

**CITY COUNCIL AGENDA**  
15728 Main Street, Mill Creek, WA 98012  
(425) 745-1891



- Brian Holtzclaw, Mayor • Stephanie Vignal, Mayor Pro Tem
- Mark Bond • Vincent Cavaleri • John Steckler • Benjamin Briles • Adam Morgan

Regular meetings of the Mill Creek City Council shall be held on the first, second and fourth Tuesdays of each month commencing at 6:00 p.m. **Due to the COVID-19 pandemic City Council Meetings will be held virtually and in-person as per Governor's Emergency Proclamation with regulations until further notice.**

Your participation and interest in these meetings are encouraged and very much appreciated. We are trying to make our public meetings accessible to all members of the public.

The City Council may consider and act on any matter called to its attention at such meetings, whether or not specified on the agenda for said meeting. Participation by members of the audience will be allowed as set forth on the meeting agenda or as determined by the Mayor or the City Council.

To comment on subjects listed on or not on the agenda, ask to be recognized during the Audience Communication portion of the agenda. Please stand at the podium and state your name and residency for the official record. Please limit your comments to the specific item under discussion. Time limitations shall be at the discretion of the Mayor or City Council.

Study sessions of the Mill Creek City Council may be held as part of any regular or special meeting. Study sessions are informal and are typically used by the City Council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of City issues or City Council business.

**Next Ordinance No.** 2021 - 873

**Next Resolution No.** 2021 - 602

**May 25, 2021**  
**City Council Meeting**  
**6:00 PM**

**VIRTUAL MEETING INFO**

A.

Topic: City Council Regular Meeting

Time: May 25, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/96836062358>

Meeting ID: 968 3606 2358

One tap mobile

[+12532158782](tel:+12532158782).,96836062358#US (Tacoma)

+13462487799,,96836062358# US (Houston)

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

## **AUDIENCE COMMUNICATION**

- B. Public comment on items on or not on the agenda
- C. Update on Development Activity taking place in the City of Mill Creek  
*(Tom Rogers, Planning Manager and Christi Schmidt, Senior Planner)*

## **PRESENTATIONS**

- D. City of Mill Creek Public Portal: An Introduction  
*(Michael Ciaravino, City Manager, Naomi Fay, City Clerk)*

## **OLD BUSINESS**

- E. Adoption of Revised Governance Manual  
*(Grant Degginger, City Attorney)*

## **NEW BUSINESS**

- F. Addendum No.3 to Contract 2019-1504 with OTAK for Professional Services  
*(Tom Rogers, Planning Manager)*

## **PROPOSED NEW INITIATIVES**

- G. Discussion on determining Proclamations to be issued by the City Council  
*(Mayor Holtzclaw)*
- H. Proposed Proclamation for June Alzheimer's and Brain Awareness Month
- I. Proposed Proclamation - Asian Heritage Month  
*(Councilmember Cavaleri)*
- J. Supporting Economic Recovery for Local Businesses  
*(Councilmember Cavaleri)*

## **CONSENT AGENDA**

- K. Approval of Checks #63354 through #63405 and ACH Wire Transfers in the Amount of \$196,106.14  
*(Audit Committee: Councilmember Bond and Mayor Pro Tem Vignal)*
- L. Payroll and Benefit ACH Payments in the Amount of \$249,390.47  
*(Audit Committee: Councilmember Bond and Mayor Pro Tem Vignal)*
- M. City Council Meeting Minutes of May 11, 2021

## **REPORTS**

- N. Mayor/Council  
  
Mayor Holtzclaw
  - Snohomish County 2021 End of Session Report
- O. Michael Ciaravino, City Manager
  - Memorial Day Event Update
  - Graduation Car Parade Update
- P. Staff  
  
Laurel Gimzo, Finance Director
  - American Rescue Plan Act (ARPA) Update

- Passport Office Update

Mike Todd, Director of Public Works & Development Services

- Public Works & Development Services (PWDS) Staffing Update

#### **AUDIENCE COMMUNICATION**

- Q. Public comment on items on or not on the agenda

#### **RECESS TO EXECUTIVE SESSION**

- R. The council will recess to executive session to discuss one item involving collective bargaining negotiations pursuant to RCW 42.30.140(4) and to discuss litigation pursuant to RCW 42.30.110(1)(i). No action will be taken.

#### **ADJOURNMENT**



**Meeting Date:** May 25, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:** Update to City Council on Development Activity taking place in the City of Mill Creek.

**PROPOSED MOTION:**

None at this time. Presentation and discussion only.

**KEY FACTS AND INFORMATION SUMMARY:**

On April 27, 2021, staff gave a presentation of the permitting and other activity that has taken place in the Development Services Division during 2020 and through the 1st Quarter of 2021. At that presentation, staff committed to a follow up presentation that would give updates on the individual projects that are under construction as a result of that permitting activity. At the Council meeting, staff will present the attached PowerPoint presentation and will be available to answer any questions.

**CITY MANAGER RECOMMENDATION:**

None.

**ATTACHMENTS:**

[Development Services Division Current & Upcoming Projects Packet Version](#)

Respectfully Submitted:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

City Manager



# Development Services Division Current & Upcoming Projects

May 25, 2021

**AGENDA ITEM #C.**

# Presentation Topics

- We are busy!
- Permit Tally 2021
- Development Review Process
- Development Activity Status
- Upcoming Projects



## We Are Busy!

- Increased \$ land values
- Increased \$ market improvements
- Seller's market
- Accommodate population demands
- COVID-19 = re-assessment of personal environment



# We Are Busy!

## Residential Typical Averages



== 5 Building Permits    == Average 20 inspections    == \$4,400 fee

## Mixed-Use Typical Averages



== 6 Building Permits    == Average 99 inspections    == \$43,000 fee





# Permit Tally 2021



# Permit Tally 2020 Q1 / 2021 Q1

Building Permits Q1 = 161 / 182 Building  
Inspections Q1 = 275 / 456

Active Construction Projects = 9

Pending Projects = 4



# Projects in Construction



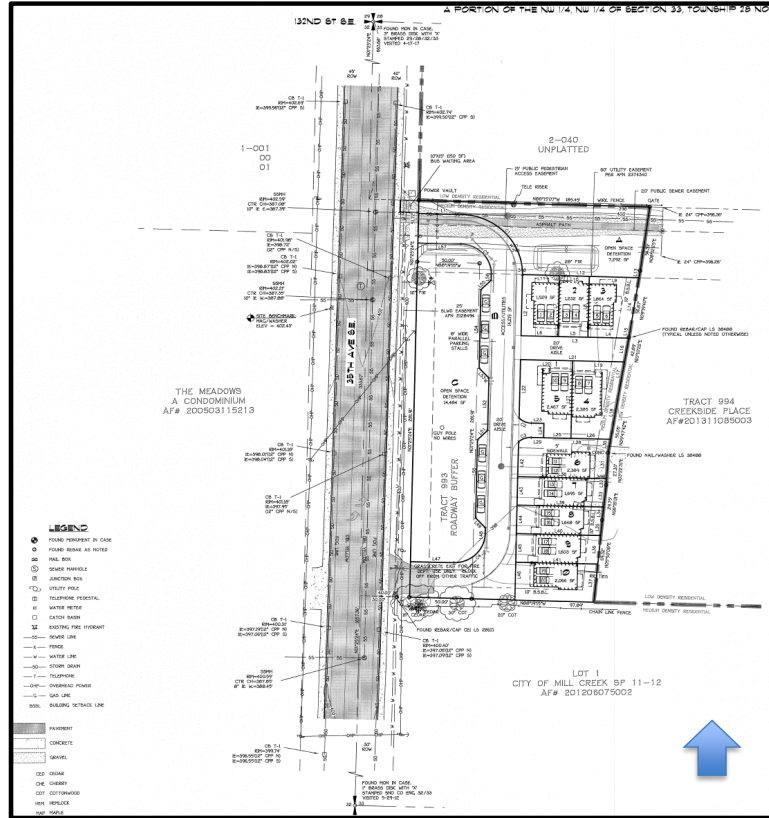
# Creekside West Townhomes



1.26 acres



# Creekside West Townhomes



- 10 Townhomes
- 20 stalls required/32 stalls proposed (includes 6 guest stalls)
- 20 foot wide private access drive onto 35<sup>th</sup> Avenue SE
- Emergency access only on south end

# Creekside West Townhomes



# Creekside West Townhomes



## Status:

Home construction starting & to be completed by end of 2021



# The Farm at Mill Creek



Approx. 13 acres being developed





## The Farm at Mill Creek

Binding Site Plan to subdivide 17 acres into 5 lots & construct 14 buildings for a mixed-use development.

- Approx. 100,000 square feet of commercial space (including 25 live/work units).
- 354 residential apartment units.
- Approx. 1,197 parking stalls.



# The Farm at Mill Creek



Status:  
Opening Summer 2021



# The Farm at Mill Creek



Status:  
Opening  
Summer  
2021



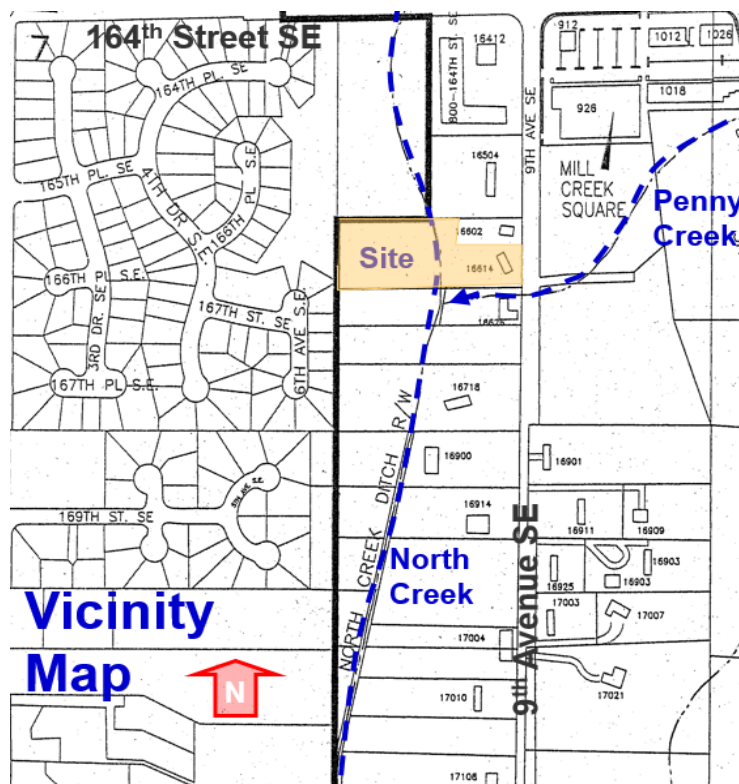
# Creekside Office Phase II



2.83 acres



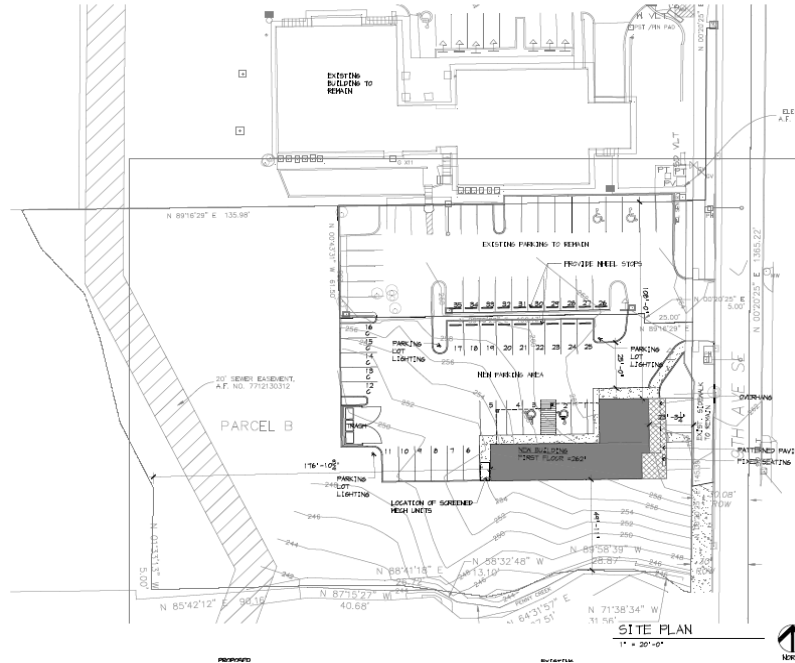
# Creekside Office Phase II



2.83 acres



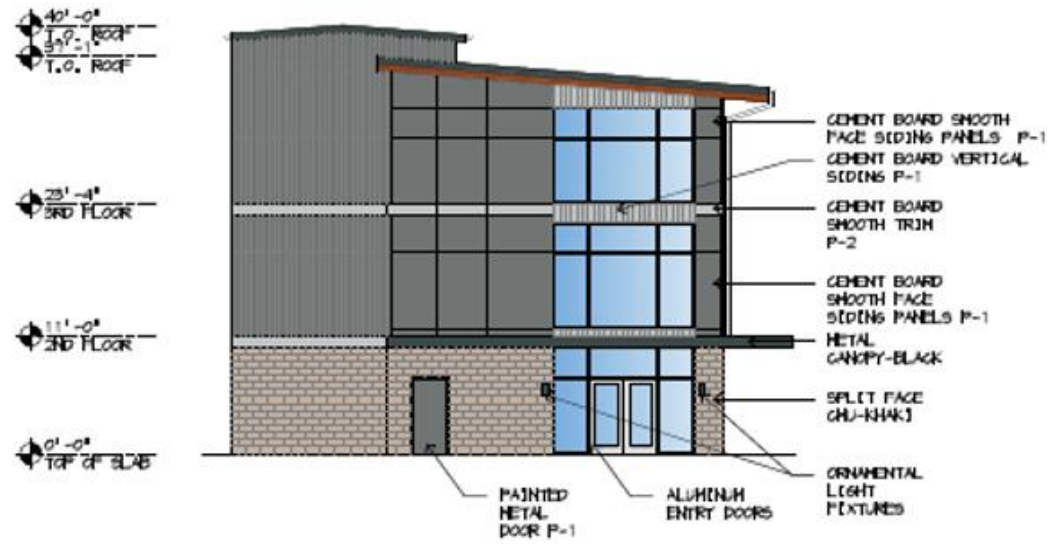
# Creekside Office Phase II



- Binding Site Plan to construct an approximately 8,600 square foot 3-story-commercial building and 32 parking stalls on 2.83 acres.



# Creekside Office Phase II



East Elevation – Facing 9<sup>th</sup> Avenue SE



# Creekside Office Phase II



North Elevation – Facing Shared Parking Lot





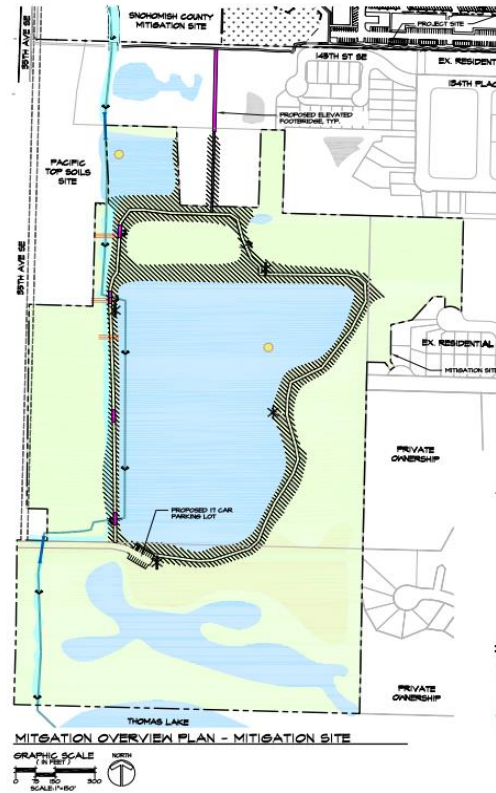
# Creekside Office Phase II



Status:  
Site work to start  
shortly



# Penny Creek Wetland Sanctuary



- 58 acres of mitigation and preservation in Native Growth Protection Area
- Passive uses only



# Penny Creek Wetland Sanctuary



Status:  
To be opened in  
Summer 2021



# Central Market Remodel/Rebranding



# Central Market Remodel/Rebranding



East end

Existing outdoor floral dept. to be converted into the online fulfillment dept.

Existing cart corral area



Center and west end



WASHINGTON

# Central Market Remodel/Rebranding

SEATING AREA - PERSPECTIVE



# Central Market Remodel/Rebranding

ONLINE-ORDER - PERSPECTIVE



Status: To be Completed Summer 2021



# Central Market Remodel/Rebranding



Status:  
To be completed  
Summer 2021





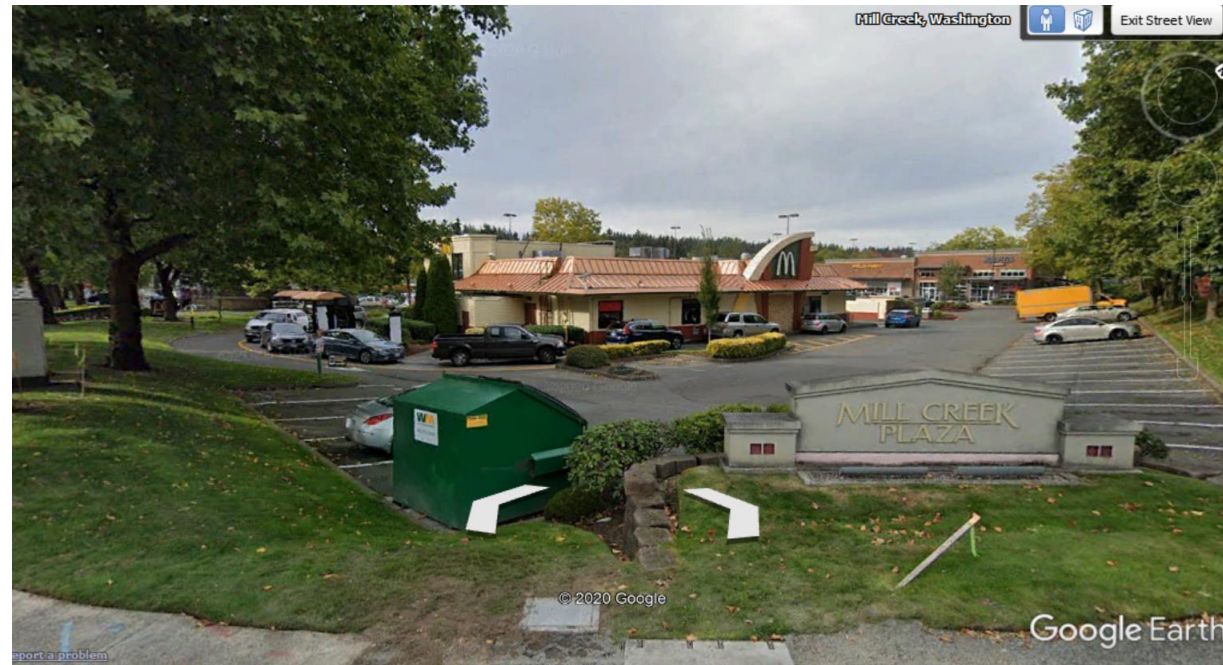
# McDonald's Redevelopment



- Constructed in 1981
- Remodeled in 1990's



# McDonald's Redevelopment



Existing Conditions View From Intersection at 164<sup>th</sup>/SR 527



# McDonald's Redevelopment



Non-Drive-Thru Side Elevation



Drive-Thru Side Elevation



# McDonald's Redevelopment



## Status:

- Start work Summer 2021
- Complete by Winter 2021



# Crestview Phase II Plat



3.2 acres



# Crestview Phase II Plat



## Status:

- 25 single family homes
- To be completed Summer 2021



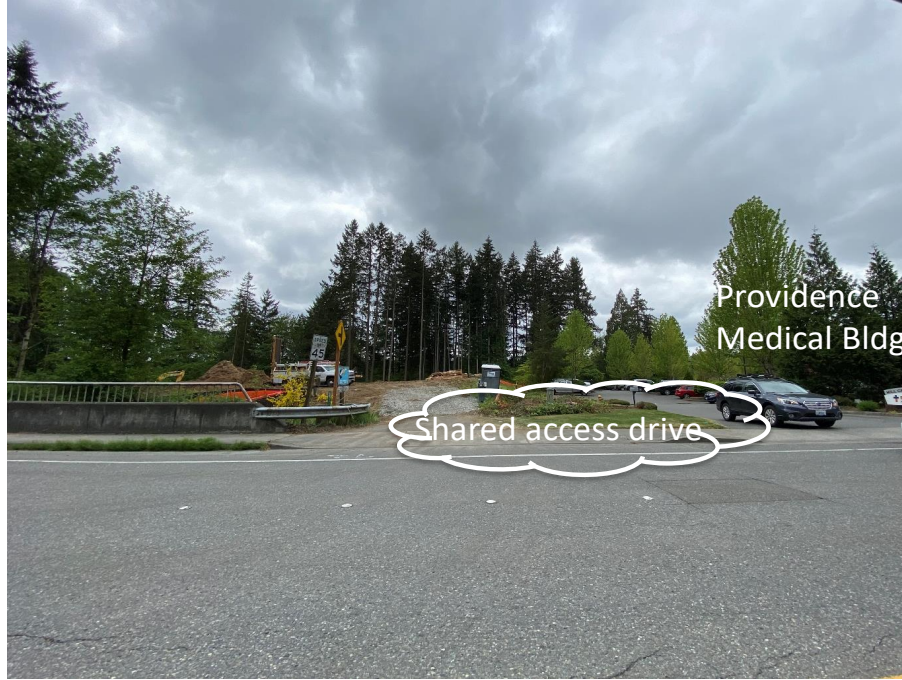
## Mill Creek Commons II



Binding site plan to construct a self-storage facility comprised of 48,060 square feet of building space split between one single 3-story building and two smaller 1-story buildings on 1.45 acres of a 4.81 acre site.



# Mill Creek Commons II



Status:  
Clearing & Grading  
under progress





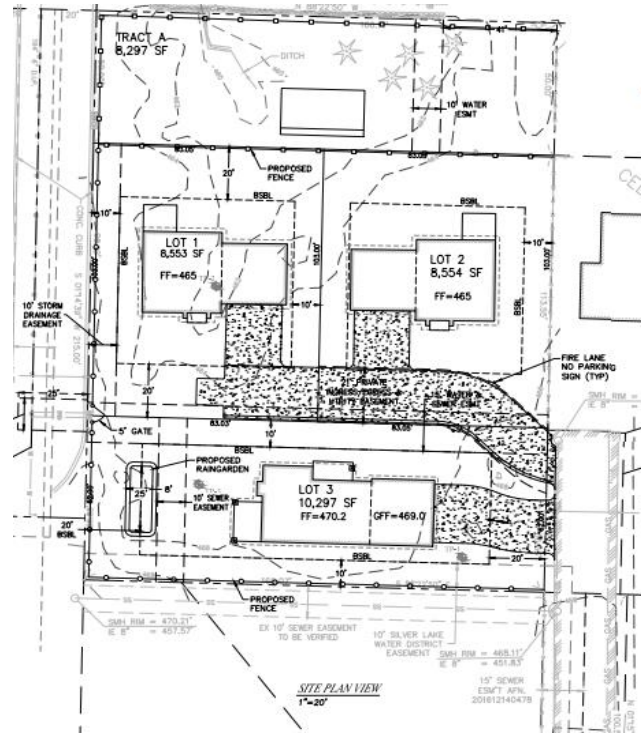
# Kazzip Short Plat



- 3 Single Family Homes  
(between Lowes and Albertsons)



# Kazzip Short Plat



## Status:

- Homes Sold & Occupied
- Roadway Buffer to be Installed



# Pending Projects



# Pending Projects

1. 35<sup>th</sup> Avenue Mix-Use Dev.
2. Muttley Square
3. 7C's Swim School
4. CUBE Storage

\* Trivia? Do you know the locations?



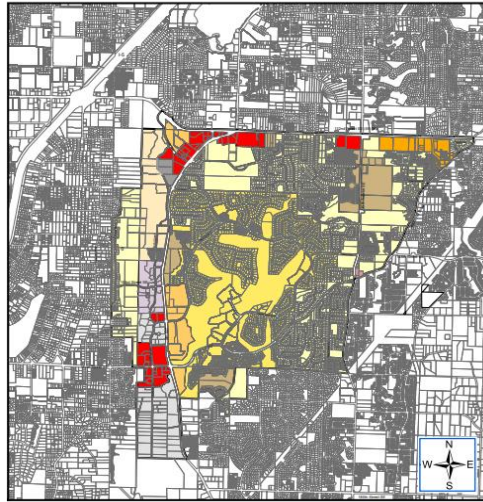
# Feasibility of Land



# Vacant and Redevelopment



Zoning Map



Time spent responding to questions  
about potential development



# Upcoming Projects



## Upcoming Projects

- 2024 Comp Plan Update
- Snohomish County Buildable Lands Update
- Mill Creek Boulevard Corridor Study
- Code Amendments
- DRCC Properties - Potential Dev.
- CT Orange Line
- Silver Lake Water & Sewer District Lift Station Expansion







# Questions?

Christi Schmidt, AICP/CESCL  
Senior Planner

(425) 921-5738

[christis@cityofmillcreek.com](mailto:christis@cityofmillcreek.com)





**Meeting Date:** May 25, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:** Adoption of the revised Governance Manual

**PROPOSED MOTION:** Motion to adopt Resolution 2021-602, repealing Resolution No. 1 and Resolution No. 2011-473, adopting the new edition of the Governance Manual, and rules governing public communications at Council meetings and public hearings.

**KEY FACTS AND INFORMATION SUMMARY:**

Updating the Governance Manual has been a significant work item of the Council. Three study sessions have been conducted during which the articles and Statement of Values contained in the current manual have been reviewed.

At the end of the April study session, Council asked to have entire revised manual and a resolution addressing public comment and testimony presented for its review and approval. The Council packet contains:

A redline of the manual showing the changes between the current manual and the new version;

A new “clean” version of the manual; and

A proposed resolution repealing adoption of the previous manual, repealing Resolution No. 1 governing the Council’s rules of procedure and replacing them with Roberts Rules of Order (Newly Revised), as amended by the provisions in the new edition of the Governance Manual, along with rules governing public comment and testimony at Council meetings and public hearings.

The discussion will provide an opportunity for Council to make any further revisions to the manual. Any further revisions can be made, and the manual can be set for adoption at a future Council meeting. If no further revisions are requested, a motion to for the resolution adopting the updated manual can be made.

**RECOMMENDATION:**

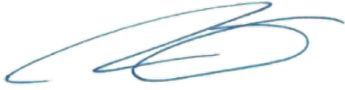
To adopt Resolution 2021-602, repealing Resolution No. 1 and Resolution No. 2011-473, adopting the new edition of the Governance Manual, and rules governing public communications at Council meetings and public hearings.

**ATTACHMENTS:**

- Redline of Governance Manual reflecting changes from current version

- Clean copy of revised Governance Manual
- Proposed Resolution No. 2021-602

Respectfully Submitted:

A handwritten signature in blue ink, appearing to be "M. Ciaravino", written in a cursive style.

---

Michael Ciaravino, City Manager



CITY OF  
**Mill Creek**  
WASHINGTON

*Manual of City Governance  
Policies, Procedures and Guidelines*

Resolution #~~No. 20121~~ -~~473XXX~~

Adopted ~~July 5~~ May XX, 20121

A Comprehensive Collection of  
Governance Principles, Policies, Procedures,  
Standards of Conduct, Meeting Rules  
and References to Applicable Law

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## **Introduction**

~~This~~In July, 2011, the Mill Creek City Council adopted the first edition of this manual. Its purpose is ~~intended~~ to serve as a guide for the Council, city management and the community to the City's principles and procedures ~~embodying~~for operating as a non-charter, code city utilizing the Council/Manager form of governance.

~~The responsibilities of modern government require that we update the procedures which help us function effectively in the current atmosphere of complex laws, rules and regulations. Thus we have an opportunity to refine and expand those initial rules of self government.~~

~~While some other sources of standards and practices do exist, unfortunately those examples are scattered in a number of resources and references. The Mill Creek Manual of City Governance represents standards for Mill Creek government practices in a single document. It is a comprehensive collection of policies,~~

With this second edition of the manual, the Council has had an opportunity to update rules and procedures in light of changes in the law, technology and best practices over the past decade.

The manual contains meeting rules, ~~coordination~~election procedures, administrative references, ~~public outreach guidelines and procedures. Included, by reference, are relevant provisions of applicable state and local law. Also included are~~ principles to guide councilmembers in the discharge of their duties and useful references to key state laws that regulate the conduct of the Council/~~Manager form of~~ as an elected body and the City government as a whole.

This manual can be a valuable resource document for ~~Mill Creek, the City's citizens,~~ the City Council and City management ~~as we continue to work together for effective and efficient local government.~~

~~These~~and the community. The rules and other provisions in the manual should not be construed to invalidate any action of the City Council or City Manager that is otherwise in compliance with applicable law.

~~It is recommended that the members of the City Council and City management be familiar with the contents of this manual and keep it close at hand.~~

This manual (as adopted by Resolution) is a legislative act and is intended to remain in force and effect except to the extent that any portion may be subsequently be amended or rescinded by act of Council. See, however, Article 9, which explains certain limitations on the intended use of this Manual.

~~Respectfully submitted,~~

~~Mayor Mike Todd, Mayor Pro Tern Donna Michelson, and Councilmembers Terry Ryan, Kathy Nielsen, Bail Masterson, Mark Harmsworth, and Mark Bond~~

**RESOLUTION NO. 2011-473**

**~~A RESOLUTION OF THE CITY OF MILL CREEK ADOPTING A MANUAL OF CITY GOVERNANCE POLICIES, PROCEDURES AND GUIDELINES FOR THE COUNCIL-MANAGER FORM OF GOVERNMENT~~**

~~WHEREAS, the City Council desires that city government be transparent and accountable to the public; and~~

~~WHEREAS, the City Council seeks to govern in a manner that is responsive to the community, in collaboration with City management, and in a business-like and professional manner; and~~

~~WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance;~~

~~NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK DOES HEREBY RESOLVE AS FOLLOWS:~~

~~Section 1. There is hereby adopted by reference, "City of Mill Creek Manual Of City~~

~~Governance Policies, Procedures and Guidelines" dated July 5, 2011, which is attached hereto as Exhibit~~

~~ADOPTED by the City Council of the City of Mill Creek, this 5th day of July, 2011 by a vote of 5 for, 0 against and 0 abstaining. (Councilmembers Ryan and Harmsworth absent)~~

~~MIKE TODD, MAYOR~~

~~KIM MASON HATT, ACTING CITY CLERK~~

~~APPROVED AS TO FORM:~~

~~OFFICE OF OF THE CITY ATTORNEY  
SHORT-CRESSMAN & BURGESS PLLC~~

~~Exhibit:~~

~~A Manual of City Governance Policies, Procedures and Guidelines~~

~~FILED WITH THE CITY CLERK: July 5, 2011~~

~~PASSED BY THE CITY COUNCIL :July 5, 2011~~

~~RESOLUTION NO.:2011-47~~

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**Article 1: Principles**

It is hereby the policy of the City to establish the principles stated in this Article I as core values of City governance:

**1.1 Values**

**1.1.1 City Leaders Listen to the Community**

City leaders listen to the community in a way that fully represents the community's interests and goals.

**1.1.2 Collaboration is Valued**

Council and staff should make the maximum effort to collaborate in every endeavor, seeking consensus as far as possible.

**1.1.3 City Leaders Lead and Reason Together**

Councilmembers should individually, and collectively, demonstrate the ability to lead and reason together.

**1.1.4 The City Exemplifies Professionalism in City Management**

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

**1.1.5 Sustainability**

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for city finances and the local economy.

**1.2 Relationship between Council, City Manager, Staff and Public**

**1.2.1 Council Oversees City Organization ~~But~~ Does Not Interfere With Management**

Council ~~establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with~~ has the statutory responsibility for approving the budget, positions, and salary schedule but is precluded by state law and city ordinance from interfering in the ~~City Manager's~~ management of City employees.

**1.2.2 Council and City Manager Roles and Responsibilities Differentiated**

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

**1.2.3 Performance-Driven Management**

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

**1.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively**

The City Attorney is hired by the City Manager and represents the City and in that capacity provides legal advice to the Council, City Manager and staff to the extent their interests coincide with the City's.

**1.2.5 Staff Provides Information for Council Policy-Setting**

Information will be provided ~~for~~ to evaluate policy options and to make effective, timely decisions.

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**1.2.6 Council Will Not Request Unnecessary Information**

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. An exceptionally time-consuming request of Council requires a majority vote, and information will be disseminated to the Council.

**1.2.7 Public Documents Ensure Open ~~A~~ and Transparent Government**

The Council and Administration will adhere to laws on public access to documents.

**1.2.8 Communications to the Public are Essential**

The City Manager or the City Manager's designee shall be responsible for ~~the City~~ communications ~~function, but potentially controversial~~ to the public and in doing so shall apprise the Council of the timing and content of significant communications ~~shall be promptly copied to Council.~~

**1.3 Functioning of City Council**

~~1.3.1—Importance of Open Public Meetings~~

~~The City shall comply with the Open Public Meetings Act under Washington law.~~

~~1.3.2 There is a Council-Selected Mayor~~

The Council-selected Mayor presides as chair at meetings of the Council.

~~1.3.3~~ **1.3.32 The Mayor Also Embodies Other Leadership Roles**

The Mayor serves as the City's ceremonial head. The Mayor is and as the main primary liaison ~~for~~ between the Council ~~with~~ the City Manager.

~~1.3.4~~ **1.3.43 Citizen Volunteers Play an Important Role**

For citizen advisory committees, boards and commissions, an interview committee of Councilmembers interviews applicants and recommends appointments to the Council for confirmation.

~~1.3.5~~ **1.3.54 Service on Regional Bodies and in Liaison Roles to Community Organizations is Shared Among Councilmembers**

Annually in January, Council ~~selects individual Council liaison roles based on the desire, qualifications~~ shall review and ~~skills~~ select assignments of interested Councilmembers as liaisons to regional positions, community organizations, boards and commissions.

~~1.3.6~~ **1.3.65 Representatives of City Act in Accordance with City Policies**

It is a duty of staff and Council who represent City to advocate positions that are consistent with City policies, projects and plans.

~~1.3.7—Councilmembers Serve in Liaison Roles to Community Organizations~~

~~Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.~~

~~1.3.8~~ **1.3.8 Council is Mindful of Limited Resources**

~~Council expense reimbursement~~ Reimbursement for Councilmember expenses is limited ~~to~~ by state law, city budget; requires receipts; there are and other limits on type policies. All expenses must be approved, appropriate and amount documented.

~~1.3.9~~ **1.3.98 Council Authorizes Certain Grant Applications Before Submittal**

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If a grant would require material matching dollars or impact policy, the Administration will seek Council approval prior to applying. The administration will bring grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

**1.3.10~~9~~ Standing Committees**

Because staff time and resources are limited, it is prudent to use Study Sessions of the whole Council rather than numerous Standing Committees. Consider utilizing a Standing Committee only if needed — e.g. Finance Committee. The standing committee will be appointed by the Council.

**1.4 Efficiency and Effectiveness of Council Decision-Making**

**1.4.1 Council Makes Effective Use of Time**

Council differentiates among four types of public meetings: (1) retreats; (2) study sessions; (3) business meetings; (4) public communications meetings and forums.

**1.4.2 Council’s Business Meetings Will Be Efficient and Businesslike**

The information exchange, review, deliberation and vetting of issues during prior Study Session enables Council business sessions to be efficient.

**1.4.3 Effective Decision Making Requires Finality**

Rules shall limit the prerogative to reconsider a Council decision; effective decision making results in finality and “moving on”.

**1.4.4 Council Dialog ~~Calls For “Sticking to the Point”~~ Shall be Respectful and Concise**

The Chair’s role, ~~especially at the business meeting is to keep Council business focused and expeditious~~ is to ensure that Councilmembers maintain a respectful tone, even when there is disagreement, and that all Councilmembers are heard.

**1.4.5 Council Meeting Agendas Are Set by a Team**

Agendas for Council ~~Business Meetings~~ meetings are ~~generally developed and refined by the to advance Council and Administration at Study Sessions, and are then arranged by the City Manager and City Clerk in consultation~~ priorities and City administration in an orderly manner. The agenda for each meeting is developed by staff and reviewed weekly with the Mayor and Mayor Pro Tem. Items for ~~Study Session~~ future agendas are ~~submitted to the City Clerk or City Manager and after team review are finalized by the City Manager for public notice and distribution~~ listed in every Council packet.

**1.5 Functioning of City Manager and Staff**

**1.5.1 ~~ICMA Standards are Respected~~**

~~City leaders respect~~ The City Manager’s Duties and Responsibilities are Statutory and Contractual.

~~Councilmembers understand that the International City Manager Association (ICMA) standards and model documents (e.g. ICMA Code of Ethics’s responsibilities are set forth in state law, in city ordinances and in the City Manager’s employment terms/conditions)~~ contract with the City.

**1.5.2 Council-Manager Governance Depends on a ~~Strong~~ Skilled City Manager ~~Role~~**

The City Manager prepares the proposed budget; administers code and policy; appoints and removes city employees; serves as the City’s chief executive officer.

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**1.5.3 Regular and Understandable Financial Reporting**

The City’s regular financial reports enable the Council and community to understand the City’s financial condition, and are in harmony with accounting standards for governmental organizations, applicable law and municipal best practices, taking into account brevity, cogency, salience and clarity.

**1.5.4 Council and Administration are Mindful of Risk Management**

There is a periodic review of risk management with WCIA (Washington Cities Insurance Authority). The Council empowers the City Manager with a dollar authority level to settle minor disputes.

**1.5.5 Public Information is Enhanced by Audio, Website & Notes**

There is a full audio recording on the city website for each Council meeting. Minutes of meetings are concise and are approved and posted online in as timely a manner as possible.

**Article 2: Defined Terms and Basic Rules**

**2.1 Types of Governing Bodies, and Advisory or Supporting Groups**

**2.1.1 City Council (or “Council”)**

The Council consists of 7 officials, each elected to four-year terms. The terms are staggered with 3 or 4 terms expiring at the end of odd-numbered years. Individual Councilmembers do not have governing power as individuals, but only when meeting as a Council, when a quorum (4 or more) are present. ~~A special purpose meeting of the Council when a quorum is present is sometimes referred to as a meeting of the Committee of the Whole.~~

Unless otherwise noted, the use of the term “Council” in this manual will imply that the Council is acting as a legislative body based upon a majority vote of the Councilmembers.

**2.1.2 Council Ad Hoc Committee**

An Ad Hoc Committee is a temporary committee established by Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose of an Ad Hoc Committee at the time of establishing it. The Council may appoint up to three Councilmembers to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his/her designee) and any City staff that the City Manager chooses to assign to the Committee. An Ad Hoc Committee shall sunset upon completion of the Council-assigned task.

**2.1.3 Citizen Board, Citizen Committee or Citizen Commission**

As defined by ordinance or resolution, a citizen board, committee or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described [herein in ordinances establishing certain boards and commissions](#) and in ~~Exhibit B~~ [Council Resolutions governing public communications and public hearings](#).

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**2.1.4 Citizen Advisory Committee**

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy or practices, or the means to carry out a proposed project or city activity.

**2.1.5 Steering Group**

The City Manager may recommend or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council, such as organizing one or more forms of citizen engagement on a public issue, or providing direction and oversight for the implementation of a City project or program.

**2.1.6 Small Task Group**

The Council may, from time to time, create, and appoint members to, a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task force, which may require a steering committee. The small task group may consist of one or more Councilmembers (but no more than three), one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and a method of “sunsetting” the group upon completion of the task.

**2.1.7 Multi-Agency or Regional Task Group**

When a major regional effort involves key agencies outside of City government but vital to a project’s coordination, the Council may create by motion, legislative directive or intergovernmental agreement, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task force effort). Membership shall consist of one to three Councilmembers (no more than three) and/or the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private, consultant or non-profit agency with a key interest or resource vital to the issue or project.

**2.2 City Officials and Adjudicators**

**2.2.1 Mayor**

See the definition and duties stated in Section 4.3.

**2.2.2 Mayor Pro Tem**

See the definition and duties stated in Section 4.3.

**2.2.3 Chair**

The term Chair means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Chair shall be the Mayor unless the Mayor is absent, in which case the Chair shall be the Mayor Pro Tem (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

**2.2.4 City Manager**

See the definition and duties stated in Article 6 — City Administration.

**2.2.5 Appointive Officers**

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The City's Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in MCMC Section 2.08.

**2.2.6 Council Liaison**

With Council approval, a Councilmember serves a two-year term as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to three types of organizations:

- A county-wide or regional policy or governing body or intergovernmental organization (such as the Snohomish County Tomorrow Steering Committee)
- A community organization (such as the Mill Creek Business Association); and
- A governing or inter-agency board functioning in the city (such as the Parks and Recreation Board).

**2.2.7 Hearing Examiner**

The City regulates and adjudicates land use matters [and other appeals](#) using a Hearing Examiner system set forth in MCMC Chapter 4.34. The Hearing Examiner is appointed by the City Manager. Under MCMC Chapter 4.34, the examiner shall serve as the city's quasi-judicial hearings officer and shall have jurisdiction over the matters set forth in this chapter and MCMC 14.03.080. In the exercise of such jurisdiction, the examiner shall interpret, review and implement the city's land use regulations and the pertinent and appropriate provisions of MCMC Titles 14 through 18, shall hold hearings and hear appeals, and shall take such actions as provided by this chapter. In addition, the examiner shall take such action as may be specifically assigned by other sections of the municipal code or by ordinance or resolution, and as may be delegated or assigned from time to time by action of the City Council.

**2.3 Types of Meetings of Council**

**2.3.1 Regular Meeting**

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) stated in City code. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting.

**2.3.2 Special Meeting**

A special meeting is a Council meeting called at a date or time other than the time prescribed by code for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions (but not additional action items) to the agenda at the meeting.

**2.3.3 Business Meeting**

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City's business, generally in the form of motions, resolutions or ordinances. A business meeting ~~typically~~ includes a public comment period for a limited period of time stated in advance on the agenda, during which ~~a member~~ [members](#) of the public may address the Council on any matter of public concern (whether or not on the agenda).

**2.3.4 Study Session**

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for

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example, (i) to study, deliberate or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, or (iii) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may include a “Study Session”.

**2.3.5 Workshop**

A study session on a single topic or subject is sometimes referred to as a workshop.

**2.3.6 Public Hearing on Ordinance**

A formal public hearing may be required by statute or City ordinance as a portion of the prescribed public process for the Council’s adoption of the City budget, the City’s Capital Facilities Plan, and certain other legislative actions. In such a case, a public hearing is conducted according to certain formal public hearing rules prescribed by law, [ordinance and/or resolution](#). The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice.

**2.3.7 Public Hearing on Quasi-Judicial matter**

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a “quasi-judicial” kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting, and is performed in such a manner as to establish a clear record of proceedings, facts presented and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Section 8.12.

**2.3.8 Retreat**

A retreat is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation in accordance with the employment agreement. Although a detailed listing of the City’s activity plan for a coming year may result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution.

**2.4 Types of Public Participation in Government**

**2.4.1 Public Comment Period at Business Meetings**

At Council Business Meetings, the agenda shall generally include ~~a period~~[one or more periods](#) of time known as the ~~Audience Communication~~[Public Comment](#) period. Within that time period, any member of the public may be recognized by the Chair and may address the full Council on any public issue — whether or not on the agenda. Unless Council determines otherwise, the Audience Communication ~~periods~~[at](#) a Business Meeting is reserved for comments by the public rather than responses from Council or Administration.

**2.4.2 Interactive Dialog with the Public at Study Sessions**

At Council Study Sessions, the Chair shall determine the manner in which public comments and dialog are to be invited, depending on the nature of the Study Session and the amount of time available. In general, the Council may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Business Meeting, and

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the Council may allow responses and interactive dialog with Councilmembers, the Administration and/or other presenters.

**2.4.3 Other Meetings with the Public Outside of City Hall**

The Council may organize other meetings with the public in various forums outside of City Hall — in various settings such as public forums, neighborhood meetings, presentations to community organizations, town halls, and so on.

**2.4.4 Public Forum**

When major public policy development warrants, and after adequate preparation of issues and alternatives, a steering group may conduct larger citizen forums to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The Steering Group shall summarize the conclusions and/or recommendations of such forums for presentation to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action.

**2.4.5 Neighborhood Meetings**

Neighborhood meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group or Task Force, however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views on any subject. The Council may request that the City Manager or his/her designee attend these meetings to answer questions on administrative matters. Although such meetings typically involve three or fewer Councilmembers and are therefore not official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council. At any such meeting, a Councilmember should avoid discussion or comments which pertain to current or potential lawsuits or other quasi-judicial proceedings which might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

**2.4.6 Additional Avenues for Public Participation**

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, Q&A's, etc. as described in the City's documents and guidelines pertaining to public participation in various projects and processes.

**2.5 Types of Governing Actions**

**2.5.1 Motion**

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances or resolutions.

**2.5.2 Resolution**

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy, [procedure](#) or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where an expression of legislative policy that is more lengthy or more meticulously worded than

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a motion is desired. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

**2.5.3 Ordinance**

An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. (See *Durocher v. King County*, 80 Wn.2d 139, 153, 492 P.2d 547(1972)).

**2.5.4 Comprehensive Plan Amendment**

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise holds a public hearing before passage.

**2.5.5 Budget Adoption or Amendment**

Legislative acts adopting or amending the budget document for the City on an annual or biennial basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund.

**2.5.6 Capital Facilities Plan (CFP) Adoption or Amendment**

The CFP is a 7-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities of the City.

**2.5.7 Quasi-Judicial Ruling**

Such a ruling is similar to a “judicial act” taken by an agency or authority that is not constituted as a “court” of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or ~~Planning Commission~~ [Design Review Board](#) wherein the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and as such, and are appealable to a higher authority or court of law.

**2.5.8 Best Practices**

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency which discovered a way to “do it better”.

**2.5.9 Doing Things Right**

While not defined in law, this phrase, as used in this manual, is an aspiration based on two criteria: (i) seeking out, and conforming to, the correct policy path for an action; and (ii) seeking out and emulating the best practices compatible with the activity, organization and culture.

**Article 3: Standards of Conduct**

**3.1 Sources and References**

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In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

~~— “KIT”~~: Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): **“Knowing The Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials”** (Nov. 2009)

~~— “CMH”~~: AWC and MRSC: **“Councilmember’s Handbook”** (Dec. 2009)

~~—~~

• ~~—~~ **“RCW”**: Revised Code of Washington

• ~~—~~ **“MCMC”**: Mill Creek Municipal Code

• ~~—~~ **“OPMA”**: Open Public Meetings Act

### **3.2 Standards of Conduct for Officials under Washington Law**

A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city’s elected and non-elected officials is found in the ~~AWC~~ [publication \*Knowing the Territory-Basic Legal Guidelines for Washington City, County and Special Purpose Districts.\*](#) (MRSC ~~handbook~~ ~~KTF~~ [2019](#)).

### **3.3 Oath of Office**

A Councilmember, when sworn into office by the City’s City Clerk, swears that “I (fill in name)...having been duly appointed to the office of Councilmember of the City of Mill Creek, Washington, do solemnly swear [or affirm] that I will faithfully, impartially, and to the best of my ability perform the duties of my office as prescribed by law and that I will support and maintain the laws and ordinances of the City of Mill Creek and the laws and constitution of the State of Washington and the United States of America.”

The City Manager, and certain other City employees in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath that calls for compliance with those constitutions and laws.

### **3.4 Public Trust and Fiduciary Duty**

“Courts have held public office to be synonymous with public trust and that a public officer’s relationship with the public is that of a fiduciary.” Public trust is a guiding concept in state statutes ~~relating to avoidance of conflict of interest in contracting~~ [including the State Ethics Act](#) (RCW 42.23), and in the OPMA (RCW 42.30).

The people themselves, in ~~a 1972 ballot initiative relating to public~~ [adopting Initiative 276, which enacted the state’s campaign law and lobbying disclosure laws](#), declared trust to be the public policy of the State of Washington, stating in part: “That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings” and “That the people shall be assured that the private financial dealings of their public

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officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.”

**3.5 Stewardship of Public Funds**

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. ~~(KIT, p. 7)~~. By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution’s prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association ~~(KIT p. 22-24)~~; (ii) the state law prohibitions against using public facilities or property for political campaign purposes (RCW 42.17A.130555) (discussed below); and state law requirements for bidding of public works projects (RCW 35.23.352) (MRSC, “City Bidding Book for Washington Counties”) and for the giving of notice when seeking suppliers for other major purchases (e.g. RCW 39.80).

**3.6 Conflicts of Interest under State Law**

~~As the~~The state Supreme Court has ruled; that a Councilmember may not vote on a matter where he or she would be specially benefited. ~~, A~~ and, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not they vote on the matter. ~~KIT, p.9.~~

Furthermore, ~~the public campaign~~state laws require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public ~~can be informed about~~is able to assess any potential conflicts. RCW 42.17A.700. Currently serving councilmembers must electronically file the statement of financial affairs by April 15th. Persons appointed to fill a council vacancy must file the statement of financial affairs within two weeks of appointment.

The annual financial disclosure also must include a list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted, except for food and beverage consumed at hosted receptions where attendance is related to official duties. RCW 42.17A.710(1)(l) and (m).

These annual disclosures are in addition to those outlined in the Statement of Values/Rules of Conduct signed by the Council (~~Exhibit C~~ExhibitA).

State law (RCW 42.17A.555) also prohibits elected officials from using any facilities of a public office, directly or indirectly for the purpose of assisting a campaign for election. Facilities of a public office include the use of city stationery, equipment personnel, office space, vehicles or publications of the office.

**3.6.1 State Code of Ethics**

~~The RCW 42.23 includes a Code of Ethics for state and local officials that generally prohibits (with some specified exceptions) four types of conduct by a City official:~~

- ~~(a) — using one’s City official position to obtain special privileges for oneself or others;~~
- ~~(b) — giving or receiving a gift in connection with a City matter;~~
- ~~(c) — accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and~~
- ~~(d) — disclosing confidential information gained as a City official, or using such confidential information for personal gain.~~

Legal advice should be sought on such questions as:

- ~~(a) — Is a very small gift, such as a coffee, small enough as to be “de minimus” and therefore not intended to be prohibited?~~
- ~~(b) — Should a gift from an out of town dignitary be handed over from an official to the city as a whole?~~
- ~~(c) — Under what circumstances can an official accept expense paid travel to a meeting or a fact finding visit?~~

[The Code of Ethics for Municipal Officers—Contract Interests codified in RCW 42.23, applies to all cities. Councilmembers fall within the definition of “municipal officers”. The standards contained in the State Ethics Code are considered to be minimum ones. The Act prohibits municipal officers from having beneficial interest in contracts under their supervision. Also, the act prohibits other conduct by municipal officers.](#)

### ~~3.6.2—Prohibition Against~~ [1.1 Private Interest in a Public Contracts](#)

- (a) The RCW 42.23 ~~also~~ broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):
  - (b) “No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ...”
  - (b) This prohibition applies even if the official does ~~n’t~~ not vote on or otherwise approve the contract that presents a conflict. ~~(KTT, p. 11-13)~~
  - (e) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests”. ~~(KTT, p. 11-13)~~

#### [3.6.1.2 Other Prohibited Acts](#)

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RCW 42.23.070 includes a: list of acts that municipal officers are prohibited from doing:

- (1) using one’s City official position to obtain special privileges for oneself or others;
- (2) giving or receiving a gift in connection with a City matter;
- (3) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (4) disclosing confidential information gained as a City official or using such confidential information for personal gain. This provision includes the disclosure of information obtained in executive session.

Legal advice should be sought on such questions as:

- (a) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (b) Under what circumstances can an official accept expense-paid travel and lodging to a meeting or a fact-finding visit and what are the disclosure requirements?

### **3.6.1.3 Duty to Act in the Interests of the City**

Based upon the provisions of the Ethics Act, Councilmembers shall comply with the following principles:

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Mill Creek and his or her personal interests, or the interests of other organizations.
- Each elected person has a duty to place the interests of the City of Mill Creek foremost in any dealings with the City and has a continuing responsibility to comply with the requirements of this policy.
  - If an elected official has an interest in
    - (1) a proposed transaction with the City -- in the form of a significant personal financial interest in the transaction; or
    - (2) any organization or member of immediate family involved in such transaction; or
    - (3) holds a position of trustee, director, officer or employee of such organization; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, and shall abstain from any vote on such matter.

### **3.6.3~~2~~ Limitations on Holding Multiple Offices**

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently.

~~(KTT, P)~~

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~~3.16-18)~~

**3.6.4.3 “Appearance of Fairness” Doctrine under State Law**

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter defined as “actions of the legislative body, planning commission, hearing examiner, or boards which determine the legal rights, duties or privileges of specific parties in a hearing or other contested proceeding.” RCW 42.36.010 (e.g. a ~~spot~~ rezoning property specific rezone, or a ~~long-form~~ plat development approval). It does ~~n~~<sup>t</sup> not apply to a Councilmember’s various legislative and policy decision-making. ~~(KU, p. 19-21) such as adopting, amending or revising comprehensive plans or the adoption of area-wide zoning ordinances.~~
- (b) ~~As stated in the RCW 42.36, the~~ The “appearance of fairness” requires that the Councilmember not engage in “ex parte” communications with a party interested in the outcome of the quasi-judicial matter.
- (c) See Section 8.12 for a further discussion of the Appearance of Fairness Doctrine as applied to quasi-judicial hearings that are conducted by the Council.

**3.7 Open Public Meetings under Washington Law**

~~The Open Public Meetings Act is summarized in the KTT, and is also described in greater detail in the MRSC publication, “The Open Public Meetings Act — How it Applies to Washington Cities, Towns, and Counties, Report No. 60 (May 2008).~~

**3.7.1 All Deliberations and Actions Must Be A t Noticed Public Meetings**

~~As stated in~~ The OPMA (RCW 42.30), requires that all meetings of city governing bodies (i.e., where a quorum or more Councilmembers, or members of some other “governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public and that all “action” taken by such bodies be done at meetings that are open to the public.

“Action” means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

“Final action” means a collective positive or negative decision, or an actual vote by a majority of the members of the governing body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.”

**3.7.2 Applies to ~~Sub-Agencies of the City~~ Boards and Commissions**

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The OPMA applies to a “subagency” of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning Commission. RCW 42.30.020(2) states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective bargaining and related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

### **3.7.3 Two Kinds of Meetings: “Regular” and “Special”**

A “regular” meeting is one with regular dates, times and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but RCW 35A.12.160 states that “every city shall establish a procedure for notifying the public of upcoming hearings and the agenda for the forthcoming Council meeting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Chair (e.g. the Council’s Mayor) or a majority of Councilmembers. The notice of a special meeting must be posted at least 24 hours prior to the meeting, and must state the items of business on the agenda. The Council may not add to the agenda of a special meeting without giving 24 hours notice of the added item.

### **3.7.4 Open to the “Public”**

Under RCW 42.30.050, all persons must be permitted to attend a public meeting except unruly persons. Attendance Unless other laws impose limits on the number of people permitted to attend an indoor meeting, attendance may not be conditioned upon registration or similar requirements. The OPMA does not prohibit a requirement that persons identify themselves prior to testifying at hearings. In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared and/or relocated. However, non-offending members of the news media may not be excluded.

In extraordinary circumstances, such as an emergency proclamation issued by the governor preventing meetings in public, the Council may be authorized to conduct public meeting electronically and be deemed in compliance with the open meeting requirements of the OPMA.

### **3.7.5 Executive Sessions**

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the RCW 42.30.110 in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;

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- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (ee) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City's legal counsel City enforcement actions or litigation or potential litigation.

[RCW 42.30.140 authorizes executive sessions to plan or adopt strategy or positions to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings or reviewing the proposals made in the negotiations.](#)

Councilmembers shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

### **3.7.6 Unintended Meetings; Electronic Meetings**

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, or conducts an interactive email discussion of city business.

### **3.8 Open Government and Public Records**

~~As a result of a statewide ballot in 1972, strong public protections were put in place relating to (1) political campaign disclosure; (2) disclosure of lobbying; (3) disclosure of the financial interests of a candidate or elected official; and (4) openness of public records. The topic of open access to public records is summarized in pages 36-41 of the KTT, and in greater detail in the MRSC publication: "Public Records Act for Washington Cities, Counties and Special Purpose Districts" (Nov. 2009).~~

#### 3.8.1 Purpose of the Public Disclosure Law

~~"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. [The law] ... shall be liberally construed ... to promote this public policy." (See, RCW 42.56.030)~~

~~It is hereby~~

[The Public Records Act codified in RCW Chapter 42.56 implements a portion of Initiative 276 that requires records prepared, owned or retained by government officials be made available for public inspection and copying. The Act is a strongly worded mandate for broad disclosure of public records. The Act states that its provisions are to be liberally construed and that its exemptions are to be narrowly construed.](#)

[Key Definitions and Provisions of the PRA:](#)

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A “public record” includes any writing containing information relating to the ~~policy~~conduct of government or the ~~City that elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under RCW 42.56.010(2), a “public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”~~ Furthermore, and under RCW 42.56.010(3), a

A “writing” means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

### 3.8.2 Emails and Other Electronic Records

Elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under RCW 42.56.010(2), a “public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

Under the state law definitions (above), an email, text messages (or an entry on a website, blog, twitter or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive — not only public records of traditional hard-copy kinds — but also electronic public records. (See Chapter 434-662 of the Washington Administrative Code (WAC)

(a) ~~Policies on~~ Use of Email Platforms

In recognition of the desire to maintain open and transparent government, and to support the City’s duty to accessibly store and archive electronic public records, ~~it is hereby the policy of the City that in the case of~~ each email that contains information relating to the conduct of the government or the performance of any governmental or other City function, Councilmembers will:

- i. take all reasonable steps to ensure that each such email sent or received by him or her is sent or received on the City-maintained email system utilizing the individual’s email address at cityof~~mimi~~illcreek.com.,
- ii. cease utilizing any private, public or proprietary email service other than the City’s, for the sending or receiving of any such emails that meet the definition of public records, and

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- iii. establish an automatic reply message on any email service previously used for a Councilmember's public email correspondence, to automatically advise any email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address.

Each Councilmember who has been advised by the City Clerk to assist the City in preserving a copy of his or her emails pertaining to the work of the governing body, shall send a copy of each such email, as and when each is sent or received, to the City email address designated by the City Clerk for that purpose.

(b) ~~Policies on~~ **Email Practices**

~~It is hereby the policy of the City that with~~With respect to any email sent by a Councilmember that contains information relating to the conduct of the government or the performance of any governmental or other City function, the email will be distributed through the City Manager or City Clerk, and any Councilmember who receives such an email shall not forward the email to any other Councilmember.

(c) **Use of Personal Social Media Accounts**

Possession or use of any personal social media accounts such as Facebook, Instagram or Twitter is not a requirement for serving on the City. The City does not maintain or support such accounts. If a councilmember chooses to have personal social media accounts, posts related to the conduct of city government may constitute a public record subject to a public records request and require the Councilmember to search for and provide the record or a declaration stating that no such records exist. Determination of whether a record was prepared by the City will involve reviewing whether the Councilmember was preparing the post within the scope of his or her employment— whether the councilmember was furthering the City's interests. Relevant factors include whether the Councilmember was acting in his/her official capacity and whether the post could be considered as conducting City business.

**3.9 Statement of Values/Rules of Conduct**

The City Council strives to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. ~~To improve the Council's effectiveness and performance, In performing their duties on behalf of the City~~ Councilmembers will ~~focus on the areas (designated in the Statement of Values/Rules of Conduct — attached as Exhibit C) which incorporate~~ endeavor to demonstrate the values of respect, honesty, and trust.

The Statement of Values/Rules of Conduct (Exhibit A) will be signed by the all ~~of the~~ members of the Council every two years or upon swearing in of new Councilmembers.

~~**3.9.1 — Duty to Act in the Interests of the City**~~

~~— No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Mill Creek and his or her personal interests, or the interests of other organizations.~~

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~~Each elected person has a duty to place the interests of the City of Mill Creek foremost in any dealings with the City, and has a continuing responsibility to comply with the requirements of this policy.~~

~~If an elected official has an interest in (1) a proposed transaction with the City ... in the form of a significant personal financial interest in the transaction; or (2) any organization or member of immediate family involved in such transaction; or (3) holds a position of trustee, director, officer or employee of such organization; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, and shall abstain from any vote on such matter.~~

**3.10 Duties to Act Consistently with City Policy When Representing City Elsewhere**

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. ~~It is hereby the policy of the City that,~~ whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, [interest statements](#), budget, capital facilities plan or other action of Council or directive of the City Manager.

~~**3.11 Role of City Attorney (moved to 6.8)**~~

~~The City Attorney's ultimate client is the City itself—a municipal corporation. The City Attorney's relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff. (See KTT (footnote 39)) The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager. (See MRSC "Knowing the Territory.")~~

~~The City Manager cannot prohibit the Council from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent. (See MRSC "Councilmember Handbook" (Dec. 2009; p.12))~~

~~The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney—that being the role of the City Manager. (See MRSC "Code City Handbook" (June 2009; p. 51))~~

~~**3.12 Process for Officials to Question the Legality of City Actions**~~

~~City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.~~

~~An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the city, and may therefore constitute a breach of that official's duty to the City. Therefore, it is hereby the policy of the City that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.~~

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- ~~1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.~~
  - ~~2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.~~
  - ~~3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.~~
  - ~~4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.~~
- ~~3.~~

**3.113 Conduct of Officials with Regard to Litigation Against City**

~~It is hereby the policy of the City that, once~~Once an individual or organization has filed a legal proceeding against the City, no City Councilmember shall engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council, either in public or in executive session. ~~It is also hereby the policy of the City that its~~The conflict of interest rules ~~shall~~described in Article 4 may apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

**3.14 Separate Accounting of City Funds**

~~With regard to the City's two enterprise service funds — namely, Parks and Recreation and Surface Water — it is the policy of the City:~~

- ~~— to separately account for each of the funds; and~~
- ~~— to ensure that fees and charges collected from a customer of any such enterprise is not used to subsidize another enterprise fund or the general operations of city government.~~

~~Nothing in this policy is intended to either: (i) prohibit an enterprise fund from paying its duly allocated share of direct or indirect costs or its reasonable allocation of City overhead costs, periodically examined by the State Auditor; or (ii) prohibit the imposition of a tax on the utility funds.~~

**3.15 Duty to Avoid Interfering with City Manager's Role with Staff**

~~Neither the Council nor any Councilmember shall interfere with the authority of the City Manager to appoint and remove any and all department heads, officers, and employees of the City (except Councilmembers), subject to the provisions of applicable law, rule, or civil service regulation. Nor shall the Council or any Councilmember give orders to any subordinate of the City Manager. (See RCW 35A.13.120).~~

**3.16**

**3.12 Duty to Bargain in Good Faith with Collective Bargaining Representatives**

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined state-wide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

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In particular, most police departments are unionized. Except for very small cities, police unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language.

Certain City employees are represented by the American Federation of State, County & Municipal Employees (AFSCME) and police officers are represented by the Police Guild.

It is the policy of the City that it shall be the responsibility of the Council to set policy for collective bargaining, and the responsibility of the City Manager to engage in such collective bargaining.

**3.17**

~~**3.13 Separate Accounting of City Funds DELETED**~~

**3.13 Immunity and Indemnification of Officials For Individual Actions in Good Faith**

An appointed or elected official or member of the governing body of a public agency is typically immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity. Liability may attach to the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.470(1)) To the extent official is entitled to immunity, it is because the official's actions were taken in good faith in the course of performing within the scope of the official's duties.

The City is insured through the Washington Cities Insurance Authority (WCIA). WCIA provides coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then WCIA will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note WCIA coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and is the matter not otherwise excluded from coverage through WCIA's compact with the City ~~(i.e., hazardous waste claims are generally excluded from WCIA coverage).~~

Additionally, in the event that a damage claim and/or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through WCIA, the City may provide legal representation to defend the City official and may indemnify the City official if warranted. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim and/or lawsuit is based upon a dishonest, fraudulent, criminal, malicious, or other improper act.

~~**3.14 Duty to Avoid Interfering with City Manager's Role with Staff DELETE, REDUNDANT WITH SECTION 6.4**~~

**Article 4: City Council - The Elected Governing Body**

**4.1 Council Meeting - Time and Location**

Regular Meetings of the Council in the form of Business Meetings and/or Study Sessions shall be held on the dates and times as adopted by Council ordinance, unless cancelled or postponed in accordance with

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applicable State or local procedures. Special meetings may be called by the Mayor or by a majority of Councilmembers.

**4.2 Council Meetings — Open to the Public**

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

**4.3 Mayor and Mayor Pro Tempore — Election**

RCW 35A.13.030 requires that “biennially at the first meeting of the new Council the Members thereof shall choose a chairman from among their members . . . [who] shall have the title of Mayor and shall preside at meetings of the Council”.

RCW 35A.13.035 provides that “biennially at the first meeting of the new Council, or periodically, the members thereof, by majority vote, may designate one of their members as mayor pro tempore ... to serve in the absence or temporary disability of the mayor”; and Mayor Pro Tempore (“Mayor Pro ~~Temp~~Tem”).

**4.3.1 Organizational Meeting**

In December preceding the biennial seating of the new Council, City Council shall schedule a study session for the purpose of discussing the City Council function and operation, role of the City Mayor and Mayor Pro Tern, expectations of the Council for the City Mayor and Mayor Pro Tern, selection process of the City Mayor and Mayor Pro Tern, and the organizational activities which typically occur at the first biennial meeting of the new Council in January. The study session may be a regular or special meeting of the City Council. Notice shall be given as required by law and, in addition, all new Councilmembers elected at the previous general election shall be given individual notice of the meeting and shall be invited to attend [and to take the oath of office](#).

**4.3.2 Selection of Mayor and Mayor Pro Tern.**

Biennially at the first meeting of the new Council, typically the first meeting in January, or as otherwise established by law, the Council shall select from among its members a Mayor and Mayor Pro Tern, as required by RCW 35A.13.030 and 35A.13.035, in accordance with the following procedures. The office of Mayor shall be selected first, followed by selection for the office of Mayor Pro Tern. Nomination, selection, and appointment shall be conducted in an open public meeting, provided that recesses to executive session may be called in accordance with RCW Chapter 42.30.

**4.3.3 Nominations/Nomination Process**

Candidates for Mayor or Mayor Pro Tern shall be nominated by a member of the Council. Nominations shall require a second to place the nominee in contention for selection. Voting shall occur as set forth in Section 4.3.4 below. If the Council is unable to select a Mayor or Mayor Pro Tern (as the case may be) after five ballots, or if on any ballot containing only two candidates one of the candidates withdraws his/her name from consideration before the vote on said ballot, nominations shall be reopened. If nominations are reopened, candidates that did not receive at least one vote during any of the preceding ballots must be nominated as set forth above. Nominations shall be reopened after every fifth ballot thereafter as needed. Any nominated candidate may withdraw from the selection process at any time except during an ongoing vote.

**4.3.4 Voting**

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At the close of nominations for the respective office, the Clerk shall place the names of all nominated candidates in random order on a written ballot, shall designate the ballot as "Round #1, Ballot #1," and shall distribute the ballot to each Councilmember. The Council shall vote on the written ballot provided by the Clerk, each Councilmember casting one (1) vote for the candidate of his/her choosing (or writing "abstain" on the ballot). The ballot shall be signed by the Councilmember casting the vote and all ballots shall be collected by the Clerk and tabulated. The Clerk shall announce the names of each candidate, the number of votes received, and the Councilmembers voting for that candidate. If no candidate obtains at least four votes of the Council, the candidate(s) receiving the lowest number of votes shall be removed from the ballot, provided that at least two candidates shall move forward to the next ballot, and the Clerk shall prepare the next ballot, which shall contain the names of the remaining candidates and shall be designated as "Round #1, Ballot #2." The Council shall vote on that ballot in the manner provided above. Ballot preparation and voting shall continue in that manner for five ballots or until one candidate receives at least four votes of the Council, whichever occurs first. If no candidate is elected after five ballots, nominations shall be reopened as set forth in Section 4.3.3 and voting shall continue as set forth above, the first ballot in the second round being designated "Round #2, Ballot #1." This process shall continue until a candidate receives at least four votes of the Council. All ballots from all rounds shall be retained by the Clerk as part of the record and shall be available for public inspection at the close of the meeting.

#### **4.3.5 Election and Oath of Office**

The candidate first receiving at least four votes cast by the Council shall, by that act, be elected as the Mayor or Mayor Pro Tern (as the case may be) of the City of Mill Creek, Washington for the term prescribed by law. The newly elected Mayor or Mayor Pro Tern (as the case may be) shall take the oath of office and be seated immediately to serve thereafter in their respective office for the City of Mill Creek.

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Mayor Pro Tern if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Councilmembers at such meeting. Serving as Chair of the meeting shall not in any way abridge the right of the Chair to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve during the absence or disability.

#### **4.4 Quorum**

As provided under State law, all meetings of the Council, four Councilmembers shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors per RCW 42.30.090.

#### **4.5 Respect and Decorum**

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

##### **4.5.1 Orderly Behavior and Civility in Remarks**

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Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as described elsewhere in this manual [or other resolutions](#).

#### **4.5.2 Permission Required to Address the Council**

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and/or introduction by the Chair of the meeting.

#### **4.5.3 Forms of address**

The Mayor or Mayor Pro ~~Temp~~ shall be addressed at a formal meeting where he or she is presiding as “Mayor” or “Mayor Pro ~~Temp~~”.

#### **4.6 Telephonic Participation from a Remote Location**

Requests, by a Councilmember, to participate remotely by telephonic, [video or internet](#) connection ~~in a nonvoting~~ capacity shall be granted by the Council provided technical capability exists and ~~adequate notice is given, and shall be at the Councilmember’s own expense, unless waived in a Council motion.~~

~~Such a remote participation by a Councilmember for voting purposes may be permitted in extraordinary circumstances upon a majority vote of the Council present at the meeting site, provided all documents and exhibits are clearly visible or readable for all participants and provided that the audio recording of the meeting allows the remote participant to be heard. The cost of such remote connectivity shall be paid by the Councilmember requesting remote connectivity, unless waived by vote of the Council. No such [votes in advance to allow the](#) remote participation ~~for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.~~~~

Examples of ~~extraordinary~~ circumstances [where remote participation](#) would be [permissible include](#) : ~~emergencies or~~ illness, [family events](#), accident, ~~or~~ unforeseen urgent out-of-town business, ~~or similar circumstances.~~ [In the event of a public emergency \(such as a pandemic\) where City Hall is either closed or access is limited and the City is permitted or required to hold meetings in a virtual format, Councilmembers shall not be required to obtain advance permission to participate remotely.](#)

#### **4.7 Attendance; Excused Absences**

A Councilmember may forfeit his/her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, Mayor Pro ~~Temp~~, City Manager, or City Clerk prior to the meeting and state the reason for his/her inability to attend the meeting. During “Roll Call,” the Chair shall inform the Council of the member’s absence and state the reason for such absence. The Chair shall call for a motion to excuse the member. This motion shall be non-debatable. In such a case, the outcome of the vote shall determine whether the member shall be considered excused. (See RCW 35A.13.020 and RCW 35A.12.060.)

#### **4.8 Filling Council Vacancies**

If a vacancy occurs, the Council will follow the procedures provided in RCW 35A.13.020 and RCW 35A.12.050 in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will ~~draw up~~ [prepare](#) an application, which ~~contains~~ [seeks](#) relevant

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information and asks applicants to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council’s selection of the new Councilmember.

**4.9 Continuity of Government Act**

In the event that the executive head of any city or town is unavailable by reason of enemy attack to exercise the powers and discharge the duties of the office, the provisions of RCW 42.14.050 shall apply. The same policy shall be applied in the case of a natural or man-made disaster.

**Article 5: Citizen Committees, Boards And Commissions**

**5.1 Approval of Appointees**

**5.1.1 Citizens on Standing Governing Bodies**

All members of standing citizen committees, citizen boards and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall be appointed by the Council.

**5.1.2 Citizens on Temporary Governing Bodies**

Any citizen members of any other committees — such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees — shall be appointed and approved in the manner described in this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

**5.1.3 Removal**

Members of any committee, board or commission which has been appointed by the Council, may be removed without cause by a majority vote of the Council unless otherwise provided for in the Code, ordinance or resolution that authorized creation of the committee, board or commission.

**5.2 Establishment and Review of Citizen Governing Bodies That Are Temporary**

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees — shall be commissioned for a time certain and provided with a clear task description and “sunset” provision. Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Council, for a time certain along with a clear task description and “sunset” provision.

Citizen Committees, Commissions and Boards, liaisons and citizen advisory or taskforce groups should be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate

spokesperson may present the recommendation(s) during discussion of that business item on a Council agenda.

To the extent that the City Attorney has determined that a citizen committee, commission or board is a “governing body” that is subject to the State open meetings laws, no such body shall take votes for final action outside of a noticed open public meeting.

**5.3 Relations with Boards, Commissions and Citizen Advisory Groups**

Boards, commissions and citizen advisory bodies of the City shall provide the City with minutes, or a summary report of all meetings. Communications from such boards, commissions and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Chair’s attention under the agenda item “Reports - Boards and Commissions.” Should any member of the Council determine that such communication be officially answered by the Council, the Chair shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

**Article 6: City Administration**

**6.1 City Manager**

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager’s accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, 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. (See RCW 35A.13.)

**6.2 Role of the City Manager**

The City Manager shall attend all meetings of the City Council, unless excused by the Chair or Council. The City Manager may recommend for adoption by the Council such measures as he/she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council’s discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Chair should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

**6.3 Informal Communications Encouraged**

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers should be careful, in such interaction, to avoid

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giving direction or advice to members of City staff, which may conflict with the City Manager’s directives. City staff should provide their supervisor with the same information shared with the Councilmember.

**6.4 City Manager — Interference by Councilmembers**

As provided by RCW 35A.13.120, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers and employees and city affairs.

**6.5 Complaints to Councilmembers**

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and/or action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

**6.6 Administrative Citizen Complaints or Service Requests - “Best Practice”**

Although citizens’ direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a “personal intervention” pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy preferred practice is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred.

**6.7 City Clerk - Minutes - Public Information Access**

The City Clerk shall adhere to the requirements of State law, ~~and shall be the ex-officio Clerk of the Council.~~ The City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Chair or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings, regular business meetings, study sessions and workshops, and quasi-judicial proceedings. The Clerk shall keep, and make available, an agenda and date for each audio recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website.

**6.8**

**6.8 Role of the City Attorney**

The City Attorney’s ultimate client is the City itself — a municipal corporation. The City Attorney’s relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff.

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The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager

The City Manager cannot prohibit the Council from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent.

The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney — that being the role of the City Manager. Process for Officials to Question the Legality of City Actions

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the city and may therefore constitute a breach of that official's duty to the City. Therefore, the recommended practice is that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

#### **6.9 City Staff — Attendance at Meetings**

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

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**6.910 Administrative Presentations and Briefings**

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

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

**Article 7: Preparation for Council Meetings**

**7.1 Council Meeting Agendas**

The City Manager, ~~and in consultation~~ ~~or the City Manager's designee shall confer~~ with the Mayor/ ~~and~~ Mayor Pro Tem, ~~shall arrange a list of proposed matters deemed ready for Council consideration. Copies of the~~ ~~proposed~~ ~~Tem in setting the agenda for each meeting. The Proposed Agenda and all~~ agenda<sup>2</sup> materials shall be posted on the City website at least 24 hours prior to the Council meeting and shall be subject to the notice provisions stated in the City Code.

~~Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Council shall rule on whether or not a graphic presentation, video or other audio visual presentation by non-City personnel is appropriate to be presented at the meeting.~~

~~The Council, or the City Manager may propose a new item for the agenda at a meeting when circumstances require, except that items may not be added to a Special Meeting agenda~~

The City Clerk shall include in each Agenda packet a "Tentative Council Meeting Agenda" list to advise Councilmembers and the public on topics that may come before the Council in future meetings.

"Proposed New Initiatives" shall be a standing agenda item during which Councilmembers may propose a specific topic to include on a future Council agenda. Councilmembers are encouraged to discuss the proposed topic in advance with the Mayor, Mayor Pro Tem and the City Manager. If a majority of Councilmembers support including the topic on a future agenda, the City Manager will confer with staff, the Mayor and Mayor Pro Tem in scheduling the topic on a future meeting agenda.

**7.2 Consent Agenda**

The City Clerk or City Manager, or Council, may place matters on the consent agenda which:

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- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical or “housekeeping” in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City

**7.3 Study Session Procedure**

During a Council Study Session or Workshop, the discussion leader introduced by the Chair should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Keep the discussion focused toward the goal; and
- Recommend appropriate action to the Council.

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

**7.4 Process for Preparing Legislation or Policies for Adoption**

7.4.1 Draft Documents

Prior to consideration or final passage of all Ordinances, Resolutions or pre-written Motions , draft documents or proposals shall be designated as ~~drafts~~ “proposed”.

7.4.2 Preparation of Ordinances and Resolutions

The procedures for ordinances and resolutions are as follows:

(a) Proposing an Ordinance or Resolution

Following the procedures set forth in Section 7.1, a Councilmember may, ~~in open session~~, request of the Council to study the wisdom of enacting an ordinance/resolution. The Council then may assign the development of the proposed ordinance/resolution to the staff, ~~an Ad Hoc Committee, an Advisory Committee or the Council~~ board or commission for consideration. ~~The committee or staff,~~ board or commission shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, ~~committees~~ or commissions may propose that Council consider an ordinance or resolution.;

(b) Ordinance and Resolution Review

Council will discuss the merits of the proposed ordinance/resolution in open session. Council shall decide whether to amend the ordinance/resolution, direct staff to further review the ordinance/resolution, or approve placing the ordinance/resolution in the business session of the

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meeting for enactment as an enforceable city law or policy. ~~The Council may invoke a two (2) reading procedure, to facilitate public understanding and/or opportunity to comment on the ordinance/resolution. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance/resolution shall be posted on the City website. A primed copy of the ordinance shall be made available by the City upon request by a member of the public.~~

(c) Repealer

Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

**7.5 Council Packets**

Councilmembers shall ~~personally pick up their~~[access council](#) agenda packets ~~from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council. Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible~~[electronically. A printed copy of the agenda packet shall be made available to any Councilmember upon request to the City Clerk.](#)

**Article 8: Rules Of Order For Council Meetings**

**8.1 Parliamentary Procedure**

Council meetings are conducted under the current edition of Roberts Rules of Order [\(Newly Revised \(RRO\)\)](#)~~-A short form of RRO was adopted by Resolution 1 of the Council. For convenience, the Council typically conducts its business using Resolution 1, but will substitute~~ [which are incorporated by reference. MRSC has prepared a useful tutorial titled \*Parliamentary Procedure: A Brief Guide to Robert's Rules of Order\*, and is posted on its website.. The Mayor as Chair shall rule on all matters of order subject to the process of appeal from the decision of the chair by a motion moved, seconded and carried by a majority of the](#)~~official RRO when Council agrees to do so on any particular matter pending. In the event of any conflict between those procedural rules and provisions of this Governance Manual, Resolution 1 will take precedence, followed by RRO. The Chair at his or her discretion may call on the Mayor Pro Tem to temporarily assume the chair to enable the Mayor to make a motion.~~

**8.2 Motions and Discussion**

Affirmative motions are preferred to prevent “approval by default” of a failed negative motion. All items of business placed before the Council that require the expenditure of funds or resources and changes in land use shall be in the form of an affirmative motion.

**8.2.1 Motions.**

[No motion shall be entertained or debated until seconded and announced by the Chair. The motion shall be recorded and, if requested by a Councilmember, it shall be read by the City Clerk before it is debated or voted on. A motion that has been seconded cannot be withdrawn before action is taken without the consent of the Council.](#)

**8.2.2 Amendments to a Motion.**

[An amendment must be related to the main motion and may not be written in a way that would defeat the main motion. Amendments require a second. Only two amendments may be on the floor at a time. Amendments are voted on in the reverse order in which they are made.](#)

**8.2.3 Motion to Close Debate.**

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A motion to close debate (sometimes referred to as either “calling for the previous question” or “call the question”), requires a second, is not debatable and requires a two-thirds majority vote.

**8.3 Voting**

The votes during all meetings of the Council shall be transacted as follows:

- \_\_\_\_\_ Council votes will be taken by voice. ~~Roll call votes are allowed pursuant to Resolution I and RRO~~ Any member may demand a roll call vote before or after any action is taken. The demand for a roll call vote does not require a second. Roll calls may be conducted by councilmembers raising their hands in support or in opposition to the motion or, alternatively by requesting the City Clerk to call the names of each Councilmember and to record each Councilmember’s vote. Written ballots will not ~~generally~~ be used, ~~but if they are appropriate (i.e., except for the biennial election of the Mayor), they must be signed, collected by the City Clerk, tabulated, and the results announced immediately as to each vote~~ and Mayor Pro Tem under the ~~cumulative total~~ procedures set forth in Article 4.

- \_\_\_\_\_ When there is a tie vote, the motion fails, absent specially adopted rules of procedure.

- ~~\_\_\_\_\_~~ All Councilmembers present for a vote must vote or abstain. Any councilmember abstaining from voting, at the time of declaring their abstention, shall state the reason.

~~\_\_\_\_\_ 8.4 \_\_\_\_\_ Dissents and Protests~~

- \_\_\_\_\_

- \_\_\_\_\_ A motion to reconsider must be made by a person who voted on the prevailing side of the principal motion and must be made at the same or the next succeeding regular meeting.

**8.4 All Councilmembers have Equal Rights to be Heard but the Will of the Majority Must Prevail**

All Councilmembers wishing to be recognized shall be given an opportunity to speak on any motion where debate is permitted. Any Councilmember shall have the right to express support or dissent from or protest, orally or in writing, against any Motion, Resolution or Ordinance of the Council and have the reason therefore entered or ~~retained~~ captured in the minutes.

**8.5 Citizen Complaints and Suggestions to Council**

When citizen complaints or suggestions, not on the agenda, are brought before the Council at a meeting, the Chair may, if circumstances warrant it, attempt to direct the citizen matter to an appropriate channel for resolution. In such a case, the Chair shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- \_\_\_\_\_ If legislative, the Chair may refer the matter to the Council or City Manager for consideration and report, as appropriate.

- \_\_\_\_\_ If administrative, the Chair should refer the matter to the City Manager for consideration and ~~response~~ response, as appropriate.

**8.6 Prior Permission Required for Certain Elaborate Presentations**

The ~~Council~~ Chair will determine the nature, length and format of any presentation. Presentations will not be allowed to disrupt the meeting or the public’s view. If special or technical accommodations are needed, advance permission and arrangements are needed.

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**8.7 Conduct of ~~Business~~Council Meetings**

The Chair may, during a Council meeting, rearrange items on the agenda to conduct the Council’s business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements, which need not occur in the order stated below (~~see Section 2.3 and Article 7~~).

Examples of meeting agenda elements include:

◆ Executive Session

The Council may hold an executive session at any time in accordance with RCW Chapter 42.30. No final action may be taken during an executive session. Councilmembers and others attending the executive session shall maintain the confidentiality of all information presented and discussions ~~had~~occurring in the executive session.

◆ Summary Reports

Short summary reports may be presented near the beginning~~end~~ of the meeting. Short summary reports may, for example, be presented by ~~the Chair~~the Mayor, Mayor Pro Tem, Councilmembers, the City Manager, other City staff or the chair of ~~an Ad Hoc Committee or Steering Group~~a city board or commission.

◆ Public Comment Period or Public Hearing

The routine public comment period at a ~~Business~~ Meeting is conducted as described in Section 8.10 below. By contrast, a public hearing is governed by different rules of procedure than a public comment period, and may either be (a) a quasi-judicial matter, (b) an opportunity for public comments to be heard and recorded on a legislative matter, or (c) whenever the Council desires or directs a public hearing to be held. Special opportunities for public comment apply to a public hearing (see Section 8.11 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 8.12 below).

◆ Consent Agenda

The proper Council motion on the consent agenda is as follows: “I move adoption of the consent agenda”. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the Council shall have the right to remove (“pull”) any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Chair shall inquire if any Councilmember wishes an item to be “pulled” from the consent agenda. If any matter is pulled, the Chair shall entertain discussion and a motion on any pulled item after the vote on the passage of the unpulled items of the consent agenda.

◆ ~~Discussion of Matters for Future Meetings~~

◆ Proposed New Initiatives

The purpose of such a discussion is to offer Councilmembers ~~to express preferences regarding the setting of the agenda~~an opportunity to propose topics for a future Council ~~meeting~~, subject to the ~~prerogatives of the agenda-setting~~ process described in Section 7.1.

◆ New Business.

-The purpose of this section is to introduce items that have not previously appeared before the Council.

◆ Old Business

Updates on matters previously presented to the Council are included in this section of the Agenda.

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**8.8 Conduct of Study Sessions**

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study Sessions. The definition and the basic rules for Study Sessions are stated in Section 2.3.4, and Article 7.

A Study Session may consist of any or all of the following elements:

- (a) ~~Audience Communication~~ Public Comment Period

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Council may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Council may invite public comment and dialog from time to time during the Study Session. In general, public comment shall be sought solely or primarily on matters on the Study Session agenda.

- ~~(b) — Vetting of Agenda Items:~~

~~This element of a Study Session involves a vetting and review of agenda items that are expected to appear for Council action on the agenda of future Council meetings. This element of the Study Session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing Business Meeting of the Council.~~

~~(c)~~

- ~~(b)~~ Referral to ~~Committee, Steering Group~~ Boards, Commissions or ~~For~~ Other Public Process

At a Study Session, the Council may choose to refer an issue to ~~an~~ a City board, commission or a new Ad Hoc Committee or Steering Group, or schedule ~~a Public Forum, before~~ some other public process before the issue returns to a future agenda.

**8.9 Workshops**

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Councilmembers to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation. Public comment is not normally allowed at Workshops although the Council may allow, or request, participation in the same manner as other Council Study Sessions. ~~The definition and the basic rules for Study Sessions are stated in Section 2.3.5, and Article 7.~~

**8.10 Procedures for Public Comment at Business Council Meetings**

**8.10.1 In General**

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. Opportunities for public comment are provided at the beginning and at the end of every meeting. However, at a ~~Business~~ Regular Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda, and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Council if a large number of individuals wish to speak). At any time, the Council

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Chair may set such further limitations [on the time available for public comment](#) as are necessary to progress through the agenda and/or to prevent disruption of other necessary business.

The City will utilize a sign-in procedure for public comments, but, if time permits, the Chair may also invite comments from individuals who failed to sign in. The Chair may require a member of the public to state their name, address, and the subject of their comments.

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

#### **8.10.2 Subjects — Whether or Not on the Current Agenda**

Public comments received during the public comment period may be on any public topic, whether or not on the agenda. A comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing. Comments about other items on the agenda may be made during the public comment period or, if approved by the Council, during the Council discussion or action on the agenda item.

#### **8.10.3 Use of Microphones**

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

#### **8.10.4 Civility**

Attendees at Council meetings shall conduct themselves with civility, deal courteously with all who participate in the proceedings, and recognize the authority of the Chair. There will be no demonstrations during, or at the conclusion of, any person's presentation. Disruptive behavior will be cause for removal from the Council chambers and/or City Hall.

#### **8.10.5 Council May Overrule the Chair**

Any ruling by the Chair relative to the conduct of the public comment period may be overruled by a vote of a majority of Councilmembers present.

### **8.11 Public Hearings — In General**

#### **8.11.1 Sign in Procedure**

Prior to the start of the public hearing, the Chair may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

#### **8.11.2 Time Limits**

The Chair will establish speaker time limits and otherwise control presentations to avoid repetition in accordance with these rules. The Chair may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, ~~vested interests~~[other stakeholders](#), etc.).

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**8.11.3 ~~Other~~ Rules for Legislative Public Hearings**

~~The rules applicable to a Public Comment period under Section 8.12 shall likewise apply to legislative public hearings~~

Prior to any legislative public hearing, Council may adopt special rules governing the duration and time limits for public comment or testimony at the hearing.

**8.12 Council Quasi-Judicial Hearings**

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, or community plan or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

**8.12.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions**

If a proceeding is quasi-judicial, the “appearance of fairness doctrine” under Washington state law is generally applicable. See RCW 42.36.010 and Section 3-6.4 of this Manual. If a proceeding contains both legislative and adjudicative functions, it is recommended that the Council consult with the City Attorney.

**8.12.2 Obligations of Councilmembers in Quasi-Judicial Proceeding**

In the event of a quasi-judicial proceeding of the Council, a Councilmember should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. “This may involve a Councilmember’s business associate, or a member of the Councilmember’s immediate family. It could involve ex parte communications (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember’s employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether an actual or potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should consult with the City Attorney.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is known or made known, or reasonably should have been known or made known. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state, with specificity, the basis for disqualification.

In the case of the Council sitting as a quasi-judicial body, the Chair shall have authority to request a Councilmember to disclose and excuse him/herself on the basis of an Appearance of Fairness violation. Further, if a Councilmember believes that an Appearance of Fairness violation exists, such individual may move to request a Councilmember to excuse him/herself on the basis of an Appearance of Fairness violation. Any Councilmember may seek the opinion of the City Attorney on the matter or call for an executive session as permitted by law.

**8.12.3 Avoid Ex Parte Communications with Quasi-Judicial Parties**

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During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about the pending proceeding. In the event of an *ex parte* contact, the affected Councilmember should consult with the City Attorney and review the Appearance of Fairness Doctrine requirements for disclosure of such contact. Generally, the Appearance of Fairness Doctrine does not prohibit a Councilmember from discussing unrelated matters with their constituents.

**Article 9: Use Of This Manual and Its Rules**

**9.1 Purpose**

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

**9.2 Use of Rules by Council**

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the Council may enforce these rules or rely on these rules. References to other documents or laws included herein does not signify the intent to incorporate such documents in their entirety. Failure of the Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

**9.3 Public Use or Reliance Not Intended**

Because these rules are designed to assist the ~~Council~~[Councilmembers in the conduct of their duties](#) and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

**9.4 Amendments or Suspension of Portions of this Manual**

Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

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**~~Exhibit A: Resolution 1~~**

[Exhibit A: Statement of Values/Rules of Conduct](#)

444444.1636/8430314.1

**STATEMENT OF VALUES/RULES OF CONDUCT**

The Mill Creek City Council is dedicated to providing quality leadership that will protect, preserve, and enhance the quality of life for its citizens.

The City Council hopes to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. To improve the Council's effectiveness and performance, Councilmembers will focus on the following areas which incorporate the values of respect, honesty, and trust.

1. **Image:** Recognize that the City Council represents the image of the community in its actions; strive to maintain a professional image, high standards of conduct, and respect for others.
2. **Accountability:** Be accountable to others and to yourself; be effective stewards of the public trust and resources; and follow-through on commitments.
3. **Communication:** Communicate with our citizens, City staff and fellow Councilmembers in an open, clear, honest and constructive manner; be a good listener; clarify when needed; be receptive to feedback; and expect and demonstrate courtesy and respect in all interactions.
4. **Planning:** See the big picture; think and plan for the long-term; consider all needs in the jurisdiction; and help define a vision for the future.
5. **Decision-Making:** Become well informed on issues by reading background materials and seeking additional information if necessary; consider competing needs; consider alternative decisions; seek solutions that honor a variety of community values; and be willing to make difficult decisions.
6. **Teamwork:** Encourage a spirit of cooperation in dealing with the challenges facing our community; recognize the need to work together and support each other to achieve success; recognize different personalities and work styles; and remain flexible with each other to accomplish goals.
7. **Personal Development:** Take responsibility seriously and work hard; devote time and effort to personal and professional excellence.
8. **Ethics:** Uphold the public trust; be committed to the premise of good government and service to the public; and be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.

To implement these values, the City Council shall adopt the following rules of conduct to be practiced when representing the City:

1. Be prepared for meetings by familiarity with the materials and having notified City staff and/or the Mayor of concerns or problems in advance of the meeting, when possible.
2. The Mayor will open a matter for discussion. Councilmembers may debate the merits of the issues with the intent to inform fellow members of opinions and concerns in a concise manner. All Councilmembers shall listen to all points of view, be respectful and professional, and vote based on the objective information presented, including public input.
3. The study session will be utilized as a forum for studying complex issues, reviewing plans and priorities, and for informal communications between the Council and City staff.
4. The City Council represents the diversity of opinions and personalities within the community. Councilmembers should recognize and respect the principles of the majority rule.

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5. The City Council shall manage through the City Manager; however, Councilmembers may communicate with City staff members with inquiries related to their respective departments.

6. During the time of Council discussion and public input, Councilmembers shall refrain from non-recognized conversation.

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~~[RETYPE WITHOUT EDITS OR CORRECTION]~~

~~[May 5, 2011]~~

~~RESOLUTION NO. 1~~

~~A RESOLUTION OF THE CITY OF MILL CREEK, WASHINGTON,  
ADOPTING RULES OF PROCEDURE FOR CONDUCT OF COUNCIL  
MEETINGS.~~

~~BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON,  
that the Rules of Procedure attached hereto, identified as Exhibit A and incorporated in full by this  
reference are hereby adopted as the Rules of Procedure for all meetings of the City Council of the City  
of Mill Creek, Washington. The Rules of Procedure for the Conduct of Public Hearings, attached hereto  
and identified as Exhibit B, are hereby adopted as the Rules of Procedure for all public hearings before  
the City Council of the City of Mill Creek, Washington.~~

~~RESOLVED this 4th day of October, 1983.~~

~~APPROVED:~~

~~[Sid Hansen]~~

~~MAYOR~~

~~A TEST/AUTHENTICATED:~~

~~[Michele Schutz]~~

~~CITY CLERK~~

~~FILED WITH THE CITY CLERK: 10-4-83~~

~~PASSED BY THE CITY COUNCIL: 10-4-83~~

~~RESOLUTION NO. 1~~

444444.1636/8430314.1

EXHIBIT A

A. GENERAL RULES OF PROCEDURE.

~~1. Obtaining floor. Before a member can make a motion or address the body upon any question, it is necessary that he obtain the floor by being recognized by the chairman. If two or more members shall request the floor at the same time the chairman shall recognize the first member requesting recognition.~~

~~2. Second. When a member obtains the floor and makes a motion, that is in order, the chair should immediately inquire if the motion is seconded; if seconded the maker of the motion should then be regarded as having the refusal of the floor in preference to all other members.~~

~~3. Modification of motion. Before any subject is open to debate it is necessary, first, that a motion be made by a member who has the floor; second, that it be seconded; and third, that it be stated by the chairman. This does not prevent suggestions of alterations, before the question is stated by the chairman. The chairman may consult the members before stating the question to clarify the motion. The member who offers the motion, until it has been stated by the chairman, can modify his motion, or withdraw it entirely; after it is stated he can do neither, without the consent of the body (majority). For example, the mover may state, "With the consent of the body I will notify my motion to state as follows, \* \* \*" If no one objects it shall be deemed that he has the consent of the body to modify his motion. When the mover modifies his motion, the one who seconds it can withdraw his second.~~

~~4. Stating the question. After a question has been stated by the chairman, it is in the possession of the body for debate; the mover cannot withdraw or modify it except by obtaining leave from the body as just described, or by moving an amendment.~~

~~5. Withdrawal or substitution of motion. When a question is before the body and the mover wishes to withdraw or modify it, or substitute a different one in its place, with consent of the body, the chairman shall grant permission; if any objection is made, it will be necessary to obtain leave to withdraw by a motion for that purpose. This motion cannot be debated or amended. When a motion is withdrawn, the effect is the same as if it had never been made.~~

~~6. Abstention from voting. Any member may abstain from voting on any question, provided, at the time of declaring his abstention he shall state the reason.~~

~~7. 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.~~

~~8. Precedence. Motions having precedence on those that may be made while another motion is pending.~~

~~9. To yield. Motions yield when they are pending and another matter can be considered while the yielding motion still pends.~~

~~10. 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.~~

~~11. 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.~~

~~12. 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 he shall put the question to vote, making it clear what the question is.~~

~~13. Majority. A majority of those present shall constitute a majority of the body assuming a quorum is present. The chairman may vote as any other member and may make or second motions.~~

~~B. 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 numerically below.~~

~~1. UNDEBATABLE MOTIONS.~~

~~a. 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.~~

~~b. Suspension of rules. This motion may not be amended, nor another motion be applied for 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.~~

~~e. To lay on the table. This motion may not be used for purposes of continuance of a matter which 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 be ordered to lie on the table, the subject which 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.~~

~~After demand for the previous question up to the time of taking final action under it, it is in order to move that the main question be laid on the table. Passage requires the vote of one more than a majority of the members present.~~

~~d. 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.~~

~~2. ——— DEBATABLE MOTIONS.~~

~~a. ——— Continue to a certain day. This motion yields to all undebatable motions, and take 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.~~

~~b. ——— 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.~~

~~c. ——— To amend. This motion takes precedence over nothing but the question to which 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.~~

~~d. ——— 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 specially set for public hearing. A negative vote on it cannot be reconsidered.~~

~~e. ——— 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 specially 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 any member of the public has left the public hearing. It is otherwise in order at any time, even when another member has the floor, but not after that session has adjourned.~~



~~It must be made by a member who voted with the prevailing side. 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 reconsideration, 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 chairman 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.~~

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 point of order~~

~~Chair: Ruling by the chairman, who 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 . . ."~~

~~e. To lay on table (majority plus one)~~

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

~~Member: "I move to take the question (stating it) from the table."~~

~~d. Previous question (majority plus one)~~

~~Member: "I call (demand or move) for the previous question."~~

~~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: (1) Zoning matters must be decided and reported by the planning commission within 90 days of the application. (2) Plats and subdivisions must be approved, disapproved or returned to applicant for modification or correction within 60 days from date of filing, unless applicant files written consent for longer period in which to act.~~

~~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 and insert', 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 . . .~~

~~[CP, ZO, R] "... we recommend by resolution to the city council that CP 123 be approved, denied, etc., for the following reasons:~~

~~[P, S] "... we find that P 123 makes appropriate provision for public dedication and improvements and that the public use and interest will be served by its approval, and that we approve the same subject to the listed engineering requirements (and dedications within 90 days)."~~

~~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.~~

~~Chairman: "The secretary will please call the roll."~~

	Main question open for debate	Need not be seconded		Majority plus one	Cannot be amended	Cannot be reconsidered	Cannot be made on specially-set hearings
<b>I. UNDEBATABLE</b>							
a. <del>Question of Order</del>							
Appeal							
b. <del>Suspension of Rules</del>			*				
c. <del>Lay on Table</del>							
d. <del>Previous Question</del>				*		*	
<b>DEBATABLE</b>							
a. <del>Continue to Certain Day</del>			*		*	<b>A.V.</b>	
b. <del>Commit or Refer</del>					*	:	
c. <del>Amend</del>					*		
d. <del>Postpone Indefinitely</del>				*			
e. <del>Principle Question 3.</del>			*		*		
<b>MISCELLANEOUS</b>							
a. <del>Rescind</del>	*					<b>N.</b>	*
b. <del>Reconsider</del>			*		*	<b>V.</b>	
c. <del>Roll Call</del>			*	*	*		
		*		*	*		
		*					

**EXHIBIT B  
RULES OF PROCEDURE FOR THE CONDUCT OF  
PUBLIC HEARINGS**

The format for public hearings conducted by the City Council should be as follows:

1. A request to have the City Attorney or staff member read or otherwise paraphrase the scope of the particular hearing (the purpose of the hearing) and advise the Council of the applicable criteria that they must consider in the course of their review. The purpose of this is to advise the Council before they receive all of the input and testimony as to what items they should be looking at and paying the most attention to during the course of the ensuing hearing.
2. The hearing should be commenced with a staff report to the City Council together with the staff's recommendation.
3. The Council should direct any questions they have at that time to the staff.
4. The hearing should be open to permit the applicant to make a presentation to the body hearing the matter.
5. Questions from the body should be directed to the applicant.
6. The hearing should be opened to the audience as a whole preferably a sign up list should have been circulated. If a sign up list has been circulated you then have an indication of the number of persons desiring to speak which may be weighed against the amount of time available that evening for the public hearing. The City of Bothell utilizes a method of allocating a stated amount of time to the hearing and giving each person who has signed up an equal amount of time to speak. Frequently, persons who have signed up waive their opportunity to speak which leaves time to be further allocated to those who wish additional time. If the time allocated for the hearing is exhausted the hearing can then be continued to another date if such is necessary. The sign up list also provides a backup list for the Clerk who is having to take the minutes for the name and address of the speaker. In addition, it provides an orderly process for the calling of speakers. It also assures that each person is given an opportunity to speak before those who have already spoken are given an additional opportunity to speak.
7. Each person speaking whether it be the applicant or a member of the audience should be required to come to the podium that is tied into the recording machine and before giving their position should, for the record, state their full name and their residence address. At the time all of the names on the list have been called and have either waived the opportunity to speak or have spoken you may then ask if there are any other persons who desire to speak that have not yet had the opportunity to speak and who had not signed on the list. If there are any then those persons should be allocated the same amount of time if there is such time remaining.
8. When all who desire to speak have had an opportunity to speak then, in the event there is hearing time remaining, and in the event there are those who have already spoken that have something additional in the way of input then additional time may be allocated to them.
9. If at the conclusion of the time allocated for the hearing there are still persons desiring to speak that have additional input and information then the hearing time may either be extended or may be continued to a date certain in the future.
10. As photographs, maps, slides, letters, invoices, memorandums, petitions or any other documents of any nature are presented to the Council in connection with the hearing each one should be identified at the time it is presented and an exhibit number assigned to it. The Clerk should maintain an exhibit number list and ascribe the exhibit number on the face of the particular exhibit and note the date of submission omit.
11. Councilmembers should in every instance first be recognized by the Chairman before asking questions or providing other input. The purpose of this is for the Chair to specifically recognize the Councilmember about to speak by name so that the record accurately reflects who is speaking at the time.
12. Each person who speaks a second time or who responds to a question should come to the podium on each occasion and again re-identify themselves by the giving of their name. The giving of the address the second time is not necessary.
13. Any questions that any Councilmember has of any member of the audience or of the applicant should be addressed to those person or persons prior to the closing of the hearing. Once the hearing is closed no additional testimony may be taken and the Council will be limited to questions of clarification to the staff only.
14. Councilmembers should avoid whispered conversation between themselves during the course of the hearing. These conversations are semi-intelligible on the tape recording and may jeopardize the record since there then is obviously evidence or part of the record that cannot be ascertained as to what was said should the case be on review. When the public has completed their input the applicant or appellant or their designated representative should be given a brief opportunity for rebuttal. Upon conclusion of the rebuttal if there are no more questions for any member of the audience or the applicant the hearing should be closed.

15.—— It should also be noted that proponents or opponents do have a right of examination of persons who have given testimony at the hearing. However, these questions should in every instance be directed through the Chairman of the meeting and not directly to the person whose response is being elicited. For example, the person would request that the Chairman ask person X for an answer to a given question. The Chairman would direct that person to come to the podium, identify himself and give a response. At the conclusion of that response any additional questions from that person or other persons should be handled in the same manner. That is one question at a time, each question always channeled through the Chairman to the person whose response is being elicited.

16.—— At the conclusion of the hearing the Council should commence their deliberations. Obviously it is preferable that the deliberations be completed on the night of the hearing. This, however, is not mandatory and the Council's deliberations may be continued to a date certain in the future. Continuance should be avoided at all costs if it can be.

17.—— During the course of deliberation and discussion the pros and cons of the project or appeal should be thoroughly and completely discussed particularly as they relate to the criteria to be applied in the particular matter.

18.—— Any motion for action should as fully and completely as possible include a statement of conclusion or factual findings that are forming the basis for the motion. For example, Mr. Chairman after a review of the file and having heard the testimony from the hearing and having visited the site or otherwise being familiar with the particular site I find that the proposed whatever satisfies the criteria or does not satisfy the criteria for the following reasons (list them 1, 2, 3, 4, 5, etc.). It would not hurt to actually draft these out in advance of making any motion. At the conclusion of this statement of findings and conclusions then the person should say "for the foregoing reason(s) I move that the application or appeal be approved, denied or modified in whatever respect it should be so modified." Assuming the motion is seconded discussion should then ensue. The Chairman may call upon each member to state their reasons for or against the particular motion. At the conclusion of that the Chairman should then call for a vote upon the motion.

19.—— At the conclusion of the taking of the vote and the announcement of the decision the Chairman should at that time advise the audience on the record what the appropriate appeal process is. This can be done either by the Chairman himself or by the Chairman directing such an inquiry to the City Attorney or other staff member.



**Exhibit B: Current List of Citizen Committees, Commissions and Boards**

- **Civil Service Commission:** 3 members; Police Chief is staff liaison; administers Police Department advancements, demotions, suspensions, discharges and employment.
- **Design Review Board:** 7 members; Planning Director is staff liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines.
- **Planning Commission:** 7 members; Planning Director is staff liaison; reviews applications for amendments to comprehensive plan, official zoning map and official zoning ordinance and other land use and city planning matters.

~~■—Board of Appeals/Adjustment: 5 members; Building Official is staff liaison; determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the International Fire Code and International Building Code.~~

~~■—Library Board: 5 members; Finance Director is staff liaison; advise the City Council on matters concerning the operations of the Mill Creek Library.~~

- **Parks and Recreation Board:** 7 members; Recreation Supervisor is staff liaison; develop, design and operation of park and recreation programming and facilities with exception of final landscaping plan; facility use fees and procedures; capital improvement planning; concessions; and interlocal and cooperative use agreements regarding park and recreation activities;
- **Arts/Beautification Advisory Board:** 9 members; Public Works Director is staff liaison; work on special events and projects to enhance the aesthetics and beauty within the residential and business areas of the city; utilization of the municipal art fund; selection, acquisition and placement of artwork for the city.

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

**Meetings**

Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).

**Council Liaison to Citizen Committees, Commissions and Boards**

Liaisons shall be appointed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.

**Liaison Procedures**

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Mayor Pro Tern with concurrence of Council.

**Appointment**

Per MCMC 4.02.020 Notice of availability of a position on a board or commission shall be published in a local newspaper and/or posted at City Hall and/or on the City's website after the effective date of the availability or vacancy of the position. Interested persons may apply for the position by submitting a letter of interest. Positions may be filled from the list of applicants or the city may re-advertise the position. Members of a city board or commission shall be appointed by the City Council. Vacancies shall be filled in the same manner as initial appointments and members appointed to fill a vacancy shall serve for the duration of the unexpired term

**Publication on Website**

It shall be City policy to disclose names and terms of citizen boards, committees and commissions on the City website, with a description of the role and functioning of the body.



~~Exhibit CA: Statement of Values/Rules of Conduct~~

January, 2010

**STATEMENT OF VALUES/RULES OF CONDUCT**

~~The Mill Creek City Council is dedicated to providing quality leadership that will protect, preserve, and enhance the quality of life for its citizens.~~

~~The City Council hopes to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. To improve the Council's effectiveness and performance, Councilmembers will focus on the following areas which incorporate the values of respect, honesty, and trust.~~

- ~~1. **Image:** Recognize that the City Council represents the image of the community in its actions; strive to maintain a professional image, high standards of conduct, and respect for others.~~
- ~~2. **Accountability:** Be accountable to others and to yourself; be effective stewards of the public trust and resources; and follow through on commitments.~~
- ~~3. **Communication:** Communicate with our citizens, City staff and fellow Councilmembers in an open, clear, honest and constructive manner; be a good listener; clarify when needed; be receptive to feedback; and expect and demonstrate courtesy and respect in all interactions.~~
- ~~4. **Planning:** See the big picture; think and plan for the long term; consider all needs in the jurisdiction; and help define a vision for the future.~~
- ~~5. **Decision Making:** Become well informed on issues by reading background materials and seeking additional information if necessary; consider competing needs; consider alternative decisions; seek solutions that honor a variety of community values; and be willing to make difficult decisions.~~
- ~~6. **Teamwork:** Encourage a spirit of cooperation in dealing with the challenges facing our community; recognize the need to work together and support each other to achieve success; recognize different personalities and work styles; and remain flexible with each other to accomplish goals.~~
- ~~7. **Personal Development:** Take responsibility seriously and work hard; devote time and effort to personal and professional excellence.~~
- ~~8. **Ethics:** Uphold the public trust; be committed to the premise of good government and service to the public; and be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.~~

~~To implement these values, the City Council shall adopt the following rules of conduct to be practiced when representing the City:~~

- ~~1. Be prepared for meetings by familiarity with the materials and having notified City staff and/or the Mayor of concerns or problems in advance of the meeting, when possible.~~
- ~~2. The Mayor will open a matter for discussion. Councilmembers may debate the merits of the issues with the intent to inform fellow members of opinions and concerns in a concise manner. All Councilmembers shall listen to all points of view, be respectful and professional, and vote based on the objective information presented, including public input.~~

- ~~3. The study session will be utilized as a forum for studying complex issues, reviewing plans and priorities, and for informal communications between the Council and City staff.~~
- ~~4. The City Council represents the diversity of opinions and personalities within the community. Councilmembers should recognize and respect the principles of the majority rule.~~
- ~~5. The City Council shall manage through the City Manager; however, Councilmembers may communicate with City staff members with inquiries related to their respective departments.~~
- ~~6. During the time of Council discussion and public input, Councilmembers shall refrain from non-recognized conversation.~~



CITY OF  
**Mill Creek**  
WASHINGTON

*Manual of City Governance  
Policies, Procedures and Guidelines*

Resolution No. 2021 -XXX

Adopted May XX, 2021

A Comprehensive Collection of  
Governance Principles, Policies, Procedures,  
Standards of Conduct, Meeting Rules  
and References to Applicable Law

444444.1636/8430314.4

**Introduction**

In July, 2011, the Mill Creek City Council adopted the first edition of this manual. Its purpose is to serve as a guide for the Council, city management and the community to the City's principles and procedures for operating as a non-charter, code city utilizing the Council/Manager form of governance.

With this second edition of the manual, the Council has had an opportunity to update rules and procedures in light of changes in the law, technology and best practices over the past decade.

The manual contains meeting rules, election procedures, administrative references, principles to guide councilmembers in the discharge of their duties and useful references to key state laws that regulate the conduct of the Council as an elected body and the City government as a whole.

This manual can be a valuable resource document for the City Council, City management and the community. The rules and other provisions in the manual should not be construed to invalidate any action of the City Council or City Manager that is otherwise in compliance with applicable law.

This manual (as adopted by Resolution) is a legislative act and is intended to remain in force and effect except to the extent that any portion may be subsequently be amended or rescinded by act of Council. See, however, Article 9, which explains certain limitations on the intended use of this Manual.

**[to be inserted following adoption by the Council]**

**CITY OF MILL CREEK, WASHINGTON  
RESOLUTION NO. 2021-\_\_**

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**Article 1: Principles**

It is hereby the policy of the City to establish the principles stated in this Article I as core values of City governance:

**1.1 Values**

**1.1.1 City Leaders Listen to the Community**

City leaders listen to the community in a way that fully represents the community's interests and goals.

**1.1.2 Collaboration is Valued**

Council and staff should make the maximum effort to collaborate in every endeavor, seeking consensus as far as possible.

**1.1.3 City Leaders Lead and Reason Together**

Councilmembers should individually, and collectively, demonstrate the ability to lead and reason together.

**1.1.4 The City Exemplifies Professionalism in City Management**

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

**1.1.5 Sustainability**

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for city finances and the local economy.

**1.2 Relationship between Council, City Manager, Staff and Public**

**1.2.1 Council Oversees City Organization but Does Not Interfere With Management**

Council has the statutory responsibility for approving the budget, positions, and salary schedule but is precluded by state law and city ordinance from interfering in the management of City employees.

**1.2.2 Council and City Manager Roles and Responsibilities Differentiated**

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

**1.2.3 Performance-Driven Management**

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

**1.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively**

The City Attorney is hired by the City Manager and represents the City and in that capacity provides legal advice to the Council, City Manager and staff to the extent their interests coincide with the City's.

**1.2.5 Staff Provides Information for Council Policy-Setting**

Information will be provided to evaluate policy options and to make effective, timely decisions.

**1.2.6 Council Will Not Request Unnecessary Information**

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. An exceptionally time-consuming request of Council requires a majority vote, and information will be disseminated to the Council.

**1.2.7 Public Documents Ensure Open and Transparent Government**

The Council and Administration will adhere to laws on public access to documents.

**1.2.8 Communications to the Public are Essential**

The City Manager or the City Manager's designee shall be responsible for communications to the public and in doing so shall apprise the Council of the timing and content of significant communications.

**1.3 Functioning of City Council**

**1.3.1 There is a Council-Selected Mayor**

The Council-selected Mayor presides as chair at meetings of the Council.

**1.3.2 The Mayor Also Embodies Other Leadership Roles**

The Mayor serves as the City's ceremonial head. The Mayor is the primary liaison between the Council and the City Manager.

**1.3.3 Citizen Volunteers Play an Important Role**

For citizen advisory committees, boards and commissions, an interview committee of Councilmembers interviews applicants and recommends appointments to the Council for confirmation.

**1.3.4 Service on Regional Bodies and in Liaison Roles to Community Organizations is Shared Among Councilmembers**

Annually in January, Council shall review and select assignments of Councilmembers as liaisons to regional positions, community organizations, boards and commissions.

**1.3.5 Representatives of City Act in Accordance with City Policies**

It is a duty of staff and Council who represent City to advocate positions that are consistent with City policies, projects and plans.

**1.3.6 Council is Mindful of Limited Resources**

Reimbursement for Councilmember expenses is limited by state law, city budget and other policies. All expenses must be approved, appropriated and documented.

**1.3.7 Council Authorizes Certain Grant Applications Before Submittal**

If a grant would require material matching dollars or impact policy, the Administration will seek Council approval prior to applying. The administration will bring grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

**1.3.8 Standing Committees**

Because staff time and resources are limited, it is prudent to use Study Sessions of the whole Council rather than numerous Standing Committees. Consider utilizing a Standing Committee only if needed — e.g. Finance Committee. The standing committee will be appointed by the Council.

**1.4 Efficiency and Effectiveness of Council Decision-Making**

**1.4.1 Council Makes Effective Use of Time**

Council differentiates among four types of public meetings: (1) retreats; (2) study sessions; (3) business meetings; (4) public communications meetings and forums.

**1.4.2 Council’s Business Meetings Will Be Efficient and Businesslike**

The information exchange, review, deliberation and vetting of issues during prior Study Session enables Council business sessions to be efficient.

**1.4.3 Effective Decision Making Requires Finality**

Rules shall limit the prerogative to reconsider a Council decision; effective decision-making results in finality and “moving on”.

**1.4.4 Council Dialog Shall be Respectful and Concise**

The Chair’s role is to ensure that Councilmembers maintain a respectful tone, even when there is disagreement, and that all Councilmembers are heard.

**1.4.5 Council Meeting Agendas Are Set by a Team**

Agendas for Council meetings are developed to advance Council priorities and City administration in an orderly manner. The agenda for each meeting is developed by staff and reviewed weekly with the Mayor and Mayor Pro Tem. Items for future agendas are listed in every Council packet.

**1.5 Functioning of City Manager and Staff**

**1.5.1 The City Manager’s Duties and Responsibilities are Statutory and Contractual.**

Councilmembers understand that the City Manager’s responsibilities are set forth in state law, in city ordinances and in the City Manager’s employment contract with the City.

**1.5.2 Council-Manager Governance Depends on a Skilled City Manager**

The City Manager prepares the proposed budget; administers code and policy; appoints and removes city employees; serves as the City’s chief executive officer.

**1.5.3 Regular and Understandable Financial Reporting**

The City’s regular financial reports enable the Council and community to understand the City’s financial condition and are in harmony with accounting standards for governmental organizations, applicable law and municipal best practices, taking into account brevity, cogency, salience and clarity.

**1.5.4 Council and Administration are Mindful of Risk Management**

There is a periodic review of risk management with WCIA (Washington Cities Insurance Authority). The Council empowers the City Manager with a dollar authority level to settle minor disputes.

**1.5.5 Public Information is Enhanced by Audio, Website & Notes**

There is a full audio recording on the city website for each Council meeting. Minutes of meetings are concise and are approved and posted online in as timely a manner as possible.

**Article 2: Defined Terms and Basic Rules**

**2.1 Types of Governing Bodies, and Advisory or Supporting Groups**

**2.1.1 City Council (or “Council”)**

The Council consists of 7 officials. each elected to four-year terms. The terms are staggered with 3 or 4 terms expiring at the end of odd-numbered years. Individual Councilmembers do not have governing power as individuals, but only when meeting as a Council, when a quorum (4 or more) are present.

Unless otherwise noted, the use of the term “Council” in this manual will imply that the Council is acting as a legislative body based upon a majority vote of the Councilmembers.

**2.1.2 Council Ad Hoc Committee**

An Ad Hoc Committee is a temporary committee established by Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose of an Ad Hoc Committee at the time of establishing it. The Council may appoint up to three Councilmembers to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his/her designee) and any City staff that the City Manager chooses to assign to the Committee. An Ad Hoc Committee shall sunset upon completion of the Council-assigned task.

**2.1.3 Citizen Board, Citizen Committee or Citizen Commission**

As defined by ordinance or resolution, a citizen board, committee or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described herein, in ordinances establishing certain boards and commissions and in Council Resolutions governing public communications and public hearings.

**2.1.4 Citizen Advisory Committee**

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy or practices, or the means to cant out a proposed project or city activity.

**2.1.5 Steering Group**

The City Manager may recommend or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council, such as organizing

one or more forms of citizen engagement on a public issue, or providing direction and oversight for the implementation of a City project or program.

**2.1.6 Small Task Group**

The Council may, from time to time, create, and appoint members to, a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task force, which may require a steering committee. The small task group may consist of one or more Councilmembers (but no more than three), one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and a method of “sunsetting” the group upon completion of the task.

**2.1.7 Multi-Agency or Regional Task Group**

When a major regional effort involves key agencies outside of City government but vital to a project’s coordination, the Council may create by motion, legislative directive or intergovernmental agreement, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task force effort). Membership shall consist of one to three Councilmembers (no more than three) and/or the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private, consultant or non-profit agency with a key interest or resource vital to the issue or project.

**2.2 City Officials and Adjudicators**

**2.2.1 Mayor**

See the definition and duties stated in Sections 1.3.1, 1.3.2 and 4.3.

**2.2.2 Mayor Pro Tem**

See the definition and duties stated in Section 4.3.

**2.2.3 Chair**

The term Chair means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Chair shall be the Mayor unless the Mayor is absent, in which case the Chair shall be the Mayor Pro Tem (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

**2.2.4 City Manager**

See the definition and duties stated in Article 6 — City Administration.

**2.2.5 Appointive Officers**

The City’s Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in MCMC Section 2.08.

**2.2.6 Council Liaison**

With Council approval, a Councilmember serves a two-year term as the Council’s Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to three types of organizations:



- A county-wide or regional policy or governing body or intergovernmental organization (such as the Snohomish County Tomorrow Steering Committee)
- A community organization (such as the Mill Creek Business Association); and
- A governing or inter-agency board functioning in the city (such as the Parks and Recreation Board).

**2.2.7 Hearing Examiner**

The City regulates and adjudicates land use matters and other appeals using a Hearing Examiner system set forth in MCMC Chapter 4.34. The Hearing Examiner is appointed by the City Manager. Under MCMC Chapter 4.34, the examiner shall serve as the city’s quasi-judicial hearings officer and shall have jurisdiction over the matters set forth in this chapter and MCMC 14.03.080. In the exercise of such jurisdiction, the examiner shall interpret, review and implement the city’s land use regulations and the pertinent and appropriate provisions of MCMC Titles 14 through 18, shall hold hearings and hear appeals, and shall take such actions as provided by this chapter. In addition, the examiner shall take such action as may be specifically assigned by other sections of the municipal code or by ordinance or resolution, and as may be delegated or assigned from time to time by action of the City Council.

**2.3 Types of Meetings of Council**

**2.3.1 Regular Meeting**

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) stated in City code. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting.

**2.3.2 Special Meeting**

A special meeting is a Council meeting called at a date or time other than the time prescribed by code for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions (but not additional action items) to the agenda at the meeting.

**2.3.3 Business Meeting**

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City’s business, generally in the form of motions, resolutions or ordinances. A business meeting includes a public comment period for a limited period of time stated in advance on the agenda, during which members of the public may address the Council on any matter of public concern (whether or not on the agenda).

**2.3.4 Study Session**

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, or (iii) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may include a “Study Session”.

**2.3.5 Workshop**

A study session on a single topic or subject is sometimes referred to as a workshop.

**2.3.6 Public Hearing on Ordinance**

A formal public hearing may be required by statute or City ordinance as a portion of the prescribed public process for the Council’s adoption of the City budget, the City’s Capital Facilities Plan, and certain other legislative actions. In such a case, a public hearing is conducted according to certain formal public hearing rules prescribed by law, ordinance and/or resolution. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice.

**2.3.7 Public Hearing on Quasi-Judicial matter**

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a “quasi-judicial” kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting, and is performed in such a manner as to establish a clear record of proceedings, facts presented and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Section 8.12.

**2.3.8 Retreat**

A retreat is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation in accordance with the employment agreement. Although a detailed listing of the City’s activity plan for a coming year may result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution.

**2.4 Types of Public Participation in Government**

**2.4.1 Public Comment Period at Business Meetings**

At Council Business Meetings, the agenda shall generally include one or more periods of time known as the Public Comment period. Within that time period, any member of the public may be recognized by the Chair and may address the full Council on any public issue — whether or not on the agenda. Unless Council determines otherwise, the Audience Communication periods at a Business Meeting is reserved for comments by the public rather than responses from Council or Administration.

**2.4.2 Interactive Dialog with the Public at Study Sessions**

At Council Study Sessions, the Chair shall determine the manner in which public comments and dialog are to be invited, depending on the nature of the Study Session and the amount of time available. In general, the Council may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Business Meeting, and the Council may allow responses and interactive dialog with Councilmembers, the Administration and/or other presenters.

**2.4.3 Other Meetings with the Public Outside of City Hall**

The Council may organize other meetings with the public in various forums outside of City Hall in various settings such as public forums, neighborhood meetings, presentations to community organizations, town halls, and so on.

**2.4.4 Public Forum**

When major public policy development warrants, and after adequate preparation of issues and alternatives, a steering group may conduct larger citizen forums to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The Steering Group shall summarize the conclusions and/or recommendations of such forums for presentation to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action.

**2.4.5 Neighborhood Meetings**

Neighborhood meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group or Task Force, however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views on any subject. The Council may request that the City Manager or his/her designee attend these meetings to answer questions on administrative matters. Although such meetings typically involve three or fewer Councilmembers and are therefore not official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council. At any such meeting, a Councilmember should avoid discussion or comments which pertain to current or potential lawsuits or other quasi-judicial proceedings which might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

**2.4.6 Additional Avenues for Public Participation**

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, Q&A's, etc. as described in the City's documents and guidelines pertaining to public participation in various projects and processes.

**2.5 Types of Governing Actions**

**2.5.1 Motion**

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances or resolutions.

**2.5.2 Resolution**

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy, procedure or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where an expression of legislative policy that is more lengthy or more meticulously worded than a motion is desired. While resolutions are often just a statement of policy, a resolution may have

the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

**2.5.3 Ordinance**

An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. (See *Durocher v. King County*, 80 Wn.2d 139, 153, 492 P.2d 547(1972)).

**2.5.4 Comprehensive Plan Amendment**

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise holds a public hearing before passage.

**2.5.5 Budget Adoption or Amendment**

Legislative acts adopting or amending the budget document for the City on an annual or biennial basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund.

**2.5.6 Capital Facilities Plan (CFP) Adoption or Amendment**

The CFP is a 7-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities of the City.

**2.5.7 Quasi-Judicial Ruling**

Such a ruling is similar to a “judicial act” taken by an agency or authority that is not constituted as a “court” of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Design Review Board wherein the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and as such, and are appealable to a higher authority or court of law.

**2.5.8 Best Practices**

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency which discovered a way to “do it better”.

**2.5.9 Doing Things Right**

While not defined in law, this phrase, as used in this manual, is an aspiration based on two criteria: (i) seeking out, and conforming to, the correct policy path for an action; and (ii) seeking out and emulating the best practices compatible with the activity, organization and culture.

**Article 3: Standards Of Conduct**

**3.1 Sources and References**

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): “**Knowing The Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials**” (Nov. 2009)“RCW”: **Revised Code of Washington**
- “MCMC”: **Mill Creek Municipal Code**
- “OPMA”: **Open Public Meetings Act**

**3.2 Standards of Conduct for Officials under Washington Law**

A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city’s elected and non-elected officials is found in the publication *Knowing the Territory- Basic Legal Guidelines for Washington City, County and Special Purpose Districts*. (MRSC 2019).

**3.3 Oath of Office**

A Councilmember, when sworn into office by the City’s City Clerk, swears that “I (fill in name)...having been duly appointed to the office of Councilmember of the City of Mill Creek, Washington, do solemnly swear [or affirm] that I will faithfully, impartially, and to the best of my ability perform the duties of my office as prescribed by law and that I will support and maintain the laws and ordinances of the City of Mill Creek and the laws and constitution of the State of Washington and the United States of America.”

The City Manager, and certain other City employees in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath that calls for compliance with those constitutions and laws.

**3.4 Public Trust and Fiduciary Duty**

“Courts have held public office to be synonymous with public trust and that a public officer’s relationship with the public is that of a fiduciary.” Public trust is a guiding concept in state statutes including the State Ethics Act (RCW 42.23), and in the OPMA (RCW 42.30).

The people themselves, in adopting Initiative 276, which enacted the state’s campaign and lobbying disclosure laws, declared trust to be the public policy of the State of Washington, stating in part: “That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings” and “That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.”

**3.5 Stewardship of Public Funds**

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution’s prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association; (ii) the state law prohibitions against

using public facilities or property for political campaign purposes (RCW 42.17A.555) (discussed below); and state law requirements for bidding of public works projects (RCW 35.23.352) (MRSC, “City Bidding Book”) and for the giving of notice when seeking suppliers for other major purchases (e.g. RCW 39.80).

**3.6 Conflicts of Interest under State Law**

The state Supreme Court has ruled that a Councilmember may not vote on a matter where he or she would be specially benefited, and, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not they vote on the matter.

Furthermore, state laws require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public is able to assess any potential conflicts. RCW 42.17A.700. Currently serving councilmembers must electronically file the statement of financial affairs by April 15th. Persons appointed to fill a council vacancy must file the statement of financial affairs within two weeks of appointment.

The annual financial disclosure also must include a list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted, except for food and beverage consumed at hosted receptions where attendance is related to official duties. RCW 42.17A.710(1)(l) and (m).

These annual disclosures are in addition to those outlined in the Statement of Values/Rules of Conduct signed by the Council (Exhibit A).

State law (RCW 42.17A.555) also prohibits elected officials from using any facilities of a public office, directly or indirectly for the purpose of assisting a campaign for election. Facilities of a public office include the use of city stationery, equipment personnel, office space, vehicles or publications of the office.

**3.6.1 State Code of Ethics**

The Code of Ethics for Municipal Officers—Contract Interests codified in RCW 42.23, applies to all cities. Councilmembers fall within the definition of “municipal officers”. The standards contained in the State Ethics Code are considered to be minimum ones. The Act prohibits municipal officers from having beneficial interest in contracts under their supervision. Also, the act prohibits other conduct by municipal officers.

**3.6.1.1 Private Interest in Public Contracts**

- (a) The RCW 42.23 broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):
- (b) “No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ...”

- (c) This prohibition applies even if the official does not vote on or otherwise approve the contract that presents a conflict.
- (d) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests”.

**3.6.1.2 Other Prohibited Acts**

RCW 42.23.070 includes a list of acts that municipal officers are prohibited from doing:

- (1) using one’s City official position to obtain special privileges for oneself or others;
- (2) giving or receiving a gift in connection with a City matter;
- (3) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (4) disclosing confidential information gained as a City official or using such confidential information for personal gain. This provision includes the disclosure of information obtained in executive session.

Legal advice should be sought on such questions as:

- (a) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (b) Under what circumstances can an official accept expense-paid travel and lodging to a meeting or a fact-finding visit and what are the disclosure requirements?

**3.6.1.3 Duty to Act in the Interests of the City**

Based upon the provisions of the Ethics Act, Councilmembers shall comply with the following principles:

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Mill Creek and his or her personal interests, or the interests of other organizations.
- Each elected person has a duty to place the interests of the City of Mill Creek foremost in any dealings with the City and has a continuing responsibility to comply with the requirements of this policy.
- If an elected official has an interest in
  - (1) a proposed transaction with the City in the form of a significant personal financial interest in the transaction; or
  - (2) any organization or member of immediate family involved in such transaction; or
  - (3) holds a position of trustee, director, officer or employee of such organization;

then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, and shall abstain from any vote on such matter.

**3.6.2 Limitations on Holding Multiple Offices**

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently.

**3.6.3 “Appearance of Fairness” Doctrine under State Law**

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter defined as “actions of the legislative body, planning commission, hearing examiner or boards which determine the legal rights, duties or privileges of specific parties in a hearing or other contested proceeding.” RCW 42.36.010 (e.g. a property specific rezoning, or a plat development approval). It does not apply to a Councilmember’s various legislative and policy decision-making such as adopting, amending or revising comprehensive plans or the adoption of area-wide zoning ordinances.
- (b) The “appearance of fairness” requires that the Councilmember not engage in “ex parte” communications with a party interested in the outcome of the quasi-judicial matter.
- (c) See Section 8.12 for a further discussion of the Appearance of Fairness Doctrine as applied to quasi-judicial hearings that are conducted by the Council.

**3.7 Open Public Meetings under Washington Law**

**3.7.1 All Deliberations and Actions Must Be at Noticed Public Meetings**

The OPMA requires that all meetings of city governing bodies (i.e., where a quorum or more Councilmembers, or members of some other “governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public and that all “action” taken by such bodies be done at meetings that are open to the public.

“Action” means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

“Final action” means a collective positive or negative decision, or an actual vote by a majority of the members of the governing body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.”

**3.7.2 Applies to City Boards and Commissions**

The OPMA applies to a “subagency” of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning Commission. RCW 42.30.020(2) states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective bargaining and



related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

**3.7.3 Two Kinds of Meetings: “Regular” and “Special”**

A “regular” meeting is one with regular dates, times and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but RCW 35A.12.160 states that “every city shall establish a procedure for notifying the public of upcoming hearings and the agenda for the forthcoming Council meeting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Chair (e.g. the Council’s Mayor) or a majority of Councilmembers. The notice of a special meeting must be posted at least 24 hours prior to the meeting and must state the items of business on the agenda. The Council may not add to the agenda of a special meeting without giving 24 hours’ notice of the added item.

**3.7.4 Open to the “Public”**

Under RCW 42.30.050, all persons must be permitted to attend a public meeting except unruly persons. Unless other laws impose limits on the number of people permitted to attend an indoor meeting, attendance may not be conditioned upon registration or similar requirements. The OPMA does not prohibit a requirement that persons identify themselves prior to testifying at hearings. In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared and/or relocated. However, non-offending members of the news media may not be excluded.

In extraordinary circumstances, such as an emergency proclamation issued by the governor preventing meetings in public, the Council may be authorized to conduct public meeting electronically and be deemed in compliance with the open meeting requirements of the OPMA.

**3.7.5 Executive Sessions**

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the RCW 42.30.110 in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City’s legal counsel City enforcement actions or litigation or potential litigation.

RCW 42.30.140 authorizes executive sessions to plan or adopt strategy or positions to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings or reviewing the proposals made in the negotiations.

Councilmembers shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

**3.7.6 Unintended Meetings; Electronic Meetings**

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion or conducts an interactive email discussion of city business.

**3.8 Open Government and Public Records**

**3.8.1 Purpose of the Public Disclosure Law**

The Public Records Act codified in RCW Chapter 42.56 implements a portion of Initiative 276 that requires records prepared, owned or retained by government officials be made available for public inspection and copying. The Act is a strongly worded mandate for broad disclosure of public records. The Act states that its provisions are to be liberally construed and that its exemptions are to be narrowly construed.

Key Definitions and Provisions of the PRA:

A “public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. RCW 42.56.010(3).

A “writing” means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

**3.8.2 Emails and Other Electronic Records**

Elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under RCW 42.56.010(2), a “public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

Under the state law definitions (above), an email, text messages (or an entry on a website, blog, twitter or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive — not only public records of traditional hard-copy kinds — but also electronic public records. (See Chapter 434-662 of the Washington Administrative Code (WAC)).

**(a) Use of Email Platforms**

In recognition of the desire to maintain open and transparent government, and to support the City's duty to accessibly store and archive electronic public records each email that contains information relating to the conduct of the government or the performance of any governmental or other City function, Councilmembers will:

- i. take all reasonable steps to ensure that each such email sent or received by him or her is sent or received on the City-maintained email system utilizing the individual's email address at cityofmiillcreek.com.,
- ii. cease utilizing any private, public or proprietary email service other than the City's, for the sending or receiving of any such emails that meet the definition of public records, and
- iii. establish an automatic reply message on any email service previously used for a Councilmember's public email correspondence, to automatically advise any email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address.

Each Councilmember who has been advised by the City Clerk to assist the City in preserving a copy of his or her emails pertaining to the work of the governing body, shall send a copy of each such email, as and when each is sent or received, to the City email address designated by the City Clerk for that purpose.

**(b) Email Practices**

With respect to any email sent by a Councilmember that contains information relating to the conduct of the government or the performance of any governmental or other City function, the email will be distributed through the City Manager or City Clerk, and any Councilmember who receives such an email shall not forward the email to any other Councilmember.

**(c) Use of Personal Social Media Accounts**

Possession or use of any personal social media accounts such as Facebook, Instagram or Twitter is not a requirement for serving on the City Council. The City does not maintain or support such accounts. If a councilmember chooses to have personal social media accounts, posts related to the conduct of city government may constitute a public record subject to a public records request and require the Councilmember to search for and provide the record or a declaration stating that no such records exist. Determination of whether a record was prepared by the City will involve reviewing whether the Councilmember was preparing the post within the scope of his or her employment - whether the councilmember was furthering the City's interests. Relevant factors include whether the Councilmember was acting in his/her official capacity and whether the post could be considered as conducting City business.

**3.9 Statement of Values/Rules of Conduct**

The City Council strives to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. In performing their duties on behalf of the City Councilmembers will endeavor to demonstrate the values of respect, honesty, and trust.

The Statement of Values/Rules of Conduct (Exhibit A) will be signed by the all members of the Council every two years or upon swearing in of new Councilmembers.

**3.10 Duties to Act Consistently with City Policy When Representing City Elsewhere**

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. Whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, interest statements, budget, capital facilities plan or other action of Council or directive of the City Manager.

**3.11 Conduct of Officials with Regard to Litigation Against City**

Once an individual or organization has filed a legal proceeding against the City, no City Councilmember shall engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council, either in public or in executive session. The conflict of interest rules described in Article 4 may apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

**3.12 Duty to Bargain in Good Faith with Collective Bargaining Representatives**

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined state-wide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police departments are unionized. Except for very small cities, police unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language.

Certain City employees are represented by the American Federation of State, County & Municipal Employees (AFSCME) and police officers are represented by the Police Guild.

It is the policy of the City that it shall be the responsibility of the Council to set policy for collective bargaining, and the responsibility of the City Manager to engage in such collective bargaining.

**3.13 Immunity and Indemnification of Officials For Individual Actions in Good Faith**

An appointed or elected official or member of the governing body of a public agency is typically immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity. Liability may attach to the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.470(1)) To the extent official is entitled to immunity, it is because the official's actions were taken in good faith in the course of performing within the scope of the official's duties.

The City is insured through the Washington Cities Insurance Authority (WCIA). WCIA provides coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then WCIA will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note WCIA coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and is the matter not otherwise excluded from coverage through WCIA's compact with the City.

Additionally, in the event that a damage claim and/or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through WCIA, the City may provide legal representation to defend the City official and may indemnify the City official if warranted. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim and/or lawsuit is based upon a dishonest, fraudulent, criminal, malicious, or other improper act.

**Article 4: City Council - The Elected Governing Body**

**4.1 Council Meeting - Time and Location**

Regular Meetings of the Council in the form of Business Meetings and/or Study Sessions shall be held on the dates and times as adopted by Council ordinance, unless cancelled or postponed in accordance with applicable State or local procedures. Special meetings may be called by the Mayor or by a majority of Councilmembers.

**4.2 Council Meetings — Open to the Public**

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

**4.3 Mayor and Mayor Pro Tempore — Election**

RCW 35A.13.030 requires that “biennially at the first meeting of the new Council the Members thereof shall choose a chairman from among their members . . . [who] shall have the title of Mayor and shall preside at meetings of the Council”.

RCW 35A.13.035 provides that “biennially at the first meeting of the new Council, or periodically, the members thereof, by majority vote, may designate one of their members as mayor pro tempore ... to serve in the absence or temporary disability of the mayor”; and Mayor Pro Tempore (“Mayor Pro Tem”).

**4.3.1 Organizational Meeting**

In December preceding the biennial seating of the new Council, City Council shall schedule a study session for the purpose of discussing the City Council function and operation, role of the City Mayor and Mayor Pro Tem, expectations of the Council for the City Mayor and Mayor Pro Tem, selection process of the City Mayor and Mayor Pro Tem, and the organizational activities which typically occur at the first biennial meeting of the new Council in January. The study session may be a regular or special meeting of the City Council. Notice shall be given as required by law and, in addition, all new Councilmembers elected at the previous general election shall be given individual notice of the meeting and shall be invited to attend and to take the oath of office.

**4.3.2 Selection of Mayor and Mayor Pro Tem.**

Biennially at the first meeting of the new Council, typically the first meeting in January, or as otherwise established by law, the Council shall select from among its members a Mayor and Mayor Pro Tem, as required by RCW 35A.13.030 and 35A.13.035, in accordance with the following procedures. The office of Mayor shall be selected first, followed by selection for the office of Mayor Pro Tem. Nomination, selection, and appointment shall be conducted in an open public meeting, provided that recesses to executive session may be called in accordance with RCW Chapter 42.30.

**4.3.3 Nominations/Nomination Process**

Candidates for Mayor or Mayor Pro Tem shall be nominated by a member of the Council. Nominations shall require a second to place the nominee in contention for selection. Voting shall occur as set forth in Section 4.3.4 below. If the Council is unable to select a Mayor or Mayor Pro Tem (as the case may be) after five ballots, or if on any ballot containing only two candidates one of the candidates withdraws his/her name from consideration before the vote on said ballot, nominations shall be reopened. If nominations are reopened, candidates that did not receive at least one vote during any of the preceding ballots must be nominated as set forth above. Nominations shall be reopened after every fifth ballot thereafter as needed. Any nominated candidate may withdraw from the selection process at any time except during an ongoing vote.

**4.3.4 Voting**

At the close of nominations for the respective office, the Clerk shall place the names of all nominated candidates in random order on a written ballot, shall designate the ballot as "Round #1, Ballot #1," and shall distribute the ballot to each Councilmember. The Council shall vote on the written ballot provided by the Clerk, each Councilmember casting one (1) vote for the candidate of his/her choosing (or writing "abstain" on the ballot). The ballot shall be signed by the Councilmember casting the vote and all ballots shall be collected by the Clerk and tabulated. The Clerk shall announce the names of each candidate, the number of votes received, and the Councilmembers voting for that candidate. If no candidate obtains at least four votes of the Council, the candidate(s) receiving the lowest number of votes shall be removed from the ballot, provided that at least two candidates shall move forward to the next ballot, and the Clerk shall prepare the next ballot, which shall contain the names of the remaining candidates and shall be designated as "Round #1, Ballot #2." The Council shall vote on that ballot in the manner provided above. Ballot preparation and voting shall continue in that manner for five ballots or until one candidate receives at least four votes of the Council, whichever occurs first. If no candidate is elected after five ballots, nominations shall be reopened as set forth in Section 4.3.3 and voting shall continue as set forth above, the first ballot in the second round being designated "Round #2, Ballot #1." This process shall continue until a candidate receives at least four votes of the Council. All ballots from all rounds shall be retained by the Clerk as part of the record and shall be available for public inspection at the close of the meeting.

**4.3.5 Election and Oath of Office**

The candidate first receiving at least four votes cast by the Council shall, by that act, be elected as the Mayor or Mayor Pro Tem (as the case may be) of the City of Mill Creek, Washington for the term prescribed by law. The newly elected Mayor or Mayor Pro Tem (as the case may be) shall take the oath of office and be seated immediately to serve thereafter in their respective office for the City of Mill Creek.

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Mayor Pro Tem if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Councilmembers at such meeting. Serving as Chair of the meeting shall not in any way abridge the right of the Chair to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve during the absence or disability.

**4.4 Quorum**

As provided under State law, all meetings of the Council, four Councilmembers shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors per RCW 42.30.090.

**4.5 Respect and Decorum**

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

**4.5.1 Orderly Behavior and Civility in Remarks**

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as described elsewhere in this manual or other resolutions.

**4.5.2 Permission Required to Address the Council**

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and/or introduction by the Chair of the meeting.

**4.5.3 Forms of address**

The Mayor or Mayor Pro Tem shall be addressed at a formal meeting where he or she is presiding as “Mayor” or “Mayor Pro Tem”.

**4.6 Participation from a Remote Location**

Requests, by a Councilmember, to participate remotely by telephonic, video or internet connection capacity shall be granted by the Council provided technical capability exists and a majority of the Council votes in advance to allow the remote participation.

Examples of circumstances where remote participation would be permissible include illness, family events, accident, or unforeseen urgent out-of-town business. In the event of a public emergency (such as a pandemic) where City Hall is either closed or access is limited and the City is permitted or required to hold meetings in a virtual format, Councilmembers shall not be required to obtain advance permission to participate remotely..

**4.7 Attendance; Excused Absences**

A Councilmember may forfeit his/her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, Mayor Pro Tem, City Manager, or City Clerk prior to the meeting and state the reason for his/her inability to attend the meeting. During “Roll Call,” the Chair shall inform the Council of the member’s absence and state the reason for such absence. The Chair shall call for a motion to excuse the member. This motion shall be non-debatable. In such a case, the outcome of the vote shall determine whether the member shall be considered excused. (See RCW 35A.13.020 and RCW 35A.12.060.)

**4.8 Filling Council Vacancies**

If a vacancy occurs, the Council will follow the procedures provided in RCW 35A.13.020 and RCW 35A.12.050 in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will prepare an application, which seeks relevant information and asks applicants to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council’s selection of the new Councilmember.

**4.9 Continuity of Government Act**

In the event that the executive head of any city or town is unavailable by reason of enemy attack to exercise the powers and discharge the duties of the office, the provisions of RCW 42.14.050 shall apply. The same policy shall be applied in the case of a natural or man-made disaster.

**Article 5: Citizen Committees, Boards And Commissions**

**5.1 Approval of Appointees**

**5.1.1 Citizens on Standing Governing Bodies**

All members of standing citizen committees, citizen boards and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall be appointed by the Council.

**5.1.2 Citizens on Temporary Governing Bodies**

Any citizen members of any other committees — such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees — shall be appointed and approved in the manner described in this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

**5.1.3 Removal**

Members of any committee, board or commission which has been appointed by the Council, may be removed without cause by a majority vote of the Council unless otherwise provided for in the Code, ordinance or resolution that authorized creation of the committee, board or commission.



**5.2 Establishment and Review of Citizen Governing Bodies That Are Temporary**

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees — shall be commissioned for a time certain and provided with a clear task description and “sunset” provision. Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Council, for a time certain along with a clear task description and “sunset” provision.

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

To the extent that the City Attorney has determined that a citizen committee, commission or board is a “governing body” that is subject to the State open meetings laws, no such body shall take votes for final action outside of a noticed open public meeting.

**5.3 Relations with Boards, Commissions and Citizen Advisory Groups**

Boards, commissions and citizen advisory bodies of the City shall provide the City with minutes, or a summary report of all meetings. Communications from such boards, commissions and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Chair’s attention under the agenda item “Reports - Boards and Commissions.” Should any member of the Council determine that such communication be officially answered by the Council, the Chair shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

**Article 6: City Administration**

**6.1 City Manager**

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager’s accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, 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. (See RCW 35A.13.)

**6.2 Role of the City Manager**

The City Manager shall attend all meetings of the City Council, unless excused by the Chair or Council. The City Manager may recommend for adoption by the Council such measures as he/she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the

business and finances of the City; and when appropriate, shall take part in the Council’s discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Chair should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

**6.3 Informal Communications Encouraged**

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager’s directives. City staff should provide their supervisor with the same information shared with the Councilmember.

**6.4 City Manager — Interference by Councilmembers**

As provided by RCW 35A.13.120, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers and employees and city affairs.

**6.5 Complaints to Councilmembers**

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and/or action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

**6.6 Citizen Complaints or Service Requests - “Best Practice”**

Although citizens’ direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a “personal intervention” pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The preferred practice is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred.

**6.7 City Clerk - Minutes - Public Information Access**

The City Clerk shall adhere to the requirements of State law. The City Clerk shall keep minutes as required by law and shall perform such other duties in the meeting as may be required by the Council, Chair or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings, regular business meetings,

study sessions and workshops, and quasi-judicial proceedings. The Clerk shall keep, and make available, an agenda and date for each audio recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website.

**6.8 Role of the City Attorney**

The City Attorney’s ultimate client is the City itself — a municipal corporation. The City Attorney’s relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff.

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney’s office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager.

The City Manager cannot prohibit the Council from having access to the City Attorney’s advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent.

The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney — that being the role of the City Manager.

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

**6.8.1 Process for Officials to Question the Legality of City Actions**

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the city and may therefore constitute a breach of that official’s duty to the City. Therefore, the recommended practice is that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps “1” and “2” do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps “1” through “3”, it is a violation of the Official’s duty to the City to assert in public the opinion that the City is in violation of law.

**6.9 City Staff — Attendance at Meetings**

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

**6.10 Administrative Presentations and Briefings**

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- PowerPoint presentations;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Video clips or the internet to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/displays to assist the public understanding the issues.

**Article 7: Preparation for Council Meetings**

**7.1 Council Meeting Agendas**

The City Manager or the City Manager’s designee shall confer with the Mayor and Mayor Pro Tem in setting the agenda for each meeting. The Proposed Agenda and all agenda materials shall be posted on the City website at least 24 hours prior to the Council meeting and shall be subject to the notice provisions stated in the City Code.

The City Clerk shall include in each Agenda packet a “Tentative Council Meeting Agenda” list to advise Councilmembers and the public on topics that may come before the Council in future meetings. “Proposed New Initiatives” shall be a standing agenda item during which Councilmembers may propose a specific topic to include on a future Council agenda. Councilmembers are encouraged to discuss the proposed topic in advance with the Mayor, Mayor Pro Tem and the City Manager. If a majority of Councilmembers support including the topic on a future agenda, the City Manager will confer with staff, the Mayor and Mayor Pro Tem in scheduling the topic on a future meeting agenda.

**7.2 Consent Agenda**

The City Clerk or City Manager, or Council, may place matters on the consent agenda which:

- have been previously discussed by the Council; or

- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical or “housekeeping” in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

**7.3 Study Session Procedure**

During a Council Study Session or Workshop, the discussion leader introduced by the Chair should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Keep the discussion focused toward the goal; and
- Recommend appropriate action to the Council.

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

**7.4 Process for Preparing Legislation or Policies for Adoption**

**7.4.1 Draft Documents**

Prior to consideration or final passage of all Ordinances, Resolutions or pre-written Motions , draft documents or proposals shall be designated as “proposed”.

**7.4.2 Preparation of Ordinances and Resolutions**

The procedures for ordinances and resolutions are as follows:

- (a) **Proposing an Ordinance or Resolution**  
Following the procedures set forth in Section 7.1, a Councilmember may request of the Council to study the wisdom of enacting an ordinance/resolution. The Council then may assign the development of the proposed ordinance/resolution to the Staff board or commission for consideration. staff, board or commission shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards or commissions may propose that Council consider an ordinance or resolution.
- (b) **Ordinance and Resolution Review**  
Council will discuss the merits of the proposed ordinance/resolution in open session. Council shall decide whether to amend the ordinance/resolution, direct staff to further review the ordinance/resolution, or approve placing the ordinance/resolution in the business session of the meeting for enactment as an enforceable city law or policy.

- (c) **Repealer**  
Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

**7.5 Council Packets**

Councilmembers shall access council agenda packets electronically. A printed copy of the agenda packet shall be made available to any Councilmember upon request to the City Clerk.

**Article 8: Rules Of Order For Council Meetings**

**8.1 Parliamentary Procedure**

Council meetings are conducted under the current edition of Roberts Rules of Order (Newly Revised (RRO)) which are incorporated by reference. MRSC has prepared a useful tutorial *titled Parliamentary Procedure: A Brief Guide to Robert's Rules of Order*, and is posted on its website. The Mayor as Chair shall rule on all matters of order subject to the process of appeal from the decision of the chair by a motion moved, seconded and carried by a majority of the Council. The Chair at his or her discretion may call on the Mayor Pro Tem to temporarily assume the chair to enable the Mayor to make a motion.

**8.2 Motions and Discussion**

Affirmative motions are preferred to prevent “approval by default” of a failed negative motion. All items of business placed before the Council that require the expenditure of funds or resources and changes in land use shall be in the form of an affirmative motion.

**8.2.1 Motions.**

No motion shall be entertained or debated until seconded and announced by the Chair. The motion shall be recorded and, if requested by a Councilmember, it shall be read by the City Clerk before it is debated or voted on. A motion that has been seconded cannot be withdrawn before action is taken without the consent of the Council.

**8.2.2 Amendments to a Motion.**

An amendment must be related to the main motion and may not be written in a way that would defeat the main motion. Amendments require a second. Only two amendments may be on the floor at a time. Amendments are voted on in the reverse order in which they are made.

**8.2.3 Motion to Close Debate.**

A motion to close debate (sometimes referred to as either “calling for the previous question” or “call the question”), requires a second, is not debatable and requires a two-thirds majority vote.

**8.3 Voting**

The votes during all meetings of the Council shall be transacted as follows:

- Council votes will be taken by voice. Any member may demand a roll call vote before or after any action is taken. The demand for a roll call vote does not require a second. Roll calls may be conducted by councilmembers raising their hands in support or in opposition to the motion or, alternatively by requesting the City Clerk to call the names of each Councilmember and to record each Councilmember’s vote. Written ballots will not be used except for the biennial election of the Mayor and Mayor Pro Tem under the procedures set forth in Article 4.
- When there is a tie vote, the motion fails, absent specially adopted rules of procedure.

- All Councilmembers present for a vote must vote or abstain. Any councilmember abstaining from voting, at the time of declaring their abstention, shall state the reason. A motion to reconsider must be made by a person who voted on the prevailing side of the principal motion and must be made at the same or the next succeeding regular meeting.

**8.4 All Councilmembers have Equal Rights to be Heard but the Will of the Majority Must Prevail**

All Councilmembers wishing to be recognized shall be given an opportunity to speak on any motion where debate is permitted. Any Councilmember shall have the right to express support or dissent from or protest, orally or in writing, against any Motion, Resolution or Ordinance of the Council and have the reason therefore entered or captured in the minutes.

**8.5 Citizen Complaints and Suggestions to Council**

When citizen complaints or suggestions, not on the agenda, are brought before the Council at a meeting, the Chair may, if circumstances warrant it, attempt to direct the citizen matter to an appropriate channel for resolution. In such a case, the Chair shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- If legislative, the Chair may refer the matter to the Council or City Manager for consideration and report, as appropriate.
- If administrative, the Chair should refer the matter to the City Manager for consideration and response, as appropriate.

**8.6 Prior Permission Required for Certain Elaborate Presentations**

The Chair will determine the nature, length and format of any presentation. Presentations will not be allowed to disrupt the meeting or the public's view. If special or technical accommodations are needed, advance permission and arrangements are needed.

**8.7 Conduct of Council Meetings**

The Chair may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements, which need not occur in the order stated below.

Examples of meeting agenda elements include:

- **Executive Session**

The Council may hold an executive session at any time in accordance with RCW Chapter 42.30. No final action may be taken during an executive session. Councilmembers and others attending the executive session shall maintain the confidentiality of all information presented and discussions occurring in the executive session.

- **Summary Reports**

Short summary reports may be presented near the end of the meeting. Short summary reports may, for example, be presented by the Mayor, Mayor Pro Tem, Councilmembers, the City Manager, other City staff or the chair of a city board or commission.

- **Public Comment Period or Public Hearing**

The routine public comment period at a Meeting is conducted as described in Section 8.10 below. By contrast, a public hearing is governed by different rules of procedure than a public comment period, and may either be (a) a quasi-judicial matter, (b) an opportunity for public comments to be heard and recorded on a legislative matter, or (c) whenever the Council desires or directs a public hearing to be held. Special opportunities for public comment apply to a public hearing (see Section 8.11 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 8.12 below).

- **Consent Agenda**

- **The proper Council motion on the consent agenda is as follows:**

“I move adoption of the consent agenda”. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the Council shall have the right to remove (“pull”) any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Chair shall inquire if any Councilmember wishes an item to be “pulled” from the consent agenda. If any matter is pulled, the Chair shall entertain discussion and a motion on any pulled item after the vote on the passage of the unpulled items of the consent agenda.

- **Proposed New Initiatives**

The purpose of such a discussion is to offer Councilmembers an opportunity to propose topics for future Council subject to the process described in Section 7.1.

- **New Business.**

The purpose of this section is to introduce items that have not previously appeared before the Council.

- **Old Business**

Updates on matters previously presented to the Council are included in this section of the Agenda.

**8.8 Conduct of Study Sessions**

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study Sessions. The definition and the basic rules for Study Sessions are stated in Section 2.3.4, and Article 7.

A Study Session may consist of any or all of the following elements:

(a) **Public Comment Period**

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Council may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Council may invite public comment and dialog from time to time during the Study Session. In general, public comment shall be sought solely or primarily on matters on the Study Session agenda.



(b) Referral to Boards, Commissions or Other Public Process

At a Study Session, the Council may choose to refer an issue to a City board, commission or a new Ad Hoc Committee or Steering Group, or schedule some other public process before the issue returns to a future agenda.

**8.9 Workshops**

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Councilmembers to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation. Public comment is not normally allowed at Workshops although the Council may allow, or request, participation in the same manner as other Council Study Sessions.

**8.10 Procedures for Public Comment at Council Meetings**

**8.10.1 In General**

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. Opportunities for public comment are provided at the beginning and at the end of every meeting. However, at a Regular Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda, and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Council if a large number of individuals wish to speak). At any time, the Council Chair may set such further limitations on the time available for public comment as are necessary to progress through the agenda and/or to prevent disruption of other necessary business.

The City will utilize a sign-in procedure for public comments, but, if time permits, the Chair may also invite comments from individuals who failed to sign in. The Chair may require a member of the public to state their name, address, and the subject of their comments.

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

**8.10.2 Subjects — Whether or Not on the Current Agenda**

Public comments received during the public comment period may be on any public topic, whether or not on the agenda. A comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing. Comments about other items on the agenda may be made during the public comment period or, if approved by the Council, during the Council discussion or action on the agenda item.

**8.10.3 Use of Microphones**

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

**8.10.4 Civility**

Attendees at Council meetings shall conduct themselves with civility, deal courteously with all who participate in the proceedings, and recognize the authority of the Chair. There will be no demonstrations during, or at the conclusion of, any person's presentation. Disruptive behavior will be cause for removal from the Council chambers and/or City Hall.

**8.10.5 Council May Overrule the Chair**

Any ruling by the Chair relative to the conduct of the public comment period may be overruled by a vote of a majority of Councilmembers present.

**8.11 Public Hearings — In General**

**8.11.1 Sign in Procedure**

Prior to the start of the public hearing, the Chair may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

**8.11.2 Time Limits**

The Chair will establish speaker time limits and otherwise control presentations to avoid repetition in accordance with these rules. The Chair may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, other stakeholders, etc.).

**8.11.3 Rules for Legislative Public Hearings.**

Prior to any legislative public hearing, Council may adopt special rules governing the duration and time limits for public comment or testimony at the hearing.

**8.12 Council Quasi-Judicial Hearings**

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, or community plan or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

**8.12.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions**

If a proceeding is quasi-judicial, the “appearance of fairness doctrine” under Washington state law is generally applicable. See RCW 42.36.010 and Section 3 of this Manual. If a proceeding contains both legislative and adjudicative functions, it is recommended that the Council consult with the City Attorney.

**8.12.2 Obligations of Councilmembers in Quasi-Judicial Proceeding**

In the event of a quasi-judicial proceeding of the Council, a Councilmember should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. ‘This may involve a Councilmember’s business associate, or a member of the Councilmember’s immediate family. It could involve ex parte communications (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember’s employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial

hearing, each Councilmember should give consideration to whether an actual or potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should consult with the City Attorney.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is known or made known, or reasonably should have been known or made known. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state, with specificity, the basis for disqualification.

In the case of the Council sitting as a quasi-judicial body, the Chair shall have authority to request a Councilmember to disclose and excuse him/herself on the basis of an Appearance of Fairness violation. Further, if a Councilmember believes that an Appearance of Fairness violation exists, such individual may move to request a Councilmember to excuse him/herself on the basis of an Appearance of Fairness violation. Any Councilmember may seek the opinion of the City Attorney on the matter or call for an executive session as permitted by law.

### **8.12.3 Avoid Ex Parte Communications with Quasi-Judicial Parties**

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte communications with proponents or opponents about the pending proceeding. In the event of an ex parte contact, the affected Councilmember should consult with the City Attorney and review the Appearance of Fairness Doctrine requirements for disclosure of such contact. Generally, the Appearance of Fairness Doctrine does not prohibit a Councilmember from discussing unrelated matters with their constituents.

## **Article 9: Use Of This Manual and Its Rules**

### **9.1 Purpose**

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

### **9.2 Use of Rules by Council**

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the Council may enforce these rules or rely on these rules. References to other documents or laws included herein does not signify the intent to incorporate such documents in their entirety. Failure of the Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

### **9.3 Public Use or Reliance Not Intended**

Because these rules are designed to assist the Councilmembers in the conduct of their duties and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

**9.4 Amendments or Suspension of Portions of this Manual**

Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

Exhibit A

**STATEMENT OF VALUES/RULES OF CONDUCT**

The Mill Creek City Council is dedicated to providing quality leadership that will protect, preserve, and enhance the quality of life for its citizens.

The City Council hopes to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. To improve the Council's effectiveness and performance, Councilmembers will focus on the following areas which incorporate the values of respect, honesty, and trust.

1. **Image:** Recognize that the City Council represents the image of the community **in** its actions; strive to maintain a professional image, high standards of conduct, and respect for others.
2. **Accountability:** Be accountable to others and to yourself; be effective stewards of the public trust and resources; and follow-through on commitments.
3. **Communication:** Communicate with our citizens, City staff and fellow Councilmembers in an open, clear, honest and constructive manner; be a good listener; clarify when needed; be receptive to feedback; and expect and demonstrate courtesy and respect in all interactions.
4. **Planning:** See the big picture; think and plan for the long-term; consider all needs in the jurisdiction; and help define a vision for the future.
5. **Decision-Making:** Become well informed on issues by reading background materials and seeking additional information if necessary; consider competing needs; consider alternative decisions; seek solutions that honor a variety of community values; and be willing to make difficult decisions.
6. **Teamwork:** Encourage a spirit of cooperation in dealing with the challenges facing our community; recognize the need to work together and support each other to achieve success; recognize different personalities and work styles; and remain flexible with each other to accomplish goals.
7. **Personal Development:** Take responsibility seriously and work hard; devote time and effort to personal and professional excellence.
8. **Ethics:** Uphold the public trust; be committed to the premise of good government and service to the public; and be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.

To implement these values, the City Council shall adopt the following rules of conduct to be practiced when representing the City:

1. Be prepared for meetings by familiarity with the materials and having notified City staff and/or the Mayor of concerns or problems in advance of the meeting, when possible.
2. The Mayor will open a matter for discussion. Councilmembers may debate the merits of the issues with the intent to inform fellow members of opinions and concerns in a concise manner. All Councilmembers shall listen to all points of view, be respectful and professional, and vote based on the objective information presented, including public input.

3. The study session will be utilized as a forum for studying complex issues, reviewing plans and priorities, and for informal communications between the Council and City staff.
4. The City Council represents the diversity of opinions and personalities within the community. Councilmembers should recognize and respect the principles of the majority rule.
5. The City Council shall manage through the City Manager; however, Councilmembers may communicate with City staff members with inquiries related to their respective departments.
6. During the time of Council discussion and public input, Councilmembers shall refrain from non-recognized conversation.

Exhibit B

**Current List of Citizen Committees, Commissions and Boards**

- **Civil Service Commission:** 3 members; Police Chief is staff liaison; administers Police Department advancements, demotions, suspensions, discharges and employment.
- **Design Review Board:** 7 members; Planning Director is staff liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines.
- **Planning Commission:** 7 members; Planning Director is staff liaison; reviews applications for amendments to comprehensive plan, official zoning map and official zoning ordinance and other land use and city planning matters.
- **Parks and Recreation Board:** 7 members; Recreation Supervisor is staff liaison; develop, design and operation of park and recreation programming and facilities with exception of final landscaping plan; facility use fees and procedures; capital improvement planning; concessions; and interlocal and cooperative use agreements regarding park and recreation activities;
- **Arts/Beautification Advisory Board:** 9 members; Public Works Director is staff liaison; work on special events and projects to enhance the aesthetics and beauty within the residential and business areas of the city; utilization of the municipal art fund; selection, acquisition and placement of artwork for the city.

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

**Meetings**

Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).

**Council Liaison to Citizen Committees, Commissions and Boards**

Liaisons shall be appointed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.

**Liaison Procedures**

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Mayor Pro Tern with concurrence of Council.

**Appointment**

Per MCMC 4.02.020 Notice of availability of a position on a board or commission shall be published in a local newspaper and/or posted at City Hall and/or on the City's website after the effective date of the availability or vacancy of the position. Interested persons may apply for the position by submitting a letter of interest. Positions may be filled from the list of applicants or the city may re-advertise the position. Members of a city board or commission shall be appointed by the City Council. Vacancies shall be filled in the same manner as initial appointments and members appointed to fill a vacancy shall serve for the duration of the unexpired term

**Publication on Website**

It shall be City policy to disclose names and terms of citizen boards, committees and commissions on the City website, with a description of the role and functioning of the body.



**CITY OF MILL CREEK, WASHINGTON  
RESOLUTION NO. 2021- 602**

**THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, DOES  
RESOLVE AS FOLLOWS:**

Section 1. Resolution No. 1 dated October 4, 1983, relating to the rules of procedure for the conduct of Council meeting and Resolution 2011-473, adopting the Manual of City Governance, Policies and Procedures adopted July 5, 2011, are hereby repealed.

Section 2. The rules set forth in this Resolution and those contained in the Manual of Governance, Policies and Procedures (“Governance Manual”), attached as Exhibit A constitute the official rules of procedure for the Mill Creek City Council. Where the rules of procedure are not addressed in this Resolution or in the Governance Manual, the Council shall be governed by *Roberts Rules of Order, Newly Revised*. In the event of any inconsistency or ambiguity, the order of precedence shall be (a) the provisions in this Resolution; (b) the provisions in the Governance Manual; and (3) *Roberts Rules of Order Newly Revised*.

Section 3. Public Testimony.

A. Oral and Written Communications and Public Hearings. The Council shall not take public testimony at regular Council meeting except for testimony given in Public Comment Periods, Public Hearings or at Oral Communications.

B. Rules for Public Participation. The following rules shall be observed during any Public Hearing, Public Comment, or Oral Communications opportunity. These rules do not apply to quasi-judicial appeal hearings.

1. For public hearings or public comment periods:

- a. No specific time limits are provided for public hearings; public comment periods at public hearings may be established for a specific amount of time but shall not exceed one hour unless approved by a majority of the Council.
- b. Any public hearing will begin with a staff report containing relevant background information, followed by any report or recommendation by any City board or commission that has studied the subject matter.
- c. Persons wishing to testify shall sign in on the sign-in sheet provided by the City Clerk and will be called to speak in the order in which they signed. Speakers will be allowed to speak for three minutes.
- d. The Mayor may allow additional time for receipt of written testimony when appropriate.

2. For public communications:

- a. There will be two opportunities for oral public communications at each regular session and study session on the agenda.

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- b. Those wishing to speak will sign in or will raise their hands and will be recognized in the order called on by the mayor.
- c. Speakers will be allowed to speak for three minutes.
- d. If there is a public hearing on the agenda, speakers will not be permitted to speak on the agenda topic during oral communications.
- e. Persons speaking shall identify themselves for the record and provide their name, address, and organization, of appropriate.
- f. The City Clerk shall be the timekeeper.
- g. Persons participating in Council meetings are strongly encouraged to aid the Council in maintaining the decorum and orderly progression of the Council agenda. Engaging in shouting, use of profanity or slurs against others which results in actuals disruption of the Council meeting will entitle the chair to issue a verbal warning to the speaker and, inf the behavior continues, have the speaker removed from Council Chambers.
- h. Suspension of these rules will require unanimous consent or an affirmative vote by two-thirds of the Councilmembers.

3. For Oral and Written Comments at Quasi-Judicial Matters and Appeals Before the City Council.

- a. Oral testimony shall be conducted in accordance with the procedures set forth in MCMC 14.09.050 unless specifically modified by the hearing body.
- b. Written comments on closed record appeals must be submitted ten days prior to any hearing and shall be reviewed to determine if they contain information not included in the record.

Section 4. Upon approval by the City Attorney, the city clerk or the code revisor are authorized to make necessary corrections to this resolution, including scriber's' errors or clerical mistakes; references to other ordinances, rules, state or federal laws; or numbering or references of sections and subsections.

Adopted this \_\_\_ day of May, 2021, by a vote of \_\_\_ for, \_\_\_ against, and \_\_\_ abstaining.

APPROVED:

\_\_\_\_\_  
BRIAN HOLTZCLAW, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
NAOMI FAY, CITY CLERK

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APPROVED AS TO FORM:

\_\_\_\_\_  
GRANT DEGGINGER, CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

RESOLUTION NO.: 2021- 602 \_\_\_\_\_

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**Meeting Date:** May 25, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:**     **Addendum No. 3 to Contract 2019 - 1504 with Otak for Professional Services.**

### **PROPOSED MOTION:**

Motion to adopt a Resolution authorizing the City Manager to execute Addendum No. 3 to Professional Services Contract 2019-1504 with Otak for professional design services related to the Mill Creek Boulevard Land Use and Infrastructure Plan extending the Completion Date to December 31, 2021.

### **KEY FACTS AND INFORMATION SUMMARY:**

#### **Background**

The City and Otak entered into a contract for preparing the Mill Creek Boulevard Corridor Subarea Plan in May 2019. The original Completion Date for the work was April 30, 2020.

The Plan was not able to be completed by the original April 30, 2020 date because of delays created by additional work and meetings requested by the City, and a stoppage of work caused by COVID 19. On June 9, 2020, the Completion Date of the Original Agreement was administratively extended by the City Manager for six months to October 31, 2020.

Because work on the Plan had still not progressed during the ongoing pandemic, the project was not going to be complete by the October 31, 2020 expiration date identified in Addendum 1. The City's procurement procedures required City Council approval to extend the Completion Date beyond October 31, 2020. On September 22, 2020, the City Council approved Addendum 2, extending the Completion Date to May 31, 2021. Even though the State of Washington reimbursement grant for the Project is in effect through June 30, 2023, the May 31, 2021 date was selected as it would ensure that the work on the Plan would be completed prior to the end of the State of Washington's biennial budget. The concern at the time was that if the work was not completed by then, reimbursement funds from the grant might not be re-appropriated by the legislature in the following 2-year State budget. Fortunately this is not the case: with the Federal stimulus funding, the City has heard from the State of Washington that the funds are still available in their 2021-2023 budget.

Work continues on the Mill Creek Boulevard Corridor Subarea Plan. While we were hoping to be complete by the end of May, it will take several more months to complete the project. Thus, a contract amendment is necessary to extend the contract beyond May 31, 2021. Attached is an updated work schedule showing the project being completed by October 29, 2021. To provide a safety factor, staff is recommending that the contract be extended to December 31, 2021.

Proposed Addendum 3

The attached Addendum 3 extends the Completion Date to December 31, 2021. This will provide enough time to complete the project, and is within the deadline for the State of Washington reimbursement grant for the Project (June 30, 2023).

**CITY MANAGER RECOMMENDATION:**

- Adopt a Resolution authorizing the City Manager to execute Addendum No. 3 to Contract 2019-1504 for planning and design professional services with Otak.

**ATTACHMENTS:**

[Resolution Addendum 3](#)

[Consultant Contract Addendum 3](#)

[MC Blvd Subarea Plan Schedule through October 2021](#)

Respectfully Submitted:



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Michael Ciaravino, City Manager

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING EXECUTION OF ADDENDUM NO. 3 TO  
CONTRACT NO. 2019-1504 WITH OTAK, INCORPORATED FOR PROFESSIONAL  
SERVICES RELATED TO THE MILL CREEK BOULEVARD LAND USE AND  
INFRASTRUCTURE SUBAREA PLAN**

THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON DOES  
RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute Addendum  
No. 3 to Contract 2019-1504 extending the term of the contract to December 31, 2021 and  
revising the project schedule. There will be no changes in the Total Price. A copy of Addendum  
No. 3 is attached.

Adopted this 25<sup>th</sup> day of May 2021, by a vote of \_\_\_for, \_\_\_against and \_\_\_abstaining.

APPROVED:

\_\_\_\_\_  
BRIAN HOLTZCLAW, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
NAOMI FAY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
GRANT DEGINGER, CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

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**CITY OF MILL CREEK  
ADDENDUM NO. 3  
TO CONTRACT 2019 – 1504  
CONTRACT FOR PROFESSIONAL SERVICES**

**1. Parties**

1.1 This Addendum No. 3 (hereinafter Addendum) to the Contract for Professional Services is entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, between the City of Mill Creek, 15728 Main Street, Mill Creek, Washington (hereinafter City), and Otak Incorporated, 11241 Willows Road NE, Suite 200, Redmond, Washington, 98052 (hereinafter Consultant).

**2. Recitals**

2.1 The parties have previously entered into a Contract for Professional Services for professional design services related to the Mill Creek Boulevard Land Use and Infrastructure Subarea Plan (the “Project”) on April 30, 2019 (hereinafter Original Agreement) and wish to continue their relationship by modifying the Agreement by extending the completion date.

2.2 On June 9, 2020, the City Manager and Consultant executed Addendum 1 to the Original Agreement extending the Completion Date from April 30, 2019 to October 31, 2020. The extension of the Completion Date was necessary as a result of delays caused by several factors including stoppage of work on Project as a result of the COVID 19 pandemic.

2.3 On September 22, 2020, the City Council authorized the City Manager to execute Addendum No. 2 to the Original Agreement with the Consultant, extending the Completion Date from October 31, 2020 to May 31, 2021. The extension of the Completion Date was necessary as a result of delays caused by several factors including stoppage of work on Project as a result of the COVID 19 pandemic.

2.4 An additional extension of the Completion Date is necessary as a result of the continuing pandemic.

IN CONSIDERATION of the mutual benefits and advantages conferred by this Addendum, the City and Consultant agree to the following modification to the Original Agreement.

**3. Addendum to Contract**

3.1 Section 4.1 of the Original Agreement is amended to read as follows:

4.1 Completion Date. Consultant shall commence the Work upon the City's issuance of the notice to proceed and shall complete all Work no later than

December 31, 2021 ("Completion Date"), unless extended or terminated earlier by the City pursuant to the terms and conditions of this Agreement. The "Period of Performance" is the period of time between the Effective Date and the Completion Date. Consultant shall provide an updated project schedule (Exhibit B), approved by the City, which shall be incorporated as part of this Addendum No. 3.

3.2 There shall be no change in the amount of compensation paid to the Consultant as a result of this extension of the Completion Date.

4. **General Provisions**

4.1 Entire Agreement. This Addendum constitutes the entire agreement between the parties as to the matter set forth herein, and both parties acknowledge that there are no other agreements, oral or otherwise, that have not been fully set forth in the text of this Addendum.

4.2 Original Agreement Retained. Except as specifically modified herein, the Original Agreement shall remain in full force and effect.

WHEREFORE, the parties on proper authority have executed this Addendum as of the date first written above.

CITY OF MILL CREEK

OTAK, INCORPORATED

\_\_\_\_\_  
Michael Ciaravino, City Manager

\_\_\_\_\_  
Mandi Roberts, AICP, PLA

ATTEST:

\_\_\_\_\_  
Naomi Fay, City Clerk

\_\_\_\_\_  
Mike Todd, Director of Public Works  
and Development Services

APPROVED AS TO FORM:

\_\_\_\_\_  
Grant Degginger, City Attorney

\_\_\_\_\_  
Laurel Gimzo, Finance Director

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**MILL CREEK BOULEVARD LAND USE AND INFRASTRUCTURE SUBAREA PLAN**  
**Project Schedule**



Updated May 18, 2021

TASKS	2021											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>1.0—INITIATE AND COMMUNICATE</b>												
Consultant Selection Process, Scope Finalization, and Contract Authorization	✓											
1.1.1.2 Develop Work Plan with Benchmarks and Milestones and Public and Stakeholder Engagement Program	✓											
1.3 Project Kick-Off with Client Team	✓											
1.3 Coordination Meetings with Core City Team	.....▶											
1.2.2 Project Advisory Committee Meetings	★	★		★			★					
1.2.4, 1.2.5, 1.2.7 Business, Government, Community, and Other Stakeholder Workshops/ Engagement Events	✓											
1.2.6, 1.2.8 Ongoing Community and Stakeholder Engagement Activities	.....▶											
1.2.9 Briefings to Planning Commission and City Council												.....▶
<b>2.0—REVIEW AND ASSESS</b>												
2.1 Review Existing Land Use and Infrastructure Conditions and Background Information	✓											
2.2 Assess Market and Economic Conditions and Identify Potential Redevelopment Opportunities	✓											
1.2 Gather and Document Input from Community and Stakeholders	✓											
<b>3.0—ENVISION AND ANALYZE</b>												
3.1, 3.2 Develop and Illustrate Vision and Potential Scenarios for the Subarea												.....▶✓
3.2 Analyze Opportunities and Challenges and Gather Input on Scenarios												.....▶✓
3.2, 3.3 Analyze and Identify Infrastructure Improvement Needs to Support Scenarios												.....▶✓
3.1 Develop Draft Policy Framework for Subarea Plan												.....▶
<b>4.0—PLAN AND DESIGN</b>												
4.1 Select Preferred Scenario and Refine; Confirm Framework for 30 Percent Design of Public Improvements												.....▶
4.3 Action Plan: Identify Near-Term, Mid-Term, and Long-Term Strategies and Actions and Implementation Steps												.....▶
4.2 Complete 30% Design of Public Improvements and Cost Estimate												.....▶
4.2 Assess Regulatory Requirements and Prepare Preliminary Design Recommendations Memo												.....▶
4.2, 4.3, 4.4 Prepare and Present Draft Subarea Plan, 30% Design Plans, and Action Plan for Public and Stakeholder Input												.....▶
4.4 Finalize Subarea Plan, 30% Design Plans, and Action Plan for Adoption and Support Adoption Process												.....▶

WHEREAS, Alzheimer's disease, the most common form of dementia, is a progressive and degenerative brain disorder that causes memory loss and affects self-care, decision making, and behavior; and

WHEREAS, there are 120,000 Washingtonians now living with Alzheimer's disease and current projections indicate this rate will increase to 140,000 individuals by 2025; and

WHEREAS, there are currently 295,000 unpaid caregivers providing 426 million hours of support to their loved ones with Alzheimer's disease each year valued at \$9.6 billion annually; and

WHEREAS, dementia is a leading cause of death in Washington State and the only leading cause of death in the country with no known treatments to prevent, cure, or even delay the onset or slow the progression of the disease; and

WHEREAS, with early detection and diagnosis, individuals and families can gain access to medications and support services which promote quality of life, fully participate in planning for the future, and enroll in critical research trials; and

WHEREAS, the **City of Mill Creek** recognizes the efforts of the Alzheimer's Association to promote awareness of Alzheimer's disease and other dementias, and provide care and support to all those affected, thereby improving the quality of life for individuals living with dementia and their caregivers; and

WHEREAS, annually on the summer solstice, the Alzheimer's Association hosts The Longest Day, an event dedicated to shining a light on the darkness of Alzheimer's and dementia in which teams around the world come together to honor the strength, passion and endurance of people impacted by the disease; and

WHEREAS, it is important to recognize the stories, strengths, and efforts of the individuals, families, friends and caregivers impacted by dementia, as well as the tireless work of the researchers who are seeking a cause and cure;

NOW THEREFORE, I, Brian Holtzclaw, City of Mill Creek Mayor, do hereby proclaim June 20, 2021 to be, in our **City of Mill Creek**:

***The Longest Day***

# *Proclamation*

Asian American and Pacific Islander Heritage month is a period for the duration of the month of May for recognizing the contributions and influence of Asian Americans and Pacific Islander Americans to the history, culture, and achievements of our United States.

The first ten days were chosen to coincide with two important milestones in Asian/Pacific American history: the arrival in the United States of the first Japanese immigrants (May 7, 1843) and contributions of Chinese workers to the building of the transcontinental railroad, completed May 10, 1869.

In 1992, the United States Congress expanded the observance to a month-long celebration. Recent hate crimes and acts of violence against Asian/Pacific Islander citizens has caused and given us the opportunity to reflect on the biases that still exist in our society today. The City of Mill Creek is proud to recognize these culturally significant contributors to the cause of freedom and prosperity in our nation.

**Whereas:** Asian American and Pacific Islander Heritage (AAPIH) in the United States was celebrated in 1978 and was made into a month-long event in 1992; and

**Whereas:** Asian American and Pacific Islander Heritage month seeks to honor and recognize the contributions of residents from Asia, India and the Pacific Islands; and

**Whereas:** today more than 21 million Asian American Pacific Islanders live in these United States; and through their actions, make America a more vibrant, prosperous, and secure nation; and

**Whereas:** Asian American and Pacific Islanders have distinguished themselves as leading researchers in science, medicine and technology and set the pace for work ethic in our nation; and

**Whereas:** tens of thousands of Asian American and Pacific Islanders have fought, and continue to fight for the cause of freedom in the United States Armed Services, both past and present; and

**Whereas:** Mill Creek's population is roughly 20% Asian American and Pacific Islander and includes devoted community members who serve as artists, business owners, educators, health care professionals, first responders and other professional groups and personnel; and

**Whereas:** while we celebrate the achievements and contributions of Asian Americans that enrich our history, society, and culture, we must also acknowledge the additional hard work and determination that individuals must put forth to be heard and seen; and that these additional efforts are a result of inequitable institutional and systemic injustices such as those most recently manifested in racist attacks on Asian Americans during the COVID 19 pandemic; and

**Whereas:** we the City of Mill Creek believe that injustices to any race, religion, color, or creed, is detrimental to the cause of freedom and inclusion in our community.

**NOW, THEREFORE**, we the City of Mill Creek, Washington do hereby proclaim the month of May as Asian American and Pacific Islander Heritage month and ask our citizenry to join in our celebration on Tuesday, May 26, 2021.

Signed this 25<sup>th</sup> day of May 2021.



\_\_\_\_\_  
Brian Holtzclaw, Mayor

Attest \_\_\_\_\_  
Naomi Fay, City Clerk

\_\_\_\_\_  
Michael Ciaravino, City Manager

DRAFT



Date: May 25, 2021

A/P Check Batches		
Dated	Check Numbers	Amount
05/17/2021	63354-63405	\$196,106.14
<b>Total</b>		<b>\$196,106.14</b>

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of check numbers 63354 through 63405, in the amount of \$196,106.14.

We recommend approval of the above stated amount with the following exceptions:

\_\_\_\_\_

\_\_\_\_\_  
Councilmember

*Janet R. Gipe*  
\_\_\_\_\_  
Director of Finance

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
City Manager

**Accounts Payable**

**Checks by Date - Detail by Check Date**

User: Jodieg  
 Printed: 5/21/2021 12:48 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
63354	911SUPPL INV-2-9015 INV-2-9240	911 Supply Inc 2 Pr Pants - Det. R Phillips 2 Pr Pants - S White	05/17/2021		133.68 110.08
Total for Check Number 63354:				0.00	243.76
63355	INTEGRA 17467346	Allstream T-1 Monthly Chgs - May	05/17/2021		697.82
Total for Check Number 63355:				0.00	697.82
63356	AMTESTIN 121342	Am Test, Inc 5 - Fecal Coliform Analysis	05/17/2021		125.00
Total for Check Number 63356:				0.00	125.00
63357	AMAZON 17TM-9G73-RLWM 1CKM-9NMP-V771 1QJL-KX31-F71Y	Amazon Capital Services 12 Inch Heat Sealer - Evidence Sealer iPhone 6S Phone Case - Citizen's Patrol - PD Fast Patch Surfacing Repair Kit -Tunnel Net - E	05/17/2021		69.60 20.97 167.89
Total for Check Number 63357:				0.00	258.46
63358	ASUREC INV8159437	Asure Consulting Inc HR Consulting - May 2021	05/17/2021		4,000.00
Total for Check Number 63358:				0.00	4,000.00
63359	AWARDS 17872	Awards Service Inc. Acrylic Flame Award - Blue - Joel/Eileen Goven	05/17/2021		115.02
Total for Check Number 63359:				0.00	115.02
63360	BCS 2021-MC4	Bridge Coordination Services DV Services - April 2021	05/17/2021		2,271.31
Total for Check Number 63360:				0.00	2,271.31
63361	CABDOW April 2021	Cabot Dow Associates, Inc Labor Relations Services 04/01 - 04/30	05/17/2021		3,412.50
Total for Check Number 63361:				0.00	3,412.50
63362	CDW C036702	CDW Government Otterbox Defender iPhone Case - IT	05/17/2021		47.45
Total for Check Number 63362:				0.00	47.45
63363	COMCAST 849831021072434	Comcast Internet for ITS 05/14 - 06/13	05/17/2021		106.42

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 63363:	0.00	106.42
63364	COPIETC AR55106	Copiers Etcetera, Inc. Repair & Maint - Copy Machines	05/17/2021		1,247.55
			Total for Check Number 63364:	0.00	1,247.55
63365	DALCOINC 27451	Dalco, Inc. Water Pump Repair - Broom Spray Nozzle - PW	05/17/2021		730.67
			Total for Check Number 63365:	0.00	730.67
63366	DMSWEEP 216077	Davidson-Macri Sweeping Inc Prof Svcs - Sweeper Svc After Storm - 4/05 & 4/	05/17/2021		3,889.60
			Total for Check Number 63366:	0.00	3,889.60
63367	DCTED PWTF-265832 PWTF-265832A	Department of Commerce Penny Creek Culvert Replacement Penny Creek Culvert Replacement - Interest	05/17/2021		48,500.00 1,455.00
			Total for Check Number 63367:	0.00	49,955.00
63368	DOWELLCN 2021.04.002	Andrea Dowell Prof Svcs - Financial Consultant - April	05/17/2021		1,365.00
			Total for Check Number 63368:	0.00	1,365.00
63369	DURKEEI Reimb Durkee	Ian Durkee Reimb Meals- Media & Public Relations Train-I	05/17/2021		343.00
			Total for Check Number 63369:	0.00	343.00
63370	EMSECDEP 600598011	Employment Security Depart 1st Qtr 2021 - Benefit Chgs	05/17/2021		2,122.00
			Total for Check Number 63370:	0.00	2,122.00
63371	Faro 91161625 91161625A 91161626 91161626A	Faro Technologies, Inc Faro Scene Maint Recovery Use Tax - Faro Scene Maint Recovery Faro Software Update Use Tax - Faro Software Update	05/17/2021		34.26 -3.26 2,382.93 -226.43
			Total for Check Number 63371:	0.00	2,187.50
63372	FELDMAJ 2021-0004	Feldman & Lee, P.S. Public Defense Service - April	05/17/2021		5,556.00
			Total for Check Number 63372:	0.00	5,556.00
63373	IAPE M21-C584205	IAPE IAPE Dues 01/01/21 - 12/31/21 - L Pigott	05/17/2021		50.00
			Total for Check Number 63373:	0.00	50.00
63374	ISO CW252382	ISOOutsource Professional Server/Workstation Monitoring - M	05/17/2021		179.01
			Total for Check Number 63374:	0.00	179.01
63375	WSCJTC	Wa State Criminal Justice Training Commis	05/17/2021		

# AGENDA ITEM #K.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	201135128	Firearms Handgun Instructor Training - T Kidwe			400.00
			Total for Check Number 63375:	0.00	400.00
63376	NOWTEMP 1116 1116A	Lobby Advertising LLC 1 - nowTemp Standard Screening Kiosk & Podiu Use Tax - 1 - nowTemp Standard Screening Kios	05/17/2021		2,043.15 -194.15
			Total for Check Number 63376:	0.00	1,849.00
63377	LONGBUIL SRVCE0117860	LONG Building Technologies, Inc Repair of Micronode - Electronic Door Access	05/17/2021		642.92
			Total for Check Number 63377:	0.00	642.92
63378	OnTarget 2496	On-Target Solutions Group, Inc. Leadership Development Training - T Kidwell O:	05/17/2021		295.00
			Total for Check Number 63378:	0.00	295.00
63379	OREILLY 2986-297453	O'Reilly Automotive Inc 6 - RV Antifreeze - Summer De-icer Storage	05/17/2021		39.71
			Total for Check Number 63379:	0.00	39.71
63380	Otak 000004210232 000004210232A	Otak, Inc Prof Svcs - MC Boulevard Corridor Subarea Pla Prof Svcs - MC Boulevard Corridor Subarea Pla	05/17/2021		2,260.48 968.77
			Total for Check Number 63380:	0.00	3,229.25
63381	PACAIR 39473 39699	Pacific Air Control, Inc. Cooling Tower Maint - CHN HVAC Maint - CHS	05/17/2021		1,201.14 1,216.61
			Total for Check Number 63381:	0.00	2,417.75
63382	PACCABCN RW2021-0076 RW2021-0076A	Pacific Cable Construction Inc Refund Duplicate Payment - RW2021-0076 Refund Duplicate Payment - RW2021-0076	05/17/2021		4.50 150.00
			Total for Check Number 63382:	0.00	154.50
63383	ELLITIRE 064462017224 064462017419	PepBoys-Remittance Dept Remove & Replace 2 Turbos - Car #42 LOF - Car #51	05/17/2021		3,153.70 39.74
			Total for Check Number 63383:	0.00	3,193.44
63384	PERTEET 20210010.0001-1 20210010.0002-1 20210010.0003-1	Perteet Inc Prof Svcs - Santa Clara Stormwater Review 03/1 Prof Svcs - Mill Creek Commons 03/17 - 04/04 Prof Svcs - McDonald's Restaurant Redevelopm	05/17/2021		2,327.69 1,389.00 2,659.82
			Total for Check Number 63384:	0.00	6,376.51
63385	PLANTSCP 53137E 53137E1 53137E10 53137E11 53137E12	Plantscapes Horticultural Services Landscape Maint - CHS - April Landscape Maint - CHN - April Landscape Maint - Hillside Park - April Landscape Maint - Silver Crest Park - April Landscape Maint - Buffalo Park - April	05/17/2021		395.42 174.76 781.26 304.74 1,000.47



# AGENDA ITEM #K.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	53137E13	Landscape Maint - Exploration Park - April			1,364.94
	53137E14	Landscape Maint - R/W Medians - April			1,173.22
	53137E15	Landscape Maint - St Medians - April			1,319.37
	53137E16	Landscape Maint - Interior Medians - April			111.81
	53137E17	Landscape Maint - Ditches - April			1,756.34
	53137E2	Landscape Maint - MC Library - April			379.76
	53137E3	Landscape Maint - Library Park - April			670.04
	53137E4	Landscape Maint - Heron Park - April			729.30
	53137E5	Landscape Maint - MCSP - April			602.08
	53137E6	Landscape Maint - Highland Park - April			1,362.80
	53137E7	Landscape Maint - Pine Meadows Park - April			1,484.40
	53137E8	Landscape Maint - Nickel Creek Park - April			429.09
	53137E9	Landscape Maint - Cougar Park - April			1,368.77
			Total for Check Number 63385:	0.00	15,408.57
63386	PRYTHSP	Protect Youth Sports	05/17/2021		
	860933	Employment Background Checks - Customer Se			8.95
	860933A	Employment Background Checks - PW Maint., e			17.90
			Total for Check Number 63386:	0.00	26.85
63387	SNOCPUD	PUD No. 1 of Snohomish County	05/17/2021		
	105561510	2501 147th Pl SE 03/30 - 04/27			15.66
	115460807	16110 1/2 29th Dr SE 04/03 - 05/03			47.18
	118768227	4560 SAC 04/09 - 05/06			35.40
	122081182	Street Lights - 91 Lights - 250W 04/01 - 04/30			985.53
	125403675	15601 22nd Ct SE 04/01 - 04/29			18.78
	128673543	Street Lights - 8 Lights - 200W 04/01 - 04/30			63.04
	128673544	Street Lights - 38 Lights - 250W 04/01 - 04/30			403.18
	128673545	Street Lights - 39 Lights - 400W 04/01 - 04/30			636.87
	128673988	Street Light - 1 Light - 240W 04/01 - 04/30			8.08
	135289388	3401 148th St SE 03/30 - 04/26			82.05
	135294850	14729 12th Ave SE 04/06 - 05/04			15.66
	145142798	1700 Mill Creek Rd 04/01 - 04/29			69.13
	145143952	2701 155th St SE 04/02 - 04/30			89.92
	145145467	Street Lights - 386 Lights - 100W 04/01 - 04/30			1,717.70
	148436656	Street Lights - 843 Lights - 100W 04/01 - 04/30			5,133.87
	148436657	Street Lights - 21 Lights - 400W 04/01 - 04/30			312.90
	148439715	13332 44th Ave SE 04/09 - 05/05			47.51
	154977171	Street Lights - 49 Lights - 20W 04/01 - 04/30			32.83
	158174722	15510 Village Green Dr 04/01 - 04/30			16.20
	161330766	14810 35th Ave SE 03/16 - 04/15			56.67
	161340636	Street Lights - 6 Lights - 150W 04/01 - 04/30			34.56
	161340883	Street Light - 1 Light - 160W 04/01 - 04/30			5.39
	167768461	Street Lights - 189 Lights - 200W 04/01 - 04/30			1,736.91
			Total for Check Number 63387:	0.00	11,565.02
63388	SILVERL	Silverlake Water District	05/17/2021		
	14112-27585	132nd & SR 527 Irrig 04/01 - 04/30			7.60
	14737-19068	13617 28th Dr SE Irrig 04/01 - 04/30			7.60
	14969-56155	13716 Bothell-Evt Hwy 04/01 - 04/30			7.60
	17679-27345	15429 1/2 Bothell Everett Hwy 04/01 - 04/30			7.60
	17684-27596	15429 Bothell-Evt Hwy Irrig 04/01 - 04/30			7.60
	24079-27593	Hillside Irrig 04/01 - 04/30			7.60
	32140-27632	13903 N Creek Dr - Irrig 04/01 - 04/30			7.60
	32141-27633	13903 N Creek Dr 04/01 - 04/30			214.35
	35995-27914	SR 527 - Irrig 04/01 - 04/30			7.60
	35996-27914	14600 SR 527 - Irrig 04/01 - 04/30			7.60

# AGENDA ITEM #K.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	35997-27914	13800 N SR 527 - Irrig 04/01 - 04/30			7.60
	35998-27914	1600 SR 527 - Irrig 04/01 - 04/30			7.60
	35999-27914	15200 SR 527 - Irrig 04/01 - 04/30			7.60
	36000-27914	15100 N SR 527 - Irrig 04/01 - 04/30			7.60
	36016-27914	SR 527 & Trillium Blvd - Irrig 04/01 - 04/30			7.60
	36025-27914	14600 SR 527 - Irrig 04/01 - 04/30			7.60
	36026-27914	SR 527 & Dumas Rd - Irrig 04/01 - 04/30			7.60
	36365-27593	Dumas Rd Irrigaiton 04/01 - 04/30			22.30
	37034-30017	14721 12th Ave SE - Irrig 04/01 - 04/30			7.60
	37680-27914	0 33rd Dr & Northpointe Circle - Irrig 04/01 - 04/30			7.60
	40191-27914	13401 44th Ave SE - Restroom 04/01 - 04/30			70.15
			Total for Check Number 63388:	0.00	443.60
63389	SNOCOM 3528	Snohomish County 911 Dispatch Services - May	05/17/2021		20,238.26
			Total for Check Number 63389:	0.00	20,238.26
63390	SNDPUBIN EDH926136	Sound Publishing Inc Publication of Ordinance #2021-872	05/17/2021		36.40
			Total for Check Number 63390:	0.00	36.40
63391	STAND 600156-0001	Standard Ins. Company RA Life, AD&D & LTD Premium - MEBT - ER - M	05/17/2021		3,194.71
			Total for Check Number 63391:	0.00	3,194.71
63392	STAND2 600156-0002	Standard Ins. Company RA Survivor Prem - MEBT - ER Paid - May	05/17/2021		1,654.97
			Total for Check Number 63392:	0.00	1,654.97
63393	STARDMSV 0124666-IN 0124666-IN1 0124666-IN2 0124666-IN3 0124666-IN4 0124666-IN5	Stardom Services Inc April Services - Janitorial - CHS April Services - Janitorial - CHN April Services - Janitorial - Extra Friday Cleanin April Services - Janitorial - Extra Friday Cleanin April Services - Janitorial - Semi-Annual Windo April Services - Janitorial - Semi-Annual Windo	05/17/2021		1,105.40 1,349.60 175.00 125.00 437.50 187.50
			Total for Check Number 63393:	0.00	3,380.00
63394	STERICYC 3005539982	Stericycle Inc Biomedical Waste Services - Monthly Fee	05/17/2021		10.36
			Total for Check Number 63394:	0.00	10.36
63395	TERMINIX 407207727	Terminix Processing Center Pest Control - WO# 17734588432 - MC Library	05/17/2021		100.56
			Total for Check Number 63395:	0.00	100.56
63396	TRANSUN 04107915	Trans Union LLC Basic Service Monthly Fee - Credit Checks 03/2:	05/17/2021		66.30
			Total for Check Number 63396:	0.00	66.30
63397	TLOLLC 839489	TransUnion Risk and Alternative Background/Identity Investigations - April	05/17/2021		82.88

# AGENDA ITEM #K.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 63397:	0.00	82.88
63398	USIC 436167 436167A	USIC Receivables, LLC 66 Ticket Locates/1 AH/2 ENH 04/01 - 04/30 66 Ticket Locates/1 ENH 04/01 - 04/30	05/17/2021		1,721.78 1,721.77
			Total for Check Number 63398:	0.00	3,443.55
63399	UULC 1040180 1040180A	Utilities Underground Location Center On-Call Location Services - 75 Tickets On-Call Location Services - 75 Tickets	05/17/2021		96.75 96.75
			Total for Check Number 63399:	0.00	193.50
63400	VERIZON 9878194418	Verizon Wireless Access & Usage Chgs - Public Safety 03/23 - 04	05/17/2021		1,884.29
			Total for Check Number 63400:	0.00	1,884.29
63401	WALLYTOW 213817	Wally's Towing Special Requirements Tow - Case #2021-4102	05/17/2021		203.32
			Total for Check Number 63401:	0.00	203.32
63402	WASTPAT I21006102	Washington State Patrol Background Checks - Passports - April	05/17/2021		21.00
			Total for Check Number 63402:	0.00	21.00
63403	WAVEDIV 102743301000880	WaveDivision Holdings, LLC Fiber lease - 15728 Main St to 3000 Rockefeller	05/17/2021		641.25
			Total for Check Number 63403:	0.00	641.25
63404	AFSCME April 2021	WSCCCE, AFSCME, AFL-CIO Union Dues - AFSCME - April	05/17/2021		593.00
			Total for Check Number 63404:	0.00	593.00
63405	ZIONS 000101000032852	Zions Bank Inerest - Debt Service GO Bond	05/17/2021		35,416.60
			Total for Check Number 63405:	0.00	35,416.60
			Total for 5/17/2021:	0.00	196,106.14
			Report Total (52 checks):	0.00	196,106.14



Date: May 25, 2021

Payroll Check Batches		
Dated	Check Numbers	Amount
05/10/2021	ACH Wire-Assoc. of WA Cities	\$74,295.18
05/10/2021	ACH Automatic Deposit Checks	\$126,357.14
05/10/2021	ACH Wire- FWT & Medicare Taxes	\$24,156.63
05/10/2021	ACH Wire MEBT- Wilmington Trust	\$19,188.80
05/10/2021	ACH Wire- ICMA RC- Def. Comp	\$2,435.61
05/10/2021	ACH Wire- BAC- Flex Spending Acct	\$1,017.11
05/10/2021	ACH Wire- MCPD Guild Dues	\$1,940.00
<b>Total</b>		<b>\$249,390.47</b>

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of the ACH Automatic Deposit checks and ACH Wire Transfers in the amount of \$249,390.47.

We recommend approval of the above stated amount with the following exceptions:

\_\_\_\_\_

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
City Manager

**AWC Employee Benefit Trust**

PO Box 6  
C/o Vimly Benefit Solutions, Inc  
Mukilteo, WA 98275-0006

**MILL CREEK, CITY OF**

15728 Main St  
Mill Creek, WA 98012-1518

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**Billing Details**

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Billing ID: 17903	Month: 05/2021
Customer Ref: 000215259X000	Invoice Date: 04/18/2021

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**Payment Details**

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Payment Amount: \$74,295.18	ACH Payment Ref: N/A
	Account Type: Checking
Settlement Date: N/A	Account Numb...
Date/Time Paid: 05/11/2021 8:02:11 am	Transaction Number: py_1lpxXMGpAtMY3xQIBLmeudj
Paid By: Dana Volk	

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**Simon has processed your payment request**

Statistical Summary

**Statistical Summary**

Company:A0W - City Of Mill Creek Service Center:0076 Pacific North West Status:Cycle Complete  
 Week#:18 Pay Date:05/10/2021 P/E Date:04/30/2021  
 Qtr/Year:2/2021 Run Time/Date:15:40:32 PM EDT 05/06/2021

<b>Taxes Debited</b>	Federal Income Tax	18,214.87	
	Earned Income Credit Advances	0.00	
	Social Security - EE	0.00	
	Social Security - ER	0.00	
	Social Security Adj - EE	0.00	
	Medicare - EE	2,639.48	
	Medicare - ER	2,639.48	
	Medicare Adj - EE	0.00	
	Medicare Surtax - EE	0.00	
	Medicare Surtax Adj - EE	0.00	
	COBRA Premium Assistance Payments	0.00	
	Federal Unemployment Tax	0.00	
	FMLA-PSL Payments Credit	0.00	
	FMLA-PSL ER FICA Credit	0.00	
	FMLA-PSL Health Care Premium Credit	0.00	
	Employee Retention Qualified Payments Credit	0.00	
	Employee Retention Qualified Health Care Credit	0.00	
	State Income Tax	0.00	
	Non Resident State Income Tax	0.00	
	State Unemployment Insurance - EE	0.00	
	State Unemployment Insurance Adj - EE	0.00	
	State Disability Insurance - EE	0.00	
	State Disability Insurance Adj - EE	0.00	
	State Unemployment/Disability Ins - ER	0.00	
	State Family Leave Insurance - EE	220.85	
	State Family Leave Insurance - ER	0.00	
	State Family Leave Insurance Adj - EE	0.00	
	State Medical Leave Insurance - EE	198.85	
	State Medical Leave Insurance - ER	243.10	
	Transit Tax - EE	0.00	
Workers' Benefit Fund Assessment - EE	0.00		
Workers' Benefit Fund Assessment - ER	0.00		
Local Income Tax	0.00		
School District Tax	0.00		
<b>Total Taxes Debited</b>	<b>24,156.63</b>		
<b>Other Transfers</b>	<b>Full Service Direct Deposit Acct. Nc</b>	<b>126,357.14</b>	<b>Total Liability</b>
	<b>Total Amount Debited From Your Account</b>		<b>150,513.77</b>
<b>Bank Debits &amp; Other Liability</b>	Checks	0.00	<b>150,513.77</b>
	Adjustments/Prepay/Voids	0.00	<b>150,513.77</b>
<b>Taxes- Your Responsibility</b>	None this payroll		<b>150,513.77</b>

**Payment Details Report**



Company: City of Mill Creek  
 Requester: Gimzo, Laurel  
 Run Date: 05/11/2021 12:01:37 PM CDT

**Domestic High Value (Wire)**

Payment Category: Urgent/Wire

Status: Processing By Bank  
 Transaction Number: )

Template Name: MATRIX/MEBT  
 Template Code: WILTRUST

**Debit Account Information**

Debit Bank:  
 Debit Account:  
 Debit Account Name: Treas Checking  
 Debit Currency: USD

**Beneficiary Details**

Beneficiary Name: MATRIX TRUST COMPANY  
 Beneficiary Address: NA  
 Beneficiary City: NA  
 Beneficiary Postal Code: NA  
 Beneficiary Country: US - United States of America

Beneficiary Account  
 Beneficiary Bank ID:  
 JPMORGAN CHASE BANK, NA  
 1111 POLARIS PKWY  
 COLUMBUS  
 US - United States of America

Beneficiary Email:  
 Beneficiary Mobile Number:

**Payment Details**

Credit Currency: USD  
 Credit Amount: 19,188.80

Value Date: 05/11/2021

**Optional Information**

Sender's Reference Number: CITY MILL CREEK

Beneficiary Information: City of Mill Creek n3177e

**Additional Routing**

Intermediary Bank ID:

Receiver Information:

**Control Information**

Input: jgunders  
 Approved: lagimzo  
 Initial Confirmation: WTX:2021051100351474

Input Time: 05/10/2021 6:09:46 PM CDT  
 Time: 05/11/2021 12:01:29 PM CDT

Payroll Paid 05/10/2021

MEBT EE	12,488.33
MEBT ER	11,550.15
Sub-Total	24,038.48
Less Standard Insurance	(4,849.68)
<b>Wire Total</b>	<b>19,188.80</b>

9000.34 LEO	Total
749.60 MBX	Total
11508.62 MEB	Total
188.58 MEB2	Total
41.53 MME	Total
41.53 MMR	Total
4187.28 P2E	Total
1969.06 P3E	Total
11508.62 TER	Total
<b>39195.16 Grand Total</b>	



**Payment Details Report**



Company: City of Mill Creek  
 Requester: Gimzo, Laurel  
 Run Date: 05/11/2021 11:46:06 AM CDT

**Domestic High Value (Wire)**

Payment Category: Urgent/Wire

Status: Processing By Bank  
 Transaction Number: 215AJ0643GJZ3J90

Template Name: ICMA 457 Plan  
 Template Code: ICMA

**Debit Account Information**

Debit Bank:  
 Debit Account:  
 Debit Account Name: Treas Checking  
 Debit Currency: USD

**Beneficiary Details**

Beneficiary Name: ICMA RC  
 Beneficiary Address: P.O. Box 64553  
 Beneficiary City: Baltimore  
 Beneficiary Postal Code: 21264-4553  
 Beneficiary Country: US - United States of America

Beneficiary Account:  
 Beneficiary Bank ID:  
 MANUFACTURERS AND TRADERS TR C  
 ONE M AND T PLAZA, 15TH FL  
 BUFFALO  
 US - United States of America

Beneficiary Email:  
 Beneficiary Mobile Number:

**Payment Details**

Credit Currency: USD  
 Credit Amount: 2,435.61

Value Date: 05/11/2021

**Optional Information**

Sender's Reference Number:

Beneficiary Information: City of Mill Creek 302029

**Additional Routing**

Intermediary Bank ID:

Receiver Information:

**Control Information**

Input: jgunders  
 Approved: lagimzo

Input Time: 05/10/2021 6:06:58 PM CDT  
 Time: 05/11/2021 11:45:58 AM CDT

<b>Payroll Date 05/10/21</b>	<b>ICMA</b>
Fleming, Rodney J	\$ 438.24
Gimzo, Laurel R	\$ 50.00
Hookland, Rebecca J	\$ 137.60
Kidwell, Tyler A	\$ 551.44
LaRose, Scot P	\$ 100.00
Ringstad, Sherrie M	\$ 25.00
Todd, Michael S	\$ 1,083.33
White, Stanley R	\$ 50.00
<b>Total</b>	<b>\$ 2,435.61</b>

**Payment Details Report**



Company: City of Mill Creek  
Requester: Gimzo, Laurel  
Run Date: 05/11/2021 11:44:59 AM CDT

**Domestic High Value (Wire)**

Payment Category:Urgent/Wire

Status: Confirmed By Bank  
Transaction Numb

Template Name: Benefit Administration Company  
Template Code: BAC

**Debit Account Information**

Debit Bank:  
Debit Account  
Debit Account Name: Treas Checking  
Debit Currency: USD

**Beneficiary Details**

Beneficiary Name: Benefit Administration Company LLC  
Beneficiary Address: P.O. Box 550  
Beneficiary City: Seattle  
Beneficiary Postal Code: 98101-0550  
Beneficiary Country: US - United States of America

Beneficiary Account:  
Beneficiary Bank ID:  
SOUND CU  
1331 BROADWAY  
TACOMA  
US - United States of America  
Beneficiary Email: sli@baclink.com  
Beneficiary Mobile Number: 1.2066251800

**Payment Details**

Credit Currency: USD  
Credit Amount: 1,017.11

Value Date: 05/11/2021

**Optional Information**

Sender's Reference Number: DayCare / Health

Beneficiary Information: City of Mill Creek  
Beneficiary Bank

**Additional Routing**

Intermediary Bank ID:

Receiver Information:

**Control Information**

Input: jgunders  
Approved: lagimzo  
Initial Confirmation: WTX:2021051100344807  
Confirmation #: FEDR:20210511B6B7HU2R009418

Input Time: 05/10/2021 6:11:58 PM CDT  
Time: 05/11/2021 11:44:04 AM CDT

<b>Payroll Date 05/10/21</b>	<b>Deferred Daycare</b>	<b>Deferred Healthcare</b>
Fleming, Rodney J	\$ 0.00	\$ 100.00
Foutch, Bart A	\$ 0.00	\$ 114.58
Heath, Ilia C	\$ 0.00	\$ 114.58
Hughes, Tyrone A	\$ 0.00	\$ 114.00
Pigott, Larissa V	\$ 0.00	\$ 114.58
Rasmussen, Kristen A	\$ 208.00	\$ 25.00
Rogers, Thomas B	\$ 0.00	\$ 50.00
Schmidt, Christi A.M.	\$ 0.00	\$ 62.50
Todd, Michael S	\$ 0.00	\$ 20.00
<b>Grand Totals</b>	<b>\$ 208.00</b>	<b>\$ 715.24</b>
<b>Total</b>	<b>\$ 208.00</b>	<b>\$ 715.24</b>
<b>Total Due to BAC</b>	<b>\$ 923.24</b>	

**Payroll Date 05/10/2021**

Employee	HSA EE EE Cont	HSA ER ER Cont
Gimzo, Laurel	\$35.00	\$58.87

**Grand Total                      \$93.87**

**Payment Details Report**



**Company:** City of Mill Creek  
**Requester:** Gimzo, Laurel  
**Run Date:** 05/11/2021 12:03:18 PM CDT

**Domestic High Value (Wire)**

**Payment Category:** Urgent/Wire

**Status:** Processing By Bank  
**Transaction Numbe:**

**Template Name:** GUILD DUES  
**Template Code:** GUILD

**Debit Account Information**

**Debit Bank:**  
**Debit Account:**  
**Debit Account Name:** Treas Checking  
**Debit Currency:** USD

**Beneficiary Details**

**Beneficiary Name:** Mill Creek Police Officer Guild  
**Beneficiary Address:** PO Box 13261  
**Beneficiary City:** Mill Creek  
**Beneficiary Postal Code:** 98082  
**Beneficiary Country:** US - United States of America

**Beneficiary Account:**  
**Beneficiary Bank ID:**  
BANK OF AMERICA, NA  
1424 164TH ST SW  
LYNNWOOD  
US - United States of America  
**Beneficiary Email:**  
**Beneficiary Mobile Number:**

**Payment Details**

**Credit Currency:** USD  
**Credit Amount:** 1,940.00

**Value Date:** 05/11/2021

**Optional Information**

**Sender's Reference Number:** Police Guild

**Beneficiary Information:** Police Guild Dues Direct Deposit

**Additional Routing**

**Intermediary Bank ID:**

**Receiver Information:**

**Control Information**

**Input:** jgunders  
**Approved:** lagimzo

**Input Time:** 05/10/2021 6:05:21 PM CDT  
**Time:** 05/11/2021 12:03:06 PM CDT

Police Guild Dues for April 2021

<b>Payroll Name</b>	<b>Guild Dues</b>
Bittinger, Tony M	\$ 100.00
Bridgman, Todd M	\$ 100.00
Conner, Sean A	\$ 100.00
Durkee, Ian M	\$ 100.00
Eikenberry, Tobias	\$ 100.00
Fleming, Rodney J	\$ 100.00
Foutch, Bart A	\$ 100.00
Hughes, Kyle C	\$ 100.00
Hughes, Tyrone A	\$ 100.00
Kidwell, Tyler A	\$ 100.00
LaRose, Scot P	\$ 100.00
Lerma, Nathan S	\$ 100.00
Mack, Jesse H	\$ 20.00
Mundwiler, Rory P	\$ 100.00
Phillips, Robert	\$ 100.00
Schuermeyer, Marc B	\$ 100.00
Smith, Steven C	\$ 20.00
Thompson, Brett L	\$ 100.00
White, Christine D	\$ 100.00
Saga, Joshua L	\$ 100.00
White, Stanley R	\$ 100.00
Grand Totals	
Total	\$ 1,940.00

Apr-21



**MINUTES**  
**City Council Regular Meeting**

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**6:00 PM - Tuesday, May 11, 2021**  
**Virtual and Audio Meeting Format during COVID-19 Pandemic**

Minutes are the official record of Mill Creek City Council meetings. Minutes summarize the council meeting and documents any actions taken by City Council.

A recording of this City Council meeting can be found [here](#):  
The agenda packet for this City Council meeting can be found [here](#).

**VIRTUAL MEETING INFO**

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- A.** Join Zoom Meeting  
<https://zoom.us/j/91014073764>
- Meeting ID: 910 1407 3764  
One tap mobile  
[+12532158782](tel:+12532158782),,91014073764# US (Tacoma)  
[+13462487799](tel:+13462487799),,91014073764# US (Houston)

**CALL TO ORDER**

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Mayor Holtzclaw called the meeting of the Mill Creek City Council to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

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Councilmember Steckler led the Pledge of Allegiance.

**ROLL CALL**

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<u><i>Councilmembers Present:</i></u>	<u><i>Councilmembers Absent:</i></u>
<i>Brian Holtzclaw, Mayor</i>	
<i>Stephanie Vignal, Mayor Pro Tem</i>	
<i>Vince Cavaleri, Councilmember</i>	
<i>Mark Bond, Councilmember</i>	
<i>John Steckler, Councilmember</i>	
<i>Benjamin Briles, Councilmember</i>	
<i>Adam Morgan, Councilmember</i>	

**AUDIENCE COMMUNICATION**

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- B.** Public comment on items on or not on the agenda

May 11, 2021 CITY COUNCIL REGULAR MEETING MINUTES



Wil Nelson, a Mill Creek resident, commented on the Dobson Remillard Church Cook (DRCC) properties facilities study and recommended that the Edmonds Performing Arts Center be included in the evaluation.

**PRESENTATIONS**

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- C.     • 2021 First Quarter Report  
          *(Laurel Gimzo, Finance Director)*

Finance Director Laurel Gimzo [presented](#) a quarterly financial update for the first quarter of 2021 (Jan. - March) to provide an overview of City revenues, expenses and budget variances. The report represented 12.5% of the 2021-2022 biennium.

The following analysis was presented:

- First Quarter trends and variances
- Historical Fund Comparison - trends are based on 2018, 2019 and 2020 spending patterns.
- Budget versus actual Variances - First quarter equals 12.5% of the biennium.
- Cash Balances

Council engaged in discussion, Q & A and requested follow-up information from staff.

[AS Quarterly Financial Update - Pdf](#)  
[2021 1st Quarter Report 5.11.2021](#)  
[2021.03 YTD Expenses GENERAL Fund](#)  
[2021.03 YTD Expenses OTHER Funds](#)  
[2021.03 YTD REVENUE](#)

**STUDY SESSION**

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- D. Dobson Remillard Church Cook (DRCC) Project: Study of Facilities similar to Council and Community desired uses  
*(Karen Reed, Consultant)*

City Manager Michael Ciaravino introduced Consultant Karen Reed to facilitate the Study Session in order to receive Council direction on which facilities (proposed list of 12) should staff identify for further study and brainstorm a list of questions to ask owners/operators of these facilities for further information. The target date to complete the survey is June 30, 2021.

Ms. Reed provided the list of proposed facilities developed during a brainstorming session at the April 13, 2021 regular council meeting and facilitated a discussion with Council to refine the list of regional facilities to be studied:

- Community Centers
- Mukilteo (Rosehill) Community Center

- Lynnwood Convention Center
- Tukwila Community Center
- Lake Stevens Civic Center

**Boys and Girls Clubs**

- Mukilteo
- Arlington
- Hidden Valley Park / Bellevue

**Performing Arts Centers**

- IKEA Renton
- Kirkland
- Lynwood High School
- Monroe

**Sports Complex / Ballfields**

- Kasch Athletic Complex - Everett
- Mill Creek Sports Park

**Open Field / Trails**

- Rhododendron Species Botanical Garden

Ms. Reed explained that the proposed facilities study is intended to provide a high-level overview of questions such as:

- How was each facility funded? (grants, public revenues, donations, etc.)
- What is the ownership and operating arrangement for the facility?
- How much did it cost to build, and what are the ongoing operating expenses?  
Is the public owner contributing to ongoing operating costs?
- What are the levels of use for the facility?
- Lessons learned?

Council engaged in discussion regarding proposed questions for facility owner/operators.

Ms. Reed walked through that next steps in the process:

- Start collecting information.
- Report back to Council with facilities study in late June/early July
- Develop agenda for summer Council retreat for review.
- Refine approach, panelists for recreational facilities panel presentation.
- Other information:
  - Three-quarters of \$40K in 2021 budgeted funds for this effort has been expended.
  - Plan to discuss remaining budget and 2022 budget needs with Council at the DRCC retreat this summer.

[DRCC Project Facility Study - Pdf](#)

**OLD BUSINESS**

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- E.** Governance Manual  
(*Grant Degginger, City Attorney*)

May 11, 2021 CITY COUNCIL REGULAR MEETING MINUTES

Mayor Holtzclaw began the discussion by stating that this is an opportunity for Council to ask questions of City Attorney Grant Degginger about the revisions made to the Governance Manual thus far. Any further revisions can be made upon a motion at the next Council meeting when the manual is scheduled for formal adoption.

City Attorney Grant Degginger will send Councilmembers the most recent version of the revised Governance Manual.

[Agenda Summary-Governance Manual](#)  
[MARKED Governance Manual](#)  
[CLEAN Governance Manual](#)  
[Governance Manual Resolution 2021 - 602](#)

**CONSENT AGENDA**

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- F. Approval of Checks #63304 through #63553 and ACH Wire Transfers in the Amount of \$228,655.99  
*(Audit Committee: Councilmember Bond and Mayor Pro Tem Vignal)*  
[05-11-21 AP Voucher](#)
- G. Payroll and Benefit ACH Payments in the Amount of \$184,674.91  
*(Audit Committee: Councilmember Bond and Mayor Pro Tem Vignal)*  
[05-11-21 Payroll Voucher](#)
- H. City Council Meeting Minutes of April 27, 2021 and May 4, 2021.  
[City Council Regular Meeting - 27 Apr 2021 - Minutes](#)  
[City Council Regular Meeting - 04 May 2021 - Minutes](#)

**Mayor Pro Tem Vignal made a motion to approve the consent agenda.  
Councilmember Bond seconded the motion. The motion passed unanimously.**

**REPORTS**

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I. Mayor/Council

**Mayor Holtzclaw** reported on the following topic:

- The Mayors' Meeting focus of discussion was on what cities are doing to combat "Zoom bombers" at virtual meetings.

**Mayor Pro Tem Vignal** reported on the following topic:

- Attendance at the Park and Recreation Board meeting in Councilmember Cavaleri's stead. The Park and Recreation Board is planning multiple events including some with the Youth Advisory Board. The annual tour of parks to identify maintenance needs and the compilation of the sign catalog identifying signs needing replacement is ongoing.

**Councilmember Cavaleri** reported on the following topic:

May 11, 2021 CITY COUNCIL REGULAR MEETING MINUTES

- Gratitude to Mayor Pro Tem Vignal for chairing the Park and Recreation Board meeting in his absence.

**J. City Manager**

- Graduation Car Parade Update  
*(Michael Ciaravino, City Manager, Jeff Young, Police Chief, Mike Todd, Public Works & Development Services, Kristen Rasmussen, Community Engagement Coordinator)*

City Manager Michael Ciaravino reported on the following topics:

- The Graduation Car Parade will be held on June 12, 2021. Staging will begin at 10:00 a.m. in the Jackson High School parking lot. The parade is open to all 2021 graduates, but the maximum number of cars allowed in the parade will be capped at 250 for safety and traffic impacts. Carpooling is highly encouraged.

Council engaged in Q and A regarding outreach, banners, volunteers and the potential conflict with using Heatherwood Middle School for overflow parking and scheduled little league access.

- Reporting to Council on staffing and monetary resources dedicated to Council driven initiatives such as the recent electronic recycling event and the upcoming parade. The intent is to raise awareness and transparency around the real and potential opportunity costs in the sponsorship of events.
- Passport operations are scheduled to reopen on May 17, 2021. Services will be by appointment only; social distancing and masking will be strictly enforced. Passport photo services will not be available at this time. Appointments and additional information can be found on the City's [website](#).

[Council Planning Schedule 05.06.21](#)

**K. Staff**

- Police Department Updates:  
*(Jeff Young, Police Chief)*
  1. [Q1 Statistics](#) (January, February, March 2021)
  2. North Sound Police Foundation
- Update on Electronic Recycling Event  
*(Mike Todd, Director of Public Works & Development Services)*

Police Chief Jeff Young provided first quarter [statistical](#) data on Mill Creek Police Department operations broken out by category and month, including calls for service, arrests and support staff internal activities.

Council engaged in Q and A and requested follow-up information:

Police Chief Young briefed Council on the history of the Mill Creek Police Foundation and the North Sound Police Foundation. The North Sound Police Foundation is seeking support from local police departments and requesting that the Mill Creek Police Department badge be shown on their website.

Council engaged in Q and A and made a request for additional information on the North Sound Police Foundation such as membership, mission and goals.

**AUDIENCE COMMUNICATION**

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**L.** Public comment on items on or not on the agenda

Nick Swett, a Mill Creek resident, spoke about his vision of a multipurpose community center for the DRCC project and the proposed crosswalk at Jackson High School.

**RECESS TO EXECUTIVE SESSION**

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- M.** The Council recessed to executive session at 8:02 to discuss one item of potential litigation pursuant to RCW 42.30.110(i)(ii) for 15 minutes. No action will be taken following the executive session.

At 8:17 p.m. without objection, Council extended executive session to 8:22 p.m.

At 8:22 p.m., without objection, Council reconvened the regular Council meeting.

**ADJOURNMENT**

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With no objection, Mayor Holtzclaw adjourned the meeting at 8:23 p.m.

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Brian Holtzclaw, Mayor

\_\_\_\_\_  
Naomi Fay, City Clerk