

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



- Brian Holtzclaw, Mayor • Stephanie Vignal, Mayor Pro Tem
- Mark Bond • Vince 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 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 4, 2021**  
**City Council Meeting**  
**6:00 PM**

**VIRTUAL MEETING INFO**

- A. Topic: City Council Regular Meeting  
Time: May 4, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/95357232682>

Meeting ID: 953 5723 2682

One tap mobile

[+12532158782](tel:+12532158782).,[95357232682](tel:+12532158782)#US (Tacoma)

[+13462487799](tel:+13462487799).,[95357232682](tel:+13462487799)# US (Houston)

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

## **RECESS TO EXECUTIVE SESSION**

*(Confidential Session of the Council)*

- B.
  - Discussion of the performance of a public employee per RCW 42.30.110 (1)(g)
  - Discuss potential litigation pursuant to RCW 42.30.110(i)(iii).

## **AUDIENCE COMMUNICATION**

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

## **PRESENTATIONS**

- D. 2021 Finance Department Update  
*(Laurel Gimzo, Finance Director)*

## **OLD BUSINESS**

- E. PAWS Contract  
*(Jeff Young, Police Chief)*

## **STUDY SESSION**

- F. Governance Manual  
*(Grant Degginger, City Attorney)*

## **CONSENT AGENDA**

- G. City Council Meeting Minutes of April 13, 2021

## **REPORTS**

- H. Mayor/Council
- I. City Manager
  - Jackson High School Graduation Update from Everett School District (ESD)

- J. Staff
  - Report, etc.

## **AUDIENCE COMMUNICATION**

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

## **ADJOURNMENT**



**Meeting Date:** May 4, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:** **SUMMARY OF PRELIMINARY INTERNAL AUDIT FINDINGS, RECOMMENDED PROCESS IMPROVEMENTS, AND OVERVIEW OF DEPARTMENTAL GOALS.**

**PROPOSED MOTION:**

None

**KEY FACTS AND INFORMATION SUMMARY:**

None

**CITY MANAGER RECOMMENDATION:**

None

**ATTACHMENTS:**

[2021 Finance Department Update Presentation 5.4.2021](#)

Respectfully Submitted:

A handwritten signature in blue ink, appearing to be "Michael Ciaravino", written over a horizontal line.

Michael Ciaravino, City Manager

# 2021 Finance Department Update

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PART 1 (SYSTEM & PROCESS AUDIT, PROCESS IMPROVEMENT, AND FINANCE DEPARTMENT GOALS)

PART 2 (QUARTERLY FINANCIAL UPDATE) – 5/11/2021 REGULAR MEETING)

**AGENDA ITEM #D.**

# System & Process Audit

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## Follow Key Municipal Finance Accounting Principles

- Best Practices – Federal, State, and Local Guidelines

## Corrections

- State Quarterly & Annual Reporting
- Grant Procedures
- Internal Accounts Payable & Payroll Processes
- Contract Budgeting & Management
- Fund Balances & Budget (2020 & 2021)

# Process Improvement

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## System Training (Introductory Curriculum)

- All Staff: Revenue & Expense Reporting, Invoice Tracking, Account and Fund Balance Tracking
- Daily Staff Processes

## Internal Procedures

- Familiarize Staff with Individual Departmental Practices & Duties
- Understanding of Regulatory Guidelines (Purchasing Policy, Personnel Manual, Municipal Code)

## Budget Operations

- Global Understanding by all Staff
- Process Improvement Regarding Accuracy

## Electronic Filing

- Streamline Document Protocols
- Uniform Tracking, Processing, and Filing Procedures Across All Departments

# Finance Department Goals

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Improve Financial Literacy

Financial Software Mastery

Process & Procedure Understanding

- Consistency in Records (What, Where, Why)
- Supporting Documentation Practices

Timely Reconciliations

- Bank Statements, Investments, Payroll, Accounts Payable, Budgets

More Frequent Financial Updates

Part 2 (Quarterly Financial Update)– 5/11/2021 Regular Meeting



**Meeting Date:** May 4, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: OLD BUSINESS.**  
**PAWS (PROGRESSIVE ANIMAL WELFARE SOCIETY) IS AN ANIMAL SHELTERING SERVICE PROVIDER FOR THE CITY. THIS PRESENTATION WILL RECAP ANIMAL SERVICES PROVIDED BETWEEN 1 JANUARY 2020 - 31 MARCH 2021.**

**PROPOSED MOTION:**

Respectfully recommend and request termination of PAWS services.

**KEY FACTS AND INFORMATION SUMMARY:**

The City contracted with PAWS for animal services since approximately 2008. Currently, there is no executed service agreement in place-Expired in 2020. Staff has attempted negotiations with PAWS Staff create an equitable Service Agreement. PAWS has continued to provide services at a billing rate of \$187 per animal.

Animals transported to PAWS Between January 1, 2020, and March 31, 2021:

PSO: 6

Citizen: 15

Returned to Owner: 5

Adopted: 5

Upon examining the invoices received from PAWS, a number of anomalies were identified. The City was billed for services that per the terms of the Service Agreement should have been paid by animal owners. We have made due diligence efforts to negotiate with PAWS staff to address many issues with the proposed Service Agreement (Appropriate billing, Rate Lock, Increased communication with MCPD). Negotiations have been unsuccessful.

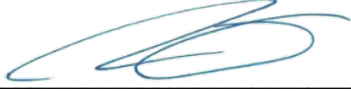
Respectfully recommend and request termination of PAWS services. There is a fully executed contract with another service provider in place.

**ATTACHMENTS:**

[21\\_04MAY PAWS](#)



Respectfully Submitted:



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Michael Ciaravino, City Manager



**Meeting Date:** May 4, 2021

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City of Mill Creek, Washington

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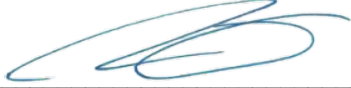
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Respectfully recommend and request termination of PAWS services. There is a fully executed contract with another service provider in place.

**ATTACHMENTS:**

[21\\_04MAY PAWS](#)

Respectfully Submitted:



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Michael Ciaravino, City Manager



# MILL CREEK POLICE

*PAWS SERVICES*

JEFF YOUNG, CHIEF OF POLICE

**AGENDA ITEM #E.**

## PAWS SERVICES

- THE CITY CONTRACTED WITH PAWS FOR ANIMAL SERVICES SINCE APPROXIMATELY 2008
  - CURRENTLY NO EXECUTED SERVICE AGREEMENT IN PLACE-EXPIRED IN 2020
  - STAFF HAS ATTEMPTED NEGOTIATIONS WITH PAWS STAFF CREATE AN EQUITABLE SERVICE AGREEMENT

## PAWS SERVICES



SERVICE FEE: \$187 PER ANIMAL



PAWS PROPOSED SERVICE FEE BEGINNING 2021: \$200

## PAWS SERVICES

- ANIMALS TRANSPORTED TO PAWS BETWEEN JANUARY 1, 2020, AND MARCH 31, 2021:
  - PSO: 6
  - CITIZEN: 15
    - RETURNED TO OWNER: 5
    - ADOPTED: 5



## PAWS SERVICES

- UPON EXAMINING THE INVOICES RECEIVED FROM PAWS, A NUMBER OF ANOMALIES WERE IDENTIFIED
- THE CITY WAS BILLED FOR SERVICES THAT PER THE TERMS OF THE SERVICE AGREEMENT SHOULD HAVE BEEN PAID BY ANIMAL OWNERS



## *PAWS SERVICES*

- WE HAVE MADE DUE DILIGENCE EFFORTS TO NEGOTIATE WITH PAWS STAFF TO ADDRESS MANY ISSUES WITH THE PROPOSED SERVICE AGREEMENT
  - APPROPRIATE BILLING, RATE LOCK, INCREASED COMMUNICATION WITH MCPD
- NEGOTIATIONS HAVE BEEN UNSUCCESSFUL
- RESPECTFULLY RECOMMEND AND REQUEST TERMINATION OF PAWS SERVICES
  - THERE IS A FULLY EXECUTED CONTRACT WITH ANOTHER SERVICE PROVIDER IN PLACE

QUESTIONS?





**Meeting Date:** May 3, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

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

**PROPOSED MOTION:** None.

### **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 study session 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:**


None. For Study Session Only.

### **ATTACHMENTS:**

- Redline of Governance Manual reflecting changes from current version

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

Respectfully Submitted:



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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 A~~  
~~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’t~~ 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 Aat 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 (ExhibitA) 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.

444444.1636/8430314.1

**~~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.

444444.1636/8430314.1

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.

444444.1636/8430314.1

~~[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.~~

~~e. ——— 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."~~

<p>I. UNDEBATABLE            a. <del>Question of Order</del>            Appeal            b. <del>Suspension of Rules</del>            c. <del>Lay on Table</del>            d. <del>Previous Question</del>            DEBATABLE            a. <del>Continue to Certain Day</del>            b. <del>Commit or Refer</del>            c. <del>Amend</del>            d. <del>Postpone Indefinitely</del>            e. <del>Principle Question 3.</del>            MISCELLANEOUS            a. <del>Rescind</del>            b. <del>Reconsider</del>            c. <del>Roll Call</del></p>	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
	*						
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			*				
				*		*	
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**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.

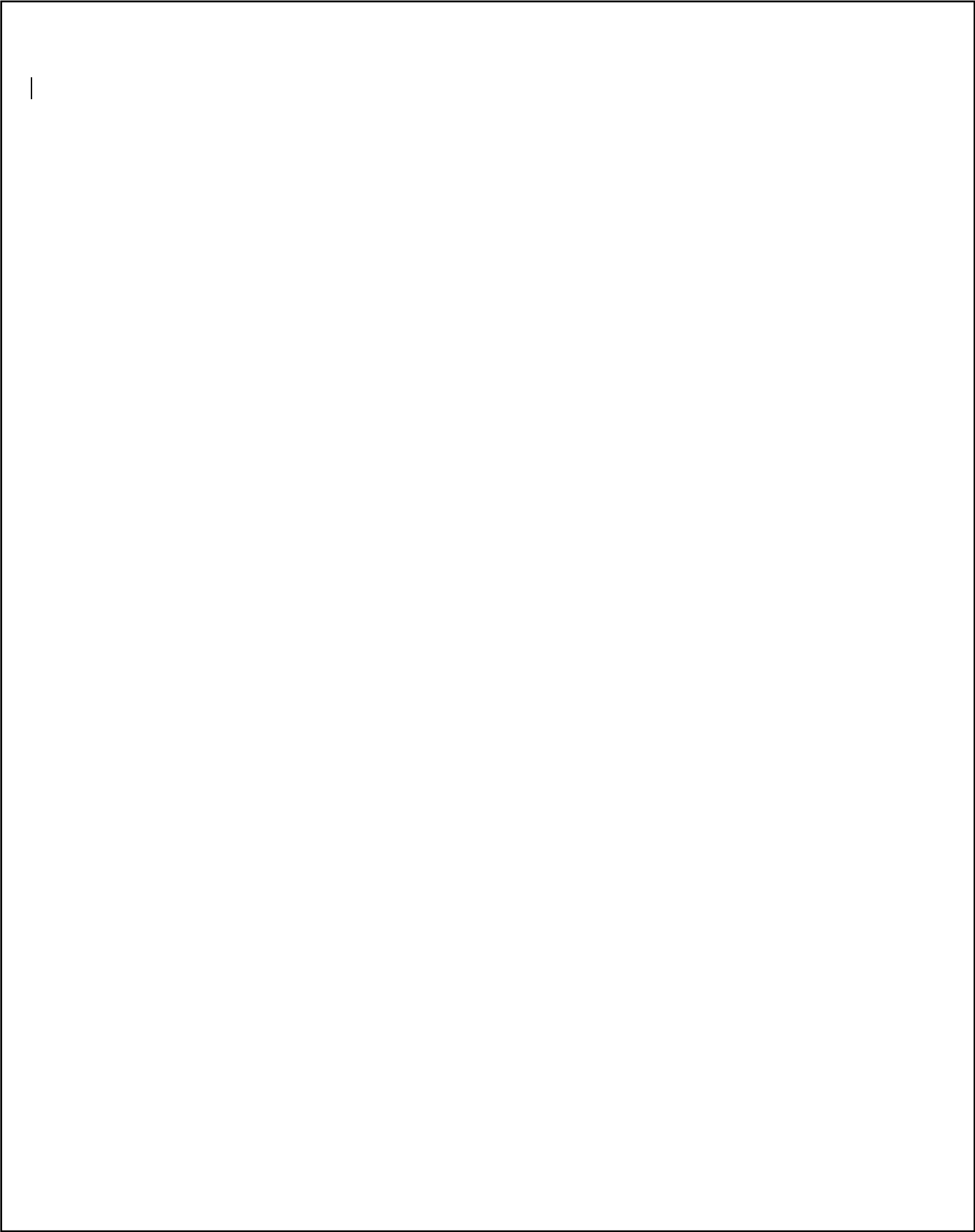
15. — It should also be noted that proponents or opponents do have a right of examination of persons who have given testimony at the hearing. However, these questions should in every instance be directed through the Chairman of the meeting and not directly to the person whose response is being elicited. 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**

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- ~~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

444444.1636/8430314.21

## **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.

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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 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.

**1.3.7 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, appropriate and documented.

**1.3.8 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.

**1.3.9 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 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 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**

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 (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 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 rezone, 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. 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 (ExhibitA) 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 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 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 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**

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**

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. 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.

**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

**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.

444444.1636/8429482.1

- 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 of four members.

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 scribe'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

444444.1636/8429482.1

APPROVED AS TO FORM:

\_\_\_\_\_  
GRANT DEGGINGER, CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

RESOLUTION NO.: 2021-602\_\_\_\_\_

444444.1636/8429482.1



**MINUTES**  
**City Council Regular Meeting**

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**6:00 PM - Tuesday, April 27, 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.** Topic: City Council Regular Meeting  
Time: Apr 27, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting  
<https://zoom.us/j/92075998464>

Meeting ID: 920 7599 8464  
One tap mobile  
[+12532158782](tel:+12532158782),[92075998464](tel:+12532158782)# US (Tacoma)  
[+13462487799](tel:+13462487799),[92075998464](tel:+13462487799)# US (Houston)

**CALL TO ORDER**

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Mayor Holtzclaw called the meeting of the Mill Creek City Council to order at 6:05 p.m.

**PLEDGE OF ALLEGIANCE**

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The Pledge of Allegiance was led by Councilmember Cavaleri.

**ROLL CALL**

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Councilmembers Present:  
*Brian Holtzclaw, Mayor*  
*Stephanie Vignal, Mayor Pro Tem*  
*Vince Cavaleri, Councilmember*  
*Mark Bond, Councilmember*  
*John Steckler, Councilmember*  
*Benjamin Briles, Councilmember*  
*Adam Morgan, Councilmember*

Councilmembers Absent:

**AUDIENCE COMMUNICATION**

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- B.** Public comment on items on or not on the agenda

April 27, 2021 CITY COUNCIL REGULAR MEETING MINUTES

There were no public comments on items on or not on the agenda.

**PRESENTATIONS**

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- C.** Welcome USS Ralph Johnson - Command Master Chief (CMC) Shelly Zakimi and Officer Groves, Surface Warfare/Aviation Warfare (SW/AW)

City Manager Michael Ciaravino provided an overview of the City's relationship with the USS Ralph Johnson and introduced Command Master Chief Shelly Zakimi and Officer Groves, Surface Warfare/Aviation Warfare.

Command Master (CMC) Chief Zakimi expressed gratitude on behalf of the staff of the USS Ralph Johnson for the outpouring of support from the Community of Mill Creek. The USS Ralph Johnson will be changing homeports in September and CMC Zakimi said that they will miss marching in Mill Creek parades and the generosity of Mill Creek residents.

Councilmembers expressed their gratitude and thanks to all of those aboard the USS Ralph Johnson.

- D.** Update to City Council on 2020/2021 Activities in Development Services Division (Building and Planning)  
*(Mike Todd, Director of Public Works and Development Services)*

Planning Manager Tom Rogers presented to members of City Council with an update on 2020/2021 Activities in the Development Services Division (Building and Planning). Responsible for administering the City's Development Code (MCMC Titles 14 through 18), the Development Services Division also provides the long-range vision for the Community such as:

- Establishing the Vision/Comprehensive Plan Zoning
- Ensuring Development Projects Comply with Vision
- Implementation – Building Permits/Monitor Construction
- Maintain Vision - Code Enforcement/Tree Removal Permits

Council engaged in discussion and Q and A.

[Development Services Division Update - Pdf](#)

**NEW BUSINESS**

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- E.** Ordinance Amending the Mill Creek Municipal Code related to Accessory Dwelling Units (ADU) Regulations.  
*(Mike Todd, Director of Public Works and Development Services)*

Public Works and Development Services Director Mike Todd explained to members of Council that the Mill Creek Municipal Code (MCMC) requires an update by ordinance to align with legislative changes regarding Accessory Dwelling Units (ADU's).

April 27, 2021 CITY COUNCIL REGULAR MEETING MINUTES

Planning Manager Tom Rogers provided an overview of existing ADU code and the legislative changes that have been made to state code. For Mill Creek to remain in compliance with State law, an ordinance amending the MCMC must be adopted prior to July 1, 2021.

**Councilmember Steckler made a motion to adopt Ordinance 2021-872 amending the Mill Creek Municipal Code, chapters 14.01 and 17.22, related to accessory dwelling units as proposed in the packet materials and recommended by the Planning Commission. Councilmember Morgan seconded the motion. The motion passed unanimously.**

[Agenda Summary ADU Code Revisions - Pdf](#)  
[ADU Code Revisions - Pdf](#)

#### **STUDY SESSION**

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- F. Dobson Remillard Church Cook Property (DRCC)  
*(Karen Reed, Consultant)*

City Manager Michael Ciaravino provided an overview of the discussion stating that this study session item is a continuation of the brainstorming from the April 13, 2021 City Council Meeting. He explained that the goal is to ascertain specifics about facilities in the region in which members of Council would like to explore and research for comparison. Secondly, Manager Ciaravino broached the topic of renaming the DRCC Project which will part of Consultant Karen Reed's presentation.

Consultant Karen Reed facilitated a brainstorming session with members of Council that included the following questions:

- What are some examples of combinations of uses of the property that you see as supporting these principles?  
Council engaged in brainstorming and discussion and provided ideas on what they would most like to see happen with the properties.
- Focusing on the Top 5 mentioned uses, can you think of an example of a similar type of facility in the region about which you would like to get more information?  
  
Council engaged in brainstorming and discussion and provided examples of facilities in the region they were interested in learning more about.
- Is there a more descriptive/exciting name than "DRCC" properties"? If so, what are some options?

April 27, 2021 CITY COUNCIL REGULAR MEETING MINUTES

Council engaged in brainstorming and discussion and provided ideas including having public involvement in the decision.

Consultant Reed discussed the next steps for the project with a suggested timeline for a facilities study:

- Facilities study (high level survey on funding, construction, ownership, operation, lessons learned)
- Confirm list of facilities & questions with Council -- May
- Staff will perform the work, and present to Council -- June
- Needs Assessment
- Much more manageable if the scope is narrowed
- Even if narrowed, may not be able to do this in-house (City has used consultant previously)
  
- Panel discussion with individuals experienced in owning/operating the types of facilities Council wants to hear more about.
- Will seek Council input on who/what they want to hear from/about...
  
- Additional community input.

Council engaged in discussion and Q and A.

[Agenda Summary for DRCC04.27.21](#)  
[Discussion on DRCC Properties - April 27](#)

[R1 Discussion on DRCC Properties - April 27](#)

**CONSENT AGENDA**

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- G.** Approval of Checks #63254 through #63303 and ACH Wire Transfers in the Amount of \$208,475.73  
*(Audit Committee: Councilmember Morgan and Councilmember Bond)*  
[Check Vouchers](#)
- H.** Payroll and Benefit ACH Payments in the Amount of \$247,744.27  
*(Audit Committee: Councilmember Morgan and Councilmember Bond)*  
[Payroll Vouchers](#)
- I.** City Council Meeting Minutes of April 6, 2021 and April 13, 2021  
City Council Regular Meeting - 06 Apr 2021 - Minutes  
[City Council Regular Meeting - 13 Apr 2021 - Minutes](#)

**Councilmember Bond made a motion to approve the consent agenda. Councilmember Morgan seconded the motion. The motion passed unanimously.**

April 27, 2021 CITY COUNCIL REGULAR MEETING MINUTES

**REPORTS**

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**J. Mayor/Council**

**Mayor Holtzclaw** reported on the following:

- Gratitude to Mayor Pro Tem for facilitating the Coffee Talk on April 20th due to being unable to attend unexpectedly.
- Last week's Mayors' Meeting focused on COVID-19 and the upcoming announcement by Governor Inslee on May 3, 2021 and the potential for counties to return to phase 2.
- Thank you to City Manager Michael Ciaravino, Police Chief Jeff Young, IT Manager Joe Socolowski and other staff for the work they did to make the in-person meeting happen.

**Mayor Pro Tem Vignal** reported on the following:

- Thank you to Community Engagement Coordinator Kristen Rasmussen and Community Service Day volunteers for their work who assisted with putting together a successful event.
- Requested an update from City Attorney Grant Degginger regarding the Legislature passed SB 5476 that just passed in the State Legislature and the effects of Mill Creek's recently passed Ordinance 2021-872.
- The recent Coffee Talk and discussion topics to be followed up on with the City Manager.

City Attorney Grant Degginger responded to Mayor Pro Tem Vignal's request for an overview of the impact that SB 5476 will have on ordinance 2021-872 regarding penalties for simple possession if signed by the Governor in the form passed by the legislature.

City Attorney Degginger stated that Ordinance 2021-872, adopted April 13, 2021, is inconsistent with ESB 5476 in that it makes simple (knowing) possession a gross misdemeanor which ESB 5476 designates a misdemeanor until July 1, 2023 when the penalty becomes a civil infraction.

**Councilmember Steckler** reported on the following:

- Community Service Day and thanked Community Engagement Coordinator Kristen Rasmussen and volunteers for their efforts to put together a fun and successful event.
- Requested a financial quarterly report.
- Requested an update on the graduation car parade.

**Councilmember Cavaleri** reported on the following:

- The intent behind Ordinance 2021-872 recriminalizing simple, but knowing, possession of drugs following the State v Blake decision.
- Thank you to City Manager Michael Ciaravino, IT Manager Joe Socoloski, Police Chief Jeff Young, police officers, and city staff for the work in making the in-person City Council meeting happen.

**Councilmember Briles** reported on the following:

April 27, 2021 CITY COUNCIL REGULAR MEETING MINUTES



- The Community Service Day event and thanked Community Engagement Coordinator Kristen Rasmussen, Public Works Manager Matthew Combs and volunteers for a fun event.

**Councilmember Adam Morgan** reported on the following:

- The efforts to open the City Council meeting to the public and thanked all involved for the hybrid meeting.
- Really enjoyed attending the Coffee Chat and is interested in keeping it going.

**K. City Manager**

- Update regarding Memorial Day
- Update regarding Reorganization
- [Council Planning Schedule 04.27.21](#)

City Manager Michael Ciaravino reported on the following:

Formalization of the City of Mill Creek COVID-19 Health and Safety Policy:

- Takes effect immediately
- Communicates measures to minimize exposure in the workplace
- Applies to all staff

Financials for 2020 Senior Graduation Parade;

- The City spent \$4,564 for the 2020 parade

Memorial Day Event will include:

- Reverse parade
- Video recording of the ceremony conducted remotely in 2020
- Memorial Boards honoring those who made the ultimate sacrifice
  - Displayed in local business windows along the parade route
  - Tell the stories of those who served through pictures and remembrances
  - There is still time to participate. Guidelines for submission can be found [here](#)

Update regarding Reorganization:

- Three open positions in Engineering have been posted
- The Deputy City Manager position has been finalized and posted
- One full-time and one part-time seasonal maintenance worker have been hired.

Manager Ciaravino asked Police Chief Jeff Young to speak to an Interlocal Agreement (ILA) extension with the Snohomish County Department of Emergency Management. The current ILA expires 12/31/21 and the City has an opportunity to extend the agreement for an additional three years. A notice of intent letter is required at this time. The City's recommendation is to approve the extension of the three-year period.

**Councilmember Bond made a motion to approve the letter of intent approving the three-year extension of the ILA with Snohomish County Department of Emergency Management. Councilmember Steckler seconded the motion. The motion passed unanimously.**

Councilmember Bond informed the Chief that Council had received a letter regarding the PAWS contract with the City and asked him to address the concerns expressed at the next meeting.

Chief Young spoke to the issues the City is finding with the PAWS contract and it will be an agenda item at the 5/4/21 Council meeting.

City Manager Michael Ciaravino, with assistance from Kristen Rasmussen, addressed earlier questions about the number of cars that were allowed in the graduation parade in 2020 and whether or not the parade was strictly for Jackson High. Manager Ciaravino provided statistics and stated that the maximum number of cars in 2020 was 250 and that all graduates were invited to participate with appropriate registration. A final decision on a 2021 parade will be determined at the next Council meeting.

**At 8:25 PM Councilmember Briles made a motion to extend the regular meeting by 10 minutes to 8:40 PM. Councilmember Morgan seconded the motion. The motion passed unanimously.**

**L. Staff**

Update regarding Jackson High School Crosswalk  
(*Mike Todd, Director of Public Works and Development Services*)

Public Works and Development Services Director Mike Todd provided a report on the status of the Jackson High School Crosswalk project including:

- The history of the project and the events leading to the project's suspension
- The project is currently in concept phase
- An aerial view of the project area
- The School District vs. the City's original design proposal
- Current design proposal and issues being discussed
- Opportunities to incorporate other projects on the City's Transportation Improvement Plan (TIP) for cost efficiency.

Council engaged in discussion and Q and A.

**At 8:41 PM Councilmember Cavaleri made a motion to extend the regular meeting by 5 minutes to 8:45 PM. Councilmember Morgan seconded the motion. The motion passed unanimously.**

[aerial of location](#)

[JHS crosswalk design circa May 2020](#)

[JHS crosswalk design striping plan circa May 2020](#)

[Possible locations - impacts as reported to Council 4.27.2021](#)

**AUDIENCE COMMUNICATION**

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**M. Public comment on items on or not on the agenda**

Barb Heidel, a Mill Creek resident, commented on the following:

- The Community Service Day event and thanked Kristen Rasmussen and Matthew Combs for their work and organization.
- Her concern about cost and staff resources with putting on a graduation car parade especially if the District is going to have a graduation ceremony.
- A request for spatial views that show acreage needed for different types of venues proposed for the DRCC project and inquired if a second survey is planned, more outreach is needed.

Melissa Duque, a Mill Creek resident, commented on the following:

- The City Council Meeting and its discussions and noted that it was a "fantastic meeting"
- Loved the naming ideas during the DRCC Properties brainstorming session and added to consider adding "North" to the name.
- The need for the Jackson High School crosswalk and potential parking revisions for increased safety.

**At 8:49 Councilmember Morgan made a motion to extend the regular meeting by 5 minutes to 8:50 PM. Councilmember Briles seconded the motion. The motion passed unanimously.**

Tannis Golebiewski, a Mill Creek resident, stated that she would like to see the graduation parade become an annual event and that perhaps community volunteers could assist staff in the planning and implementation.

Nola Fillbrook, a Mill Creek resident, stated that she likes the in-person format of Council meetings and hopes that the City will continue, along with the full reopening of City Hall, regardless of the Governor's mandates.

**ADJOURNMENT**

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With no objection, Mayor Holtzclaw adjourned the meeting at 8:52 PM

\_\_\_\_\_  
Brian Holtzclaw, Mayor

\_\_\_\_\_  
Naomi Fay, City Clerk

April 27, 2021 CITY COUNCIL REGULAR MEETING MINUTES



**HENRY M. JACKSON HIGH SCHOOL**

1508 136th Street SE  
Mill Creek, WA 98012  
Phone (425) 385-7000 ▪ Fax (425) 385-7044

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**LANCE BALLA**  
*Principal*

**ERIK HEINZ**  
*Assistant Principal*

**DANI MUNDELL**  
*Assistant Principal*

**MICHELLE RENÉE**  
*Assistant Principal*

**SECHIN TOWER**  
*Assistant Principal*

April 30, 2021

**2021 Commencement Ceremony Update**

Dear 2021 seniors and senior families:

It has been wonderful to have so many of our students back in our building, and especially our seniors. We know that this has been a different year and we are all so impressed with your positive attitudes, resilience, honesty, and growth mindset. I am pleased to let you know we are able to celebrate you and include your family and friends even in the midst of the COVID restrictions.

We will be holding our graduation at Memorial Stadium at 3 p.m. on Saturday, June 19. Snohomish County is currently in Phase 3 of the state's COVID phasing, which will allow for 2,500 spectators in the stadium with social distancing, masking, and COVID protocols in place. Even if the county gets moved back to Phase 2, we will still be able to have this number of spectators and be at Memorial Stadium according to the state's graduation guidelines.

With our estimated number of graduates, each senior will receive four (4) tickets for friends and family to attend. Household members will sit together and be socially distanced from other families by the indicators on the bleachers.

Seniors will be socially distanced sitting on the field, walking across the stage, receiving a diploma cover, and participating in a processional. We will continue our Jackson tradition by having speakers and performances.

We know an outdoor graduation has the unknown factor of weather, but if we were to hold the graduation indoors our attendees would be greatly limited. For instance, at the Angel of the Winds Arena, we would be limited to 600 guests, which would only allow one ticket per graduate. We heard very clearly from our families and seniors that having family attendance at graduation was a high priority.

We will be sending out more information as we get closer to the big day but wanted you to know this information now so you can make family plans. There will also be information and graduation FAQs posted on our website. We are excited our seniors will have a special day to commemorate their great accomplishments.

Thank you for your involvement and for the input we have received. Please visit the [FAQ](#) page on the district site. We will do all we can to make this graduation a truly special and memorable event for our Class of 2021!

  
Lance Balla  
Principal

APRIL 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 Council	7	8	9	10
11	12	13 Council	14	15	16	17
18	19	20	21	22	23	24
25	26	27 Council	28	29	30	

MAY 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Council	5	6	7	8
9	10	11 Council	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	Council				

JUNE 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Council	2	3	4	5
6	7	8 Council	9	10	11	12
13	14	15	16	17	18	19
20	21	22 Council	23	24	25	26
27	28	29	30			

Include title from governance manual  
Subject to change without notice

*Last updated: April 29, 2021*

City Council Meetings are the first, second and fourth Tuesdays of every month at 6 p.m.

**May 11, 2021**

- Police Department - Community Advisory Board
- Presentation - Development Services Part 2
- **Presentation** Upgrades to Public Access Portal

**May 25, 2021**

- DRCC Update

**Future Agenda Items**

- Update from Snohomish County Health Board
- New Business Amendment to Public Records Policy Ordinance
- Presentation - Council Chambers Virtual Meeting Format
- Proposed New Initiatives: Potential Farmer's Market.
- Update on Public Works projects and program activity.
- Update on Surface Water Utility
- Body Worn Camera Update
- Victim Coordination Services Agreement
- Police Department Reorganization
- Snohomish Conservation District ILA
- New Business - Snohomish County 911 Lease Agreement



15728 Main Street, Mill Creek, WA 98012  
Administration 425-745-1891  
Police 425-745-6175  
All Other Departments 425-551-7254

**Park & Recreation Board Meeting Minutes  
February 3, 2021**

**Members:**

Melissa Duque, Chair  
Bridget Casey  
Michael Bauer  
Peter Lalic  
Vince Cavaleri, Council Representative

**Not Present:**

Tyler Hogan  
Jim Erlewine  
Ryan Nichols, Vice Chair

**Also Present:**

Christi Schmidt, Senior Planner  
Kristen Rasmussen, Community Engagement Coordinator

**CALL TO ORDER**

Chair Duque called the meeting to order at 5:04pm, seconded by Member Casey and Bauer. Members and staff were present as noted above.

**YOUTH ADVISORY BOARD UPDATES**

Youth Advisory Board Member Laura Anderegg provided an update of the virtual volunteer opportunities the YAB members are participating in. The members donated clothes and socks for people in need to the Mill Creek Food Bank. YAB members are volunteering with NHS to tutor students. Two of the seven interested groups focus on environmental projects. These members are helping with the Storm Water project to research new information for the city to post on the website and provide educational opportunities. Members are creating Valentine's Grams for the Cocoon House, Food Bank and the Heatherwood Apartments. Color for a Smile is another project members can participate in to complete coloring pages which are sent to senior citizens and troops overseas. The members are also participating in Wellness events; the event this month is Heart Health. Some in person volunteer opportunities members continue which include volunteering at the Mill Creek Food Bank and Neighbors in Need with a four person limit.

Councilmember Cavaleri mentioned to Youth Advisory Board Member Anderegg the City is reaching out to USS Ralph Johnson to show appreciation for the members of the crew. They discussed brainstorming ideas similar to Operation Gratitude to show appreciation through letters, banners, providing them pre-packaged food, etc.

**APPROVAL OF MINUTES**

Member Bauer moved to approve the January 6, 2021 minutes and was seconded by Chair Duque. The motion passes unanimously.

**OLD BUSINESS**

Board Position Updates

The Park Board interviews were conducted on Tuesday, January 26 with five applicants. The committee reappointed members Tyler Hogan and Michael Bauer for another three year term.

Chair Duque shared feedback to the board members regarding answers and other interesting takeaways during the interview process. When interview candidates were asked about their favorite park, the overwhelming responses was Exploration Park. Chair Duque shared some of the candidates were confused about what was a City park versus a Mill Creek Community Association Park. This confusing reinforces the need to replace and improve the park signage project the board is working on.

Candidates were asked how they utilize the parks and the majority of the answers were for playgrounds. Additional community outreach was discussed to highlight features of the City parks.

**NEW BUSINESS**

Mitigation for the nature path by The Farm development

Senior Planner Christi Schmidt joined the meeting to share updates for The Farm offsite Wetland Preserve project. Ms. Schmidt showed two drone videos provided by the developer to help members of the community see the scope of the project.

Ms. Schmidt shared that Pacific Topsoils is interested in installing historical signs for the history of the site, which would include pieces of the old concrete fence posts from the Buffalo Farm in the plaza area of The Farm.

The member's discussed safety and crosswalk access to the Wetland Preserve. Ms. Schmidt informed them the developer will be conducting a crosswalk study along 35<sup>th</sup>. The members are expressed interest in a highly visual crosswalk like what is at Tambark Park.

The board also talked about possible ideas of what to include in the area and what it may look like. Ms. Schmidt provide the example of the Narbeck Wetland Sanctuary Park operated by Snohomish County.

The developer will open the Wetland to the public in a couple of months. The board expressed interest to schedule a socially distanced meeting for a tour with Ms. Schmidt.

Park Signage

Chair Duque informed the board of her meeting with Director Mike Todd and Public Works Supervisor Matthew Combs. Chair Duque shared the PowerPoint presentation with the City staff and discussed location for the park signs. The board was shown a mock-up of the sign which was submitted to the vendor Zumar for a quote. The price estimate for 36 signs (9- 18x24 and 27- 12x18) is \$1,728.00. Member Duque that no signage will be added along North Creek Trail at this time, and signs are not able to be added in medians.

There was some discussion from the board about whether to add the City logo on the park sign. Chair Duque stated the staff made the recommendation not to add the logo on the signs due to traffic regulations and making them easy to read. However the logo may be added to signage used for pedestrian access along the North Creek Trail.

Councilmember Cavaleri informed the board of the next steps to move the project toward completion which include approval of the signage locations by Public Works Supervisor Combs. Once the signs locations are approved, Councilmember Cavaleri said a presentation to City Council during a Council meeting is the final step for approval. The goal is to complete the project by March to coordinate with the schedule and availability for the crew to install them prior to spring/summer months.

Silver Crest Park Upgrades and Ideas Survey

Chair Duque recommends the board members narrow down and prioritize the list of recommendations for the CIP. Once this is complete, the Board can work with Director Todd about implementing these ideas.

**FOR THE GOOD OF THE ORDER**

**ADJOURNMENT**

Chair Duque adjourned the meeting at 6:01pm. The next meeting is scheduled for March 3, 2021, at 5 p.m. virtually via Zoom Virtual Meeting.

Submitted by:

*Kristen Rasmussen*

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Kristen Rasmussen, Community Engagement Coordinator





15728 Main Street, Mill Creek, WA 98012  
Administration 425-745-1891  
Police 425-745-6175  
All Other Departments 425-551-7254

**Park & Recreation Board Meeting Minutes  
March 3, 2021**

**Members:**

Melissa Duque, Chair  
Bridget Casey  
Michael Bauer  
Tyler Hogan  
Jim Erlewine  
Vince Cavaleri, Council Representative

**Not Present:**

Peter Lalic

**Also Present:**

Matthew Combs, Public Works Supervisor  
Kristen Rasmussen, Community Engagement Coordinator

**CALL TO ORDER**

Chair Duque called the meeting to order at 5:02pm, seconded by Member Erlewine. Members and staff were present as noted above.

**YOUTH ADVISORY BOARD UPDATES**

Youth Advisory Board Member Laura Anderegg provided an update of the virtual volunteer opportunities the YAB members are participating in. Some in person volunteer opportunities members continue which include volunteering at the Mill Creek Food Bank and Neighbors in Need. Color for a Smile is another project members can participate in to complete coloring pages which are sent to senior citizens and troops overseas.

The groups are working with the Fire Department for monthly themed projects. This month's theme is Poison Prevention so members can make information graphics to post on social media accounts and make other education activities relating to the theme.

Another project the Environmental Group has been supporting is the Surface Water. Members have researched sites and educational components to incorporate in a flyer or post to share on social media and the city's website.

The Childcare Group created a St. Patrick's Day scavenger hunt with 10 locations around town center. The community is encouraged to find these locations, take selfies, and submit them to city staff to be entered into a drawing for prizes.

YAB members are volunteering with NHS to tutor students. The members are also participating in Wellness events; the event this month is Heart Health.

**APPROVAL OF MINUTES**

Chair Duque moved to approve the February 3, 2021 minutes and was seconded by Member Hogan. The motion passes unanimously.

**ANNOUNCEMENTS**

Vice Chair Ryan Nichols resigns

Vice Chair Nichols has resigned from the board. Community Engagement Coordinator Rasmussen informed the board she will begin the recruitment process for the position.

The board moved to appoint a new Vice Chair. Member Hogan nominated Member Casey, seconded by Member Bauer. The motion passes unanimously.

**OLD BUSINESS**

Park Signage

Public Works Supervisor Combs joined the meeting to hare updates regarding the prosed park signage. Based on the locations, signs may or may not be able to be added as noted in the PowerPoint presentation. Mr. Combs informed the board he will verify all of the proposed locations on the PowerPoint as a final document. Afterwards, the board will update the sign quote to the sign vendor, Zumar. Once the quote and presentation are finalized, the board will present this information to Council for approval, hopefully by the end of April.

The board members discussed adding a white line around the board of the sign and reviewed the size of the signs. Parks with one name listed on it will be 12x18 inches and Parks with two names listed on it will be 18x24 inches. The size of these signs are standard industry size.

Mr. Combs informed the board members the signs should be installed by the fall.

**NEW BUSINESS**

Review Priority Survey for Silver Crest Park brainstorm ideas

Chair Duque asked the board to review and complete the Priority Survey for Silver Crest Park. At this time, there is not a set timeline of when work will begin on this project. Therefore, the board has time to submit ideas and recommendations to the city for their consideration. Chair Duque asked members to complete the survey by the April meeting.

Member Erlewine asked to look into the cost of Buffalo Park, Exploration Park and Heron Park to help with estimating costs.

The board discussed doing community outreach to inform the neighborhood of the CIP. Ideas included: survey, letters, open house and utilizing social media tools such as Nextdoor.

Community Service Day

Community Engagement Coordinator Rasmussen updated the board members of the City's upcoming Community Service Day on Saturday, April 24 from 10 a.m. to Noon. The project is open for anyone to submit an idea of what they would like to do to beautify the community. The projects may relate to Earth Day, or other assistance to help clean or maintain the parks, trails, signs, etc. The board may coordinate to create a project such as spreading bark at a park or planting plants.

Dobson Remillard Church Cook property (DRCC)

Chair Duque shared a map of this property with the board to provide context for the discussion. Community Engagement Coordinator Rasmussen informed the board members the City is sending out a survey to the community to solicit feedback and ideas for potential development of this property. The survey is open until March 31 and the results will be shared with City Council. The board members discussed potentially scheduling a tour of the property.

**FOR THE GOOD OF THE ORDER**

Community Engagement Coordinator Rasmussen discussed ideas to replace the traditional Party in the Park event. Members recommended the following ideas: Passport of the Parks, Scavenger Hunt, or Walk or Bike around the parks.

**ADJOURNMENT**

Member Hogan moved to adjourn the meeting at 6:04pm seconded by Member Bauer. The next meeting is scheduled for April 7, 2021, at 5 p.m. virtually via Zoom Virtual Meeting.

Submitted by:

*Kristen Rasmussen*

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Kristen Rasmussen, Community Engagement Coordinator



15728 Main Street, Mill Creek, WA 98012  
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**Art & Beautification BOARD MINUTES**  
15728 Main Street, Mill Creek, Washington 98012 – 425-745-1891

**January 13, 2021**  
**4 p.m.**

**I. CALL TO ORDER**

Acting Chair Good called the meeting to order at 4:07 p.m. via Zoom Virtual Meeting.

**II. ROLL CALL:**

Guy Armfield  
Jamie Barrett  
Jeanne Smart  
Michelle Edwards  
Ravi Ubriani  
Shoshauna Mohlman  
Vanessa Good, Acting Chair  
John Steckler, Council Representative

Staff

Kristen Rasmussen, Community Engagement Coordinator

**III. ANNOUNCEMENTS**

Acting Chair Good announced she is moving out of the area and this will be her last meeting. The board members congratulated her on the move and wished her well.

**IV. APPROVAL OF MINUTES**

Member Armfield moved to approve the October 12, 2020 minutes and December 9, 2020 was seconded by Member Smart. The motion passes unanimously.

**V. OLD BUSINESS**

**a. Historical Preservation Project updates**

N/A

**VI. NEW BUSINESS**

**a. Brainstorming Session/Goals for 2021**

Community Engagement Coordinator Rasmussen put together a brief timeline of the board's past, current, and ongoing events with a brief description for the members to reference during this discussion.

Acting Chair Good asked everyone to share an idea for a potential project/interest the board may pursue for this year.

Member Ubriani presented the idea of adding flower baskets and/or coordinated decorative flags to be displayed on lights posts on the streets. This initiative may be coordinated with MCCA as a potential partner and to have unified decorations throughout the city. Member Ubriani also presented the idea of adding events at town center.

Member Smart stated her interest in sharing art opportunities in Mill Creek to the community through a regular publication available to the public. Councilmember Steckler informed the board that the Mill Creek Arts & Living magazine is interested in working with the Kiwanis volunteer group to publish upcoming events, and this may be a good option for the Art Board to pursue. A representative from the board may be the liaison to the magazine to find and share art opportunities in the community for this publication. Ms. Rasmussen noted she would be able to share this information on the City's social media and website as well.

Member Edwards expressed interest in developing a lending library for the community. The board discussed trying this at two city parks or easily accessible locations. Another idea is to make a library for a certain age such as kids or adults.

Member Barrett shared an idea she saw in Oregon which could be modified for Mill Creek. This idea included painted ducks being displayed around town. The board talked about having ceramic owl's for Mill Creek which may be sponsored and decorated by local businesses.

Member Mohlman expressed an interest in creating a monthly open mic night at the forum in Town Center. Councilmember Steckler shared the idea of purchasing a trailer that turns into a traveling stage which is portable and available to use all over the Mill Creek community.

Member Armfield is happy to support the above ideas and will champion Acting Chair Good's idea of the Great Light Award idea.

**b. Elect new Chair and Vice Chair**

Acting Chair Good led the discussion of electing a new Chair and Vice Chair for the upcoming year. After some discussion, the board voted to appoint Member Armfield as the new Chair. The vote passed unanimously with no objections, Member Ubriani was not present for the vote. The board voted to appoint Member Mohlman as the new Vice Chair. The vote passed unanimously with no objections, Member Ubriani was not present for the vote.

**VII. ROUNDTABLE**

N/A

**VIII. REPORTS**

Member Barrett provided an update from the Mill Creek Boulevard Project Advisory Committee. She informed the board the Advisory Committee is looking into rezoning the area around the Post Office to the gas station at 164<sup>th</sup> and Mill Creek Blvd from retail to multi-zone residential. Three options were presented: making no change, increasing use by 30% for new mix use, or increasing by 50% for new mix use in this area.

Member Barrett discussed potential impacts of the rezoning options and how that may affect the area. She has been asked by the committee to design her perfect road and brainstormed ideas with the board members about this topic. Different cities were referenced in this discussion including redevelopment in Green Lake, University Village shopping area and the Totem Lake development in Kirkland. The next meeting will discuss traffic impacts which is on Jan. 27.

**IX. ADJOURNMENT**

Member Armfield moved to adjourn the meeting at 5:13pm, seconded by Member Smart. The motion passed unanimously. The next meeting is scheduled for February 10, 2021, at 4 p.m. virtually via Zoom Virtual Meeting.

Submitted by:

*Kristen Rasmussen*

Kristen Rasmussen, Community Engagement Coordinator



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**Art & Beautification BOARD MINUTES**  
15728 Main Street, Mill Creek, Washington 98012 – 425-745-1891

**March 10, 2021**  
**4 p.m.**

**I. CALL TO ORDER**

Chair Armfield called the meeting to order at 4:06 p.m. via Zoom Virtual Meeting.

**II. ROLL CALL:**

Carmen Fisher  
Guy Armfield, Chair  
Jamie Barrett  
Jeanne Smart  
Michelle Edwards  
Shoshauna Mohlman, Vice Chair  
John Steckler, Council Representative

Staff

Kristen Rasmussen, Community Engagement Coordinator

Absent

Ravi Ubriani

**III. ANNOUNCEMENTS**

a. Introductions and welcome new member Carmen Fisher to the Board.

**IV. APPROVAL OF MINUTES**

Vice Chair Mohlman moved to approve the Feb. 10, 2021 minutes second by member Barrett. The motion passes unanimously.

**V. OLD BUSINESS**

**a. Historical Preservation Project updates**

Review Plaque quote from FastSigns. Community Engagement Coordinator Rasmussen provided samples of the bronze etched plaque with an estimated price of \$630 plus tax.

The board members liked the plaque but have requested an additional quote to compare pricing and proofs of the plaque side by side. Community Engagement Coordinator Rasmussen will request an additional quote from another vendor named Signs by Tomorrow.

Councilmember Steckler discussed the ribbon cutting ceremony updates with the board members for the panel project. The council supports a low key event, and recognizing the board members for their work and time spent on this project. The goal is to pick start planning a date during the April meeting.

**b. Final Brainstorming Discussion and Goals for 2021**

Chair Armfield reviewed the current and new projects proposed in the Art Board Calendar of Events document. The board looked at each event to review if this is important to them, and if so is a member going to champion the event and see it through execution.

The Board talked about the Art Walk event and decided to reach out to the Mill Creek Town Center Board Association (MCTCBA) Liaison Heidi Butz about her interest and support of continuing the event. Since the board supports the MCTCBA with this event, they felt it appropriate to hold off on it for now since the previous years' attendance has been low and the concern of how to execute this event to ensure COVID-19 safety protocols.

The Great Garden award is an event the board is still passionate about continuing. Chair Armfield volunteered to assist staff with dividing and creating boundaries for the members to use when finding great gardens to award. The goal is to establish the boundaries by the May meeting, vote on the awards in July and deliver the signs in August.

The Pianos on Main Street event was discussed in detail when Community Engagement Coordinator Rasmussen expressed concern continuing with this event due to reduced staffing and other concerns such as storing, moving, and repairing/tuning the pianos each year. The board members expressed support of this event since the community enjoys it so much.

Councilmember Steckler volunteered to support staff with this event and create a plan to provide sponsorship opportunities for the businesses to get involved. Businesses may sponsor the piano to pay for the yearly services needed (as listed above), and receive recognition or host the piano at their business as part of the sponsorship. The event may expanded all over the city and rebranded as Pianos in Mill Creek.

The board decided to hold off on the Rotating Art, Clean the Creek, Flower Baskets/Decorative Flags and the Utility Boxes events for this year. Member Smart informed the board that the utility box outside of Mill Creek Elementary is a future project once schools reopen.

The discussed the Great Light Award in length. The Mill Creek Community Association currently offers a similar award and the board talked about if they would be competing with this event or not. The board also discussed letting the community post addresses to houses with great lights to create a Tour of Lights for to share with the public so they may drive around and view the light displays on their own. Concerns about privacy of posting addresses was discussed. This board is still interested in this topic but will need further discussion and research prior to executing.

The board has decided to move forward with executing the Painted Buffalo idea. Councilmember Steckler researched the cost of a fiber glass buffalo is life sized and costs



approximately \$1,600 per buffalo. The buffalo is white encased fiberglass and is ready to be painted in a creative way by a local artist.

Councilmember Steckler recommends the board reach out to The Farm developer as a potential sponsor to host a buffalo at their new development. Other businesses may also sponsor a buffalo, creating a unique tourism opportunity for Mill Creek to encourage people to find the painted buffalos in the community.

An alternative to the buffalo are fiber glass ducks which may be painted and displayed in the community. The duck is four feet long and three feet high. The cost for each duck is \$825.

This potential tourism project may be called “See the Heard of Buffalo” or “See the Ducks Hatched in Mill Creek”.

The Art Publication idea is a great way to communicate upcoming art events and opportunities to the community. Due to the other projects the board has committed to, everyone felt they could not successfully take the event on as proposed. However the board discussed alternative ideas to communicate opportunities and support art in the area such as including this in the City and Mill Creek Community Facebook pages, creating a clickable map on the website, or adding to the City’s events calendar of upcoming opportunities. The board discussed assigning a task force for this project to put together interactive map of projects, location information and who is the host or presenter.

The Open Mic Night and Holiday Market ideas have been put on hold for this year.

Member Edwards has volunteered to champion the Lending Library idea. The board discussed adding one in a city park to have available for the community. Member Edwards informed the board there is a lending library website and place to purchase the building materials. The board talked about adding art on the lending library. The board also discussed how this idea supports the mission of the Art Board since literature is art.

Community Engagement Coordinator Rasmussen informed there is interest in the community for a lending library as a she heard from a community member about adding one. Ms. Rasmussen will reach out to other city staff to inquire about adding a lending library in a city park.

Member Fisher is on the Friends of the Mill Creek Library and they have books they are able to donate for this project. Member Edwards will put together a business plan of proposed locations, how the board will implement and support this concept.

**VI. ROUNDTABLE**

N/A

**VII. REPORTS**

Member Barrett provided an update from the Mill Creek Boulevard Project Advisory Committee. She is going to share the latest PowerPoint from the committee with the other board members. The committee is waiting to hear the results of the latest traffic

implications before moving with further design concepts. The committee plans to hold public meetings regarding this topic.

**VIII. ADJOURNMENT**

Member Armfield moved to adjourn the meeting at 5:27pm. The next meeting is scheduled for April 14, 2021, at 4 p.m. virtually via Zoom Virtual Meeting.

Submitted by:

*Kristen Rasmussen*

Kristen Rasmussen, Community Engagement Coordinator