. *Customs Observed by Members*

The regular presiding officer of the Council is addressed as “Mayor \_\_\_\_\_” or Mr. (or Madam) Mayor.” Even at meetings where no citizens are present, the presiding officer is called by the individual’s proper title and is never addressed or referred to by his or her first name or the personal pronoun “you”.

As a general rule, the presiding officer is addressed as “the chair” when additional reference is required. For example, “Mr. Mayor, do I understand the chair to state...” The presiding officer’s place or station in the chambers is also called “the chair.” Therefore, the term “the chair” applies to both the presiding officer and to that person’s station in the council chambers.

Members address only the chair, or address each other through the chair, and generally refer to each other by title. For example, “Mr. Mayor, may I ask Councilwoman A to explain...”

#### B. *Customs Observed by the Presiding Officer*

The presiding officer refers to himself or herself as the chair and never uses the personal pronoun “I.” For example, “The chair rules that...” The presiding officer also does not address an individual member as “you,” but refers to members by their proper title.

### 9.02 Meeting Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal by the Council. During Council meetings, Council members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the chair or the rules of protocol.

Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council shall be forthwith, by the Mayor, barred from further audience before the Council.

### **9.03 Order of Discussion**

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

### **9.04 Obtaining the Floor**

A Council Member shall address the presiding officer and gain recognition prior to making a motion or engaging in debate. The presiding officer will recognize Council Members by their last name, such as "Council Member Jones." Council Members will address each other as Council Member, followed by last name, such as "Council Member Jones." Cross-exchange between Council Members and the public should be avoided. This is to prevent general conversation and to keep the order necessary to maintain decorum and accomplish the business of the Council.

After a member has concluded comments and yielded the floor, if two or more members are trying to obtain the floor at the same time, the general rule is that the person who addresses the chair first is entitled to be recognized. When a motion is open to debate, however, there are three instances in which the presiding officer should assign the floor to a person who may not have been the first to address the chair. These are:

1. The Council Member who made the motion currently under debate is entitled to be recognized in preference to other members if that individual is claiming the floor and has not already spoken on the question.
2. No member is entitled to the floor a second time in the meeting on the same motion as long as another member who has not spoken on the motion desires the floor.
3. In instances where the person to be recognized is not determined by (1) or (2) above, and where the presiding officer knows that members who are seeking the floor have opposite opinions on the motion, the chair should let the floor alternate as much as possible between those favoring and those opposing the motion.

### **9.05 Questions to Staff**

A Council Member may, after recognition by the presiding officer, address questions to staff members.

## **9.06 Interruptions**

Once recognized, a Council Member should not be interrupted while speaking, except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question order is determined.

Upon being recognized by the presiding officer, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

## **9.07 Discussion Limit**

A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process.

## **9.08 Basic Steps to Conducting Business**

Specific requests or proposals that are presented to Council for consideration and possible action must be introduced in the form of a motion. For the proper presentation and disposition of most motions, 13 separate steps are required. The basic steps to conducting business include:

The Presiding Officer (chair):

1. Introduces the item to be considered as presented on the agenda
2. Opens a public hearing
3. Closes the public hearing after receiving comments (if any) from the public
4. Calls for discussion

A member of the Council:

5. Addresses the chair
6. Is recognized by the chair
7. Proposes the motion

A second member of the Council:

8. Seconds the motion

The Presiding Officer (chair):

9. States the motion
10. Calls for any further discussion or debate
11. Restates the motion and puts the motion to a vote

The City Clerk:

12. Takes the vote
13. Announces the results

## **9.09 Making a Motion**

Under parliamentary procedure, there are three steps required to bring a motion before the Council for its consideration:

1. A Council member makes a motion;
2. Another Council member seconds the motion, and
3. The chair states the motion.

Unless the motion can interrupt a speaker as explained in *Robert's Rules of Order*, a member must obtain the floor to make a motion. Once the chair has recognized a Council Member, the individual makes the motion by saying, "I move that..." or "I move to..." and announcing what is proposed.

Council Members should attempt as much as possible to state motions in the positive form--that is, "I move to..." rather than "I move not to..." Motions where one must vote "yes" to vote against a proposal are confusing not only for Council Members, but also for staff and citizens.

If a proposal has only minimal support, a Council Member might state "I make this motion in order to put it on the floor for discussion. I am not sure of my position on it at the present time."

## **9.10 Seconding a Motion**

After a motion has been made, and if it requires a second, another Council Member who wishes to see the motion considered says, without obtaining the floor, "I second the motion," or simply, "Second." A second merely implies that the member agrees the motion should come before the meeting, not necessarily that the member favors it. If another member of the Council does not second the motion, the chair normally asks, "Is there a second to the motion?" If there is no second, the chair should say, "Since there is no second, the motion is not before this meeting." If seconded, the maker of the motion should then be regarded as having the refusal of the floor in preference to all other members.

The purpose of a second is to prevent time being spent on motions that only one person wants to discuss. After the Council makes a motion, no person shall address the Council without first securing the permission of the Mayor or Council to do so.

## **9.11 Stating the Question**

Under parliamentary procedure, making and seconding a motion does not put it before the Council for consideration. This can be done only by the chair when the presiding officer repeats the exact motion and indicates that the motion is open for debate by stating: "It has been moved and seconded that ... Is there any discussion?"

*A. Right to Withdraw or Modify a Motion*

Until the chair has stated the question, the maker has the right to modify or withdraw the motion. After the motion has been stated, however, it can be withdrawn only with the Council's consent. If any objection is made, it will be necessary to obtain leave to withdraw by a motion for that purpose. When a motion is withdrawn, the effect is the same as if it had never been made.

*B. Pending Motions*

When the chair has stated a motion, it is said to be *pending*. When several motions are pending, the last one stated by the chair, and the first to be disposed of, is called the *immediately pending question*. Thereafter, other pending motions are considered in descending order of rank.

## **9.12 Amendment of the Main Motion**

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment *before* it is finally voted upon. Once recognized by the chair, a Council Member may make the motion to amend by stating, "I move to amend the motion by..." ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be germane---that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the chair puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

The member, who offers the motion, until it has been stated by the chair, can modify the motion, or withdraw it entirely; after it is stated, he/she can do neither without the consent of the body (majority). For example, the mover may state, "With the consent of the body I will modify my motion to state as follows..." If no one objects, it shall be deemed that he/she has the consent of the body to modify his/her motion. When the mover modifies his/her motion, the one who seconds it can withdraw his/her second.

## **9.13 Postponement of Business**

*A. Postpone to a Time Certain*

Council may delay action on a pending question by making a motion to postpone the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

*B. Postpone Indefinitely*

Council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

*C. Table*

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

## **9.14 Debate**

The term “debate” applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, “I move that debate on the motion be closed,” or “I move the previous question.” However, Council Members should refrain from using the term, “call the question,” as a means to end debate. The audience better understands, “Move that debate on the motion be closed,” rather than “calling the question.” The motion must be seconded. The presiding officer immediately requests a vote, to which a two-thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate effects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

Debate shall not be closed until every Council Member present has had at least one opportunity to speak on the motion.

While debate on a main motion is under way, amendments and subsidiary, privileged and incidental motions may be introduced (if they are in order), debated (if debatable) and disposed of.

In addition to the customs of formality discussed in Section 9.01, observance of the following practices will make debate smooth and orderly. Members of the Council should:

- Confine their comments to the merits of the pending question;
- Refrain from speaking against their own motions;
- Refrain from reading reports, quotations, etc., without permission of the Council; and

- Speakers should yield the floor to the chair whenever the chair interrupts to give a ruling or information, or to otherwise speak

## **9.15 Voting Procedures**

Each Council member shall vote on all questions put to the City Council, unless a conflict of interest under State law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.

If a member asserts a conflict of interest under State law or appearance of fairness question, and it is not apparent to all Council Members present, the member shall be excused from voting on an issue only by majority vote of the Council Members present.

If it is determined by majority vote of the City Council as a whole, plus one, that a Council Member has a conflict of interest under State law or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the City Council in order for the Council Member to present further information to the Council, then the City Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the City Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the City Council shall make its determination as provided hereinabove.

When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the City Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law in which case Washington State law shall prevail. In order for an ordinance or resolution to become effective immediately, the City Council must declare that an emergency exists and approve the ordinance or resolution by the affirmative vote of three-fourths of the members of the City Council. (See Section 8.10E)

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded.

### *A. Affirmative Vote*

Affirmative votes will be cast in an audible tone of voice, except when seated at the dais for regular Council meetings, votes will be cast using the electronic voting board unless suspended as necessity or convenience of the Council dictates.

*B. Abstention from Voting*

Any member may abstain from voting on any question; provided, at the time of declaring his/her abstention, he/she shall state the reason.

*C. Tie Vote*

A tie vote results in the motion having failed. The presiding officer may publicly explain the effect of the tie vote for the audience.

*D. Reconsideration*

Reconsideration of an item will be considered by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

## **9.16 Right of Protest**

A Council Member is never required to state reasons for a dissenting vote; provided, however, that any member of the City Council shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered on the minutes.

## **9.17 General Rules of Procedure**

*A. Standing to Question Procedures*

These rules shall govern the parliamentary procedures of the members and by the members only. Procedures may be questioned only by members of the body, and then only in accordance with these rules. The decision of the chair will be final and conclusive as to all, subject only to a motion by a member of the body, duly and timely made, in which case the ruling of the body shall be final and conclusive. Nothing in these rules will be construed to prevent the chairman or a member from requesting aid in the interpretation of these rules or other matters from the City staff or officials.

*B. Precedence*

Motions having precedence on those that may be made while another motion is pending.

*C. To Yield*

Motions yield when they are pending and another matter can be considered while the yielding motion still pends.

*D. Applied*

Where a motion can have no subordinate motion applied to it, the fact is stated. For example, the motion to continue may not be applied to the motion to lay on the table.

### *E. Debate*

Debate shall not take place until the chair has stated the question. Debate shall be limited to the immediately pending question, except that the main question is also open when the following motions are pending: postpone indefinitely, or reconsider a debatable question.

### *F. Putting the Question*

When the debate appears to have closed, the chair will ask, “Are you ready for the question?” If no one asks for the floor, the chair shall put the question to a vote, making it clear what the question is.

### *G. Majority*

A majority of those present shall constitute a majority of the body assuming a quorum is present. The chair has the tie-breaking vote and may second a motion.

## **9.18 Specific Rules of Procedure**

The following motions are permissible in considering any matter on the agenda, and unless otherwise specified, shall rank in precedence and application as set forth below:

### *A. Undebatable Motions*

#### 1. Question of Order and Appeal.

A question of order takes precedence of the question giving rise to it, may be put when another member has the floor, needs no second, and must be decided by the chairman without debate. If a member objects he may appeal, which if seconded, will immediately be put to the body. An appeal is waived if not made immediately. On appeal, the decision of the chair is sustained on a tie vote.

#### 2. Suspension of Rules.

This motion may not be amended, nor another motion be applied to it, nor a vote on it reconsidered. Rules of the body may not be suspended except for a definite and specific purpose and by a vote of one more than a majority present. Nothing else may be done under the suspension. It may not be renewed at the same meeting if once defeated. It shall be in order to change the order of the agenda. No rule can be suspended when the negative vote is as large as the minority protected by that rule.

#### 3. To Lay on the Table

This motion may not be used for purposes of continuance of a matter that has been specially called for public hearing, which is done by a motion to continue. It may not be amended, nor an affirmative vote on it be reconsidered.

If carried, the subject tabled may not be considered again until the body votes to take it from the table, which motion is also undebatable.

The object of the motion is to postpone the subject in such a manner that it can be taken up at any time, either at the same or some future meeting. It may be used to suppress a question for that meeting, but not for a matter for which a public meeting has been specially set. The effect of the motion is to place on the table everything that adheres to the subject, so that if an amendment were ordered to lie on the table, the subject whom it is proposed to amend is also tabled. However, it may be limited to the particular pending matter and if so adopted the remaining matters shall still be before the body.

#### 4. The Previous Question

This motion is not amendable and applies to any debatable question, but is not debatable itself. It requires the vote of one more than a majority of the members present for its adoption. When called and seconded, the chair shall immediately put the question. If the motion fails to carry by a majority plus one of the members present, the debate will continue as if the motion had not been made. If adopted, the chair shall immediately bring the body to vote upon the pending question.

If applied to an amendment to a pending question, it brings to a vote not only the motion to amend, but also the question to be amended. However, the motion for the previous question may be limited to the pending amendment and, if adopted, debate will be closed only to the motion to amend.

It shall be proper for a member to submit a motion and at the same time move the previous question thereon and thus cut off debate on the motion. In this case, the chair shall first put the motion for previous question to vote.

### *B. Debatable Motions*

#### 1. Continue to a Certain Day

This motion yields to all undebatable motions, and takes precedence of all other debatable motions, except that it may be amended by altering the time, and the previous question can be applied to it without affecting any other motions pending.

#### 2. To Commit or Refer

This motion is to commit or refer a matter to a committee. It can be amended by altering the committee, or giving the committee instructions. The debate on the motion opens the debate on the main question it is proposed to commit.

#### 3. To Amend

This motion takes precedence over nothing but the question that it is proposed to amend and yields to all questions except to postpone indefinitely. It can be applied to all but undebatable questions, an amendment of an amendment, to postpone indefinitely, or to reconsider. It can be amended itself, but an amendment of an amendment cannot be amended.

An amendment may be inconsistent with the one already adopted, or may be directly in conflict with the spirit of the original motion, but it must have a direct bearing upon the subject of that motion. A motion to amend by inserting new words once past may not be the subject matter of a new amendment to change the same words. The proper motion is the motion to reconsider the vote by which the words were inserted.

A motion to amend may be made to “divide the question” into two or more questions as the mover specifies, so as to get a separate vote on any particular point or points.

#### 4. To Postpone Indefinitely

This motion takes precedence of nothing except the question to which it is applied and yields to all motions except to amend. It cannot be amended, and opens to debate the entire question which it is proposed to postpone.

Its effect is to entirely remove the question from the body for that session. The previous question, if ordered when this motion is pending, applies only to it without affecting the main question.

It cannot be applied to a matter that has been specifically set for public hearing. A negative vote on it cannot be reconsidered.

#### 5. Principal Question

The main or principal question is a motion to bring before the body for its consideration any particular subject. No principal motion can be made when any other motion is before the body. It takes precedence over nothing and yields to all.

### *C. Miscellaneous Motions*

#### 1. To Rescind

This motion cannot be made for a matter that has been voted upon for which a matter has been specifically called for public hearing. However, for other matters to which it is appropriately addressed, as where it is too late to reconsider the vote, the motion is the course to pursue to rescind an objectionable policy, order or motion; it is debatable.

#### 2. To Reconsider

This motion is not in order after the body has voted upon the principal question which is the subject matter of a specially called public hearing, unless made immediately after thereon and before the Council has moved to the next item of business. It is otherwise in order at any time, even when another member has the floor, but not after the Council has adjourned the meeting. Nothing herein shall be construed as preventing the council from considering the same item at a subsequent meeting as a new item of business.

A member who voted with the prevailing side must make the motion. It can be applied to the vote of every other question, except as noted above, and except to suspend the rules and an affirmative vote to lay on the table or to take from the table.

The motion may not be amended. Whether or not it is debatable depends upon whether the question to be reconsidered is debatable or undebatable. It may be laid on the table, in which case, the reconsider, like any other question, can be taken from the table.

### 3. Roll Call

Any member may demand a roll call vote any time before or after any question is put. The demand needs no second and the chair must ask for a roll call vote on demand. It is not debatable and may be applied to any question. It is waived if after the vote it is not immediately made and prior to the next matter being considered.

## 9.19 Suggested Forms

### 1. Undebatable Motions

#### a. Question of order

Member: "I raise a point of order."

Chair: "State your point of order."

Member: States his/her point of order

Chair: Ruling by the chair, which may give reasons.

Member: "I appeal from the decision of the chair."

Chair: (If seconded) "Shall the decision of the chair stand as the decision of the body?"

#### b. Suspension of rules (majority plus one)

Member: "I move to suspend the rules requiring..."

#### c. To lay on the table (majority plus one)

Member: "I move to lay the question (stating it) on the table."

Chair: (If seconded) "Shall the main question be now put?"

Member: "I call for the previous question on the amendment."

Chair: (If seconded) "Shall the question be now put on the amendment?"

### 2. Debatable Motions

#### a. Continue to a certain day (majority)

Member: "I move to continue the question of (stating it) to the next regular (or recessed) meeting of (date)."

*NOTE: Confirm date of meeting with City Attorney in matters of land use to ensure compliance with the BMC.*

- b. To commit or refer (majority)  
Member: “I move to refer the subject to a committee.”
- c. To amend (majority)  
Member: “I move to amend the motion to ‘add’, or ‘insert’, to ‘strike’, to ‘strike out XYZ and insert ABC’, to ‘divide the question’ (into two or more questions), etc.”
- d. To postpone indefinitely (majority)  
Member: “I move to postpone the question indefinitely.”
- e. Principal question (majority)  
Member: “I move that...”

### 3. Miscellaneous Motions

- a. To rescind (majority)  
Member: “I move to rescind that motion, policy, etc.”
- b. To reconsider (majority)  
Member: “Having voted on the prevailing side, I move that we reconsider the vote on the motion to (stating it) and have such motion entered on the record.”
- c. Roll call (any member)  
Member: “I demand a roll call vote.” No second needed.  
Chair: “The clerk will please call the roll.”

## 9.20 Other Protocol

Other guidelines are also in place to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council Members and staff shall:

- Work to preserve appropriate order and decorum during all meetings.
- Address Council Members as Council Member, followed by last name, such as “Council Member Jones,” and staff by staff member’s last name.
- Discourage side conversations, disruptions, interruptions or delaying efforts.
- Limit questions after motions and eliminate questions that are meant to merely support position.
- Focus on outcomes rather than the activities that create end result
- Inform the presiding officer when departing from a meeting.

- Limit disruptive behavior. The presiding officer will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by the law. The City Council discourages applause, booing or other similar behaviors from the public during meetings.
- Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff stations.

A. *Enforcement of Order*

The Chief of Police (or designee) acts as the sergeant-at-arms. It shall be the duty of the sergeant-at-arms to carry out all instructions of the presiding officer to preserve the peace and maintain order and decorum at Council meetings.

A portion or all of the public may be removed from the meeting site if willful disruption makes conducting the meeting unfeasible. Upon instructions of the Mayor, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him or her to be prosecuted in accordance with law.

B. *Values of Respect*

The City Council recognizes the importance of approaching the public's business in an environment of personal respect that places emphasis on the consideration of policy and avoids personalization of comments. Some general guidelines utilized by the City Council include:

- Discussion should focus on policy matters.
- Personal criticism of members is inappropriate.
- Proper decorum should be displayed as other members express their views.

## 9.21 Parliamentarian

The Mayor, or in the absence of the Mayor, the Deputy Mayor, shall serve as parliamentarian for the City Council and as such shall decide all questions of parliamentary procedure in accordance with the parliamentary rules contained in *Robert's Rules of Order*. Before deciding any question of parliamentary procedure, the Mayor may request advice from the City Attorney or City Clerk or designee. In cases where serious errors in procedure are being used or being contemplated, the City Attorney should give advice even when it has not been requested.

## **Chapter 10**

### **Protocol Administration**

#### **10.01 Biennial Review**

The City Council will review and revise the City Council Protocol Manual as needed, or every two years.

#### **10.02 Adherence to Protocol**

- A. Each Council Member shall have the duty and obligation to review this Protocol Manual and be familiar with its provisions.
- B. During City Council discussions, deliberations, and proceedings, the Mayor will be primarily responsible to ensure that the City Council, staff, and members of the public adhere to the Council's adopted Protocol Manual.
- C. Knowing and/or willful failure to adhere to the provisions of this Protocol Manual may subject a Council Member to enforcement and sanctions as follows:
  - (1) Upon determining that there is credible evidence that a Council Member has, or may have, engaged in knowing and/or willful action or omission that constitutes failure to adhere to the provisions of this Protocol Manual, the Mayor or the Deputy Mayor, in the event that the Mayor is the Council Member alleged to have engaged in such action or omission, may call upon the Council to determine whether such knowing and/or willful action or omission has occurred, and the sanctions, if any, to be imposed.
  - (2) Prior to conducting any hearing on an alleged failure to adhere to the provisions of this Protocol Manual, the Mayor or Deputy Mayor shall provide written notice to the Council Member alleged to have engaged in such failure to adhere at least ten (10) calendar days prior to calling for such hearing. The written notice shall identify the specific provisions of this Protocol Manual with which the Council Member is alleged to have failed to adhere and the facts supporting such allegation.
  - (3) Upon call by the Mayor or Deputy Mayor, a majority of a quorum of the Council shall vote on whether to hold a hearing to determine the existence of an act or omission constituting a failure to adhere and the sanctions, if any, to be imposed. If such hearing is approved by the Council, the hearing shall be held at a time and place specified in the motion approving such hearing.

- (4) At such hearing, the Council shall determine whether there is a preponderance of credible and substantial evidence indicating that a Council Member has knowingly and/or willfully acted or failed to act in a manner constituting a failure to adhere to the provisions of this Protocol Manual. The Council Member alleged to have failed to adhere to the provisions of this Protocol Manual shall have the right to present evidence and testimony. The finding of the existence of such knowing and/or willful failure to adhere shall be determined by motion approved by a majority of the Council plus one.
- (5) Upon finding that a knowing and/or willful failure to adhere to the provisions of this Protocol Manual has occurred, the Council shall proceed to determine whether the sanctions, if any, should be imposed. Appropriate sanctions may include, but are not limited to, the following:
  - (i) public censure
  - (ii) removal of appointment to extra-territorial boards, committees, or commissions; and
  - (iii) removal of appointment to Council boards or committees

### **10.03 City Attorney as Protocol Advisor**

The City Attorney shall assist the Mayor and serve as an advisor for interpreting the City Council's adopted Protocol Manual.

### **10.04 Adherence to Non-interference Ordinance**

The City Council delegates to the City Manager the responsibility to discuss with any Council Member, on behalf of the full Council, any perceived or inappropriate interference or encroachment of administrative services. The City Manager will discuss with the Council Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if inappropriate action continues, the City Manager will report the concern to the full Council.

### **10.05 Applicability of Protocol Manual**

The City Council Protocol Manual shall also apply when the Council is sitting as another entity or agency. The role of Mayor and Deputy Mayor shall be interchangeable with the Chair and Vice Chair, or President or Vice President, when sitting as another entity.

## Chapter 11

# Additional Training and Resource Materials

### 11.01 Association of Washington Cities [(800) 562-8981]

[www.awcnet.org](http://www.awcnet.org) The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington. The Association:

- serves as a resource for information
- provides news, reports, and reminders affecting cities and towns
- acts as liaison to State agencies
- represents the interests of cities before the state legislature
- publishes training and information manuals for municipal leaders

### 11.02 National League of Cities [(202) 626-3000]

[www.nlc.org](http://www.nlc.org) A non-partisan organization serving municipal governments, the NLC works to establish unified policy positions, advocates those policies forcefully, and shares information that strengthens municipal government throughout the nation. Services include:

- publications and news services
- inquiry, technical assistance, and project services
- awards program
- research programs

### 11.03 International City/County Management Association [(202) 289-4262]

[www.icma.org](http://www.icma.org) ICMA is a professional and educational association of local government administrators that serves to enhance the quality of local government through professional management and to support and assist professional local government administration. The Association's *Elected Officials Handbook* series can be of great value to Council Members. Publications are also available through ICMA concerning every basic city service.

### 11.04 International Institute of Municipal Clerks [(909) 944-4162]

[www.iimc.com](http://www.iimc.com) IIMC is a professional, nonprofit association that assists its membership by providing services, resource materials, sample documents, and continuing educational development opportunities.

### **11.05 Government Finance Officers Association [(312) 977-9700]**

*www.gfoa.org* GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management, including:

- accounting, auditing, and financial reporting
- budgeting and financial planning
- capital finance and debt administration
- cash management and investments
- retirement administration and finance
- health care and other employee benefits

### **11.06 Municipal Research & Services Center of Washington [(206) 625-1300]**

*www.mrsc.org* MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government. MRSC's resources include professional staff members that are local government experts, a comprehensive local government reference library, and an information-packed site on the world wide web. Staff experience includes:

- budgeting and finance
- municipal law
- public management and administration
- planning and growth management
- public works and utilities
- local government policies

### **11.07 Appendix**

Reference materials are provided in the Appendix of this manual. Materials include:

- City Manager Code of Ethics
- Tips for Successful Public Service
- Reference Guide to Motions
- Reference Locator Guide
- Glossary of Terms
- Board & Commission Membership and Qualifications Matrix
- Sections 8.1, 8.2, 8.3, and 8.4 of Personnel Policies
- RCW 35.18
- RCW 35A.13

## 11.08 Other Reference Materials on File

Other reference materials that may be of interest to Council are on file with the City Manager. Materials include:

- *AWC's Welcome to City Hall: a Handbook for New Mayors and Council Members*
- *NLC's Tools for Leadership: A Handbook for Elected Officials*
- *MRSC's Knowing the Territory: Basic Legal Guidelines for Washington Municipal Officials*
- *MRSC's Handbook for Council Members*
- *MRSC's Mayor's Handbook*
- *MRSC's Public Records Act for Washington Cities and Counties*
- *MRSC's Initiative and Referendum Guide for Washington City and Charter Counties*
- *MRSC's Annexation Handbook for Cities and Towns in Washington State*
- *MRSC's Code City Handbook*
- *MRSC's The Open Public Meetings Act – How it Applies to Washington Cities and Counties*
- *ICMA's Elected Officials Handbook series*
- *GFOA's An Elected Official's Guide series*
- *Robert's Rules of Order* latest edition
- United States Constitution
- Washington State Constitution
- Revised Code of Washington
- Washington Administrative Code
- Bothell Municipal Code
- Bothell Adopted Biennial Budget
- Bothell *Imagine Bothell...* Comprehensive Plan
- Bothell Capital Improvement Plan

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## Chapter 12 Leaving Office

### 12.01 Return of Materials and Equipment

During their service on the City Council, members may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as copies of the Bothell Municipal Code, *Imagine Bothell...* Comprehensive Plan, mailbox key, etc. These items are to be returned to the City at the conclusion of a member's term.

### 12.02 Filling Council Vacancies

#### A. Purpose

The purpose of this section is to provide guidance to the City Council when a Bothell Council Member position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.

#### B. References

RCW 42.30.110(H) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective office.

RCW 42.30.060 – Prohibition on Secret Ballots.

RCW 42.12 – Vacant Position.

RCW 35A.13.020 – Vacancies – Filling of Vacancies in Council/Manager Form of Government.

#### C. Appointment Process

(1) A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Council Member. The Council Member who is vacating his or her position cannot participate in the appointment process.

(2) The City Council shall direct staff to begin the Council Member appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.

(3) The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Bothell, and (b) have a one (1) year residency in the City of Bothell. This display advertisement shall be published once each week for two (2) consecutive weeks. This display advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, Council Member powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate.

(4) The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at City of Bothell offices, King County libraries located in Bothell, the Chamber of Commerce office, the Northshore School District administration office and such other locations that the City Council deems appropriate. Copies of the display advertisement will be provided to current members of the City of Bothell commissions, committees, task forces and other City-sponsored citizen groups.

(5) Applications received by the deadline date and time will be copied and circulated, by the City Clerk's Office, to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

(6) The City Clerk's Office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting.

(7) The City Clerk's Office shall notify applicants of the location, date and time of City Council interviews.

(8) Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Council Member.

D. Interview Meeting

Each interview of an applicant/candidate shall be no more than 30 minutes in length as follows:

(1) The applicant shall present his or her credentials to the City Council. (5 minutes)

(2) The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have 2 minutes to answer each question. (14 minutes)

(3) An informal question and answer period in which Council Members may ask and receive answers to miscellaneous questions. (10 minutes)

(4) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.

(5) The Council may reduce the 30-minute interview time if the number of applicants exceeds six (6) candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

E. Voting

Upon completion of the interviews, Council Members may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, deliberations, nominations and votes taken by the Council shall be in open public session.

(1) The Mayor shall ask for nominations from the Council Members for the purpose of creating a group of candidates to consider. No second is needed.

(2) Nominations are closed by a motion, second and majority vote of the Council.

(3) Council Members may deliberate on such matters as criteria for selection and the nominated group of candidates.

(4) The Mayor shall poll Council Members to ascertain that Council Members are prepared to vote.

(5) The City Clerk shall proceed with a roll-call vote.

(6) Elections will continue until a nominee receives a majority vote of the remaining Council members.

(7) At anytime during the election process, the City Council may postpone elections until a date certain or regular meeting if a majority vote has not been received.

(8) Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.

(9) The Mayor shall declare the nominee receiving the majority vote as the new Council Member and shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.

(10) If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to King County.

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# APPENDIX

## ICMA Code of Ethics With Guidelines

**The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.**

*The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:*

- 
1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
  2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

### *Guideline*

#### **Advice to Officials of Other Local Governments.**

When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

- 
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### *Guidelines*

**Public Confidence.** Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

**Impression of Influence.** Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

**Appointment Commitment.** Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

**Credentials.** An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

**Professional Respect.** Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

**Reporting Ethics Violations.** When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

**Confidentiality.** Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically

authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

**Seeking Employment.** Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

- 
4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

*Guideline*

**Length of Service.** A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

- 
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

*Guideline*

**Conflicting Roles.** Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

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6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

- 
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

*Guidelines*

**Elections of the Governing Body.** Members should maintain a reputation for serving equally and

impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

**Elections of Elected Executives.** Members should not engage in the election campaign of any candidate for mayor or elected county executive.

**Running for Office.** Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

**Elections.** Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

**Elections on the Council-Manager Plan.** Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

**Presentation of Issues.** Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

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8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

*Guidelines*

**Self-Assessment.** Each member should assess his or her professional skills and abilities on a periodic basis.

**Professional Development.** Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

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**9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

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**10.** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

*Guideline*

**Information Sharing.** The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

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**11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.

*Guideline*

**Equal Opportunity.** All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

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**12.** Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

*Guidelines*

**Gifts.** Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

**Investments in Conflict with Official Duties.**

Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

**Personal Relationships.** Members should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

**Confidential Information.** Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

**Private Employment.** Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

**Representation.** Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

**Endorsements.** Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

# League of Kansas Municipalities

## Tips for Successful Public Service

- Learn all you can about your city, its operation, its financing. Do your homework. Know your city ordinances.
- Devote sufficient time to your job and to studying the present and future problems of your community.
- Don't burn yourself out on the little things. Save some energy for the important matters.
- Don't act as a committee of one. Governing a city requires a team effort --practically and legally.
- Don't let honest differences of opinion degenerate into personality conflicts.
- Remember that you represent *all* the people of your community, not just neighbors and friends.
- Take your budget preparation job seriously. It determines what your city does or doesn't do for the coming year and will influence decisions and actions in future years as well. The budget is the most important policy development tool available to govern a city.
- Establish policy statements. Written policy statements let the public and the city staff know where they stand. They help the City Council govern, and writing them provides a process to develop consensus. "That's the way it's always been done" is not good enough either to stay out of trouble or to get things done.
- Make decisions on the basis of public policy and be consistent. Treat similar situations similarly.
- Don't be stampeded into action. Don't be misled by the strong demands of special interest groups who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
- Don't be afraid of change. Don't be content just to follow the routine of your predecessors. Charge your appointed officers and their employees with being responsible for new ideas and better ways. Listen to what they have to say.
- Don't give quick answers when you're not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something that is wrong.
- As an individual, even if you're the mayor, don't make promises you can't deliver! Most decisions and actions require approval of the City Council, and that takes a majority vote.
- Don't spring surprises on your fellow Council Members or your city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it is worth being on the agenda. While surprises may get you some publicity, at the embarrassment of others, they tend to erode the "team" approach to governance.
- Retain competent key employees. Pay them well. Trust their professional judgment and recognize their responsibilities.
- Don't bypass the system! You have a city manager. Council Members should stick to policy-making and avoid personal involvement in the day-to-day operations of the city.

- Don't let others bypass your system--insist that people such as vendors or service providers first work with your city staff. If direct contact with Council Members is advisable, this should be with the Council as a whole, not on a one-to-one basis.
- Learn to evaluate recommendations and alternative courses of action. Request your staff to provide options. Encourage imaginative solutions.
- Be concerned with the long-term future to avoid unnecessary expense and delay and to avoid taking short-term gains at the expense of long-term losses.
- Balance personal rights and property interests. Balance the possible harm to a few versus the good of the many.
- Be concerned with the total development (physical, economic, social) of your community.
- Visit other cities, particularly those with a reputation of being well run. Get to know the officials of neighboring and similarly sized cities.
- Don't act as if the city operates in a vacuum. Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county, and school officials.
- Keep your constituents informed, by such means as a weekly "open letter" in the local newspaper, radio interviews, or news releases. Be friendly and deal effectively with the news media. Lack of good communications is one of the big problems of cities.
- Remember that what you say, privately and publicly, will often be news. Avoid over-publicizing minor problems.
- Appoint citizen advisory committees when you need them, but be prepared to follow their advice if you use them.
- Have some goals and objectives. What do you want to accomplish this year? Next year? What do you want the city to accomplish this year? During the next five years?
- Be a leader as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.

---from the League of Kansas Municipalities

# Reference Guide to Motions

Action		Interrupts action/speaker	Requires a second	Debatable	Amendable	Required vote	Can be reconsidered	Robert's Rules Section (9th Edition)
Main motion or question	16*	No	Yes	Yes	Yes	Majority	Yes	10
Move to adjourn	1*	No	Yes	No	No	Majority	No	21
Move to take a recess	1*	No	Yes	No	Yes	Majority	No	20
Question of privilege		Yes	No	No	No	No Vote	No	19
Move to lay the question on the table		No	Yes	No	No	Majority	No	17
Move to close debate		No	Yes	No	No	2/3	Yes	16
Move to limit debate	3*	No	Yes	No	Yes	2/3	Yes	15
Move to postpone	1*	No	Yes	Yes	Yes	Majority	Yes	14
Move to refer the matter	4*	No	Yes	Yes	Yes	Majority	Yes	13
Move to amend the motion	5*	No	Yes	10*	Yes	Majority	Yes	12
Move to postpone indefinitely		No	Yes	Yes	No	Majority	13*	11
Move to introduce business		No	Yes	Yes	Yes	Majority	Yes	10
<b>The motions listed above are in order of precedence. Below there is no order.</b>								
Point of order		Yes	No	No	No	15*	No	23
Appeal the decision of the chair		Yes	Yes	Yes	No	9*	Yes	24
Move to suspend the rules	2*	No	Yes	No	No	2/3	No	25
Parliamentary inquiry		12*	No	No	No	No Vote	No	32
Move to take from the table	6*	No	Yes	No	No	Majority	No	33
Move to reconsider	7*	12*	Yes	10*	No	Majority	No	36
Move to rescind	8*	No	Yes	Yes	Yes	11*	14*	34

- 1\* To date and time. Not necessary with “Move to adjourn.”
- 2\* “. . . That interfere with \_\_\_\_\_.” The motion must state its purpose or object
- 3\* Specify what limitations: i.e., time, number of speeches, etc.
- 4\* Specify to whom and for what reason
- 5\* Specify amendment
- 6\* During same meeting at which the item was tabled or at the next meeting
- 7\* Maker of motion must have been on prevailing side
- 8\* Specify action to be rescinded
- 9\* The question is, “Shall the decision of the chair stand?” A majority negative vote is necessary to overrule the decision
- 10\* Only if the motion in question is itself debatable
- 11\* Whatever vote was required to pass the motion in question
- 12\* Can only interrupt speaker with speaker’s permission, but does interrupt proceedings
- 13\* Affirmative votes may be reconsidered
- 14\* Negative votes may be reconsidered
- 15\* No vote unless the chair submits to the assembly for a decision
- 16\* For circumstances where a greater than majority vote is required for approval, see Section 8.10E of this manual
- 17\* Ruling on question of privilege is made by chair

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# Reference Locator Guide

The following citations include some common issues related to local government. The League of Cities and Towns is the source of the bulk of the items listed.

The Washington Constitution, Revised Code of Washington, United States Constitution, United States Code, and United States Code of Federal Regulations are available on the Internet at:

Washington Constitution

[http://www.leg.wa.gov/pub/other/washington\\_constitution.txt](http://www.leg.wa.gov/pub/other/washington_constitution.txt)

Revised Code of Washington

<http://www.leg.wa.gov/wsladm/rcw.htm>

United States Constitution

<http://www.lcweb2.loc.gov/const/constquery.html>

United States Code

<http://www.access.gpo.gov/congress/cong013.html>

United States Code of Federal Regulations

<http://www.access.gpo.gov/nara/cfr/index.html>

Abandonment of alleys, rights-of-way	RCW 35.79
Accident claims, municipal	RCW 35A.31
Administration; City	BMC Title 2
Agendas – Council meetings & hearings	RCW 35A.12.160
Airport Authority; joint operation	RCW 14.08.200
Animals	BMC Title 6
Annexation	RCW 35A.14 BMC 12.38
Attorney General opinion; State register	RCW 34.08.020
Audits	RCW 43.09.200-.282
Ballots	RCW 29.30
Bids, Notice for	RCW 35A.40.210 RCW 35.22.620
Bid Rigging; Bidding offenses	RCW 9.18
Billboards	BMC 20.20
Board of Adjustment	RCW 35A.63.110 BMC 2.90

Bonds	RCW 35A.40.010 RCW 35A.40.080
Budget	
- Taxation, Excises	RCW 35A.8
- Taxation, Property	RCW 35A.84
- Transfer of funds	RCW 35A.33.120
Building code	RCW 19.27 BMC 20.04
Cable television	BMC 5.50
Cemeteries	RCW Title 68
Census	RCW 35A.44
Charitable organizations; Regulation of	RCW 19.09
Charter government	WA Const Art XI, Section 10 RCW 35A.07-.10
Claims against the City	RCW 35A.21.195 BMC 3.16
Code of ethics; municipal officers and employees	RCW 42.20 RCW 42.23
Compensation; councilmember	RCW 35A.13.040 BMC 2.12.050
Condemnation by cities	RCW 8.12
Conduct of municipal officers and employees	RCW 35A.42.050 RCW 42.23 RCW 42.20
Conflict of interest; Contracts	RCW 42.23
Construction contracts; Indemnity	RCW 4.24.360
Council-Manager plan	RCW 35A.13
Council meetings	RCW 35A.13.170 RCW 35A.12.110- .120
Court; municipal	RCW 3.50 BMC 2.14
Crime Victims' Rights	RCW 9.94A.140 WA Const Art. I, Section 35 RCW 7.68-.69A

Criminal profiteering	RCW 9A.82
Development	
- Agreements	RCW 36.70B.170- -.210 BMC 11.16
- Fees	RCW 82.02.050-.100 BMC Title 21
- Rights vesting	RCW 58.17.033 BMC 11.04.010
Development impacts; mitigation	RCW 82.02 BMC 21.04
Disincorporation	RCW 35A.15
Dogs; liability for bites	RCW 16.08.040
Drug free school zones	RCW 69.50.435
Drug free work place	41 USC 701
Elections	
- Campaign finance	RCW 42.17
- City employee misconduct	RCW 35A.42.050 RCW 29.85
- Dates	RCW 29.13
- Nomination petitions	RCW 29.15.060-.080
- Primary election	RCW 29.18
- Prohibited acts	RCW 29.85
- Recounts	RCW 29.64
Emergency meetings	RCW 42.30.070
Emergency ordinance	RCW 35A.13.190
Emergency medical services; Regulation	RCW 18.73
Eminent domain (See condemnation)	
Encumbrances and liens	RCW 35A.60
Expenditure limitation	RCW 35A.33.120
Executive sessions	RCW 42.30.110
Fair Labor Standards Act (FLSA)	29 CFR Part 553
Finance	RCW 35A.33 RCW 35A.21.170 RCW 35A.40 BMC Title 3
Financial disclosure/report	RCW 43.09.230
Fire protection districts	Title 52 RCW

Flood control	Title 86 RCW
Franchises	RCW 35A.11.030
- Cable television	RCW 35A.47.040
Garbage	BMC 5.50
	RCW 35A.21.060
	RCW 35A.21.150
	BMC 8.20
Handicapped – parking	RCW 46.61.581-.583
Health and safety	BMC Title 8
Historic/Landmark preservation	RCW 27.34
	BMC Title 22
Home rule charter	WA Const. Art XI, Section 16
Incorporation	WA Const. Art. XI, Section 10
	RCW 35A.03
Industrial development corporations	RCW 31.24
Initiative/Referendum	BMC 1.12
	RCW 35A.11.080-
	.100
	RCW 29.79
	WA Const Art. II, Section I
Insurance	
- Liability for officers and employees	RCW 35.21.205
	RCW 36.16.138
Interlocal agreements	RCW 39.34
Investment of municipal funds	RCW 35.39
	RCW 39.59
	RCW 39.60
	RCW 35A.40
Joint exercise of power agreements (see Interlocal agreements)	
Juvenile courts	RCW 13.04
Libraries – library board	BMC 2.36
	RCW 35A.27
	RCW 35.22.280(19)
Library district	RCW 27.12
Licensing	
- Business	BMC Title 5
	RCW 35A.82.020

- Liquor	RCW 66.20 RCW 66.24 RCW 35A.66.020 RCW 66.08.120
Liquor regulation; Preemption	
Litter control	BMC 8.44 RCW 70.93
Lobbying restrictions	RCW 42.17.150.-230 BMC 2.56
Lobbyist registration	RCW 42.17.150
License fee	BMC 5.04.400
Limitations on expenditures	RCW 35A.33.120
Local Improvements	RCW 35A.43.010 RCW 35.43-.45 RCW 35.47-.51 RCW 35.53-.55
Marriage; licenses & certificates	RCW 26.04
Military leave; public employees	RCW 38.40.060
Motor vehicles; abandoned	RCW 46.55 BMC 9.75.020 BMC 8.22
Minutes; Recordation of	RCW 42.32
Municipal officer remote interest in contract	RCW 42.23.040
Nonprofit corporations	RCW 24.03
Nuisances	RCW 9.66 RCW 7.48 BMC 8.24
Oath of office	RCW 35A.13.160 RCW 35A.12.080
Obscenity & pornography	RCW 9.68
Offenses	
- Relating to persons	BMC 9.30
- Against public peace	BMC 9.70
- Relating to property	BMC 9.40
- Involving minors	BMC 9.06
- Involving public officers	BMC 9.60
Open meetings	RCW 42.30

Ordinances	
- Notice	RCW 42.30.060
- Adoption by reference	RCW 35A.13.180
	RCW 35A.12.140
- Codification	RCW 35A.21.130
	RCW 35.21.500-.510
- Adoption by reference	RCW 35A13.180
	RCW 35A.12.140
- Effective date	RCW 35A.13.190
- Emergency clause	RCW 35A.13.190
	BMC 1.01.090
- Publication	RCW 35A.13.190
- Validity	RCW 35A.21.010
Parade and special event permits	BMC 10.55
Parking	BMC Title 10
	RCW 35A.46.010
	RCW 46.61.560-.590
Pawnbrokers	RCW 19.60
Personnel; City	BMC Title 2
Planning; Municipal	RCW 35A.63
	RCW 36.70A
Plumbing	
- Plumbing code; City	BMC 20.28
Police overtime compensation	RCW 49.46.130
	WAC 356-15-030
Political activity; employee	
- Police officer	RCW 41.12.160
- Firefighter	RCW 41.08.160
Powers of city	WA Const. Art XI, Sections 10-11
	RCW 35A.11.010
Prisoners	RCW 9.94
	BMC 1.20.010
Prohibited acts	BMC Title 9
- Defenses	BMC 9.01.030
Property disposal	RCW 35A.11.020
- Intergovernmental disposition	RCW 39.33
Property maintenance	RCW 35A.11.020
Property tax	RCW 35A.84
Public body; definition	e.g., RCW 39.53.010
Public peace, morals and welfare	BMC Title 9

Public records	RCW 42.56
Public safety personnel retirement	RCW 41.26
Publication; general	RCW 65.16
Recall elections	RCW 35A.29.180 RCW 29.82 WA Const. Art. I, Section 33
Records management	RCW 35A.11.030
Records; public (see public records)	
Recycling	RCW 35A.21.153- .155 BMC 8.20
Referendums (see Initiative and referendum)	
Reduction of city limits	RCW 35A.16
Rent control preemption	RCW 35.21.830
<i>Robert's Rules of Order</i> , codified	Res. 1099 (2000), Ch.9 (Protocol Manual)
Sale of public property (see property disposal)	
Sales tax; local	RCW 82.14.030 BMC 3.20
Scrap metal dealers (see Pawnbrokers)	
Sewer systems, sanitary	BMC 18.03 RCW 35A.21.150 RCW 35.67 RCW 35.67.190
- Rates; establishment	
Smoking in public places and workplaces	RCW 70.160 BMC 8.48
Solid waste and garbage	RCW 70.95 BMC 8.20 RCW 35A.21.150 RCW 35.67
- Management	
Smoke detection systems	RCW 48.48.140
Staggered terms; council members	RCW 35A.13.020 RCW 35A.12.040 RCW 35A.02.050 RCW 35A.82.010
State shared excise taxes	

Streets, abandonment and vacation	RCW 35A.47.020 RCW 35.79 BMC 17.12
Subdivision regulation	RCW 58.17 BMC Title 15
Surety bonds; street construction	BMC 17.08.070
- Performance and maintenance bonds; frontage improvements	BMC 17.09.030
Tax levies	RCW 35.43 BMC 3.04.060
Unclaimed property; Police disposition of Utilities; municipal ownership	RCW 63.32 RCW 35A.11.020 RCW 35A.21.120 RCW 35A.80
Vacancy in office	RCW 35A.13.020
Vehicles and traffic	BMC Title 10
- Roller-skates	BMC 10.20.010
- Traffic control	BMC 10.10
Voting Rights Act	42 U.S.C. 1973c
Ward system option	RCW 35A.13.220 RCW 35A.12.180
Washington Public Disclosure Act	RCW 42.17
Washington Law Against Discrimination	RCW 49.60
Water	BMC 18.06
- Allocations; water shortage	BMC 18.06.140
- Rates; processes for rate increases	BMC 18.06.240-.250 BMC 18.06.350
Weapons; generally	RCW 9.41 BMC 9.11
- Juveniles; school grounds	RCW 9.41.280 RCW 9.11.010
Zoning classifications and sources	BMC 12.04
Zoning; municipal	RCW 35A.63 BMC Title 12

## Glossary of Terms

**Adjourn:** to end the meeting

**Agenda:** a summarization of items scheduled to be heard and acted upon at a public meeting

**Amend:** to change a motion

**Conflict of interest:** exists when a Council Member may have a personal interest in the outcome of a Council action. When a substantial conflict of interest exists, a City official must declare such and refrain from participating in or influencing the discussion or vote on the item

**Consent agenda:** a listing of non-controversial items presented to Council for their collective approval

**Council packet:** a compilation of Council Communications with reports and supporting documentation for items to be considered by Council

**Debate:** discussion about a motion

**Decorum:** behavior that is conducive to carrying on debate in a smooth and orderly manner. To maintain proper decorum and order, the following practices and customs are observed by members of the assembly: (1) confining remarks to the merits of the pending question; (2) refraining from attacking a member's motives; (3) addressing all remarks through the chair; (4) avoiding the use of members' names; (5) refraining from speaking adversely on a prior action not pending; (6) reading from reports, quotations, etc., only with permission; and, (7) refraining from disturbing the assembly

**Emergency clause:** a clause added to ordinances or resolutions declaring them to be of more than ordinary public need and necessity and putting them into effect immediately upon adoption. Ordinances and resolutions adopted without the emergency clause go into effect 30 days from the date of adoption.

**Formal action:** an act or direction of the City Council directing things to be done or recorded, but not requiring an ordinance or resolution

**Germane:** closely related to, or having bearing on, the subject

**In order:** relevant to the business at hand

**Incidental motion:** is a question of procedure that arises out of other motions. An incidental motion must be considered before the other motion. Incidental motions yield to privileged motions and to the motion to table. They are not debatable, except "appeal" and in this case, the presiding officer may submit to the assembly for a decision. Motions of this

classification include (listed in order of precedence): (1) point of order; (2) appeal the decision of the chair; (3) suspension of rules; and, (4) parliamentary inquiry

**Main motion:** introduces an item of business to the Council for its consideration. A main motion cannot be made when another motion is before the Council. A main motion yields to privileged, subsidiary and incidental motions

**Majority:** more than one-half of the members present

**Miscellaneous motions:** not conveniently classified as subsidiary, incidental, or privileged, but which are in common use. These include: (1) take from the table; (2) reconsider; and (3) rescind

**Motion:** a proposal that Council take a stand or take action on some issue

**Municipal code:** the codification of general ordinances adopted by Council. The City Clerk maintains the municipal codebook.

**Ordinance:** an action that has the effect of making or amending or repealing substantive city law

**Parliamentary procedure:** a set of rules for conduct at meetings. It allows everyone to be heard and to make decisions without confusion

**Point of order:** to raise a question of order. Point of order is pronounced when a member thinks that the rules of the assembly are being violated, thereby calling upon the chair for a ruling and an enforcement of the regular rules

**Privileged motions:** concern special or important matters not related to pending business. Privileged motions are most urgent and are of highest importance. Such a motion takes precedence over any pending question. Privileged motions are not debatable. They must be concerned with the rights of the assembly as a whole and the rights of each member in relation to the assembly. Privileged motions include the following and are listed in order of precedence: (1) adjourn; (2) recess; (3) question of privilege

**Protocol:** a code prescribing strict adherence to correct etiquette and precedence

**Quasi-judicial proceedings:** those proceedings in which the City Council is required to make findings based on an evidentiary record. In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings heard by the City Council include open record reviews, closed record reviews, and subdivision map approvals.

**Quorum:** the number of members that must be present for the meeting to be called to order and to conduct business legally. A quorum of the Bothell City Council consists of four members, when all seven Council seats are filled.

**Resolution:** a formal, permanent, or long-standing expression of intent or public policy of the City

**Second:** a verbal signal from a member that he or she wishes to consider a motion just made

**Special meeting:** an unscheduled public meeting of the City Council held to act on an item(s) requiring immediate consideration. Special meetings must be posted 24 hours prior to the time of the meeting in order to be held

**Subsidiary motion:** changes or affects how the main motion is handled. This motion is voted on before the main motion. Subsidiary motions yield to all privileged and incidental motions and subsidiary motions above it in order of rank: (1) lay on the table (postpone temporarily); (2) the previous question (close debate); (3) limit or extend limits of debate; (4) postpone definitely or to a time certain; (5) commit, refer, or recommit to committee; (6) amend (change or modify a motion); (7) postpone indefinitely (kill a motion)

**Title:** the lead-in paragraph of an ordinance or resolution declaring its purpose. The title appears on the meeting agenda

**Voting:** the means by which motions are accepted or rejected by the Council

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# Board & Commission Membership & Qualification Matrix

## City of Bothell - Advisory Boards & Commissions

### Membership & Qualification Matrix

	Membership	Term Length	Appointing Authority	Residency Requirements	Special Requirements
<b>Civil Service Commission</b> <b>BMC 2.48</b>	3 members	6-year terms	City Manager	Resident of the City of Bothell for at least one year immediately preceding appointment	Citizen of the United States and an elector of King or Snohomish County
<b>Landmark Preservation Board</b> <b>BMC 22.12</b>	9 members	5-year terms	City Council	Members appointed or reappointed after 8/12/91 shall be residents of the city's urban growth area, as adopted and subsequently amended, or of the city's planning area until establishment of said urban growth area. It is provided, however, that the required professional members of said board may reside outside the city or the urban growth area or city planning area.	The board shall always include at least two professionals selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, or American studies.
<b>LEOFF-1 Disability Board</b> <b>BMC 2.88</b>	<b>Membership, Appointing Authority, Term Lengths, Residency Requirements, and Special Requirements</b> 2 members of the City Council to be appointed by the Mayor; 2-year term from January 1 of the year of appointment to December 31 of the second year; 1 active or retired firefighter to be elected by the firefighters employed by or retired from the city; 2-year term from January 1 of the year of appointment to December 31 of the second year; 1 active or retired law enforcement officer to be elected by the law enforcement officers employed by or retired from the city; 2-year term from January 1 of the year of appointment to December 31 of the second year 1 member from the public at large, residing within the Bothell city limits to be appointed by the other 4 members 2-year term beginning in January; 2-year term from April 1 of the year of appointment to March 31 of the second year of the individual term				
<b>Library Advisory Board</b> <b>BMC 2.36</b>	7 members	5-year terms	City Council	Members of the board need not be city residents, but members appointed or reappointed after 8/12/91 shall be residents of the city's urban growth area, as adopted and subsequently amended, or of the city's planning area	None

	<b>Membership</b>	<b>Term Length</b>	<b>Appointing Authority</b>	<b>Residency Requirements</b>	<b>Special Requirements</b>
<b>Park &amp; Recreation Board</b> <b>BMC 2.44</b>	7 members	3-year terms	City Council	A majority of the board members shall be residents of the city. Members appointed after 8/12/91 shall be residents of the city's urban growth area, as adopted and subsequently amended, or of the city's planning area. Nothing shall preclude members whose term began prior to 3/3/93, and who live outside the planning area, or urban growth area from being reappointed.	None
<b>Planning Commission</b> <b>BMC 2.52</b>	7 members	4-year terms	City Council	Must be resident of the city	None
<b>Shorelines Board</b> <b>BMC 13.08</b>	7 members	5-year terms	City Council	Must be resident of the city	Familiarity with the shorelines of the city and the city's shoreline master program

## **Chapter 35.18 RCW**

### Council-manager plan

#### RCW Sections

- [35.18.005](#) Definition -- "Councilman."
- [35.18.010](#) The council-manager plan.
- [35.18.020](#) Number of councilmembers -- Wards, districts -- Terms -- Vacancies.
- [35.18.030](#) Laws applicable to council-manager cities -- Civil service.
- [35.18.035](#) Second class cities, parking meter revenue for revenue bonds.
- [35.18.040](#) City manager -- Qualifications.
- [35.18.050](#) City manager -- Bond and oath.
- [35.18.060](#) City manager -- Authority.
- [35.18.070](#) City manager -- May serve two or more cities.
- [35.18.080](#) City manager -- Creation of departments.
- [35.18.090](#) City manager -- Department heads -- Authority.
- [35.18.100](#) City manager -- Appointment of subordinates -- Qualifications -- Terms.
- [35.18.110](#) City manager -- Interference by councilmembers.
- [35.18.120](#) City manager -- Removal -- Resolution and notice.
- [35.18.130](#) City manager -- Removal -- Reply and hearing.
- [35.18.140](#) City manager -- Substitute.
- [35.18.150](#) Council -- Eligibility.
- [35.18.160](#) Council -- Authority.
- [35.18.170](#) Council meetings.
- [35.18.180](#) Council -- Ordinances -- Recording.
- [35.18.190](#) Mayor -- Election -- Vacancy.
- [35.18.200](#) Mayor -- Duties.
- [35.18.210](#) Mayor pro tempore.
- [35.18.220](#) Salaries.
- [35.18.230](#) Organization on council-manager plan -- Eligibility.
- [35.18.240](#) Organization -- Petition.
- [35.18.250](#) Organization -- Election procedure.
- [35.18.260](#) Organization -- Ballots.
- [35.18.270](#) Organization -- Election of council, procedure.
- [35.18.280](#) Organization -- Holding over by incumbent officials and employees.
- [35.18.285](#) Organization -- First council may revise budget.
- [35.18.290](#) Abandonment of council-manager plan.
- [35.18.300](#) Abandonment -- Method.
- [35.18.310](#) Abandonment -- Special election necessary.
- [35.18.320](#) Abandonment -- Effect.

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### 35.18.005

#### Definition — "Councilman."

As used in this title, the term "councilman" or "councilmen" means councilmember or councilmembers.

[1981 c 213 § 1.]

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### 35.18.010

#### The council-manager plan.

Under the council-manager plan of city government, the councilmen shall be the only elective officials. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of city or town government. The city manager shall be responsible to the council for the proper administration of all affairs of the city or town.

[1965 c 7 § [35.18.010](#). Prior: 1955 c 337 § 2; prior: (i) 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part. (ii) 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part. (iii) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part.]

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### 35.18.020

#### Number of councilmembers — Wards, districts — Terms — Vacancies.

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

- (a) A city or town having not more than two thousand inhabitants, five councilmembers; and
- (b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with \*RCW 29.04.170. Councilmembers may be elected on a city-wide or town-wide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in \*\*chapter 29.70 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election with the person elected to one of the new council positions receiving the greatest number of votes being elected for a four-year term of office and the person elected to the other additional council position being elected for a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with \*RCW 29.01.135, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.  
[1994 c 223 § 12; 1981 c 260 § 7. Prior: 1979 ex.s. c 126 § 19; 1979 c 151 § 26; 1956 c 7 § [35.18.020](#) ; prior: 1959 c 76 § 1; 1955 c 337 § 3; prior: (i) 1943 c 271 § 6; Rem. Supp. 1943 § 9198-15. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]

**Notes:**

**Reviser's note:** \*(1) RCW 29.04.170 and 29.01.135 were recodified as RCW 29A.20.040 and 29A.04.133, respectively, pursuant to 2003 c 111 § 2401, effective July 1, 2004.

\*\* (2) Chapter 29.70 RCW was recodified as chapter 29A.76 RCW pursuant to 2003 c 111 § 2401, effective July 1, 2004.

**Purpose -- 1979 ex.s. c 126:** See RCW 29A.20.040(1).  
Population determinations, office of financial management: Chapter 43.62 RCW.  
Times for holding elections: RCW 29A.04.311 through 29A.04.330.

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35.18.030

Laws applicable to council-manager cities — Civil service.

A city or town organized under the council-manager plan shall have all the powers which cities of its class have and shall be governed by the statutes applicable to such cities to the extent to which they are appropriate and not in conflict with the provisions specifically applicable to cities organized under the council-manager plan.

Any city adopting a council-manager form of government may adopt any system of civil service which would be available to it under any other form of city government. Any state law relative to civil service in cities of the class of a city under the council-manager type of government shall be applicable thereto.

[1965 c 7 § 35.18.030. Prior: (i) 1949 c 84 § 4; Rem. Supp. 1949 § 9198-33. (ii) 1943 c 271 § 10, part; Rem. Supp. 1943 § 9198-19, part. (iii) 1943 c 271 § 21; Rem. Supp. 1943 § 9198-30.]

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35.18.035

Second class cities, parking meter revenue for revenue bonds.

See RCW 35.23.454.

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35.18.040

City manager — Qualifications.

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

[1965 c 7 § 35.18.040. Prior: 1955 c 337 § 4; prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part.]

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35.18.050

City manager — Bond and oath.

Before entering upon the duties of his office the city manager shall take the official oath for the support of the government and the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the city or town in such sum as may be fixed by the council.

[1965 c 7 § 35.18.050. Prior: 1955 c 337 § 5; prior: 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part.]

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35.18.060

City manager — Authority.

The powers and duties of the city manager shall be:

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

(2) To appoint and remove at any time all department heads, officers, and employees of the city or town, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council: PROVIDED FURTHER, That the city manager shall appoint the municipal judge to a term of four years, subject to confirmation by the council. The municipal judge may be removed only on conviction of malfeasance or misconduct in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. The council may cause an audit to be made of any department or office of the city or town government and may select the persons to make it, without the advice or consent of the city manager;

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

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

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

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

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

(8) To prepare and submit to the council a tentative budget for the fiscal year;

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

[1987 c 3 § 5; 1965 ex.s. c 116 § 1; 1965 c 7 § [35.18.060](#). Prior: 1955 c 337 § 6; prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1949 c 84 § 1; 1943 c 271 § 15; Rem. Supp. 1949 § 9198-24. (iii) 1949 c 84 § 3, part; 1943 c 271 § 18, part; Rem. Supp. 1949 § 9198-27, part.]

**Notes:**

**Severability -- 1987 c 3:** See note following RCW 3.46.020.

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### 35.18.070

#### City manager — May serve two or more cities.

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

[1965 c 7 § [35.18.070](#). Prior: 1943 c 271 § 13; Rem. Supp. 1943 § 9198-22.]

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### 35.18.080

#### City manager — Creation of departments.

On recommendation of the city manager, the council may create such departments, offices and employments as may be found necessary and may determine the powers and duties of each department or office.

[1965 c 7 § [35.18.080](#). Prior: 1943 c 271 § 16; Rem. Supp. 1943 § 9198-25.]

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### 35.18.090

#### City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time. Subject to the provisions of RCW [35.18.060](#), the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[1965 c 7 § [35.18.090](#). Prior: 1955 c 337 § 7; prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1949 c 84 § 3, part; 1943 c 271 § 18, part; Rem. Supp. 1949 § 9198-27, part.]

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### 35.18.100

#### City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. Residence within the city or town shall not be a requirement. All such appointments shall be without definite term.

[1965 c 7 § [35.18.100](#). Prior: 1955 c 337 § 8; prior: 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part.]

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### 35.18.110

#### City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately: PROVIDED, HOWEVER, That nothing herein shall be construed to prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[1965 c 7 § [35.18.110](#). Prior: 1955 c 337 § 14; prior: 1943 c 271 § 19, part; Rem. Supp. 1943 § 9198-28, part.]

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### 35.18.120

#### City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council.

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

[1965 c 7 § [35.18.120](#). Prior: 1955 c 337 § 17; prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]

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### 35.18.130

#### City manager — Removal — Reply and hearing.

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

[1965 c 7 § [35.18.130](#). Prior: 1955 c 337 § 18; prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]

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### 35.18.140

#### City manager — Substitute.

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

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

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

or

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

[1965 c 7 § [35.18.140](#). Prior: 1955 c 337 § 19; prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]

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### 35.18.150

#### Council — Eligibility.

Only a qualified elector of the city or town may be a member of the council and upon ceasing to be such, or upon being convicted of a crime involving moral turpitude, or of violating the provisions of RCW [35.18.110](#), he shall immediately forfeit his office.

[1965 c 7 § [35.18.150](#). Prior: 1955 c 337 § 15; prior: (i) 1943 c 271 § 19, part; Rem. Supp. 1943 § 9198-28, part. (ii) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part.]

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### 35.18.160

#### Council — Authority.

The council shall have all of the powers which inhere in the city or town not reserved to the people or vested in the city manager, including but not restricted to the authority to adopt ordinances and resolutions.

[1965 c 7 § [35.18.160](#). Prior: (i) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part. (ii) 1943 c 271 § 10, part; Rem. Supp. 1943 § 9198-19, part.]

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### 35.18.170

#### Council meetings.

The council shall meet at the times and places fixed by ordinance but must hold at least one regular meeting each month. The clerk shall call special meetings of the council upon request of the mayor or any two members. At all meetings of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Requests for special meetings shall state the subject to be considered and no other subject shall be considered at a special meeting.

All meetings of the council and of committees thereof shall be open to the public and the rules of the council shall provide that citizens of the city or town shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat.

[1965 c 7 § [35.18.170](#). Prior: 1955 c 337 § 20; prior: 1943 c 271 § 7; Rem. Supp. 1943 § 9198-16.]

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### 35.18.180

#### Council — Ordinances — Recording.

No ordinance, resolution, or order, including those granting a franchise or valuable privilege, shall have any validity or effect unless passed by the affirmative vote of at least a majority of the members of the city or town council. Every ordinance or resolution adopted shall be signed by the mayor or two members, filed with the clerk within two days and by him recorded.

[1965 c 7 § [35.18.180](#). Prior: 1959 c 76 § 3; 1943 c 271 § 11; Rem. Supp. 1943 § 9198-20.]

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### 35.18.190

#### Mayor — Election — Vacancy.

Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges and immunities of a member of the council. If a vacancy occurs in the office of mayor, the members of the council at their next regular meeting shall select a mayor from among their number for the unexpired term.

[1969 c 101 § 1; 1965 c 7 § [35.18.190](#). Prior: 1955 c 337 § 9; prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]

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### 35.18.200

#### Mayor — Duties.

The mayor shall preside at meetings of the council, and be recognized as the head of the city or town for all ceremonial purposes and by the governor for purposes of military law.

He shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by the council, shall take command of the police, maintain law, and enforce order.

[1965 c 7 § [35.18.200](#). Prior: 1955 c 337 § 10; prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]

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### 35.18.210

#### Mayor pro tempore.

In case of the mayor's absence, a mayor pro tempore selected by the members of the council from among their number shall act as mayor during the continuance of the absence.

[1969 c 101 § 2; 1965 c 7 § [35.18.210](#). Prior: 1955 c 337 § 11; prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]

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### 35.18.220

#### Salaries.

Each member of the council shall receive such compensation as may be provided by law to cities of the class to which it belongs. The city manager and other officers or assistants shall receive such salary or compensation as the council shall fix by ordinance and shall be payable at such times as the council may determine.

[1965 c 7 § [35.18.220](#). Prior: (i) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part. (ii) 1943 c 271 § 20; Rem. Supp. 1943 § 9198-29.]

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### 35.18.230

#### Organization on council-manager plan — Eligibility.

Any city or town having a population of less than thirty thousand may be organized as a council-manager city or town under this chapter.

[1965 c 7 § [35.18.230](#). Prior: 1959 c 76 § 2; 1943 c 271 § 1; Rem. Supp. 1943 § 9198-10.]

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### 35.18.240

#### Organization — Petition.

Petitions to reorganize a city or town on the council-manager plan must be signed by registered voters resident therein equal in number to at least twenty percent of the votes cast for all candidates for mayor at the last preceding municipal election. In addition to the signature and residence addresses of the petitioners thereon, a petition must contain an affidavit stating the number of signers thereon at the time the affidavit is made.

Petitions containing the required number of signatures shall be accepted by the city or town clerk as prima facie valid until their invalidity has been proved.

A variation on such petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names or both shall not invalidate the signature on the petition if the surname and handwriting are the same. Signatures, including the original, of any voter who has signed such petitions two or more times shall be stricken.

[1965 c 7 § [35.18.240](#). Prior: 1955 c 337 § 22; prior: (i) 1943 c 271 § 2, part; Rem. Supp. 1943 § 9198-11, part. (ii) 1943 c 271 § 5; Rem. Supp. 1943 § 9198-14.]

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### 35.18.250

#### Organization — Election procedure.

Upon the filing of a petition for the adoption of the council-manager plan of government, or upon resolution of the council to that effect, the mayor, only after the petition has been found to be valid, by proclamation issued within ten days after the filing of the petition or the resolution with the clerk, shall cause the question to be submitted at a special election to be held at a time specified in the proclamation, which shall be as soon as possible after the sufficiency of the petition has been determined or after the said resolution of the council has been enacted, but in no event shall said special election be held during the ninety day period immediately preceding any regular municipal election therein. All acts necessary to hold this election, including legal notice, jurisdiction and canvassing of returns, shall be conducted in accordance with existing law.

[1965 c 7 § [35.18.250](#). Prior: 1959 c 76 § 4; 1955 c 337 § 23; prior: 1943 c 271 § 2, part; Rem. Supp. 1943 § 9198-11, part.]

#### Notes:

Canvassing returns, generally: Chapter 29A.60 RCW.

Conduct of elections -- Canvass: RCW 29A.60.010.

Times for holding elections: RCW 29A.04.311 through 29A.04.330.

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### 35.18.260

#### Organization — Ballots.

At the election for organization on the council-manager plan, the proposition on the ballots shall be: "Shall the city (or town) of . . . . . adopt the council-manager plan of municipal government?" followed by the words:

"For organization as a council-manager city or town . . . ."

"Against organization as a council-manager city or town . . . ."

The election shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other municipal elections.

[1965 c 7 § [35.18.260](#). Prior: 1943 c 271 § 3; Rem. Supp. 1943 § 9198-12.]

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### 35.18.270

#### Organization — Election of council, procedure.

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town shall elect the council required under the council-manager plan in number according to its population at the next municipal general election. However, special elections shall be held to nominate and elect the new city councilmembers at the next primary and general election held in an even-numbered year if the next municipal general election is more than one year after the date of the election at which the voters approved the council-manager plan. The staggering of terms of office shall occur at the election when the new councilmembers are elected, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year. The initial councilmembers shall take office immediately when they are elected and qualified, but the lengths of their terms of office shall be calculated from the first day in January in the year following the election.

[1994 c 223 § 13; 1979 ex.s. c 126 § 20; 1965 c 7 § [35.18.270](#). Prior: 1959 c 76 § 5; 1955 c 337 § 12; prior: (i) 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]

**Notes:**

**Purpose -- 1979 ex.s. c 126:** See RCW 29A.20.040(1).

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**35.18.280**

**Organization — Holding over by incumbent officials and employees.**

Councilmen shall take office at the times provided by RCW [35.18.270](#) as now or hereafter amended. The other city officials and employees who are incumbent at the time the council-manager plan takes effect shall hold office until their successors have been selected in accordance with the provisions of this chapter.

[1965 c 7 § [35.18.280](#). Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]

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**35.18.285**

**Organization — First council may revise budget.**

If, at the beginning of the term of office of the first council elected in a city organized under the council-manager plan, the appropriations for the expenditures of the city for the current fiscal year have been made, the council, by ordinance, may revise them but may not exceed the total appropriations for expenditures already specified in the budget for the year.

[1965 c 7 § [35.18.285](#). Prior: 1955 c 337 § 24.]

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**35.18.290**

**Abandonment of council-manager plan.**

Any city or town which has operated under the council-manager plan for more than six years may abandon such organization and accept the provisions of the general laws then applicable to municipalities upon the petition of not less than twenty percent of the registered voters therein, without changing its classification unless it desires to do so.

[1965 ex.s. c 47 § 4; 1965 c 7 § [35.18.290](#). Prior: 1943 c 271 § 22, part; Rem. Supp. 1943 § 9198-31, part.]

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**35.18.300**

**Abandonment — Method.**

The sufficiency of the petition for abandonment of the council-manager form of government shall be determined, the election ordered and conducted, and the results declared generally as provided for the procedure for reorganizing under the council-manager plan so far as those provisions are applicable.

[1965 c 7 § [35.18.300](#). Prior: 1943 c 271 § 23, part; Rem. Supp. 1943 § 9198-32, part.]

**Notes:**

Organization on council-manager plan: RCW [35.18.240](#) through [35.18.285](#).

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**35.18.310**

**Abandonment — Special election necessary.**

The proposition to abandon the council-manager plan must be voted on at a special election called for that purpose at which the only proposition to be voted on shall be: "Shall the city (or town) of . . . . . abandon its organization under the council-manager plan and become a city (or town) under the general law governing cities (or towns) of . . . . . class?"

[1965 c 7 § [35.18.310](#). Prior: 1943 c 271 § 22 part; Rem. Supp. 1943 § 9198-31, part.]

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**35.18.320**

**Abandonment — Effect.**

If a majority of votes cast at the special election favor the abandonment of the council-manager form of government, the officers elected at the next succeeding biennial election shall be those then prescribed for cities or towns of like class. Upon the qualification of such officers, the municipality shall again become organized under the general laws of the state, but such change shall not affect in any manner or degree the property, rights, or liabilities of the corporation but shall merely extend to such change in its form of government.

[1965 c 7 § [35.18.320](#). Prior: 1943 c 271 § 23, part; Rem. Supp. 1943 § 9198-32, part.]

## **Personnel Policies**

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## 2.1 Equal Employment Opportunity

1. PURPOSE: To establish procedures for Equal Employment Opportunity
2. ORGANIZATIONS AFFECTED: All Departments/Divisions.
3. REFERENCES: Title VII of the 1964 Civil Rights Act, as amended, The Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act, the Washington State Law Against Discrimination. The Equal Pay Act of 1963, RCW 49.60.
4. PROCEDURES:

- A. The City of Bothell values diversity in the work place and does not discriminate in its employment practices with regard to gender, marital status, race, color, creed, national origin, sexual orientation, age, the presence of any sensory, mental or physical disability, or any other factor protected by federal, state, or local law. The City prohibits discrimination in all its employment practices.

This requirement extends to all areas of employment and to all recruitment, selection, placement, promotion, job assignment, compensation, disciplinary measures, demotions, layoffs, job terminations, testing, training, awards, benefits, daily working conditions, and all other terms and conditions of employment. Personnel decisions will be based on individual qualifications and performance, staffing requirements, and in accordance with governing Federal and State Laws, Civil Service Rules, budgeted authority and collective bargaining agreements.

- B. Nondiscriminatory Work Environment. In order to foster and maintain a harmonious nondiscriminatory working environment, comments or actions demeaning or offensive to any individual based on any of the above-mentioned protected factors will not be tolerated by the City. Violation of these procedures will be cause for disciplinary action up to and including termination.

1. Victims of Discriminatory Treatment. Any employee who feels he or she has been the victim of or a witness to discriminatory treatment in violation of these procedures is encouraged to bring this concern to the attention of his or her Supervisor, Department Director or to the Human Resources Director. Supervisors/managers must inform the Human Resources Director as soon as possible of the complaint, and the Human Resources Director will coordinate with the appropriate department director on the investigation of the complaint. No retaliation of any kind will be permitted against an employee who makes a "good faith" complaint. See also Anti-Harassment Procedures, Chapter 2.2.

2. Employee/Supervisor Responsibility. Each employee and every supervisor of the City is responsible for maintaining an appropriate work environment. It is the intent of the City to maintain a nondiscriminatory environment, but it can only do so effectively when each and every employee takes responsibility for maintaining that environment by promptly reporting inappropriate or discriminatory behavior.

3. Discriminatory Action by Non-Employees. Victims of or witnesses to discriminatory actions against City employees by non-employees of the City should follow the same procedure contained in B.1 above. Supervisors are responsible for ensuring a non-discriminatory work environment and should report actions of non-employees to the Department Director, who should investigate the complaint, and, if confirmed, inform the perpetrator of the discriminatory comment or action of the City's procedures against such behavior. If the individual continues to harass the employee, the employee should be removed or otherwise protected from future contacts with the individual with no negative impact to the employee.
- C. Affirmative Action. The City will comply with all Federal and State Laws which may require the development and implementation of Affirmative Action plans and reporting procedures.

2.2 Anti-Harassment Procedures

1. PURPOSE: To establish procedures to prevent harassment by and toward City Employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Washington State Law Against Discrimination; Title VII of the Civil Rights Act of 1964, as amended.
4. PROCEDURES:

The City of Bothell is committed to maintaining a work environment that is free from discrimination and harassment. In keeping with this commitment, the City will not tolerate harassment of City employees by anyone, including any City official or employee, volunteer, vendor, client, or customer of the City.

- A. Definition of Harassment. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, including slurs, comments, gestures, jokes, innuendos, touching, pictures, cartoons, pranks, and unwelcome compliments, that: (1) is based upon gender, color, race, ancestry, religion, national origin, age, physical or mental disability, medical condition, veteran status, citizenship status, sexual orientation, or other protected group status; and (2) creates an intimidating, hostile, or offensive working environment, or unreasonably interferes with an individual's work performance or employment opportunities. Sexual harassment is a type of harassment that occurs when the types of conduct described above are sexual in nature or directed at a person because of his or her gender. Sexual harassment also occurs when employment opportunities or benefits are conditioned on an employee granting sexual favors to, or having a romantic relationship with, a supervisor or manager.
- B. Other Inappropriate Conduct. Not every incident of inappropriate conduct constitutes harassment in violation of these procedures. Isolated incidents of offensive conduct are not necessarily unlawful harassment. For example, random words that offend a particular employee may not be sufficient to constitute harassment. Nonetheless, if an employee is offended by such behavior it is important that they follow these procedures so the offensive behavior can be identified, evaluated, and corrected.
- C. All City employees are responsible for helping to assure that we prevent harassment. Supervisors and managers are expected to model appropriate behavior as well as to intervene if they witness potentially harassing behavior. Supervisors or managers receiving a complaint or observing inappropriate behavior should immediately report it to their Department Director or the Human Resources Director.

**If you feel that you have experienced or witnessed harassment, you should take the following action:**

1. Identify the offensive behavior to the harasser, if appropriate, and request that it stop;
2. If you are uncomfortable doing this, or the conduct does not stop, you must discuss your concern with a non-involved supervisor, department director, or the Human Resources Director.

3. Participate in the investigation about the offensive behavior. Although the City cannot assure total confidentiality for employees who report incidents of inappropriate conduct, every effort will be made to protect the rights and feelings of all parties concerned.
  4. If for any reason you are uncomfortable with Steps 1 or 2 above, you should contact the City's Employee Assistance Program at 800-570-9315 (APS Healthcare) or 800-553-7798 (Wellspring Family Services EAP).
- D. Organizational Procedures. When a supervisor or Department Director is notified of alleged harassment, they should promptly advise the Human Resources Director. The Human Resources Director, jointly with the non-involved Department Director, will decide the appropriate level of investigation for the complaint. The investigation may include interviews with the directly-involved parties, and where necessary, employees who may have observed the alleged harassment or who may also be recipients of harassment, and who may be able to share information about their experiences with the accused party.
- E. Disciplinary Action. Following investigation, the complainant and the accused will be notified whether harassment was found to have occurred. An employee who is found to have harassed another employee will be disciplined. Disciplinary action may include verbal and/or written reprimands, a letter of reprimand to the employee's personnel file, suspension, or termination.
- F. Non-retaliation. No employee will be retaliated against in any way for complaining of harassment or providing information in connection with the investigation of a harassment complaint.
- G. Malicious Complaints. Complaints of harassment that are found, following investigation, to be contrived or willfully intended to cause harm to the accused person are a violation of these procedures, and the complainant is subject to disciplinary action.

10.1 General Rules of Conduct

1. PURPOSE: To establish procedures governing and general rules of conduct for City Employees.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to individual Department Rules or Standard Operating Procedures (SOP's).
3. REFERENCES: Not applicable.
4. PROCEDURES:

In the interests of the City and the public, it is desirable at all times, whether off-duty or on-duty, that an employee's conduct reflect favorably on the employee, his or her fellow employees, and the City. On-duty misconduct will result in discipline, administered to the degree warranted by the offense and with consideration given to the employee's work history and circumstances affecting the misconduct. Off-duty misconduct may result in discipline when said conduct renders an employee less capable of performing their duties and responsibilities, or when said conduct reflects unfavorably upon an employee's continuing qualifications for employment.

The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. These procedures are intended to clearly state the City's expectations for employee conduct while on duty, and to identify a non-exhaustive list of possible causes for discipline.

- A. Causes for Discipline. The on-duty occurrence of any of the following is cause for discipline, up to and including termination. The off-duty occurrence of these or other misdeeds will be considered based on its effect on the employee's ability to continue to perform their job. Refer to Chapter 11 for Disciplinary Procedures.
  1. Theft, misappropriation, unlawful removal of City property or the property of others.
  2. Falsifying any application for employment or any report, record, time sheet or other City document.
  3. Accepting and/or soliciting personal payment, gifts or any item of value for services performed while on duty, whether or not the services are performed on behalf of the City or whether or not City vehicles, equipment or supplies are used.
  4. Willful alteration, destruction or waste of City property, facilities, records or equipment, or the destruction of the property of another.
  5. Use, possession or being under the influence of alcohol or other controlled substances, including prescription medications in other-than prescribed amounts. (Refer to Procedures 10.6. Drug Free Workplace)
  6. Giving or taking a bribe of any nature.
  7. Insubordination, including, but not limited to, neglect of duty, refusal or failure to follow a supervisor's orders or instructions; public disrespect displayed toward a supervisor or the City, abusive language toward supervisor.
  8. Disorderly conduct, horseplay, obscene or offensive language.

9. Threatening, intimidating, coercing or displaying public disrespect to other employees, supervisors or citizens.
  10. Deliberate attempts to injure another employee or citizen, or fighting on City property.
  11. Unauthorized possession of fire arms, explosives or dangerous weapons.
  12. Participating in an unauthorized work stoppage or slowdown.
  13. Safety violations, whether or not resulting in personal injury, property damage or a serious accident; or failure to report safety violations.
  14. Harassment of another City employee or third party for any reason, including but not limited to race, gender, age, creed, color, marital status, national origin, sexual orientation or disability.
  15. Engaging in activities other than assigned work during working hours and/or while operating City equipment, without prior approval of employee's supervisor.
  16. Acting in an insulting, rude or uncivil manner toward any customer or other person; provided, however, that if a customer is acting consistently rude toward the employee, the employee may decline to serve that customer and request their supervisor to handle the situation.
  17. Use of City property or time for non-City related business or personal activity.
  18. Carrying an unauthorized passenger in a City vehicle.
  19. Contributing to unsanitary conditions, unnecessary clutter or an accumulation of disposable material.
  20. Acting in violation of any Personnel Policy or Procedure.
  21. Dishonesty.
  22. Abuse of any City leave policy or procedure, including, but not limited to sick leave, vacation leave, bereavement leave, or personal leave.
  23. Working overtime that is unauthorized by the supervisor.
  24. Failure to meet the City's performance expectations for the position.
  25. Negligence in carrying out job functions or duties.
- B. Legal Liability. Employees are responsible for obeying laws and regulations which govern the performance of their duties, and for exercising their authority as reasonable and prudent persons. Pursuant to the City's Public Officials Liability Ordinance (see Appendix), employees are provided immunity from legal liability if they are operating within the scope of their duties and according to law, policies and procedures.
- C. Collective Bargaining Representation. The City recognizes the right of every employee to join an employee association, guild or union for which they are eligible for membership. Employees are referred to the Union Security clauses in the applicable collective bargaining contract. Supervisors shall not attempt to influence employees in their choice to become members or to participate in union or association activities.
- D. Refer to the Disciplinary Procedures contained in Chapter 11.

10.2 Code of Ethics

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish a code of ethics for City employees, governing such activities as Conflicts of Interest, Acceptance of Gifts, Use of City Equipment, Political Activity, Outside Employment and Disclosure of Confidential Information.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to Department Standard Operating Procedures (SOP's).
3. REFERENCES: RCW 42.52
4. PROCEDURES:
  - A. The City of Bothell values personal honesty and integrity, open and accessible government, fiscal responsibility, fair treatment of individuals and a customer service emphasis in our organization. Each individual employee is responsible, through their actions, for the perception of the City as an ethical organization. The intent of these procedures is to clearly communicate to the employees that they should avoid any action or behavior which constitutes the reality or the appearance of any of the following:
    - Using a City position for private gain;
    - Offering preferential treatment to any person or organization;
    - Impeding the efficiency, productivity, economy or effectiveness of the City;
    - Losing complete impartiality;
    - Making and/or representing oneself as having the authority to make a City decision outside of official channels;
    - Adversely affecting the confidence of the public in the integrity of the City.
  - B. Conflicts of Interest. No City employee may use their position to secure special privileges or exemptions for themselves or others. Employees shall not accept or seek for others, any service, information or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having contacts with the City. (An example of this would be purchasing office supplies or equipment for personal use at the discount afforded to the City.)
  - C. Acceptance of Gifts. Employees and their families shall not accept or solicit for personal benefit, directly or indirectly, any gift, favor, loan retainer, entertainment or gratuity, regardless of value, from any person, firm or corporation if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. The following items are presumed not to influence and may be accepted: unsolicited gifts with an aggregate value of fifty dollars or less may be accepted from a single source in a calendar year for such items as flowers, plants, promotional items of nominal value such as pens and note pads, trophies, plaques, and food and beverages consumed at hosted receptions where attendance of the employee is related to their official duties.

City employees and/or their families who perform community service or charity work on their own time are not prohibited from accepting "prizes" earned from their participation in that activity. Said employees shall not use their position with the City to prevail upon others to participate in or contribute to the activity.

D. Use of City Equipment. City equipment, including vehicles, are for City business only, except as provided for in Procedures 10.5. Employees must not allow anyone not employed by the City to operate City equipment unless authorized by the Department Director. In no event shall a City employee take City property to their home without prior approval from the Department Director.

E. Political Activity.

1. Generally. Employees shall not use City property or supplies, or their own time while on-duty, for political activity of any kind. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political office, so long as the political office is not incompatible with or does not substantially interfere with the discharge of the employee's job duties. Employees shall refrain from political activities while on duty which give the appearance that the political activity is supported by the City, such as wearing or displaying of a button, badge or sticker relating to a partisan political issue during working hours in areas frequented by the public, attaching political or other campaign stickers to City vehicles or utilizing City property to promote a campaign. The City recognizes that employees may have a Constitutional First Amendment right to non-disruptive non-verbal speech activities such as the wearing of buttons which are not disruptive of the workplace nor imply a political support of the City for any particular measure or candidate. The wearing of buttons in such situations outside of areas in which the individual will come into direct contact with the public will be considered on a case-by-case basis. Employees shall not use their City title or position in solicitation for political activities, either orally or in writing. Political activity while wearing a City uniform is prohibited.

2. Solicitation. Employees shall not be required to make any contribution to or support a political party, elected official, candidate or measure as a condition of employment. Solicitation of on-duty City employees or of others on City property, for contribution to political organization, campaign or other political purpose is prohibited; provided, however, that officers of employees' collective bargaining representatives are not prohibited from soliciting dues from members of their associations, guilds or unions.

F. Outside Employment. No City employee may accept employment which would be, or appear to be, a conflict of interests with their position with the City. No City employee may engage in a business or professional activity that might reasonably expect or require them--by reason of the employee's position with the City--to disclose confidential information acquired by reason of their position. No City employee may accept outside employment without prior notification of their Department Director. Outside employment may not be permitted if the Department Director finds that:

1. The outside employment detracts from the employee's ability to perform their position with the City;
2. The outside employment presents a conflict of interest, or appearance of a conflict of interests, with the employee's position with the City;
3. The outside employment involves the use of City resources;
4. The outside employment will take precedence over extra duty required for City employment, if said extra duty is a normal part of the job for employees similarly situated.

G. Disclosure of Information.

1. City News Release. News releases and press statements representing City policy, positions and information are approved in advance by the City Manager or designee.
2. Employee Media Relations. The City Manager has overall authority and responsibility to ensure dissemination of public information. Generally, the City Manager, their designee or Public Information Officer is responsible for responding to the news media when information is requested. An employee shall refer members of the media to the Department Director, City Manager or Public Information Officer unless the employee has been designated to respond to the media or directed to do so.

No City employee may disclose confidential information gained by reasons of the employee's position, except in the exercise of the City's Whistleblower procedures. Employees may not use confidential information for personal gain or benefit.

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10.5 Electronic Communications

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for efficient, ethical employee use of electronic communications equipment, software and data; to encourage use that enhances employee productivity; to confirm that electronic communications used in the conduct of government are public records; and to prohibit inappropriate use.
2. ORGANIZATIONS AFFECTED: All department/divisions.
3. REFERENCES: State Public Disclosure Act (RCW 42.17); See also the Code of Ethics for City Employees, Personnel Policies and Procedures 10.2.
4. PROCEDURES:

City equipment and software, and internet/e-mail access are intended to increase employee productivity in the conduct of their official duties with the City. City Employees will comply with the Public Records Act as it relates to electronic communications. Inappropriate use of information systems or electronic communications, as defined below, is prohibited, and may be subject to disciplinary action up to and including termination.

A. Definitions.

1. "Electronic communication" is defined as an electronic exchange of information with a citizen, another employee, the internet, and/or the public at large.
2. "E-mail" is an electronic communication that may be sent to another user within the City's information system or to a user outside the City's system via the internet.
3. "Information systems" include all electronic equipment, software and/or data (either furnished by the City or property of the employee) used in the performance of their work assignments, including computers, cell phones, telephones, fax machines, pagers, e-mail, voice mail and palm pilots.
4. "Internet" refers to the World Wide Web.
5. "Intranet" refers to the City's internal website accessible only to City employees.

B. Business Use and Limited Personal Use.

The City's electronic equipment and information systems are intended for professional business use in performing the duties of an employee's job. The City reserves the right to block employee business and personal access on City equipment to the internet or to specific internet sites when the employee's position does not require access, or when a site violates City policies or is unnecessary for the performance of the employee's official duties. Examples of blocked sites for all employees are pornographic sites and internet dating sites (except in the case of identified law enforcement personnel whose access is necessary for the performance of their official duties). Limited personal use of the internet may be permitted, with prior approval, according to the following guiding principles:

1. It is incidental, occasional and of short duration;
2. It is done on the employee's personal time. Personal time means off-duty, on an unpaid lunch break, or for 24-hour shift personnel, while on standby;

3. It does not interfere with any employee's job activities. This includes activities which might pose a conflict of interest or appearance of fairness problem with individual's employment with the City;
4. It does not result in incremental expense to the City. Examples of "incremental expense" include, but are not limited to long-distance telephone, cellular phone or fax charges;
5. The employee has their supervisor's prior approval for said personal use, which approval shall only be given when consistent with the requirements of these procedures;
6. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. It does not violate the other "prohibited uses" or other specific limitations outlined in these procedures.

C. Prohibited Uses.

The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following, are prohibited:

1. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability, sexual orientation, or any other factor protected under federal, state, or local law;
2. An expression regarding personal political or religious beliefs;
3. An expression of rumors or gossip about any individual or group of individuals;
4. Any business or non-profit organization as defined by the IRS other than employees representing the City's labor unions when conducting union business related to the City;
5. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City's Anti-Harassment Procedures, 2.2;
6. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. Any information that violates copyright laws including illegally downloading audio and video files;
8. Copying or installing any non-City licensed computer software;
9. On-duty use of games including on-line games and gambling, except during off-duty or lunch periods, and standby periods for 24-hour shift personnel;
10. See also specific prohibitions relating to individual types of system use, below.

D. Electronic Communications - "e-mail".

The City encourages the use of e-mail as a method of increasing employee productivity, thereby improving the overall capabilities of the City to serve its citizens.

With few exceptions, everything in government relating to the conduct of government or the performance of governmental functions, whether written, recorded, taped, or electronically stored is subject to public inspection. The Public Records Act (RCW 40.14) applies to electronic mail; the following guidelines should be followed for records retention of e-mail. For these and other reasons, while e-mail is less formal than memoranda or letters, it should still follow the standards of good business etiquette.

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender, such as meeting notices, reminders, telephone messages and informal notes, should be deleted once their administrative purpose is served.
2. All other messages used in connection with the transaction of governmental business constitute a public record. Such records are subject to public inspection and copying; users should print out a copy of the record and file for keeping according to the City's Records Retention Schedule.
3. E-mail should not be used when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system.
4. External e-mail will not be used for personal use, since employees' conventional e-mail address includes the City's "return address."
5. Limited personal internal use of e-mail may be permitted if it complies with the provisions of Section B and does not violate Section C. General announcements via internal e-mail should be avoided; use of an electronic "bulletin board" or the City Employee Newsletter is preferred.

E. Internet Use: Browsing, ListSerts, Newsgroups, etc.

1. It is the policy of the City to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All employees are responsible for using the internet resources in an effective, ethical and lawful manner, and in accordance with these procedures. Employees may be authorized by their Department Director to have internet access to enhance their ability to perform the duties of their position.
2. Personal use may only consist of browser capability and may not include ListSerts, Newsgroups, instant messaging, Chat Rooms or other capabilities unless specifically approved by the Department Director, which approval shall only be given when consistent with the requirements of these procedures.
3. Any purchases made on behalf of the City via the internet must conform to the City's purchasing procedures and budget allocations.
4. Using City equipment or City internet connection to violate the integrity of another system (hacking), including creating or propagating viruses, worms, or Trojan Horse programs is prohibited.

F. System Security.

1. Acquisition of computer equipment. All acquisitions of information systems components will be coordinated through the Information Technology Division. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.

2. Conscientious care. All employees are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware.
3. Downloading/installing software (including upgrades and screensavers). The City computer system is designed to work in a network environment. Installation of unauthorized software can result in damaging the integrity of the system. Employees are responsible for obtaining the approval of their supervisor and the Information Services Division before downloading or installing software on any City-owned computer.
4. Downloading files from the Internet. Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.
5. Unauthorized access. Employees are prohibited from using "loopholes" or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Employees are responsible for keeping their password confidential and not sharing it with other users.
6. Attempt to circumvent or subvert system or network capabilities.
7. Use of aliases. Use of aliases while using the internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.
8. Make use of unlicensed or copied software is prohibited on any City computer. No supervisor or department director may authorize the use of unlicensed or copied software on any City computer.
9. Password Integrity. Employees are prohibited from sharing system or application passwords with any other person without prior written notification of the Information Technology Division. Employees are prohibited from selecting passwords from City systems or applications that are used at home or other personal usages.

G. Telephone, Fax, Cellular Phone, Computer Printers, Photocopy Machines.

1. Telephones. City employees should minimize accepting and placing personal calls during business hours. Personal calls should be made during an employee's break or lunch hour. Long Distance personal calls should be charged against the employee's personal credit card or home number. If an employee makes a personal long distance call on a City account, the employee will reimburse the City for that expense.
2. Facsimile Machines. Employees may not use City FAX machines for personal use to send long distance facsimile messages, or to receive local or long distance facsimile messages. If an employee makes a personal long distance fax on a City account, the employee will reimburse the City for that expense; if an employee receives a solicited personal fax on a City machine, the employee will reimburse the City at the rate established by the Comprehensive Fee Schedule.

3. Cellular Telephones. City employees should minimize accepting and placing personal calls during business hours. Cellular telephones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies. Employees may be required to reimburse the City or be subject to disciplinary action pursuant to the Personnel Policies for any non-work-related, local and long-distance personal cellular telephone charges that are not authorized under these procedures.

**Employees are responsible for obtaining approval from their supervisor and the Information Technology Division prior to downloading or installing software on any City owned cell phone.**

4. Computers & Printers. City employees may use City computers for personal use if said use meets the criteria outlined in Section B above and does not violate Section C of these procedures; said employees will reimburse the City at the rate established by the Comprehensive Fee Schedule for use of City printers.
5. Photocopy Machines. City employees may use City photocopy machines for personal use by paying a photocopy charge established by the Comprehensive Fee Schedule.
6. Other equipment. Except as provided in these procedures, employees shall not use City equipment for personal use. In no event shall a City employee take City property to their home for City related business without prior consent of the employee's supervisor.

#### H. Monitoring, Enforcement and Penalties

1. All hardware, software, programs, applications, templates, data and data files residing on City information systems or storage media, whether City business or personal, are the property of the City of Bothell. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to employees.
2. The City retains the right to monitor and audit the use of e-mail and internet use. The right to use these technologies does not include the right to privacy.
3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Employees should assume that electronic evidence discovery might recover deleted or unsaved data.
4. Employees' use of a personal internet account on City equipment, and employees' use of a City internet account on personal equipment, are subject to prior supervisor approval and the provisions of these procedures. Said employees should be aware that their personal e-mail and electronic files could be monitored by the City, and could be reviewed as part of a Public Records request.
5. Each employee is required to read and sign the Electronic Communications procedures. In addition to any other penalty, fine or cost reimbursement required by any provision of these procedures, violation of these procedures may result in discipline, up to and including termination of employment.