

**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 - 603

**June 8, 2021**  
**City Council Meeting**  
**6:00 PM**

**VIRTUAL MEETING INFORMATION**

- A. Topic: City Council Regular Meeting  
Time: Jun 8, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98843805371>

Meeting ID: 988 4380 5371

One tap mobile

[+12532158782](tel:+12532158782).,98843805371#US (Tacoma)

+16699006833,,98843805371# US (San Jose)

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **AUDIENCE COMMUNICATION**

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

## **PRESENTATIONS**

- C. A Proclamation on Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month for June 2021  
*(Mayor Holtzclaw)*
- D. Youth Advisory Board Recognition & Graduating Senior Congratulatory Acknowledgment  
*(Kristen Rasmussen, Community Engagement Coordinator)*
- E. Presentation of Development Review Process  
*(Mike Todd, Director of Public Works & Development Services)*

## **OLD BUSINESS**

- F. Adoption of the Revised Governance Manual  
*(Grant Degginger, City Attorney)*
- G. Passport Office Update
- H. Dobson Remillard Church Cook (DRCC) Property Discussion  
*(Michael Ciaravino, City Manager & Karen Reed, Consultant)*
- I. City Manager Evaluation  
*(Mayor Holtzclaw and Karen Reed, Consultant)*

## **STUDY SESSION**

- J. Update on Fire District 7 Contract (Snohomish Regional Fire & Rescue)  
*(Michael Ciaravino, City Manager, Karen Reed, Consultant, Bill Cushman, Consultant)*

## **CONSENT AGENDA**

- K. Approval of Checks #63406 through #63446 and ACH Wire Transfers in the Amount of \$177,331.25  
*(Audit Committee: Mayor Pro Tem Vignal and Councilmember Briles)*
- L. Payroll and Benefit ACH Payments in the Amount of \$183,213.79  
*(Audit Committee: Mayor Pro Tem Vignal and Councilmember Briles)*
- M. City Council Meeting Minutes of June 1, 2021

## **REPORTS**

- N. Mayor/Council
- O. Michael Ciaravino, City Manager
  - Staffing Updates
- P. Laurel Gimzo, Finance Director
  - American Rescue Plan Act (ARPA) Update
- Q. Mike Todd, Director of Public Works & Development Services
  - Update on Sign & Temporary Structure Regulations - COVID - 19

## **AUDIENCE COMMUNICATION**

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

## ADJOURNMENT



## ***Proclamation***

**WHEREAS**, equality of opportunity and freedom from discrimination are among the basic, inalienable moral rights of every person, necessary for the development and exercise of our most vital capacities and preconditions of human flourishing; and

**WHEREAS**, our nation was founded upon and is guided by a set of principles that includes that every person has been created equal, that each has rights to their life, liberty and pursuit of happiness and that each shall be accorded the full recognition and protection of law; and

**WHEREAS**, over the course of our nation's history the sphere of its moral recognition has expanded to include many persons previously marginalized, disenfranchised and subjugated; yet this recognition remains imperfect and this expansion incomplete; and

**WHEREAS**, 2015's landmark Supreme Court decision guaranteeing marriage equality in all 50 States was a historic victory for LGBT Americans, ensuring dignity for same-sex couples and greater equality across State lines.

**WHEREAS**, Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month is observed annually in the month of June to honor the 1969 Stonewall Uprising and "to recognize the impact that lesbian, gay, bisexual and transgender individuals have had on history locally, nationally, and internationally;" and

**WHEREAS**, June 2021 marks the 51st anniversary of annual LGBTQ Pride observances;

**NOW, THEREFORE**, I, Brian Holtzclaw, Mayor of the City of Mill Creek, on behalf of the City Council, do hereby proclaim June 2021 as Lesbian, Gay, Bisexual, and Transgender Pride Month.

Signed this 8th, day of June 2021.

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

\_\_\_\_\_  
Michael G. Ciaravino, City Manager

Attest: \_\_\_\_\_  
Naomi Fay, City Clerk





**Meeting Date:**  
June 8, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: Youth Advisory Board Recognition & Graduating Senior Congratulatory Acknowledgment.**

**ATTACHMENTS:**

[YAB End of Year Slide Show 2020-2021](#)

[Graduating Seniors 2020-2021](#)

[Graduating Senior Bios](#)

Respectfully Submitted:

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a flourish.

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City Manager



# Mill Creek Youth Advisory Board

## 2020-2021 Year in Review

June 8, 2021

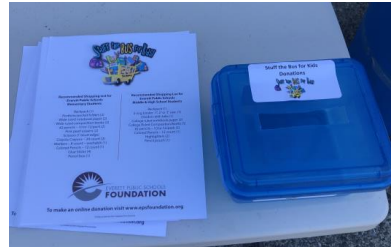
# Child Strive Yardwork

August 6, 2020



# Stuff the Bus

August 14-18, 2020





# Neighbors in Need

## Ongoing Volunteer Opportunity



MCYAB members bagging supplies for the homeless.

# Masks

## August-September 2020



MCYAB members hand made over 100 kid-sized masks that were donated to families in the Heatherwood Apartments and the Mill Creek Food Bank



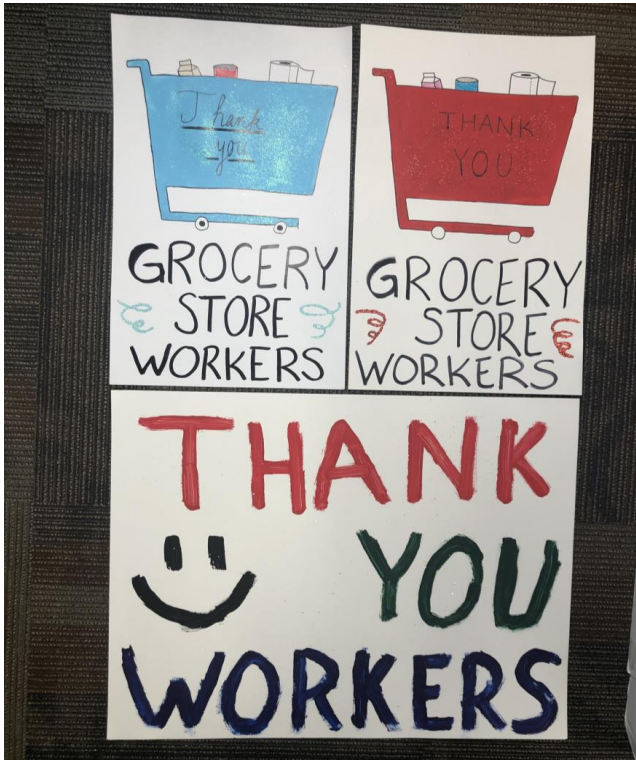
# Project Linus Blanket Making

September 4, 2020



# Thank You Posters

## September 2020



MCYAB members made posters to thank grocery store workers for their bravery working during the pandemic.



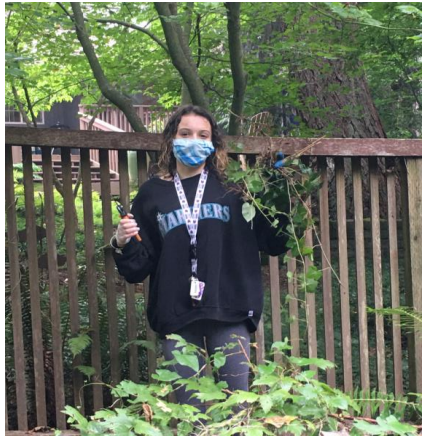
# Mask Distribution

## September 29, 2020



# Park Clean Up

October 1, 2020









# Candy Grab n Go Halloween Event

October 29, 2020





Candy Stuffing!





# Mill Creek Food Bank Ongoing Volunteer Opportunity





Mill Creek Youth Advisory Board 2020-2021 Year in Review



# Valentine Grams February 2021



Hand made valentines were donated to the Cocoon house and the Mill Creek Food Bank!



# St. Patty's Day Scavenger Hunt

## March 2021



The MCYAB childcare interest group created a scavenger hunt for the community to participate in!

# Donations

## Ongoing Opportunity



Throughout the year, MCYAB members donated to a variety of organizations/drives including:

- Mill Creek Food Bank
- Jackson HS Toy Drive
- The Cocoon House
- Jackson HS Red Cross Club
- Blood banks



# Extravaganza Drive Thru

April 3, 2021



YAB member handed out bags filled with eggs, stickers, coloring pages, and more!





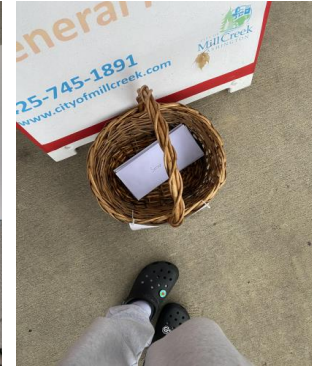
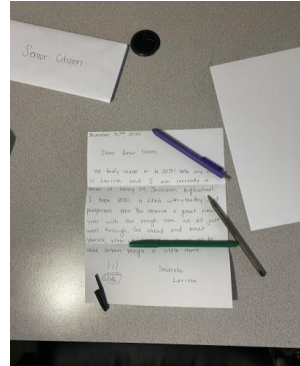
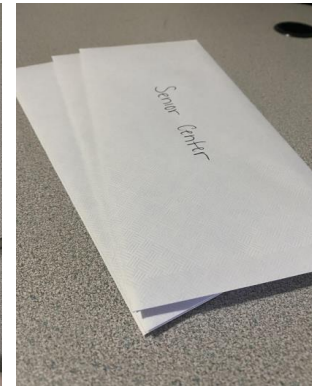
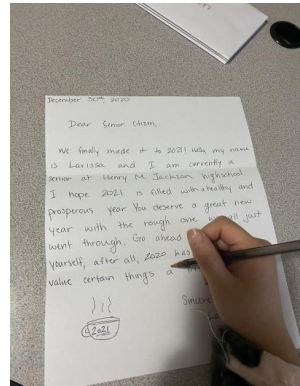
MCYAB, NHS, and Key club volunteers stuffing eggs to prepare for the drive thru event!



# Letter Writing Ongoing Volunteer Opportunity



Throughout the year, MCYAB members wrote letters to healthcare workers, military personnel, senior citizens, and first responders





# Monthly Wellness Activities

## Ongoing Opportunity

### march wellness

focus: mental health and productivity

- ♥ read this book **The Keys to Success**
- ♥ listen to a new podcast **happy thoughts**
- ♥ organize **my entire closet**  
(your room, car, a closet, etc.)
- ♥ try a destressing activity **try meditating**  
(yoga, meditation, walking, etc.)
- ♥ exercise goal **run 4 miles in an hour**  
(jogging/lifting/walking, try something new!)
- ♥ try 1 new thing to boost your mood  
**make food for the entire day**  
(could be ANYTHING, talk to a friend, hug someone, make a yummy dinner)

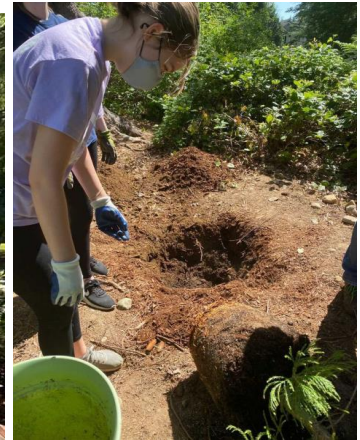
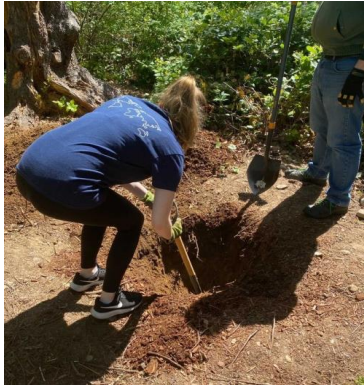


MCYAB members made goals for themselves on a monthly basis to improve their heart health, mental health, and overall wellness!



# Tree Planting – Earth Day

April 24, 2021



Led by Robyn W., MCYAB  
volunteers planted a tree in Pine  
Meadow Park!

# Thank you all for a wonderful year!

Ahmad Shafi

Anhad Sidhu

Anjali Sinha

Arshan Rezai

Ayla Bard

Bella Lynn

Brooklyn Coleman

Claire Kim

Ella Henrickson

Ema Heltne

Esther Park

Garrett Carlson

Inaayat Sidhu

Jenna Suh

Julia Raker

Larissa Wang

Laura Anderegg

Maher Modak

Min Kim

Nayeli Rivas

Parker Hoppe

Robyn Wight

Sabrina Rassulli

Samantha Howell

Safa Jamal

Senna Rolleman

Tanvi Kasar

Taylor Byrd

Viet Ly

Vy Nguyen





**Mill Creek Youth Advisory Board's Graduating Seniors for 2020 – 2021:**

Laura Anderegg  
Ayla Bard  
Taylor Byrd  
Garrett Carlson  
Brooklyn Coleman  
Ema Heltne  
Ella Henrickson  
Parker Hoppe  
Samantha Howell  
Safa Jamal  
Tanvi Kasar  
Claire Kim  
Min Kim  
Viet Ly  
Bella Lynn  
Maher Modak  
Vy Nguyen  
Esther Park  
Julia Raker  
Sabrina Rassulli  
Arshan Rezai  
Nayeli Rivas  
Senna Rolleman  
Ahmad Shafi  
Anhad Sidhu  
Inaayat Sidhu  
Anjali Sinha  
Jenna Suh  
Larissa Wang  
Robyn Wight

**The Mill Creek Youth Advisory Board's seniors had an opportunity to provide a brief write-up about their memories and experiences while volunteering on the board. They also shared details about their future plans after graduating.**

**Laura Anderegg** has been on the Mill Creek Youth Advisory Board for three years, and currently holds the Liaison and Photo Journalist position. Her favorite event was the summer Party in the Parks series held in local city parks. After graduation she will be attend the University of Washington to study Engineering.

**Taylor Byrd** loved her experience in Mill Creek Youth Advisory Board (MCYAB) over the last four years. She has enjoyed being an officer as a Volunteer Outreach Coordinator for two years. One of her favorite memories from MCYAB is meeting new people that are on the board. Next year, Taylor will be attending the University of California Santa Barbara to major in Environmental Studies.

**Emma Heltne** has been on the Mill Creek Youth Advisory Board for two years. Here favorite event was the Mill Creek Festival. After graduation, she will attend San Diego State University to study Political Science.

**Bella Lynn** has been on the Mill Creek Youth Advisory Board for three years. She held the officer position of Volunteer Outreach Coordinator for two years. Her favorite memory was getting to ride in the fire truck during the Santa's Coming to Town Parade on Main Street. Bella looks forward to the warmer weather while attending San Diego State University. She plans to major in Psychology.

**Maher Modak** has been on the Mill Creek Youth Advisory Board for two years, and currently holds the Co-Chair position. His favorite memory was the 3 on 3 Basketball Tournament. After graduation, Maher will attend the University of Washington to study Pre-Med and will join ROTC. He hopes to be commissioned into the Army National Guard as an officer and will join the military Medical School.

**Vy Nguyen** has been on the Mill Creek Youth Advisory Board (MCYAB) for two years. Her favorite event has been the various park clean-ups with other MCYAB members. She enjoys taking an active role to keep the surrounding environment clean and safe. After graduation, Vy will attend the University of Washington to study Environmental Science and Political Science. Vy would like to work in education and environmental research.

**Esther Park** has been on the Mill Creek Youth Advisory Board (MCYAB) for three years, and currently holds the Event Assistant position. Her favorite memory was attending the WE Day ceremony with all the other MCYAB members. It was such a fun and unique experience that was very rewarding. She enjoyed the guest speakers and performances throughout the day. Esther will attend Barnard College to study Political Science.

**Julia Raker** has been on the Mill Creek Youth Advisory Board for one year. Julia plans to attend the University of North Dakota to study Commercial Aviation. She hopes to become a commercial pilot after graduation.

**Anjali Sinha** has been on the Mill Creek Youth Advisory Board (MCYAB) for three years. She has held the Secretary position and currently holds the Co-Chair position. Her favorite event was the Mill Creek Festival because she enjoyed interacting with the community, and bonding with the MCYAB members volunteering at the City booth. Anjali will attend the University of Washington this fall. She has been accepted into the Pre-Sciences Department and plans to major in Neuroscience.

**Larissa Wang** has cherished her time in the Mill Creek Youth Advisory Board (MCYAB) over the last three years; it has been an honor being a part of this group. Her favorite memory was going to the pumpkin patch for a fall social event with the MCYAB members. Larissa also enjoyed volunteering at the city booth during the Mill Creek Festival. After graduation, Larissa plans to continue her education at the University of Washington to pursue a degree in Business Administration.



**Meeting Date:** June 8, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: PRESENTATION OF DEVELOPMENT REVIEW PROCESS**

**PROPOSED MOTION:**

None. Discussion Only

**KEY FACTS AND INFORMATION SUMMARY:**

At recent City Council meetings, Development Services staff made two presentations to the City Council about development activity that has and is taking place in the City of Mill Creek. The first presentation focused on the number of permits being processed, inspections being completed, and some revenue information. The second presentation was focused on the status of properties actually under or soon to be under construction. During the last presentation, there were questions about the City's development review process, including the role of the Hearing Examiner and the Design Review Board in making land use decisions. Staff will make a brief presentation walking the City Council through the development review process, including the areas where the Hearing Examiner and Design Review Board make decisions, and will be available to answer questions.

**CITY MANAGER RECOMMENDATION:**

None.

**ATTACHMENTS:**

[Development Review Process](#)

Respectfully Submitted:

*Michael Ciaravino*

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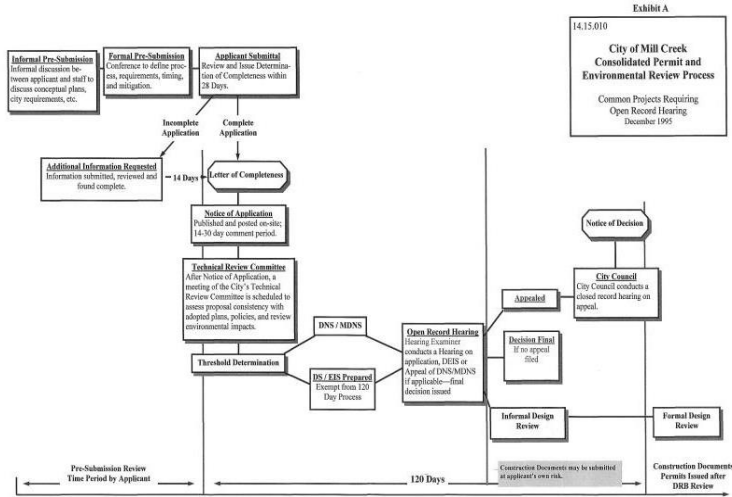
City Manager



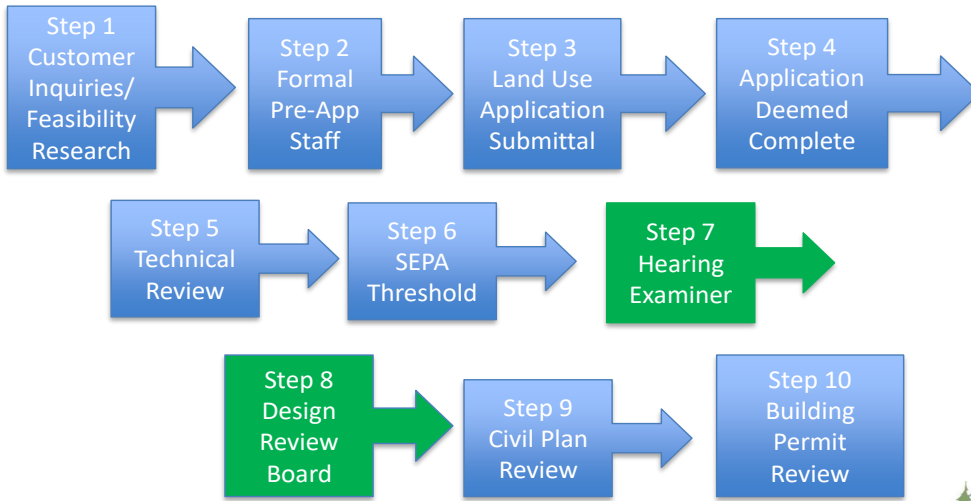
# Development Review Process Roles and Responsibilities

City Council Meeting - June 8, 2021

# Development Review Process



# Development Review Process



# Hearing Examiner Jurisdiction

## **MCMC 14.03.080 Hearing examiner.**

A. Final Decisions. The examiner shall review, hear and make final decisions and/or issue orders on the following matters, including all appeals related to the underlying action:

1. Applications for variances to the requirements of the municipal code, including those falling under the uniform codes and RCW 35A.63.110(2).
2. Applications for preliminary plats and binding site plans, but not including short plats.
3. Applications for major amendments or modifications of approved plats and binding site plans.
4. Applications for development permits under MCMC Titles 14 through 18 that require an open record hearing, together with appeals of related SEPA threshold determinations.
5. Applications for reasonable use exceptions under MCMC 18.06.430 if associated with land development permit applications that are subject to hearing examiner review.
6. Applications for conditional use permits for city parks.
7. Appeals of administrative interpretations under MCMC 14.03.020(B)(1).
8. Appeals of administrative decisions under MCMC 14.03.020(B)(2).



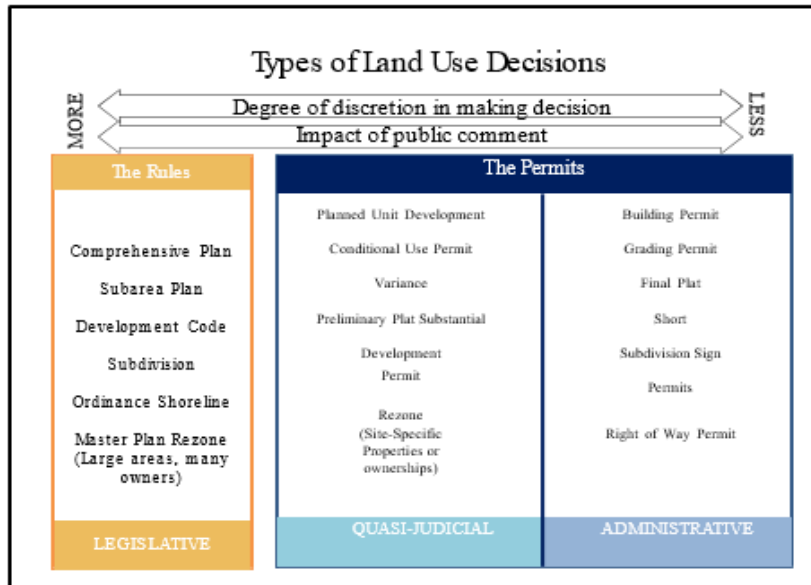


# Development Review Process

9. Appeals of amortization periods under Chapter 17.32 MCMC.
10. Appeals of design review board decisions.
11. Appeals of administrative enforcement actions under Chapter 14.13 MCMC.
12. Appeals of other administrative decisions as specified in MCMC Titles 14 through 18.
13. Appeals of business license denials, suspensions, and revocations under Chapters 5.04 and 5.26 MCMC.
14. Appeals of cabaret dance license denials, suspensions, and revocations under Chapter 5.18 MCMC.
15. Appeals of administrative decisions and enforcement actions under MCMC Title 6.
16. Appeals of stormwater rate adjustments under MCMC 8.12.070.
17. Matters falling under Chapter 35A.63 RCW which call for a quasi-judicial hearing or appeal, including decisions on permits or approvals, unless specifically assigned to another entity, board or body by the municipal code.
18. Other quasi-judicial matters as may be assigned or delegated to the examiner by the city council or the municipal code.



# Roles and Responsibilities



- Staff, Council & Hearing Examiner have different roles
- Discretion available depends on type of land use decision
- Impact of public also varies depending on type of decision





**Meeting Date:** May 25, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

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

**PROPOSED MOTION:** Motion to adopt Resolution 2021-603, repealing Resolution No. 1 and Resolution No. 2011-473, adopting the new edition of the Governance Manual, and rules governing public communications at Council meetings and public hearings.

**KEY FACTS AND INFORMATION SUMMARY:**

Last week the Council discussed the proposed changes to Section 7.1 that added both criteria for consideration and a process for adoption of proclamations. A list of proclamations adopted over the past several years is attached. The remaining sections that Council has indicated an interest in reviewing this week include the following:

1. Section 1.2.6 (process for addressing information requests)
2. Section 1.3.4 and 2.2.6 (resolving whether council liaison positions are reviewed annually or bi-annually)
3. Section 3.6.2 (limitation on holding multiple offices)

The latest redline and clean version of the manual and proposed Resolution adopting the manual are again attached for the Council's reference.

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

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

**RECOMMENDATION:**

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

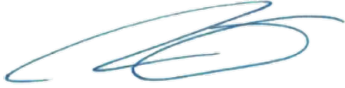
**ATTACHMENTS:**

- Redline of Governance Manual reflecting changes from current version.
- Clean copy of revised Governance Manual



- Proposed Resolution No. 2021-602

Respectfully Submitted:



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Michael Ciaravino, City Manager



CITY OF  
**Mill Creek**  
WASHINGTON

*Manual of City Governance  
Policies, Procedures and Guidelines*

Resolution No. 2021 -XXX

Adopted June XX, 2021

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

444444.1636/8430314.4

## **Introduction**

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

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

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

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

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

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

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

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**Article 1: Principles**

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

**1.1 Values**

**1.1.1 City Leaders Listen to the Community**

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

**1.1.2 Collaboration is Valued**

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

**1.1.3 City Leaders Lead and Reason Together**

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

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

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

**1.1.5 Sustainability**

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

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

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

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

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

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

**1.2.3 Performance-Driven Management**

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

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

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

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

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

**1.2.6 Council Will Not Request Unnecessary Information**

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. ~~An exceptionally time-consuming request of Council requires a majority vote, and information will be disseminated to the Council.~~ Staff work on a particular project requested by an individual Councilmember may not exceed four hours without authorization by the City Council. The City Manager will review each request and provide an estimate of time the request is expected to take and when the work could be completed given available staffing and priorities. Council approval for requests exceeding an estimated four hours may be sought by raising the question or request under the New Initiatives item on the Council meeting agenda as is further described in Section 7.1.

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

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

**1.2.8 Communications to the Public are Essential**

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

**1.3 Functioning of City Council**

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

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

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

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

**1.3.3 Citizen Volunteers Play an Important Role**

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

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

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

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

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

**1.3.6 Council is Mindful of Limited Resources**

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

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

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

**1.3.8 Standing Committees**

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

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

**1.4.1 Council Makes Effective Use of Time**

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

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

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

**1.4.3 Effective Decision Making Requires Finality**

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

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

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

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

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

**1.5 Functioning of City Manager and Staff**

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

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

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

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

**1.5.3 Regular and Understandable Financial Reporting**

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



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

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

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

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

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

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

**2.1.1 City Council (or “Council”)**

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

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

**2.1.2 Council Ad Hoc Committee**

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

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

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

**2.1.4 Citizen Advisory Committee**

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

**2.1.5 Steering Group**

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

**2.1.6 Small Task Group**

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

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

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

**2.2 City Officials and Adjudicators**

**2.2.1 Mayor**

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

**2.2.2 Mayor Pro Tem**

See the definition and duties stated in Section 4.3.

**2.2.3 Chair**

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

**2.2.4 City Manager**

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

**2.2.5 Appointive Officers**

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

**2.2.6 Council Liaison**

With Council approval, a Councilmember serves a two-year term as the Council’s Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and

accountability to the Council. There are typically Councilmember Liaisons to three types of organizations:

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

#### **2.2.7 Hearing Examiner**

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

### **2.3 Types of Meetings of Council**

#### **2.3.1 Regular Meeting**

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

#### **2.3.2 Special Meeting**

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

#### **2.3.3 Business Meeting**

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

#### **2.3.4 Study Session**

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, or (iii) to participate in presentations with City staff or other subject matter experts. In general, final votes

are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may include a “Study Session”.

**2.3.5 Workshop**

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

**2.3.6 Public Hearing on Ordinance**

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

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

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

**2.3.8 Retreat**

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

**2.4 Types of Public Participation in Government****2.4.1 Public Comment Period at Business Meetings**

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

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

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



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

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

**2.4.4 Public Forum**

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

**2.4.5 Neighborhood Meetings**

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

**2.4.6 Additional Avenues for Public Participation**

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

**2.5 Types of Governing Actions****2.5.1 Motion**

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

**2.5.2 Resolution**

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

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

**2.5.3 Ordinance**

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

**2.5.4 Comprehensive Plan Amendment**

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

**2.5.5 Budget Adoption or Amendment**

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

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

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

**2.5.7 Quasi-Judicial Ruling**

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

**2.5.8 Best Practices**

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

**2.5.9 Doing Things Right**

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

**Article 3: Standards Of Conduct**

**3.1 Sources and References**

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

- Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): “**Knowing The Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials**” (Nov. 20019) “RCW”: **Revised Code of Washington**
- “MCMC”: **Mill Creek Municipal Code**
- “OPMA”: **Open Public Meetings Act**

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

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

**3.3 Oath of Office**

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

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

**3.4 Public Trust and Fiduciary Duty**

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

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

**3.5 Stewardship of Public Funds**

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

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

**3.6 Conflicts of Interest under State Law**

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

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

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

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

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

**3.6.1 State Code of Ethics**

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

**3.6.1.1 Private Interest in Public Contracts**

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



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

**3.6.1.2 Other Prohibited Acts**

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

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

Legal advice should be sought on such questions as:

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

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

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

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

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

**3.6.2 Limitations on Holding Multiple Offices**

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

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

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter defined as “actions of the legislative body, planning commission, hearing examiner or boards which determine the legal rights, duties or privileges of specific parties in a hearing or other contested proceeding.” RCW 42.36.010 (e.g. a property specific 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 Council. The City does not maintain or support such accounts. If a councilmember chooses to have personal social media accounts, posts related to the conduct of city government may constitute a public record subject to a public records request and require the Councilmember to search for and provide the record or a declaration stating that no such records exist. Determination of whether a record was prepared by the City will involve reviewing whether the Councilmember was preparing the post within the scope of his or her employment-~~and~~-whether the councilmember was furthering the City's interests. Relevant factors include whether the Councilmember was acting in his/her official capacity and whether the post could be considered as conducting City business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**4.1 Council Meeting - Time and Location**

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

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

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

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

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

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

**4.3.1 Organizational Meeting**

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

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

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

**4.3.3 Nominations/Nomination Process**

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

**4.3.4 Voting**

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

**4.3.5 Election and Oath of Office**

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



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

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

**4.4 Quorum**

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

**4.5 Respect and Decorum**

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

**4.5.1 Orderly Behavior and Civility in Remarks**

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

**4.5.2 Permission Required to Address the Council**

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

**4.5.3 Forms of Address**

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

**4.6 Participation from a Remote Location**

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

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

**4.7 Attendance; Excused Absences**

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

**4.8 Filling Council Vacancies**

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

**4.9 Continuity of Government Act**

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

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

**5.1 Approval of Appointees**

**5.1.1 Citizens on Standing Governing Bodies**

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

**5.1.2 Citizens on Temporary Governing Bodies**

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

**5.1.3 Removal**

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

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

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

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

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

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

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

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

**Article 6: City Administration**

**6.1 City Manager**

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager’s accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

**6.2 Role of the City Manager**

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

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

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

**6.3 Informal Communications Encouraged**

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

**6.4 City Manager — Interference by Councilmembers**

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

**6.5 Complaints to Councilmembers**

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

**6.6 Citizen Complaints or Service Requests - "Best Practice"**

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

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

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

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

**6.8 Role of the City Attorney**

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

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

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

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

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

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

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

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



**6.9 City Staff — Attendance at Meetings**

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

**6.10 Administrative Presentations and Briefings**

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

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

**Article 7: Preparation for Council Meetings**

**7.1 Council Meeting Agendas**

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

~~The City Clerk shall include in each Agenda packet a "Tentative Council Meeting Agenda" list to advise Councilmembers and the public on topics that may come before the Council in future meetings. "Proposed New Initiatives" shall be a standing agenda item during which Councilmembers may propose a specific topic to include for consideration on a future Council meeting 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.~~

The City Manager or the City Manager's designee shall confer with the Mayor and the 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 in the City Code.

**7.1.1 Tentative Council 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.

**7.1.2 Proposed New Initiatives**

“Proposed New Initiatives” shall be a standing agenda item during which Councilmembers may propose a specific topic to include for consideration 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 council meeting agenda, the City Manager will confer with staff, the Mayor and Mayor Pro Tem in scheduling the topic on a future meeting agenda.

**7.1.3 Proclamations**

Proclamations are generally broad statements recognizing the achievement of individuals or groups in the community, have relevance to a large number of residents in the City, or forward positive messages.

The following guidelines and requirements apply to requests for consideration of proclamations:

1. Councilmembers, persons or organizations making a request for a proclamation must submit a copy of the proposed proclamation to the City Clerk at least two weeks in advance of the requested Council meeting.
2. The City Clerk will distribute the requested proclamation to the Mayor and the City Manager who will determine if the proposed proclamation meets the intent of these guidelines. When there is uncertainty in making this determination, the Mayor may choose to consult with the City Council for its guidance.
3. The Council retains the right to limit the number of proclamations at a Council meeting.
4. The City retains the right to decide if the proclamation will or will not be issued.
5. Once approved, the proclamation will be included on the appropriate Council agenda.
6. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.

**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 also may propose that Council consider an ordinance or resolution.
- (b) Ordinance and Resolution Review  
Council will discuss the merits of the proposed ordinance/resolution in open session. Council shall decide whether to amend the ordinance/resolution, direct staff to further review the ordinance/resolution, or approve placing the ordinance/resolution in the business session of the meeting for enactment as an enforceable city law or policy.
- (c) Repealer  
Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

**7.5 Council Packets**

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

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

**8.1 Parliamentary Procedure**

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

**8.2 Motions and Discussion**

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

**8.2.1 Motions.**

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

**8.2.2 Amendments to a Motion.**

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

**8.2.3 Motion to Close Debate.**

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

**8.3 Voting**

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

- Council votes will be taken by voice. Any member may demand a roll call vote before or after any action is taken. The demand for a roll call vote does not require a second. Roll calls may be conducted by councilmembers raising their hands in support or in opposition to the motion or, alternatively by requesting the City Clerk to call the names of each Councilmember and to record each Councilmember’s vote. Written ballots will not be used except for the biennial election of the Mayor and Mayor Pro Tem under the procedures set forth in Article 4.
- When there is a tie vote, the motion fails, absent specially adopted rules of procedure.
- All Councilmembers present for a vote must vote or abstain. Any councilmember abstaining from voting, at the time of declaring their abstention, shall state the reason. A motion to reconsider must be made by a person who voted on the prevailing side of the principal motion and must be made at the same or the next succeeding regular meeting.

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

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

**8.5 Citizen Complaints and Suggestions to Council**

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

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

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

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

**8.7 Conduct of Council Meetings**

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

Examples of meeting agenda elements include:

• **Executive Session**

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

• **Summary Reports**

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



- **Public Comment Period or Public Hearing**

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

- **Consent Agenda**

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

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

- **Proposed New Initiatives**

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

- **New Business.**

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

- **Old Business**

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

**8.8 Conduct of Study Sessions**

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

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

(a) **Public Comment Period**

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

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

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

**8.9 Workshops**

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

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

**8.10.1 In General**

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

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

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

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

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

**8.10.3 Use of Microphones**

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

**8.10.4 Civility**

Attendees at Council meetings shall conduct themselves with civility, deal courteously with all who participate in the proceedings, and recognize the authority of the Chair. There will be no

demonstrations during, or at the conclusion of, any person's presentation. Disruptive behavior will be cause for removal from the Council chambers and/or City Hall.

**8.10.5 Council May Overrule the Chair**

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

**8.11 Public Hearings — In General**

**8.11.1 Sign in Procedure**

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

**8.11.2 Time Limits**

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

**8.11.3 Rules for Legislative Public Hearings.**

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

**8.12 Council Quasi-Judicial Hearings**

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

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

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

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

In the event of a quasi-judicial proceeding of the Council, a Councilmember should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. 'This may involve a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve ex parte communications (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could

involve ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether an actual or potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should consult with the City Attorney.

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

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

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

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

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

**9.1 Purpose**

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

**9.2 Use of Rules by Council**

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

**9.3 Public Use or Reliance Not Intended**

Because these rules are designed to assist the Councilmembers in the conduct of their duties and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land

use regulations, official controls, “appearance of fairness rules”, public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

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

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

Exhibit A

**STATEMENT OF VALUES/RULES OF CONDUCT**

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

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

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

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

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



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

Exhibit B

**Current List of Citizen Committees, Commissions and Boards**

- **Civil Service Commission:** 3 members; Police Chief is staff liaison; administers Police Department advancements, demotions, suspensions, discharges and employment.
- **Design Review Board:** 7 members; ~~Planning~~ Public Works Director or his/her designee is staff liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines.
- **Planning Commission:** 7 members; ~~Planning~~ Public Works Director or his/her designee 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~~ Public Works Director or his/her designee is staff ~~liaison~~ 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 or his/her designee is staff ~~liaison~~ 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

*Manual of City Governance  
Policies, Procedures and Guidelines*

Resolution No. 2021 -XXX

Adopted June XX, 2021

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

444444.1636/8430314.4

## **Introduction**

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

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

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

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

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

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

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

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**Article 1: Principles**

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

**1.1 Values**

**1.1.1 City Leaders Listen to the Community**

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

**1.1.2 Collaboration is Valued**

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

**1.1.3 City Leaders Lead and Reason Together**

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

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

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

**1.1.5 Sustainability**

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

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

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

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

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

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

**1.2.3 Performance-Driven Management**

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

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

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



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

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

**1.2.6 Council Will Not Request Unnecessary Information**

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. Staff work on a particular project requested by an individual Councilmember may not exceed four hours without authorization by the City Council. The City Manager will review each request and provide an estimate of time the request is expected to take and when the work could be completed given available staffing and priorities. Council approval for requests exceeding an estimated four hours may be sought by raising the question or request under the New Initiatives item on the Council meeting agenda as is further described in Section 7.1.

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

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

**1.2.8 Communications to the Public are Essential**

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

**1.3 Functioning of City Council**

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

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

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

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

**1.3.3 Citizen Volunteers Play an Important Role**

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

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

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

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

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

**1.3.6 Council is Mindful of Limited Resources**

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

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

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

**1.3.8 Standing Committees**

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

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

**1.4.1 Council Makes Effective Use of Time**

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

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

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

**1.4.3 Effective Decision Making Requires Finality**

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

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

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

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

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

**1.5 Functioning of City Manager and Staff**

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

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

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

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

**1.5.3 Regular and Understandable Financial Reporting**

The City’s regular quarterly 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 Sections 1.3.1, 1.3.2 and 4.3.

**2.2.2 Mayor Pro Tem**

See the definition and duties stated in Section 4.3.

**2.2.3 Chair**

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

**2.2.4 City Manager**

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

**2.2.5 Appointive Officers**

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

**2.2.6 Council Liaison**

With Council approval, a Councilmember serves a two-year term as the Council’s Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and

accountability to the Council. There are typically Councilmember Liaisons to three types of organizations:

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

**2.2.7 Hearing Examiner**

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

**2.3 Types of Meetings of Council**

**2.3.1 Regular Meeting**

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

**2.3.2 Special Meeting**

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

**2.3.3 Business Meeting**

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

**2.3.4 Study Session**

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, or (iii) to participate in presentations with City staff or other subject matter experts. In general, final votes

are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may include a “Study Session”.

**2.3.5 Workshop**

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

**2.3.6 Public Hearing on Ordinance**

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

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

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

**2.3.8 Retreat**

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

**2.4 Types of Public Participation in Government****2.4.1 Public Comment Period at Business Meetings**

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

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

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



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

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

**2.4.4 Public Forum**

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

**2.4.5 Neighborhood Meetings**

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

**2.4.6 Additional Avenues for Public Participation**

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

**2.5 Types of Governing Actions****2.5.1 Motion**

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

**2.5.2 Resolution**

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

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

**2.5.3 Ordinance**

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

**2.5.4 Comprehensive Plan Amendment**

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

**2.5.5 Budget Adoption or Amendment**

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

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

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

**2.5.7 Quasi-Judicial Ruling**

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

**2.5.8 Best Practices**

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

**2.5.9 Doing Things Right**

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

**Article 3: Standards Of Conduct**

**3.1 Sources and References**

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

- Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): **“Knowing The Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials”** (Nov. 2019) **“RCW”: Revised Code of Washington**
- **“MCMC”: Mill Creek Municipal Code**
- **“OPMA”: Open Public Meetings Act**

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

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

**3.3 Oath of Office**

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

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

**3.4 Public Trust and Fiduciary Duty**

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

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

**3.5 Stewardship of Public Funds**

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

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

**3.6 Conflicts of Interest under State Law**

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

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

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

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

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

**3.6.1 State Code of Ethics**

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

**3.6.1.1 Private Interest in Public Contracts**

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

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

**3.6.1.2 Other Prohibited Acts**

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

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

Legal advice should be sought on such questions as:

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

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

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

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

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

**3.6.2 Limitations on Holding Multiple Offices**

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

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

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter defined as “actions of the legislative body, planning commission, hearing examiner or boards which determine the legal rights, duties or privileges of specific parties in a hearing or other contested proceeding.” RCW 42.36.010 (e.g. a property specific 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 Council. The City does not maintain or support such accounts. If a councilmember chooses to have personal social media accounts, posts related to the conduct of city government may constitute a public record subject to a public records request and require the Councilmember to search for and provide the record or a declaration stating that no such records exist. Determination of whether a record was prepared by the City will involve reviewing whether the Councilmember was preparing the post within the scope of his or her employment and whether the councilmember was furthering the City's interests. Relevant factors include whether the Councilmember was acting in his/her official capacity and whether the post could be considered as conducting City business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**4.1 Council Meeting - Time and Location**

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

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

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

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

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

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

**4.3.1 Organizational Meeting**

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

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

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

**4.3.3 Nominations/Nomination Process**

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

**4.3.4 Voting**

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

**4.3.5 Election and Oath of Office**

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

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

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

**4.4 Quorum**

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

**4.5 Respect and Decorum**

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

**4.5.1 Orderly Behavior and Civility in Remarks**

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

**4.5.2 Permission Required to Address the Council**

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

**4.5.3 Forms of Address**

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

**4.6 Participation from a Remote Location**

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

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

**4.7 Attendance; Excused Absences**

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

**4.8 Filling Council Vacancies**

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

**4.9 Continuity of Government Act**

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

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

**5.1 Approval of Appointees**

**5.1.1 Citizens on Standing Governing Bodies**

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

**5.1.2 Citizens on Temporary Governing Bodies**

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

**5.1.3 Removal**

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



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

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

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

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

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

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

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

**Article 6: City Administration**

**6.1 City Manager**

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager’s accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

**6.2 Role of the City Manager**

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

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

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

**6.3 Informal Communications Encouraged**

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

**6.4 City Manager — Interference by Councilmembers**

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

**6.5 Complaints to Councilmembers**

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

**6.6 Citizen Complaints or Service Requests - "Best Practice"**

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

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

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

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

#### **6.8 Role of the City Attorney**

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

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

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

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

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

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

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

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

**6.9 City Staff — Attendance at Meetings**

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

**6.10 Administrative Presentations and Briefings**

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

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

**Article 7: Preparation for Council Meetings**

**7.1 Council Meeting Agendas**

The City Manager or the City Manager’s designee shall confer with the Mayor and the 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 in the City Code.

**7.1.1 Tentative Council 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.

**7.1.2 Proposed New Initiatives**

“Proposed New Initiatives” shall be a standing agenda item during which Councilmembers may propose a specific topic to include for consideration 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 council meeting agenda, the City Manager will confer with staff, the Mayor and Mayor Pro Tem in scheduling the topic on a future meeting agenda.

**7.1.3 Proclamations**

Proclamations are generally broad statements recognizing the achievement of individuals or groups in the community, have relevance to a large number of residents in the City, or forward positive messages.

The following guidelines and requirements apply to requests for consideration of proclamations:

1. Councilmembers, persons or organizations making a request for a proclamation must submit a copy of the proposed proclamation to the City Clerk at least two weeks in advance of the requested Council meeting.
2. The City Clerk will distribute the requested proclamation to the Mayor and the City Manager who will determine if the proposed proclamation meets the intent of these guidelines. When there is uncertainty in making this determination, the Mayor may choose to consult with the City Council for its guidance.
3. The Council retains the right to limit the number of proclamations at a Council meeting.
4. The City retains the right to decide if the proclamation will or will not be issued.
5. Once approved, the proclamation will be included on the appropriate Council agenda.
6. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.

**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 also may propose that Council consider an ordinance or resolution.
- (b) **Ordinance and Resolution Review**  
Council will discuss the merits of the proposed ordinance/resolution in open session. Council shall decide whether to amend the ordinance/resolution, direct staff to further review the ordinance/resolution, or approve placing the ordinance/resolution in the business session of the meeting for enactment as an enforceable city law or policy.
- (c) **Repealer**  
Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

**7.5 Council Packets**

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

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

**8.1 Parliamentary Procedure**

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

**8.2 Motions and Discussion**

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

**8.2.1 Motions.**

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

**8.2.2 Amendments to a Motion.**

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

**8.2.3 Motion to Close Debate.**

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

**8.3 Voting**

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

- Council votes will be taken by voice. Any member may demand a roll call vote before or after any action is taken. The demand for a roll call vote does not require a second. Roll calls may be conducted by councilmembers raising their hands in support or in opposition to the motion or, alternatively by requesting the City Clerk to call the names of each Councilmember and to record each Councilmember’s vote. Written ballots will not be used except for the biennial election of the Mayor and Mayor Pro Tem under the procedures set forth in Article 4.
- When there is a tie vote, the motion fails, absent specially adopted rules of procedure.
- All Councilmembers present for a vote must vote or abstain. Any councilmember abstaining from voting, at the time of declaring their abstention, shall state the reason. A motion to reconsider must be made by a person who voted on the prevailing side of the principal motion and must be made at the same or the next succeeding regular meeting.

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

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

**8.5 Citizen Complaints and Suggestions to Council**

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

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



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

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

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

**8.7 Conduct of Council Meetings**

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

Examples of meeting agenda elements include:

- **Executive Session**

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

- **Summary Reports**

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

- **Public Comment Period or Public Hearing**

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

- **Consent Agenda**

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

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

- **Proposed New Initiatives**

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

- **New Business.**

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

- **Old Business**

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

**8.8 Conduct of Study Sessions**

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

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

(a) **Public Comment Period**

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

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

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

**8.9 Workshops**

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

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

**8.10.1 In General**

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

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

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

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

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

**8.10.3 Use of Microphones**

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

**8.10.4 Civility**

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

**8.10.5 Council May Overrule the Chair**

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

**8.11 Public Hearings — In General**

**8.11.1 Sign in Procedure**

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

**8.11.2 Time Limits**

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

**8.11.3 Rules for Legislative Public Hearings.**

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

**8.12 Council Quasi-Judicial Hearings**

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

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

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

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

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

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

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

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

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte communications with proponents or opponents about the pending proceeding. In the event of an ex parte contact, the affected Councilmember should consult with the City Attorney and review the Appearance of Fairness Doctrine requirements for disclosure of such contact.

Generally, the Appearance of Fairness Doctrine does not prohibit a Councilmember from discussing unrelated matters with their constituents.

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

**9.1 Purpose**

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

**9.2 Use of Rules by Council**

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

**9.3 Public Use or Reliance Not Intended**

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

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

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

Exhibit A

**STATEMENT OF VALUES/RULES OF CONDUCT**

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

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

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

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

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

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



Exhibit B

**Current List of Citizen Committees, Commissions and Boards**

- **Civil Service Commission:** 3 members; Police Chief is staff liaison; administers Police Department advancements, demotions, suspensions, discharges and employment.
- **Design Review Board:** 7 members; Public Works Director or his/her designee is staff liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines.
- **Planning Commission:** 7 members; Public Works Director or his/her designee 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; Public Works Director or his/her designee 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 or his/her designee 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- 603**

**THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, DOES  
RESOLVE AS FOLLOWS:**

Section 1. Resolution No. 1 dated October 4, 1983, relating to the rules of procedure for the conduct of Council meeting and Resolution 2011-473, adopting the Manual of City Governance, Policies and Procedures adopted July 5, 2011, are hereby repealed.

Section 2. The rules set forth in this Resolution and those contained in the Manual of Governance, Policies and Procedures (“Governance Manual”), attached as Exhibit A constitute the official rules of procedure for the Mill Creek City Council. Where the rules of procedure are not addressed in this Resolution or in the Governance Manual, the Council shall be governed by *Roberts Rules of Order, Newly Revised*. In the event of any inconsistency or ambiguity, the order of precedence shall be (a) the provisions in this Resolution; (b) the provisions in the Governance Manual; and (3) *Roberts Rules of Order Newly Revised*.

Section 3. Public Testimony.

A. Oral and Written Communications and Public Hearings. The Council shall not take public testimony at regular Council meeting except for testimony given in Public Comment Periods, Public Hearings or at Oral Communications.

B. Rules for Public Participation. The following rules shall be observed during any Public Hearing, Public Comment, or Oral Communications opportunity. These rules do not apply to quasi-judicial appeal hearings.

1. For public hearings or public comment periods:

- a. No specific time limits are provided for public hearings; public comment periods at public hearings may be established for a specific amount of time but shall not exceed one hour unless approved by a majority of the Council.
- b. Any public hearing will begin with a staff report containing relevant background information, followed by any report or recommendation by any City board or commission that has studied the subject matter.
- c. Persons wishing to testify shall sign in on the sign-in sheet provided by the City Clerk and will be called to speak in the order in which they signed. Speakers will be allowed to speak for three minutes.
- d. The Mayor may allow additional time for receipt of written testimony when appropriate.

2. For public communications:

- a. There will be two opportunities for oral public communications at each regular session and study session on the agenda.

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- b. Those wishing to speak will sign in or will raise their hands and will be recognized in the order called on by the mayor.
- c. Speakers will be allowed to speak for three minutes.
- d. If there is a public hearing on the agenda, speakers will not be permitted to speak on the agenda topic during oral communications.
- e. Persons speaking shall identify themselves for the record and provide their name, address, and organization, of appropriate.
- f. The City Clerk shall be the timekeeper.
- g. Persons participating in Council meetings are strongly encouraged to aid the Council in maintaining the decorum and orderly progression of the Council agenda. Engaging in shouting, use of profanity or slurs against others which results in actuals disruption of the Council meeting will entitle the chair to issue a verbal warning to the speaker and, inf the behavior continues, have the speaker removed from Council Chambers.
- h. Suspension of these rules will require unanimous consent or an affirmative vote by two-thirds of the Councilmembers.

3. For Oral and Written Comments at Quasi-Judicial Matters and Appeals Before the City Council.

- a. Oral testimony shall be conducted in accordance with the procedures set forth in MCMC 14.09.050 unless specifically modified by the hearing body.
- b. Written comments on closed record appeals must be submitted ten days prior to any hearing and shall be reviewed to determine if they contain information not included in the record.

Section 4. Upon approval by the City Attorney, the city clerk or the code revisor are authorized to make necessary corrections to this resolution, including scriber's' errors or clerical mistakes; references to other ordinances, rules, state or federal laws; or numbering or references of sections and subsections.

Adopted this \_\_\_ day of June, 2021, by a vote of \_\_\_ for, \_\_\_ against, and \_\_\_ abstaining.

APPROVED:

\_\_\_\_\_  
BRIAN HOLTZCLAW, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
NAOMI FAY, CITY CLERK

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APPROVED AS TO FORM:

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

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

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

RESOLUTION NO.: 2021- 603 \_\_\_\_\_

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# Governance Manual: Where We Are in the Process

February 2, 2021	March 2, 2021	April 6, 2021	May 4, 2021	May 25, 2021	June 8, 2021
Council Values, Organization and Operations Articles 1,2, 4 & 5	Standards of Conduct and City Administration Articles 3 & 6	Rules Governing Conduct of Council Meeting	Review of Draft Revisions to the Governance Manual	Final Review of Manual	Final Review of Manual Adoption of Resolution



# Changes/Questions

Section 1.2.6—Council Information Requests

Section 1.5.3-- Clarified that staff will provide quarterly review of financial statements.

Section 3.6.2—Limitations on holding multiple offices

Section 7.1—Added criteria and procedures for proclamations

Exhibit B—Updated staff liaisons for boards and commissions



# 1.2.6—Council will not Request Unnecessary Information

## Current Language

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.





## 1.2.6—Proposed Revision

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. Staff work on a particular project requested by an individual Councilmember may not exceed four hours without authorization by the City Council.

The City Manager will review each request and provide an estimate of the time the request is expected to take and when the work could be completed given available staffing and priorities. Approval for requests exceeding an estimated four hours may be sought by raising the question or request under the New Initiatives item on the Council meeting agenda as is further described in Section 7.1. Requests approved by a majority of the Council will be completed in a reasonable time taking into account then-existing staff resources and workload priorities.

## 7.1.3--Proclamations

### Purpose

Proclamations are generally broad statements recognizing the achievement of individuals or groups in the community, have relevance to a large number of residents in the City or forward positive messages.



# Proclamations—7.1.3

## Guidelines and Requirements

- 1. Councilmembers, persons or organizations making a request for a proclamation must submit a copy of the proposed proclamation to the City Clerk at least two weeks in advance of the requested Council meeting.
- 2. The City Clerk will distribute the requested proclamation to the Mayor and the City Manager who will determine if the proposed proclamation meets the intent of these guidelines. When there is uncertainty in making this determination, the Mayor may choose to consult with the City Council for its guidance.
- 3. The Council retains the right to limit the number of proclamations at a Council meeting.
- 4. The City retains the right to decide if the proclamation will or will not be issued.
- 5. Once approved, the proclamation will be included on the appropriate Council agenda.
- 6. If not approved, the applicant will be notified of the decision and the reason(s) for the decision



## 3.6.2—Limitations on Holding Multiple Offices

### Current Version

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



## Prohibitions on Holding Multiple or Incompatible Offices

RCW 29A.36.201 prohibits a candidate's name from appearing on the same ballot more than once. (excludes PCO or temporary positions such as freeholder or charter review board member).

Doctrine of Incompatible Offices—prohibits an elected official from holding another incompatible “public office”—not necessarily an elected office. Example:

- School board member and planning commissioner

# Resolution 2021-603

- Section 1

Repeals 1983 resolution governing Council meeting procedures.

Repeals resolution adopting 2011 Manual.

## Section 2

Adopts new Manual

Adopts *Roberts Rules of Order Newly Revised*

Sets order of precedence—(1) Resolution; (2) Manual; (3) Robert's Rules



# Resolution 2021-603

## Section 3

Establishes Rules for Public Testimony

- at City Council meetings
- at Legislative Public Hearings
- at Quasi-Judicial Hearings or Appeals



# Proposed Motion

I move to adopt Resolution 2021-603, including the rules set forth in this Resolution and those contained in the Manual of Governance, Policies and Procedures attached as Exhibit A.







**Meeting Date:** June 8, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: PASSPORT OFFICE UPDATE**

**PROPOSED MOTION:**

N/A

**KEY FACTS AND INFORMATION SUMMARY:**

Mill Creek's passport services resumed on May 17th and are by appointment only until further notice. A soft opening has allowed staff to work through Covid related issues while keeping both employees and customers safe. We are currently training new passport technicians to handle the expected increase in services starting July 1st.

Soft Opening Office Details:

- Open Monday-Saturday
- 2 technicians per shift
- Processing up to 8 passports an hour
- Customer & employee safety is our top priority

Full Opening Scheduled for July 1st:

- Open Monday-Saturday
- 3-4 technicians per shift
- Process up to 16 passports an hour
- Customer & employee safety will remain our top priority

Respectfully Submitted:

*Michael Ciaravino*

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City Manager

v. 6.7.21

**Process for Evaluating Mill Creek City Manager Performance from  
May 20~~19~~20 to May 20~~20~~21**

**Desired Outcomes**

A **timely, fair, accurate and constructive evaluation** based on input from the City Manager and all Councilmembers that assesses the work of the City Manager in the ~~second~~first year of his employment, consistent with the terms of the City Managers' employment contract. ~~An additional desired outcome is to begin to develop metrics that can be used in future evaluation of the City Manager.~~

The evaluation will be based on City Manager's self- assessment of his performance in meeting the generally established parameters of the job of a City Manager – both the "how" and "what" of the job, together with the metrics information first developed in 2020. The evaluation should give an opportunity for the Council and Manager to begin to establish major work areas for calendar year 20~~21~~22 and identify any professional development needs deemed beneficial by the parties.

~~After completion of this initial evaluation, As part of this evaluation, the City Council and City Manager will work to develop a process confirm a general approach to the May 2021-May 2022 evaluation process, and schedule for future evaluations based on adopted Council goals and the City Manager's Council approved work plan.~~

**Background**

- The City Manager began his employment with the City on May 6, 2019 and was first evaluated by the City Council in August 2020.
- The City Manager does not have a work plan for 2021. for his first year 2019.
- The City Council does not have a set of adopted Council Goals for the Manager's activities in his second year initial year at the City beyond those presented at his last evaluation.

**Timing**

- The initial evaluation will occur in late July/June/July/August 20~~20~~21.

**Proposed Process**

**Step 1: Discussion of proposed evaluation process, substance and criteria** with City Manager, Mayor, and Mayor Pro Tem, securing **endorsement of the proposed process, questions and criteria**, in advance of the actual evaluation. Seek Council approval of this process in advance. The questions the Council would review together in conducting the evaluation, and the rating scale are presented at **Exhibit A**. The question set is largely based on sample questions from a National League of Cities publication on city manager evaluations. [June]

**Step 2:** The facilitator speaks with each individual Councilmember by phone/zoom to accomplish introductions, answer questions about the process and identify any major concerns/issues of the Councilmembers with respect to the City Manager's upcoming evaluation. [June]

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**Step 3:** The facilitator meets individually with the City's Management Team/~~other staff~~ members (other than the City Manager) to get their input on the City Manager's performance in the last year 2020, asking ~~the questions in Exhibit B: In addition, the facilitator will review staff exit interview write-ups provided to her by the City.~~ The facilitator writes up a statement of staff's collective input without attribution and shares it with the City Manager. This document becomes an attachment to the City Manager's self-assessment shared with Council. ~~[July 2020] [June]~~ \_\_\_\_\_

**Step 4:** City Manager completes a self-assessment, based on his activities in the last year, but responsive to the evaluation categories (**Exhibit A**). ~~[July 2020] [June]~~

**Step 5:** The Facilitator and Mayor Pro Tem meet with the Manager to review the self-evaluation to ask any clarifying questions or seek additional information that may be important to the process. ~~[July 2020] [June]~~

**Step 6: Facilitated Executive Session #1.** The City Manager's self-evaluation (including the Management Team's ~~and any former employee~~ input ~~addendum write-up~~, the job description for the City Manager's position, the City Manager's contract, the City's current adopted goals and mission statement, [City Manager's workplan for the last year and agreed upon metrics], and **Exhibit A** (rating document/list of questions) are shared with the City Councilmembers in advance for consideration and review. At the Executive Session, the City Manager presents his self-evaluation to the Council. There is a facilitated discussion to allow the Council to ask any clarifying questions, after which the City Manager leaves the session and the City Council discusses their proposed evaluation of the City Manager with the facilitator, with the goal of developing a single evaluation statement of less than 2 pages in length that represents a consensus statement of the Council. (The consensus statement may include a short summary statement of dissenting minority opinions if requested by any Councilmember not agreeing with the Council's general consensus position). ~~[July/August 2020] [July]~~

**Step 7:** The facilitator prepares a draft evaluation statement based on Council's input. This draft is reviewed with the Mayor ~~Pro Tem~~. Based on Mayor ~~Pro Tem~~'s direction, facilitator prepares the draft final evaluation statement. ~~[July/August 2020] [July]~~

**Step 8: Facilitated Executive Session #2:** Council reviews the draft evaluation statement and agrees upon edits to create a final evaluation statement in real time. That statement is then shared immediately with the City Manager, who then joins the Executive Session for a facilitated discussion between Council and City Manager on the results of the evaluation. Council further provides direction on raise/performance pay. ~~[July/August 2020] [July]~~

**Step 9:** Evaluation Document Finalized; Contract amendment prepared if appropriate. ~~[August 2020]~~

- The final evaluation document as shared with the City Manager at the 2<sup>nd</sup> Executive Session is placed in City Manager's personnel file.
- City Manager may provide a written response comments to the City Council evaluation to be included in his personnel file. Any such response will be shared with the City Council.
- An amendment to the City Manager's employment contract confirming any bonus/raise prepared by the City Attorney and approved by Council/Mayor as required.

v. 6.7.21

Step 10: The City Manager prepares a work plan for May 2021-May 2022 and submits it for approval by Council, together with any metrics to be tracked over the course of the next 12 months. [August -September 2020]

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**Exhibit A: City Council Evaluation of City Manager for May 20~~19~~20-May 20~~20~~21**

**EVALUATION QUESTIONS AND RATING CRITERIA**

Introduction:

The review of the City Manager’s ~~2019~~ performance for May 2020 – May 2021 will be facilitated by an independent facilitator. The facilitator will meet in executive session with the full Council to receive Council’s answers the questions below. The facilitator will write up a draft based on this discussion and share it with the Mayor ~~Pro-Tem~~ who will work with the facilitator to prepare a “draft final evaluation” statement. The “draft final evaluation” statement will then be discussed and finalized in a second facilitated Council executive session, at which it is then shared with the City Manager. The City Manager will meet with the Council in the second facilitated Executive Session to receive the evaluation and discuss it with the Council.

*Note: This questionnaire is organized based on aspects of the job of a City Manager, divided into 5 parts: (1) Overall context; (2) “How” the Manager does his job; (3) “What” the accomplishments have been in the last year; (4) Professional training recommendations; (5) Opportunities for improving the working relationship between Council and the Mayor; (6) Overall evaluation, priorities for next year. The City Manager’s self- assessment is arranged consistent with these job performance items.*

**General Instructions:** For each question, and referring to the City Manager’s 2019 Self-Assessment, please provide: (1) a performance rating, (2) a rationale, and (3) any specific comments on strengths or weaknesses you observed in relation to the City Manager’s performance in 2019.

- 6 - Outstanding – far exceeds expectations**
  - 5 – Excellent –exceeds all expectations**
  - 4 - Very Good –meets, and in some cases exceeds, all expectations**
  - 3 – Good—meets all expectations**
  - 2 – Fair -- meets most expectations**
  - 1 - Poor -- fails to meet most expectations**
  - 0 - Unsatisfactory -- fails to meet all expectations**
- (see Attachment A for detailed explanation of ratings )*

**Part A: Context Questions:**

- 1. Looking back on the City’s experiences since May of 20~~19~~20, [KR1] what would you point to as some of the major challenges and accomplishment for the City organization?**
  
- 2. Thinking generally about the role of the City Manager, how would you describe his role to a member of the public? Why is it important?**

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<b>Part B.1: How the City Manager has accomplished the work</b>
<p>1. <b>Leadership.</b> Leads the organization through effective management of people and tasks. Provides the Council and organization with real solutions and creative alternatives to issues and problems. Anticipates and responds to issues. Assures that Council decisions are thought out, objective, legal and ethical. Makes use of sound administrative practices.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p>2. <b>Council Relations.</b> Provides regular updates to the Council, keeping them informed about current and critical issues. Makes an effort to be accessible to Councilmembers. Handles issues that are brought by the Council in a consistent and timely manner. Maintains and honest, truthful and professional relationship with each Councilmember. Keeps a positive attitude and approach to new ideas, issues and complaints raised by Council Members.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p>3. <b>Professionalism:</b> Deals effectively and appropriately with the public and other organizations. Devotes time and energy to the job. Demonstrates high ethical standards in the organization. Works to keep “politics” and personal perspectives out of the decision-making process. Stays active in professional organizations and regional issues.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>

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Part B.2: <b>What has been accomplished</b>
<p><b>4. Communications:</b> Ensures that Councilmembers receive important information in a timely and effective manner. Presents the Council and community with clear and accurate written reports and correspondence. Responds to correspondence, requests and complaints quickly and appropriately. Facilitates open two-way communication and encourages mutual honesty and respect with the community, Council and staff.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p><b>5. Management of the Organization:</b> Effectively runs the operations of the organization. Creates a collaborative, team building environment for staff. Recognizes the accomplishments of staff and other agencies working on behalf of the city. Supports professional growth and opportunity within the organization. Accepts full accountability for staff and the outcome of City projects or decisions. Identifies organizational problems and takes remedial action.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p><b>6. Execution of Policy:</b> Understands and complies with policies and procedures governing the City. Implements City policy fairly and consistently based upon Council decisions, goals and applicable laws and regulations. Works toward accomplishing identified Council goals. Presents matters in a factual, analytical way. Coordinates Council policy decision to staff, departments, other organizations and the community.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>

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<p><b>7. Financial Management:</b> Properly prepares and manages the budget. Demonstrates ingenuity and creativity in approaching budgetary matters, including long-range revenues and expenditures for the organization.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p><b>8. Community Relations:</b> Makes an effort to understand general community issues and concerns. Remains involved and active in the community. Represents the City well and in a professional and positive manner. Works proactively with the media and press. Works effectively with community organizations. Educates the community on City goals and services.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<b>Part C: Employee Development</b>
<p><b>9. Comments about employee development – types of training that you think might be of interest and beneficial to the Manager and/or the City?</b></p>
<b>Part D: Council and City Manager Working Relationship</b>
<p><b>10. Suggestions for ways the City Manager and the Council can improve their effectiveness in working as a team and promote a positive working relationship</b></p>



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**Part E: Re-cap and Overall questions**

**11. The City Manager's greatest strengths are:**

**12. The City Manager should improve in the following areas:**

**13. Recommend ways the City Manager could improve in the above areas:**

**14. What do you believe should be the City Manager's top priorities during the next 12 months?**

**15. Do you have any concerns or comments which the previous questions did not adequately cover?**

**16. All factors considered, what is your overall performance rating for the City Manager?**

v. 6.7.21

**Attachment A: Rating Performance Definition**

**6 Outstanding --Far exceeds all expectations**

Generally applies to the top 1% of all employees in the workplace. This person's overall skills and abilities far exceed all expectations of the position. Demonstrated strong expertise within key areas of responsibilities. Consistently outstanding results beyond scope of the performance plan over entire period. Anticipates management's needs and executes plans flawlessly

**5 Excellent --Exceeds all expectations**

Generally applies to the top 5-10% of all employees in the workplace. This person's overall skills and abilities greatly exceed the expectations of the position. Demonstrated strong expertise within key areas of responsibilities. Occasionally receives outstanding results beyond scope of the performance plan in some key areas of responsibility over entire performance period.

**4 Very Good --Meets [and in some cases exceeds] all expectations**

Generally applies to the next 20-25% of employees. Occasionally exceeds performance expectations of the position. Performed the most difficult parts of the job competently and thoroughly. Contributed significant results on their own initiative. Worked with a high level of independence, initiative and concern for the quality of the work or service produced by the organization.

**3 Good --Meets all expectations**

Generally applies to 40-50% of employees. Met all expectations of the position, and is competent in the performance of responsibilities.

**2 Fair -- Meets most expectations**

Generally applies to 20% of employees. Often failed to meet performance expectations of the position. Performance was generally adequate, but is deficient in one or more key areas, and will require additional training or assistance to fully achieve expectations.

**1 Poor -- Fails to meet most expectations**

Generally applies to the bottom 4% of employees. Performance was well below expectations in most areas of responsibility. Serious performance deficiencies that inhibit adequate performance in the position. Employee should be evaluated for continuation of current position, demotion or termination of employment.

**0 Unsatisfactory -- Fails to meet all expectations**

Generally applies to the bottom 1% of employees. Performance was well below expectations in all areas of responsibility. Serious performance deficiencies that prohibit adequate performance in the position. Employee should be evaluated for continuation of current position, demotion or termination of employment.

v. 6.7.21

**Exhibit B: Questions to be asked of Management Team and Select Staff (6 individuals)**

The questions will be circulated in advance; The Facilitator will meet with the employees individually to discuss these questions. The Facilitator will write up a summary of staff input ***without attribution*** as to any individual comments and then forward the write-up to the City Manager. This summary will also be shared with Councilmembers.

1. Looking back on the period since the <del>City Manager has joined the City</del> <b>May 2020</b> , what would you point to as some of the major accomplishments and challenges for the City organization?
2. How would you rate the City Manager’s effectiveness at leading the organization and executive staff?
3. How would you rate the City Manager’s effectiveness at promoting interdepartmental cooperation and teamwork?
4. How would you rate the City Manager’s effectiveness at promoting employee training and development, and organizational development?
5. How would you rate the City Manager’s effectiveness at providing clear feedback and guidance to employees?
6. What would you say are the City Manager’s greatest strengths?
7. Are there areas of improvement that you would identify?
8. Other comments, compliments or concerns?
<p>*Ratings:</p> <ul style="list-style-type: none"> <li>6 - Outstanding – far exceeds expectations</li> <li>5 – Excellent –exceeds all expectations</li> <li>4 - Very Good –meets, and in some cases exceeds, all expectations</li> <li>3 – Good—meets all expectations</li> <li>2 – Fair -- meets most expectations</li> <li>1 - Poor -- fails to meet most expectations</li> <li>0 - Unsatisfactory -- fails to meet all expectations</li> </ul>

v. 6.8.21

**Process for Evaluating Mill Creek City Manager Performance from  
May 2020 to May 2021**

**Desired Outcomes**

A **timely, fair, accurate and constructive evaluation** based on input from the City Manager and all Councilmembers that assesses the work of the City Manager in the second year of his employment, consistent with the terms of the City Managers' employment contract.

The evaluation will be based on City Manager's self- assessment of his performance in meeting the generally established parameters of the job of a City Manager – both the "how" and "what" of the job, together with the metrics information first developed in 2020. The evaluation should give an opportunity for the Council and Manager to begin to establish major work areas for calendar year 2022 and identify any professional development needs deemed beneficial by the parties.

As part of this evaluation, the City Council and City Manager will confirm a general approach to the May 2021-May 2022 evaluation process.

**Background**

- The City Manager began his employment with the City on May 6, 2019, and was first evaluated by the City Council in August 2020.
- The City Manager does not have a work plan for 2021.
- The City Council does not have a set of adopted Council Goals for the Manager's activities in his second year at the City beyond those presented at his last evaluation.

**Timing**

- The initial evaluation will occur in June/July 2021.

**Proposed Process**

**Step 1: Discussion of proposed evaluation process, substance and criteria** with City Manager, Mayor, and Mayor Pro Tem, securing **endorsement of the proposed process, questions and criteria**, in advance of the actual evaluation. Seek Council approval of this process in advance. The questions the Council would review together in conducting the evaluation, and the rating scale are presented at **Exhibit A**. The question set is largely based on sample questions from a National League of Cities publication on city manager evaluations. [June]

**Step 2:** The facilitator speaks with each individual Councilmember by phone/zoom to accomplish introductions, answer questions about the process and identify any major concerns/issues of the Councilmembers with respect to the City Manager's upcoming evaluation. [June]

**Step 3:** The facilitator meets individually with the City's Management Team/other staff members (other than the City Manager) to get their input on the City Manager's performance in the last year, asking the questions in **Exhibit B**: The facilitator writes up a statement of staff's collective input without attribution and shares it with the City Manager. This document becomes an attachment to the City Manager's self-assessment shared with Council. [June]

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**Step 4:** City Manager completes a self-assessment, based on his activities in the last year, but responsive to the evaluation categories (**Exhibit A**). [June]

**Step 5:** The Facilitator and Mayor Pro Tem meet with the Manager to review the self-evaluation to ask any clarifying questions or seek additional information that may be important to the process. [June]

**Step 6: Facilitated Executive Session #1.** The City Manager's self-evaluation (including the Management Team's input write-up, the job description for the City Manager's position, the City Manager's contract, the City's current adopted goals and mission statement, [City Manager's workplan for the last year and agreed upon metrics], and **Exhibit A** (rating document/list of questions) are shared with the City Councilmembers in advance for consideration and review. At the Executive Session, the City Manager presents his self-evaluation to the Council. There is a facilitated discussion to allow the Council to ask any clarifying questions, after which the City Manager leaves the session and the City Council discusses their proposed evaluation of the City Manager with the facilitator, with the goal of developing a single evaluation statement of less than 2 pages in length that represents a consensus statement of the Council. (The consensus statement may include a short summary statement of dissenting minority opinions if requested by any Councilmember not agreeing with the Council's general consensus position). [July]

**Step 7:** The facilitator prepares a draft evaluation statement based on Council's input. This draft is reviewed with the mayor. Based on Mayor's direction, facilitator prepares the draft final evaluation statement. [July]

**Step 8: Facilitated Executive Session #2:** Council reviews the draft evaluation statement and agrees upon edits to create a final evaluation statement in real time. That statement is then shared immediately with the City Manager, who then joins the Executive Session for a facilitated discussion between Council and City Manager on the results of the evaluation. Council further provides direction on raise/performance pay. [July]

**Step 9:** Evaluation Document Finalized; Contract amendment prepared if appropriate. [August]

- The final evaluation document as shared with the City Manager at the 2<sup>nd</sup> Executive Session is placed in City Manager's personnel file.
- City Manager may provide a written response comments to the City Council evaluation to be included in his personnel file. Any such response will be shared with the City Council.
- An amendment to the City Manager's employment contract confirming any bonus/raise prepared by the City Attorney and approved by Council/Mayor as required.

**Step 10:** The City Manager prepares a work plan for May 2021-May 2022 and submits it for approval by Council, together with any metrics to be tracked over the course of the next 12 months. [August -September 2020]

v. 6.8.21

**Exhibit A: City Council Evaluation of City Manager for May 2020-May 2021**

**EVALUATION QUESTIONS AND RATING CRITERIA**

Introduction:

The review of the City Manager’s performance for May 2020 – May 2021 will be facilitated by an independent facilitator. The facilitator will meet in executive session with the full Council to receive Council’s answers the questions below. The facilitator will write up a draft based on this discussion and share it with the mayor who will work with the facilitator to prepare a “draft final evaluation” statement. The “draft final evaluation” statement will then be discussed and finalized in a second facilitated Council executive session, at which it is then shared with the City Manager. The City Manager will meet with the Council in the second facilitated Executive Session to receive the evaluation and discuss it with the Council.

*Note: This questionnaire is organized based on aspects of the job of a City Manager, divided into 5 parts: (1) Overall context; (2) “How” the Manager does his job; (3) “What” the accomplishments have been in the last year; (4) Professional training recommendations; (5) Opportunities for improving the working relationship between Council and the Mayor; (6) Overall evaluation, priorities for next year. The City Manager’s self- assessment is arranged consistent with these job performance items.*

**General Instructions:** For each question, and referring to the City Manager’s 2019 Self-Assessment, please provide: (1) a performance rating, (2) a rationale, and (3) any specific comments on strengths or weaknesses you observed in relation to the City Manager’s performance in 2019.

- 6 - Outstanding – far exceeds expectations**
  - 5 – Excellent –exceeds all expectations**
  - 4 - Very Good –meets, and in some cases exceeds, all expectations**
  - 3 – Good—meets all expectations**
  - 2 – Fair -- meets most expectations**
  - 1 - Poor -- fails to meet most expectations**
  - 0 - Unsatisfactory -- fails to meet all expectations**
- (See Attachment A for detailed explanation of ratings)*

**Part A: Context Questions:**

- 1. Looking back on the City’s experiences since August of 2020, what would you point to as some of the major challenges and accomplishment for the City organization?**
  
  
  
  
  
  
  
  
  
  
- 2. Thinking generally about the role of the City Manager, how would you describe his role to a member of the public? Why is it important?**

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<b>Part B.1: How the City Manager has accomplished the work.</b>
<p>1. <b>Leadership.</b> Leads the organization through effective management of people and tasks. Provides the Council and organization with real solutions and creative alternatives to issues and problems. Anticipates and responds to issues. Assures that Council decisions are thought out, objective, legal and ethical. Makes use of sound administrative practices.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p>2. <b>Council Relations.</b> Provides regular updates to the Council, keeping them informed about current and critical issues. Makes an effort to be accessible to Councilmembers. Handles issues that are brought by the Council in a consistent and timely manner. Maintains and honest, truthful and professional relationship with each Councilmember. Keeps a positive attitude and approach to new ideas, issues and complaints raised by Council Members.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p>3. <b>Professionalism:</b> Deals effectively and appropriately with the public and other organizations. Devotes time and energy to the job. Demonstrates high ethical standards in the organization. Works to keep “politics” and personal perspectives out of the decision-making process. Stays active in professional organizations and regional issues.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>

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<b>Part B.2: What has been accomplished.</b>
<p><b>4. Communications:</b> Ensures that Councilmembers receive important information in a timely and effective manner. Presents the Council and community with clear and accurate written reports and correspondence. Responds to correspondence, requests and complaints quickly and appropriately. Facilitates open two-way communication and encourages mutual honesty and respect with the community, Council and staff.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p><b>5. Management of the Organization:</b> Effectively runs the operations of the organization. Creates a collaborative, team building environment for staff. Recognizes the accomplishments of staff and other agencies working on behalf of the city. Supports professional growth and opportunity within the organization. Accepts full accountability for staff and the outcome of City projects or decisions. Identifies organizational problems and takes remedial action.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p><b>6. Execution of Policy:</b> Understands and complies with policies and procedures governing the City. Implements City policy fairly and consistently based upon Council decisions, goals and applicable laws and regulations. Works toward accomplishing identified Council goals. Presents matters in a factual, analytical way. Coordinates Council policy decision to staff, departments, other organizations and the community.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>



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<p><b>7. Financial Management:</b> Properly prepares and manages the budget. Demonstrates ingenuity and creativity in approaching budgetary matters, including long-range revenues and expenditures for the organization.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<p><b>8. Community Relations:</b> Makes an effort to understand general community issues and concerns. Remains involved and active in the community. Represents the City well and in a professional and positive manner. Works proactively with the media and press. Works effectively with community organizations. Educates the community on City goals and services.</p> <p>Rating:</p> <p>Rationale:</p> <p>Specific comments on strengths and weaknesses in this category:</p>
<b>Part C: Employee Development</b>
<p><b>9. Comments about employee development – types of training that you think might be of interest and beneficial to the Manager and/or the City?</b></p>
<b>Part D: Council and City Manager Working Relationship</b>
<p><b>10. Suggestions for ways the City Manager and the Council can improve their effectiveness in working as a team and promote a positive working relationship.</b></p>

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**Part E: Re-cap and Overall questions**

**11. The City Manager's greatest strengths are:**

**12. The City Manager should improve in the following areas:**

**13. Recommend ways the City Manager could improve in the above areas:**

**14. What do you believe should be the City Manager's top priorities during the next 12 months?**

**15. Do you have any concerns or comments which the previous questions did not adequately cover?**

**16. All factors considered, what is your overall performance rating for the City Manager?**

v. 6.8.21

**Attachment A: Rating Performance Definition**

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Generally, applies to the top 1% of all employees in the workplace. This person's overall skills and abilities far exceed all expectations of the position. Demonstrated strong expertise within key areas of responsibilities. Consistently outstanding results beyond scope of the performance plan over entire period. Anticipates management's needs and executes plans flawlessly.

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**0 Unsatisfactory -- Fails to meet all expectations.**

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v. 6.8.21

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The questions will be circulated in advance; The Facilitator will meet with the employees individually to discuss these questions. The Facilitator will write up a summary of staff input ***without attribution*** as to any individual comments and then forward the write-up to the City Manager. This summary will also be shared with Councilmembers.

1. Looking back on the period since the May 2020, what would you point to as some of the major accomplishments and challenges for the City organization?
2. How would you rate the City Manager’s effectiveness at leading the organization and executive staff?
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6. What would you say are the City Manager’s greatest strengths?
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<p>*Ratings:</p> <ul style="list-style-type: none"> <li>6 - Outstanding – far exceeds expectations</li> <li>5 – Excellent –exceeds all expectations</li> <li>4 - Very Good –meets, and in some cases exceeds, all expectations</li> <li>3 – Good—meets all expectations</li> <li>2 – Fair -- meets most expectations</li> <li>1 - Poor -- fails to meet most expectations</li> <li>0 - Unsatisfactory -- fails to meet all expectations</li> </ul>

# Mill Creek Fire Costs: Current and Projected with Fire District 7

June 8, 2021

Financial Analysis by Bill Cushman

## Mill Creek Current Fire Charges: 2021 District 7 Contract Service Charge

	2021
D7 Contract Service Charge	
\$	4,129,740

Includes: 5 On-duty (Firefighters/EMTs: 24/7)  
Fire Engine  
Medical Aid Car  
Command Vehicle  
Station  
Firefighting Equipment  
Medical Response Equipment  
Communications Equipment

Cost Basis: Continuation of Negotiated Contract  
with annual inflationary cost adjustments

## Mill Creek Current Fire Charges: 2021 Fixed Contract Charge – expressed as tax levy rate equivalent

**MC 2021 AV**

4,661,388,455

**MC Equivalent Tax Rates**

GF Tax Rate	0.5120
EMS Tax Rate	0.3739

Total cost equivalent  
to property tax rate  
of \$0.886/\$1,000 A.V.

**MC Fire Service Charges**

MC General Fund	2,386,754
MC EMS Levy	1,742,986
<b>Total D7 Charge</b>	<b>\$ 4,129,740</b>

# Mill Creek Current Fire Charges: 2022 Fixed Contract Charge

**MC 2022 AV**

4,871,150,935

## MC Equivalent Tax Rates

GF Tax Rate	0.5240
EMS Tax Rate	0.3662

## MC Fire Service Charges

MC General Fund	2,552,280	
MC EMS Levy	1,783,947	
<b>Total D7 Charge</b>	<b>\$ 4,336,227</b>	<b>\$ 206,487</b>

Total cost equivalent  
to property tax rate  
of \$0.890/\$1,000 A.V.



## Mill Creek Current Fire Charges: 2023 with Continuation of Current D7 Contract Terms

**MC 2023 AV**

5,090,352,728

### MC Equivalent Tax Rates

GF Tax Rate            0.5358

EMS Tax Rate           0.3587

Total cost equivalent  
to property tax rate  
of \$0.895/\$1,000 A.V.

### MC Fire Service Charges

MC General Fund            2,727,169

MC EMS Levy                1,825,869

**Total D7 Charge**    \$ 4,553,038    \$ 216,811

## Mill Creek Current Fire Charges: 2021 at D7 Parity Rates

**MC 2021 AV**

4,661,388,455

### MC Equivalent Tax Rates

GF @ D7 Tax Rate	1.2754
EMS @ D7 Tax Rate	0.3791

Total cost equivalent  
to property tax rate  
of \$01.65/\$1,000 A.V.

### MC Fire Service Charges

MC General Fund	5,945,261	
MC EMS Levy	1,766,993	
<b>Total D7 Charge</b>	<b>\$ 7,712,253</b>	<b>\$ 3,159,215</b>

## Mill Creek Current Fire Charges: 2022 at D7 Parity Rates

**MC 2022 AV**

4,871,150,935

### MC Equivalent Tax Rates

GF @ D7 Tax Rate      1.2552

EMS @ D7 Tax Rate      0.3731

### MC Fire Service Charges

MC General Fund      6,114,215

MC EMS Levy      1,817,491

**Total D7 Charge**    \$ 7,931,705    \$ 3,595,478

Total cost equivalent  
to property tax rate  
of \$1.63/\$1,000 A.V.

# Mill Creek Current Fire Charges: 2023 with D7 Fire Levy Lid Lift

MC 2023 AV

5,090,352,728

## MC Equivalent Tax Rates

GF @ D7 Tax Rate	<b>1.5000</b>
EMS @ D7 Tax Rate	0.3731

Total cost equivalent  
to property tax rate  
of \$1.87/\$1,000 A.V.

## MC Fire Service Charges

MC General Fund	7,635,529	
MC EMS Levy	1,899,278	
<b>Total D7 Charge</b>	<b>\$ 9,534,807</b>	<b>\$ 4,981,769</b>

## 2021-2023 Summary Comparison

	2021	2022	2023
Current D7 Contract	Fixed Rate	Fixed Rate	Continuity Rate
Negotiated Charges	\$ 4,129,740	\$ 4,336,227	\$ 4,553,038
Annual Increase		5%	5%
MC Equivalent Levy Rate	0.512	0.524	0.536
MC EMS Levy Rate	0.374	0.366	0.359
D7 Proposed Parity Rates	D7 Current Rates	D7 Est. Rate	D7 Est. Fire LLL
MC Fire Levy Rate	1.275	1.255	1.500
MC EMS Levy Rate	0.379	0.373	0.373
Fire Service Charge	\$ 7,712,253	\$ 7,931,705	\$ 9,534,807



December 3, 2020

The City of Mill Creek  
Attn: City Manager Michael Ciaravino  
15728 Main Street  
Mill Creek, WA 98012

Re: Notice of Termination of Fire and Emergency Medical Services Agreement

Dear City Manager Ciaravino,

Snohomish Regional Fire and Rescue (SRFR), formerly known as Snohomish County Fire District 7 has appreciated serving the City of Mill Creek with fire and life safety services for many years. We at SRFR appreciate being part of the Mill Creek Community.

With due diligence and collaboration, in 2018, the City of Mill Creek and Snohomish County Fire District 7 successfully established the current Fire and Emergency Services Agreement that will expire January 1, 2023. Through the discussion process, both parties agreed to make a presentation to the Mill Creek City Council so they could consider annexation. The District continues to look forward to presenting the concept of annexation to the City Council.

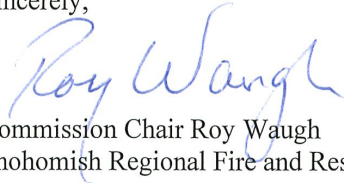
On July 28, 2020, the Fire District sent the City a formal request to begin discussions regarding a Fire and Emergency Services Agreement renewal. We began those discussions in October and look forward to continuing regular monthly meetings into the future as we work to develop a new contract or move toward annexation of the City into the District. A necessary step toward moving toward annexation or a new contract is the termination of the current contract.

Accordingly, pursuant to Section 14.2 of the Fire and Emergency Services Agreement that expires on Jan 1, 2023, the District is hereby providing official notice that the District is terminating the Agreement at the end of the original term on January 1, 2023. Consistent with the current Agreement, the District will be providing service through December 31, 2022.

As noted above, and as demonstrated in our initial meetings, we would like to continue serving the City of Mill Creek beyond January 1, 2023 with a more equitable agreement, or through annexation. It is important to note also, that if we cannot complete an annexation or come to agreement on a more equitable contract, that the District is prepared to operate without the inclusion of Mill Creek in our service area beginning January 1, 2023.

SRFR is committed to working with the City to continue providing services on a basis that is equitable and fair to all residents, property owners and business in the City and the District.

Sincerely,

A handwritten signature in blue ink that reads "Roy Waugh". The signature is fluid and cursive, with the first name "Roy" being larger and more prominent than the last name "Waugh".

Commission Chair Roy Waugh  
Snohomish Regional Fire and Rescue

cc: Mayor Brian Holtzelaw  
Mayor Pro Tem Stephanie Vignal  
Councilmember Benjamin Briles  
Councilmember Vince Cavaleri  
Councilmember Adam Morgan  
Councilmember Mark Bond  
Councilmember John Steckler



Snohomish Regional Fire and Rescue Service Equity

November 17, 2020

During the October 20, 2020 Joint Mill Creek Snohomish Regional Fire Rescue meeting the parties discussed the concept of equity and the philosophy of how best to provide fire protection and emergency medical services on an equitable basis to citizens of SRFR and Citizens of Mill Creek.

SRFR's concept of equity and its approach to the future funding of fire protection and emergency medical services in Mill Creek is driven by the basic premise that the expense of maintaining sufficient facilities, equipment and personnel should be shared on a system wide basis, and be funded by all consumers of the service using a fair and equitable method of allocating the cost. Because SRFR's primary revenue source is based on property tax levies, our approach considers tax levy rates to be the true measure of the cost of the service and the most equitable and recognized method of allocating that cost equitably among all citizens receiving the service.

Although our prior contracts have, for a variety of reasons, been primarily driven by a station cost model, at the present time we recognize that the adequate and equitable funding of fire protection and emergency services can no longer simply be based on an incremental cost approach that focuses primarily on the cost of operating a single station. Instead, in determining a fair funding methodology we are asking Mill Creek to consider the overall cost of operating SRFR and the system wide benefits provided by the contract to both SRFR and Mill Creek residents.

This premise of approaching equitable cost allocation by focusing on the cost of operating a fire protection and emergency medical system is based on the commonly accepted fire service planning concepts of Distribution, Concentration and Reliability and we are providing a brief summary of the concepts in support of our proposal.

Distribution refers to SRFR's need to have its resources "distributed" across the service area so that resources can arrive on the scene of an emergency quickly enough to assist a non-breathing patient<sup>1</sup> or, to quickly prepare for the intervention in a fire prior to flashover.<sup>2</sup> Distribution is

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<sup>1</sup> The American Heart Association has indicated that the ability for a patient to survive cardiac arrest diminishes rapidly unless definitive life support occurs within four minutes and Advanced Life Support (ALS) is initiated within eight minutes or less of the onset of the event

<sup>2</sup> Flashover is the point at which everything in a room ignites into flame at once, rapidly accelerating and spreading the fire. Flashover typically occurs within three to ten minutes of ignition.



about covering “the dirt,” and fixed fire stations establish the distribution framework. Resources are distributed over a geographic area in a manner that allows those resources to reach all incidents within the adopted response time for first arriving fire units. Properly distributed resources arrive in time to minimize and/or terminate average or routine emergencies.

Concentration refers to SRFR having sufficient resources, (firefighters and equipment) within a reasonable distance to provide support to the first arriving unit. Concentration of forces allow firefighters to work within safety limits established by law, nationally recognized standards and best practice. Concentration deployment allows SRFR to effectively respond to larger emergencies such as fires, advanced life support (ALS), hazardous materials, and technical rescue incidents. Appropriate concentration of resources allows for the arrival of an effective response force in time to maintain first responder safety and prevent an incident from escalating.

Because the delivery of emergency response services is dynamic in nature, for the system to perform as expected, the right resources must be available to respond from the right locations. Once a fire service provider has distributed resources and concentrated those resources within budgetary limits, the department must assure that those resources are “Reliable” or available when needed. The concept of reliability refers to the availability of staffing and resources to respond to an incident. If resources (stations, equipment, personnel) are responding to an incident when they are simultaneously called to respond to another incident the resources become unreliable.

Resources may be unavailable or unreliable for many reasons including training, fire prevention activities such as inspections, public education events, and apparatus maintenance. However, the biggest impact to resource reliability is emergency workload. Because reliability is determined largely based on the number of incidents it is directly affected by the presence of development and population. The presence of improvements to real property and the population present in such improvements generate the need for fire protection and emergency medical services. Under SRFR’s property tax funding model the cost of establishing reliability is spread out among all potential users of the system. In contrast, an approach that focuses primarily on the costs of operating and staffing a single station ignores the cost of making the station reliable.

The reliability factor is critical to understanding that SRFR’s tax levy rate approach is fundamentally a cost based approach similar to a single station approach, however the tax levy rate approach considers the costs of the entire system not a single part of the system. We respectfully disagree with the comment made during the October 20 meeting that SRFR was moving from a cost based approach to a revenue based approach. The SRFR’s tax levy is nothing more than a means to raise revenue to cover the true cost of providing fire protection and emergency medical services. The tax levy rate is analogous to a water purveyor’s water rates which are also a means to raise money to pay for the true cost of providing a consistent and reliable water service. Both the tax levy rate and the water rates are determined by the cost of providing the service.

Each year SRFR Board of Commissioners determines the level of service it is going to provide and adopts a budget that determines the amount of revenues necessary to cover the costs of providing that level of service. The Board then levies a tax at a rate necessary to generate the revenues to meet the budgeted costs. Unlike Mill Creek, SRFR has one primary revenue source,

and that revenue source is driven by the cost of providing the service. Within the constraints of chapter 84.52 RCW SRFR can raise tax rate as necessary to increase the level of service or it can decrease its tax levy to lower the level of services it provides. In other words, the tax levy rate directly reflects the cost of the services provided in the same way that water rates directly reflect the cost of distributing water.

As the foregoing explanation demonstrates, our proposal and our concept of equity is simply that the taxpayers of Mill Creek pay for the services at the same rate as the taxpayers of SRFR. This approach can be implemented using two basic methods the impacts of which are summarized in the attached Exhibit A using 2020 assessed valuations.

First, the current ILA could be modified to calculate the annual cost by applying SRFR's tax levy rate to Mill Creek's assessed value. We have attached as Exhibit A, a spreadsheet that shows the estimated impact of this approach on Mill Creek and the taxpayers of Mill Creek.

- Mill Creek annual payment increases by \$3,453,094 (B15) from \$4,029,014 (B13) to \$7,482,108 (B14)
- Mill Creek would need to increase regular property tax rate by \$.78 per thousand to fully fund contract (B24) (or use other revenue sources) to generate the additional \$3,453,094.

Second, Mill Creek could annex into SRFR. The spreadsheet documents the estimated impacts of this approach on Mill Creek and the taxpayers of Mill Creek as follows:

- Mill Creek residents will be exposed to a potential tax increase of up to \$1.29 per thousand unless Mill Creek agrees to reduce its tax levy. (B20)<sup>3</sup> (Because the Mill Creek tax rate is \$1.45 there will be no statutory rate reduction triggered by the annexation (B37). The maximum statutory rate reduction if SRFR levied its full \$1.50 would be a reduction of Mill Creek maximum property tax rate to \$1.60 (B37)).
- Mill Creek potential net revenue gain of up to \$2,291,893 (B29) if Mill Creek doesn't voluntarily reduce taxes.
- Mill Creek can choose to reduce the tax impact on its citizens by reducing this revenue gain through a property tax reduction.

Under both of the approaches, Mill Creek taxpayers will continue to receive services currently being provided.

We recognize both approaches substantially increase in the cost to Mill Creek and its taxpayers but the SRFR board has determined that it can no longer provide services under an approach that requires SRFR taxpayers to pay for the same services provided to Mill Creek at a higher rate. We are committed to working with Mill Creek to implement the necessary steps to move this discussion forward.

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<sup>3</sup> All References are to Spreadsheet attached as Exhibit A or to 2017 Mill Creek ILA.



Date: June 8, 2021

A/P Check Batches		
Dated	Check Numbers	Amount
05/19/2021	63406-63408	\$18,049.75
05/25/2021	ACH Debit-Excise Tax Return-April	\$459.27
05/28/2021	63409-63446	\$158,822.23
<b>Total</b>		<b>\$177,331.25</b>

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of check numbers 63406 through 63446, and ACH debit's in the amount of \$177,331.25.

We recommend approval of the above stated amount with the following exceptions:

\_\_\_\_\_

\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Director of Finance

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
City Manager



**Combined Excise Tax Return**

600-598-011  
CITY OF MILL CREEK

DRAFT

Vendor: wador

Post date: 5-25-21

\$ 2.27 001-014-589-30-00-00 WA Sales Tax

\$ 0.01 001-019-589-30-00-00 WA Sales Tax

\$456.99 001-000-229-00-04-00 WA Use Ta

Filing Period: April 30, 2021

Due Date: May 25, 2021

Filing Frequency: Monthly

**Business & Occupation**

Tax Classification	Gross Amount	Deductions	Taxable Amount	Tax Rate	Tax Due
Retailing	21.72	21.72	0.00	0.004710	0.00
Service and Other Activities (\$1 million or greater in prior year)	100.00	0.00	100.00	0.017500	1.75
<b>Total Business &amp; Occupation</b>					1.75

**State Sales and Use**

Tax Classification	Gross Amount	Deductions	Taxable Amount	Tax Rate	Tax Due
Retail Sales	21.72	0.00	21.72	0.065000	1.41
Use Tax	4,352.29	0.00	4,352.29	0.065000	282.90
<b>Total State Sales and Use</b>					284.31

**Deductions**

Tax Classification	Deduction	Amount
<b>Business &amp; Occupation</b>		
Retailing	Other: Exclusively Governmental	21.72

**Credits**

	Amount	
Service & Other SBC	1.75	
<b>Total Credits</b>		1.75

**Local City and/or County Sales Tax**

Location	Taxable Amount	Tax Rate	Tax Due
3119 - MILL CREEK	21.72	0.040000	0.87
<b>Total Local City and/or County Sales Tax</b>			0.87

**Local City and/or County Use Tax/Deferred Sales Tax**

Location	Taxable Amount	Tax Rate	Tax Due
3119 - MILL CREEK	4,352.29	0.040000	174.09

Total Local City and/or County Use Tax/Deferred Sales Tax 174.09

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Total Tax	461.02
Total Credits	1.75
Subtotal	459.27
Total Amount Owed	459.27 ✓

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Prepared By: Laurel Gimzo  
E-Mail Address: laurelg@cityofmillcreek.com  
Submitted Date: 5/25/2021  
Confirmation #: 0-020-588-270

Payment Type: ACH Debit/E-Check  
Amount: \$459.27  
Effective Date: 5/25/2021


5/25/2021

Export

**Washington State Department of Revenue**

Your Return has been submitted and your confirmation number is **0-020-588-270**

Below is information from your Monthly Return for the period ending April 30, 2021

<b>Filing Date</b>	May 25, 2021
<b>Account ID</b>	600-598-011
<b>Primary Name</b>	CITY OF MILL CREEK
<b>Payment Method</b>	ACH Debit/E-Check
<b>Payment Effective</b>	May 25, 2021
<b>Total Tax</b>	461.02
<b>Total Credits</b>	1.75
<b>Total Due</b>	459.27 

**Accounts Payable**

**Checks by Date - Detail by Check Date**

User: Jodieg  
 Printed: 6/4/2021 2:01 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
63406	KREEDCON 0865A	Karen Reed Consulting, LLC Replace Ck #63351 - DRCC Consulting Service	05/19/2021	13,061.25
Total for Check Number 63406:				13,061.25
63407	LANEP 3849632A	Lane Powell PC Replace Ck #63352 - Prof Legal Svcs - General I	05/19/2021	1,131.00
Total for Check Number 63407:				1,131.00
63408	LUNDFauc 498-01A	Lund Faucett Replace Ck #63353 - DRCC Survey & Analysis	05/19/2021	3,857.50
Total for Check Number 63408:				3,857.50
Total for 5/19/2021:				18,049.75
63409	911SUPPL INV-2-10518 INV-2-10728	911 Supply Inc 2 - S/S Shirts - S White Hero's Name Tape - C White	05/28/2021	154.12 14.32
Total for Check Number 63409:				168.44
63410	A&CGLASS 16575	A & C Glass Replace 2 Broken Windows - MC Library	05/28/2021	939.25
Total for Check Number 63410:				939.25
63411	ALLBATRY 800-10077506	All Battery Sales & Service Battery - Mower	05/28/2021	50.77
Total for Check Number 63411:				50.77
63412	AMTESTIN 121507	Am Test, Inc 4 - Fecal Coliform Analysis	05/28/2021	100.00
Total for Check Number 63412:				100.00
63413	AMAZON 16F3-T9RJ-6RHK 1GT3-PXX3-97TL	Amazon Capital Services Exterior Door Handle - PW5 GoPro 8 - Black/GoPro Mini Extension Tripod	05/28/2021	30.92 368.48
Total for Check Number 63413:				399.40
63414	BANKCARE 1 10 11 12 13	Bank of America 2021 WAPRO Virtual Spring Conf - N Fay Lodging - Media & Public Relations Training - I 2021 IIMC Annual Conf - N Fay 12 - 4x4 Posts - Street Signs MRSC Small Works Roster	05/28/2021	60.00 689.65 550.00 567.05 135.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
14		Supplies - Volunteers - Community Service Day		215.63
15		2 - Bags Soil, 6 - Plants - Explorer Park -Comm		73.86
16		Water, Simple Green - Volunteers - Community		19.34
17		Inserts, Screws, Measuring Tool - Passport Partit		64.54
18		Supplies - Volunteers - Community Service Day		146.79
19		NW Clerks - Professional Dev IV - N Fay 06/22		375.00
2		Drain Pipe - Beaver Dam Maint		9.06
20		AWC Job Posting - Associate Planner		40.00
20A		AWC Job Posting - Deputy City Manager		40.00
20B		AWC Job Posting - 3 Open Postings		120.00
21		UPS Chgs - Watershd PD		26.02
22		WMCA Membership Renewal - N Fay		75.00
23		Radio X-Talker		264.93
24		2021 WAPRO Virtual Spring Conf - A. Gordon		60.00
25		100 - 3x5 White Backing Cards 2081W		17.75
26		Job Posting - Western City Mag - Deputy City M		300.00
27		Airfare Adj - IIMC Clerk Institute - N Fay		64.01
28		Propane Tanks for Kettles		144.02
28A		Calcium Remover - MCSP		143.31
29		Reservation System - Passports - CHS		87.55
3		Coupler - Washdown Hose Repair - PW10		8.96
30		External Hard Drive - Investigations		110.49
31		GFOA Membership Ducs - L Gimzo		225.00
32		Job Posting - GFOA - Deputy City Manager		150.00
33		MyBuilding Permit.com Monthly Fee		59.95
34		Job Posting - LinkedIn - Project Engineer		118.67
34A		Job Posting - LinkedIn - Surface Water Engineer		101.32
34B		Job Posting - LinkedIn - Deputy City Manager		98.00
34C		Job Posting - LinkedIn - Associate Planner/Perm		117.91
34D		Job Posting - LinkedIn - City Engineer		78.48
35		Flower Plants - City Hall & Veteran's Monument		205.94
36		Laminate Sign - Welcome Face Covering Requir		14.05
37		WAPRO Training - I Heath		60.00
4		Corner Post, Clamp - Tool Holders - PW6		39.35
5		WSPCA - N Lerma		300.00
6		50 Lb. Hot Pour Direct Fire Joint Sealant - Stree		54.53
7		Window Repair - PW11		216.34
8		Wood - Passport Partitions - CHS		129.55
9		Chair - PW		198.88
Total for Check Number 63414:				6,575.93
63415	BENEAD 2105510	Benefit Administration Co, LLC Section 125 Flexible Benefits Plan - May	05/28/2021	100.00
Total for Check Number 63415:				100.00
63416	BRIDPETS 31430401	Bridges Pets 10 Lbs - Honest Kitchen Turkey, 1 - Earthbath S	05/28/2021	97.16
Total for Check Number 63416:				97.16
63417	CDW D045142 D068327	CDW Government Licenses - Microsoft Exchange, Microsoft 365 4 - HD-3000 Webcams - Zoom Meetings	05/28/2021	98.90 142.59
Total for Check Number 63417:				241.49
63418	CBALDDES Summer 2021	Christopher Baldwin Design Summer 2021 Rec Guide Layout	05/28/2021	800.00



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 63418:	800.00
63419	COMCAST 849831021045701	Comcast High Speed Internet Fee 05/18 - 06/17	05/28/2021	191.42
			Total for Check Number 63419:	191.42
63420	COPIETC AR55511	Copiers Etcetera, Inc. Repair & Maint - Copy Machines	05/28/2021	1,247.55
			Total for Check Number 63420:	1,247.55
63421	EPICFORD 25133P	Epic Ford Window Switch Cluster - Car #40 & Car #44	05/28/2021	300.85
			Total for Check Number 63421:	300.85
63422	ETS 0511-4018 0511-4018A	Equipment Trade Service Co. Inc Taginator Graffiti Remover Use Tax - Taginator Graffiti Remover	05/28/2021	378.67 -35.98
			Total for Check Number 63422:	342.69
63423	HARISUZU FOCS538116 FOCS538266	Harris Isuzu Oil, Filter, Rear View Camera Repair - Warranty Oil Change, Transmission Service/Inspection - P	05/28/2021	99.94 116.50
			Total for Check Number 63423:	216.44
63424	SNOCOHU 1000555683	Snohomish County Human Services Dept. 2% Liquor Profits/Liquor Taxes - 1st Qtr 2021	05/28/2021	1,571.57
			Total for Check Number 63424:	1,571.57
63425	JANIMALH 001516	Julz Animal Houz 4 Boxes - NWN Frozen Turkey Bars - Hondo	05/28/2021	331.92
			Total for Check Number 63425:	331.92
63426	KIDWELLT Reimb Kidwell Reimb Kidwell1	Tyler Kidwell Reimb Meals-Red Dot Rifle Instructor Train-T K Reimb Meals-Red Dot Rifle Instructor Train-T K	05/28/2021	273.00 173.00
			Total for Check Number 63426:	446.00
63427	KNOWBE4 INV131576	KnowBe4 Inc KnowBe4 Security Awareness Training Subscrip	05/28/2021	2,187.90
			Total for Check Number 63427:	2,187.90
63428	LANEP 3851164 3851164A 3851164B 3851165 3851166 3851167 3851168 3851169 3851170	Lane Powell PC Prof Legal Svcs - General Employment - April Prof Legal Svcs - General Employment - April Prof Legal Svcs - General Employment - April Prof Legal Svcs - General Business - April Prof Legal Svcs - City Attorney - April Prof Legal Svcs - AFSCME Unfair Labor Practic Prof Legal Svcs - Public Records - April Prof Legal Svcs - Police Guild Labor Matters - A Prof Legal Svcs - AFSCME Labor Matters - Apr	05/28/2021	1,632.80 661.95 32,744.25 493.00 26,640.00 16,974.50 9,938.65 176.50 18,033.50

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 63428:	107,295.15
63429	LUNDFauc 498-02	Lund Faucett DRCC Survey & Analysis 04/01 - 04/30	05/28/2021	3,465.00
			Total for Check Number 63429:	3,465.00
63430	MCMAG 4955 4956	Mill Creek Living Magazine 19,500 Copies Rec Guide Inserted - 6 Pgs Summ 19,500 Copies Rec Guide Inserted - 8 Pgs Summ	05/28/2021	3,500.00 4,300.00
			Total for Check Number 63430:	7,800.00
63431	NATW 13495	National Association of Town Watch NATW Membership - S White	05/28/2021	35.00
			Total for Check Number 63431:	35.00
63432	NTESTNWT 8475	National Testing Network Inc Police Recruiting/Testing 05/18/21 - 05/18/22	05/28/2021	500.00
			Total for Check Number 63432:	500.00
63433	PACTOP 1-T1170509 1-T1170526 1-T1170546 1-T1170555 1-T1170565 1-T1174156	Pacific Topsoils, Inc. 5 Yards Bark - Community Day Event 5 Yards Bark - Community Day Event 5 Yards Bark - Community Day Event 5 Yards Bark - Community Day Event 5 Yards Bark - Community Day Event 3 Yards Bark - MC Library & Veteran's Memoriz	05/28/2021	142.55 142.55 142.55 142.55 101.11 85.53
			Total for Check Number 63433:	756.84
63434	CLYDEWST 20346573	PacWest Machinery Sweeper Repair - PW9	05/28/2021	107.90
			Total for Check Number 63434:	107.90
63435	ELLITIRE 064462017452	PepBoys-Remittance Dept Transmission Flush & Re-Program Car #38	05/28/2021	300.40
			Total for Check Number 63435:	300.40
63436	PERTEET 20160281.0026-8 20210010.0003-2	Perteet Inc Prof Svcs - Right-of-Way Use Permit Review 04 Prof Svcs - McDonald's Restaurant Redevelopm	05/28/2021	708.75 901.18
			Total for Check Number 63436:	1,609.93
63437	PLATT 1031719	Platt Electric Supply, Inc 60 - Light Bulbs	05/28/2021	323.88
			Total for Check Number 63437:	323.88
63438	PRYTHSP 868195	Protect Youth Sports Employment Background Checks - Customer Se	05/28/2021	8.95
			Total for Check Number 63438:	8.95
63439	SNOCPUD 105568054 108874705	PUD No. 1 of Snohomish County 14600 16th Ave SE 04/10 - 05/08 2725 Seattle Hill Rd 04/16 - 05/11	05/28/2021	15.66 14.04

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	112163358	902 164th St SE 04/10 - 05/06		29.97
	118772659	15803 32nd Ave SE 04/16 - 05/11		17.30
	122092221	928 Dumas Rd 04/23 - 05/20		81.78
	125407860	4842 SAC 04/11 - 05/07		47.78
	128679108	15728 Main St 04/13 - 05/11		1,345.03
	128680551	1900 164th St SE 04/13 - 05/11		26.10
	135297568	15429 Bothell Everett Hwy 04/11 - 05/07		19.48
	138505632	2720 Seattle Hill Rd 04/16 - 05/11		14.04
	141820347	2024 Seattle Hill Rd 04/13 - 05/11		34.23
	145148440	15429 1/2 Bothell Everett Hwy 04/11 - 05/07		15.89
	151730233	Street Lights - 17 Lights - 100W 04/01 - 04/30		57.29
	151738319	14810 35th Ave SE 04/16 - 05/11		43.25
	151742677	13903 N Creek Dr 04/23 - 05/21		404.87
	154989849	13510 N Creek Dr 04/23 - 05/20		43.36
	161348084	13901 North Pointe Cir Irrig 04/13 - 05/11		15.66
			Total for Check Number 63439:	2,225.73
63440	RONGERJ 9567	John Rongerude P.S. Conflict Public Defender #1A0372911	05/28/2021	300.00
			Total for Check Number 63440:	300.00
63441	SNOCOPW 1000556303 1000556695 1000556695A	Snohomish County Public Works Adaptive Traffic Signal Control System ILA - 1s Signal Maintenance - April - RR7552 Dumas Rd Signal Maintenance - April - RR7553 Mill Cr Rc	05/28/2021	1,315.52 316.66 229.37
			Total for Check Number 63441:	1,861.55
63442	STAPLEAD 303893 303893A	Staples Advantage 2 Binders/Sheet Protectors - PW Microban/Disinfectant Wipes	05/28/2021	32.02 138.24
			Total for Check Number 63442:	170.26
63443	VERIZON 9879933550	Verizon Wireless Access & Usage Chgs - City Cell Phones 04/17 -	05/28/2021	1,143.97
			Total for Check Number 63443:	1,143.97
63444	WALTNELS 807798 808061	Walter E. Nelson Co. Gloves, Toilet Tissue, Soap, Brawny Towels - Pa Garbage Liners - Parks Supplies	05/28/2021	2,692.51 304.12
			Total for Check Number 63444:	2,996.63
63445	ZAC&THON 21-MCR0005	Zachor & Thomas, Inc., P.S. Monthly Prosecution Legal Retainer - May - Cor	05/28/2021	10,275.20
			Total for Check Number 63445:	10,275.20
63446	ZUMAR 36185	Zumar Industries, Inc. 300 - Road Pavement Markers - White, 1 - 2-Wa	05/28/2021	1,337.06
			Total for Check Number 63446:	1,337.06
			Total for 5/28/2021:	158,822.23

<b>Check No</b>	<b>Vendor No Invoice No</b>	<b>Vendor Name Description</b>	<b>Check Date Reference</b>	<b>Check Amount</b>
			Report Total (41 checks):	176,871.98



Date: June 8, 2021

Payroll Check Batches		
Dated	Check Numbers	Amount
05/25/2021	ACH Automatic Deposit Checks	\$129,989.63
05/25/2021	ACH Wire- FWT & Medicare Taxes	\$24,993.26
05/25/2021	ACH Wire MEBT – Wilmington Trust	\$24,778.18
05/25/2021	ACH Wire – BAC – Flex Savings Acct	\$1,017.11
05/25/2021	ACH Wire – ICMA RC – Def. Comp	\$2,435.61
<b>Total</b>		<b>\$183,213.79</b>

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of the ACH Automatic Deposit checks and ACH Wire Transfers in the amount of \$183,213.79.

We recommend approval of the above stated amount with the following exceptions:

\_\_\_\_\_

\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
City Manager

Statistical Summary

**Statistical Summary**

Company:A0W - City Of Mill Creek Service Center:0076 Pacific North West      Status:Cycle Complete  
 Week#:21      Pay Date:05/25/2021      P/E Date:05/15/2021  
 Qtr/Year:2/2021      Run Time/Date:13:49:24 PM EDT 05/21/2021

<b>Taxes Debited</b>	Federal Income Tax	18,887.28		
	Earned Income Credit Advances	0.00		
	Social Security - EE	0.00		
	Social Security - ER	0.00		
	Social Security Adj - EE	0.00		
	Medicare - EE	2,711.82		
	Medicare - ER	2,711.86		
	Medicare Adj - EE	0.00		
	Medicare Surtax - EE	0.00		
	Medicare Surtax Adj - EE	0.00		
	Federal Unemployment Tax	0.00		
	FMLA-PSL Payments Credit	0.00		
	FMLA-PSL ER FICA Credit	0.00		
	FMLA-PSL Health Care Premium Credit	0.00		
	Employee Retention Qualified Payments Credit	0.00		
	Employee Retention Qualified Health Care Credit	0.00		
	COBRA Premium Assistance Payments	0.00		
	State Income Tax	0.00		
	Non Resident State Income Tax	0.00		
	State Unemployment Insurance - EE	0.00		
	State Unemployment Insurance Adj - EE	0.00		
	State Disability Insurance - EE	0.00		
	State Disability Insurance Adj - EE	0.00		
	State Unemployment/Disability Ins - ER	0.00		
	State Family Leave Insurance - EE	227.34		
	State Family Leave Insurance - ER	0.00		
	State Family Leave Insurance Adj - EE	0.00		
State Medical Leave Insurance - EE	204.72			
State Medical Leave Insurance - ER	250.24			
Transit Tax - EE	0.00			
Workers' Benefit Fund Assessment - EE	0.00			
Workers' Benefit Fund Assessment - ER	0.00			
Local Income Tax	0.00			
School District Tax	0.00			
	<b>Total Taxes Debited</b>	<b>24,993.26</b>		
		129,989.63		
<b>Other Transfers</b>	Full Service Direct Deposit Acct			
	<b>Total Amount Debited From Your Account</b>		154,982.89	154,982.89
<b>Bank Debits &amp; Other Liability</b>	Checks	0.00		154,982.89
	Adjustments/Prepay/Voids	0.00		154,982.89
<b>Taxes- Your Responsibility</b>	None this payroll			154,982.89

**Payment Details Report**



Company: City of Mill Creek  
Requester: Gimzo, Laurel  
Run Date: 05/25/2021 1:48:06 PM CDT

**Domestic High Value (Wire)**  
Payment Category: Urgent/Wire

Status: Processing By Bank  
Transaction Num:

Template Name: MATRIX/MEBT  
Template Code: WILTRUST

**Debit Account Information**

Debit Bank:  
Debit Account:  
Debit Account Name: 11885 Checking  
Debit Currency: USD

**Beneficiary Details**

Beneficiary Name: MATRIX TRUST COMPANY  
Beneficiary Address: NA  
Beneficiary City: NA  
Beneficiary Postal Code: NA  
Beneficiary Country: US - United States of America

Beneficiary Account:  
Beneficiary Bank ID:  
JPMORGAN CHASE BANK, NA  
1111 POLARIS PKWY  
COLUMBUS  
US - United States of America  
Beneficiary Email:  
Beneficiary Mobile Number:

**Payment Details**

Credit Currency: USD  
Credit Amount: 24,778.18

Value Date: 05/25/2021

**Optional Information**

Sender's Reference Number: CITY MILL CREEK

Beneficiary Information: City of Mill Creek n3177e

**Additional Routing**

Intermediary Bank ID:

Receiver Information:

**Control Information**

Input: jgunders  
Approved: lagimzo

Input Time: 05/25/2021 1:36:39 PM CDT  
Time: 05/25/2021 1:48:00 PM CDT

Payroll 05/25/2021	
MEBT EE	12,884.33
MEBT ER	11,893.85
Sub-Total	24,778.18
Less Standard Insurance	0.00
<b>Wire Total</b>	<b>24,778.18</b>

9308.12	LEO	Total
749.60	MBX	Total
11845.04	MEB	Total
240.88	MEB2	Total
48.81	MME	Total
48.81	MMR	Total
4332.92	P2E	Total
1969.06	P3E	Total
11845.04	TER	Total
40388.28	Grand Total	



**Payment Details Report**



Company: City of Mill Creek  
Requester: Gimzo, Laurel  
Run Date: 05/25/2021 1:45:15 PM CDT

**Domestic High Value (Wire)**

Payment Category: Urgent/Wire

Status: Processing By Bank  
Transaction Num

Template Name: Benefit Administration Company  
Template Code: BAC

**Debit Account Information**

Debit Bank: 1  
Debit Account:  
Debit Account Name: Treas Checking  
Debit Currency: USD

**Beneficiary Details**

Beneficiary Name: Benefit Administration Company LLC  
Beneficiary Address: P.O. Box 550  
Beneficiary City: Seattle  
Beneficiary Postal Code: 98101-0550  
Beneficiary Country: US - United States of America

Beneficiary Account:  
Beneficiary Bank ID:  
SOUND CU  
1331 BROADWAY  
TACOMA  
US - United States of America  
Beneficiary Email: sli@baclink.com  
Beneficiary Mobile Number: 1.2066251800

**Payment Details**

Credit Currency: USD  
Credit Amount: 1,017.11

Value Date: 05/25/2021

**Optional Information**

Sender's Reference Number: DayCare / Health

Beneficiary Information: City of Mill Creek  
Beneficiary Bank

**Additional Routing**

Intermediary Bank ID:

Receiver Information:

**Control Information**

Input: jgunders  
Approved: [Signature]  
Initial Confirmation:

Input Time: 05/25/2021 1:38:18 PM CDT  
Time: 05/25/2021 1:44:58 PM CDT

<b>Payroll Date 05/25/2021</b>	<b>Deferred</b>	
	<b>Healthcare</b>	<b>Daycare</b>
Fleming, Rodney J	\$ 100.00	\$ 0.00
Foutch, Bart A	\$ 114.58	\$ 0.00
Heath, Ilia C	\$ 114.58	\$ 0.00
Hughes, Tyrone A	\$ 114.00	\$ 0.00
Pigott, Larissa V	\$ 114.58	\$ 0.00
Rasmussen, Kristen A	\$ 25.00	\$ 208.00
Rogers, Thomas B	\$ 50.00	\$ 0.00
Schmidt, Christi A.M.	\$ 62.50	\$ 0.00
Todd, Michael S	\$ 20.00	\$ 0.00
Grand Totals		
Total	\$ 715.24	\$ 208.00
<b>Total Due to BAC</b>	<b>\$ 923.24</b>	

**Payroll Date 05/25/2021**

Employee	EE Cont	ER Cont
Gimzo, Laurel	\$35.00	\$58.87

**Grand Total**

**\$93.87**

**Payment Details Report**



Company: City of Mill Creek  
Requester: Gimzo, Laurel  
Run Date: 05/25/2021 1:47:13 PM CDT

**Domestic High Value (Wire)**

Payment Category: Urgent/Wire

Status: Processing By Bank  
Transaction Number:

Template Name: ICMA 457 Plan  
Template Code: ICMA

**Debit Account Information**

Debit Bank:  
Debit Account:  
Debit Account Name: Treas Checking  
Debit Currency: USD

**Beneficiary Details**

Beneficiary Name: ICMA RC  
Beneficiary Address: P.O. Box 64553  
Beneficiary City: Baltimore  
Beneficiary Postal Code: 21264-4553  
Beneficiary Country: US - United States of America

Beneficiary Account: /  
Beneficiary Bank ID:  
MANUFACTURERS AND TRADERS TR C  
ONE M AND T PLAZA, 15TH FL  
BUFFALO  
US - United States of America

Beneficiary Email:  
Beneficiary Mobile Number:

**Payment Details**

Credit Currency: USD  
Credit Amount: 2,435.61

Value Date: 05/25/2021

**Optional Information**

Sender's Reference Number:

Beneficiary Information: City of Mill Creek

**Additional Routing**

Intermediary Bank ID:

Receiver Information:

**Control Information**

Input: jgunders  
Approved: lagimzo

Input Time: 05/25/2021 1:35:17 PM CDT  
Time: 05/25/2021 1:47:05 PM CDT

<b>Payroll Date 05/25/21</b>	<b>ICMA</b>	
Fleming, Rodney J		\$ 438.24
Gimzo, Laurel R		\$ 50.00
Hookland, Rebecca J		\$ 137.60
Kidwell, Tyler A		\$ 551.44
LaRose, Scot P		\$ 100.00
Ringstad, Sherrie M		\$ 25.00
Todd, Michael S		\$ 1,083.33
White, Stanley R		\$ 50.00
Grand Totals		
<b>Total Due to ICMA</b>		<b>\$ 2,435.61</b>



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

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**6:00 PM - Tuesday, June 1, 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: Jun 1, 2021, 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting  
<https://zoom.us/j/91733013082>

Meeting ID: 917 3301 3082  
One tap mobile  
[+12532158782](tel:+12532158782).,[91733013082](tel:+12532158782)#US (Tacoma)  
[+13462487799](tel:+13462487799).,[91733013082](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 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

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The Pledge of Allegiance was led by Mayor Pro Tem Vignal.

**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

June 1, 2021, CITY COUNCIL REGULAR MEETING MINUTES

Barb Heidel, a Mill Creek resident, thanked City staff and volunteers for their efforts and contributions to the success of the Memorial Day events.

**PRESENTATIONS**

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- C.** Business and Community Resource Guide  
*(Kristen Rasmussen, Community Engagement Coordinator & Brad Hoare from BCC Directories)*

City Manager Michael Ciaravino opened the business and community resource guide conversation by stating that the City is looking at ways to increase the quality of communications and marketing to Mill Creek citizens. Manager Ciaravino introduced Community Engagement Coordinator Kristen Rasmussen and BCC Directories Owner Brad Hoare who provided [examples](#) of resource guides from other cities.

Ms. Rasmussen suggested that this would be a way to support and promote Mill Creek businesses. BCC Directories Owner and Publisher Brad Hoare introduced himself and gave information regarding his publication to City Council. He explained that directory would be at no cost to the City.

City Manager Michael Ciaravino stated that the resource guide is currently in concept phase and requested feedback from Council.

Council engaged in discussion and Q and A. Council expressed overall support for the resource guide with the caveat that it would not compete with the City of Mill Creek's existing publications.

**OLD BUSINESS**

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- D.** Governance Manual Adoption and/or Discussion  
*(Grant Degginger, City Attorney)*

Mayor Holtzclaw introduced City Attorney Grant Degginger to answer any outstanding questions on the update to the Governance Manual. Mayor Holtzclaw stated that there would be no action taken at this meeting, rather it will be brought back next week for adoption.

Attorney Degginger provided a recap of the process for updating the Governance Manual thus far and recounted the latest changes to the draft:

Section 1.5.3-- Clarified that staff will provide quarterly review of financial statements.  
Section 7.1—Added criteria and procedures for proclamations.  
Exhibit B—Updated staff liaisons for boards and commissions

Council engaged in Q and A.

Mayor Holtzclaw requested the following from the City Manager:

- The historical process for Council liaison position assignments.
- A list of proclamations that have historically been approved annually.

June 1, 2021, CITY COUNCIL REGULAR MEETING MINUTES

Mayor Holtzclaw requested that City Attorney Grant Degginger provide Council with a copy of the statute he referred to regarding "Incompatible Offices".

[CLEAN - v.4 MILL CREEK Updated Governance Manual-May 11](#)  
[REDLINE v.4 MILL CREEK Updated Governance Manual-May 11](#)  
[Resolution Governance Manual 2021-603](#)  
[Governance Manual Mill Creek slide](#)

#### **CONSENT AGENDA**

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**E.** [City Council Meeting Minutes of May 25, 2021](#)

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

#### **REPORTS**

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**F.** Mayor/Council

Mayor Holtzclaw

DRCC/City Manager Evaluation Timeline

**Mayor Holtzclaw** provided a proposed timeline for both the City Manager's performance evaluation and the DRCC Council retreat:

**CM Evaluation Process**

May 25 -June 7 - 2020-21 Evaluation process confirmed by Council.

Week of June 7 - Questions circulated to Council; one-on-one discussions calendared with Facilitator; Staff interviews conducted.

Week of June 21 - Staff interviews completed. CM self-assessment circulated to Council, with summary write-up of staff input. One-on-one discussions with Council begin after receipt to CM self-assessment.

Week of June 28 - One-on-one discussions with Council continue.

Tuesday July 6 - Executive Session 1 - presentation by City Manager followed by Council discussion Tuesday, July 13 - Executive Session 2 – delivery of evaluation by Council.

Tuesday, July 20 - Special Meeting - Formal Council action on salary/contract

Tuesday July 27 - (Alternate action date for salary/ contract)

**DRCC Council Retreat:**

Tuesday June 22 - Facilities study presented.

Tuesday June 29 - Recreational expert panel (part 1)

Tuesday July 5 - Recreational expert panel (part 2)

Tuesday July 13 - Finalize retreat materials.

[2020-21 Eval Schedule and DRCC Retreat \(v. 5.26\)](#)

June 1, 2021, CITY COUNCIL REGULAR MEETING MINUTES



**Mayor Holtzclaw** reported that he was unable to attend last week's Snohomish County Tomorrow (SCT) meeting. The main topic for discussion was the proposed amendments to the Countywide Planning Policies.

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

- Attendance at the Cogir Senior Living open house event
- Thank you to all City staff who helped run the Memorial Day events and her gratitude to those who made the ultimate sacrifice.

**Councilmember Bond** reported on the following topics:

- Agreement with Councilmember Cavaleri's comments regarding "incompatible offices" but does not want to see language in the Governance Manual that would prohibit a Councilmember from being on certain boards and commissions.
- Councilmember Bond requested to see the Police Department Statistics as a presentation at future Council meeting instead of an item in "Reports".
- Acknowledgement and gratitude to Barb Heidel for her volunteer efforts and community service.

**Councilmember Steckler** reported on the following topics:

- Thanked all the volunteers who contribute their efforts for the City of Mill Creek events.
- His support for celebrating Diversity Month by proclamation for the LGBTQ community.

**Councilmember Cavaleri** reported that the Memorial Day reverse parade was a huge success and wished to thank all staff who worked to make the event so successful.

**Councilmember Briles** reported that he and his family attended the Memorial Day reverse parade and thanked all staff and City volunteers for their hard work.

**Councilmember Morgan** echoed other Councilmembers in thanking staff and volunteers for their work to make the Memorial Day parade so successful.

- G.** City Manager  
Staffing Updates  
[Council Planning Schedule 06-01-21](#)

**City Manager Michael Ciaravino** reported on the following topics:

- City Manager Ciaravino echoed what many of the Councilmembers stated about the quality and integrity of the City's volunteers and extended the City's gratitude to all staff and volunteers who worked on the Memorial Day events.
- The City is looking to create a community of volunteers to help plan and coordinate events throughout the year in the City of Mill Creek.
- The 2021 Graduation Parade is June 12, 2021. Registration is required and can be found on the City's [website](#), which also includes the parade route, timing and other pertinent information. The City is asking for drivers' patience as the parade moves through the City and to please yield to emergency vehicles.
- Confirmed Councilmember Bond's request to formalized staff reports and include under the agenda item "Presentations".

Council engaged in Q and A.

**City Manager Michael Ciaravino** provided a staffing update including:

- The City Engineer position was filled by Mr. Frank Reinhart.
- Associate Planner/Permit Coordinator Justin Horn started with the City on May 17, 2021
- The Deputy City Manager position has been advertised and interviews will be scheduled soon.
- Communications and Marketing Coordinator will be posted later this week.
- The City will be hiring a Surface Water Engineer and a Project Engineer.
- There are two open positions within the Police Department that the City hopes to fill quickly.

**H. Chief Young, Police Chief**  
[Police Department Statistics](#)

Police Chief Jeff Young provided Council with a monthly update on statistics such as number of calls for services and average response times. The number of calls for service has steadily increased throughout the year.

**I. Laurel Gimzo, Finance Director**  
American Rescue Plan Act (ARPA) Update

Finance Director Laurel Gimzo provided Council with an update on the American Rescue Plan Act (ARPA). The City is still waiting to hear from the State regarding Mill Creek's allocation amount. Ms. Gimzo helped delineate the types of projects that this funding may or may not be used for.

Council engaged in discussion and Q and A.

**J. Mike Todd, Director of Public Works and Development Services**  
Public Works

In response to a question posed during Audience Communication at the May 25, 2021, City Council Meeting, Public Works and Development Services Director Mike

June 1, 2021, CITY COUNCIL REGULAR MEETING MINUTES

Todd provided the certificate of occupancy stipulations in the development agreement and noted that these stipulations have been in the development agreement since the beginning and no amendments have been made.

Director Todd stated that the Surface Water Aging Infrastructure 19-SW-01, F Grade failures is upcoming and introduced Frank Reinhart who provided an update on the project. The project will be advertised for bid on June 10, 2021, with the hope to have award recommendation on the July 6, 2021, meeting.

Council engaged in Q and A.

Mayor Holtzclaw requested staff to provide a short presentation at the next Council meeting to go over the role of the Design Review Board and the role of the Hearing Examiner.

**AUDIENCE COMMUNICATION**

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

Wil Nelson, a Mill Creek resident, spoke about his recollection of the development agreement for the Farm.

**ADJOURNMENT**

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With no objection, Mayor Holtzclaw adjourned the meeting at 7:22 p.m.

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Brian Holtzclaw, Mayor

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Naomi Fay, City Clerk

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 Council	26	27	28	29

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

JULY 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	31

**Tentative Council Meeting Agenda**  
**Subject to change without notice**

*Last updated: June 3, 2021*

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

**June 8, 2021**

- **Presentation** - Youth Advisory Board – Senior Recognition
- **Presentation** - Development Review Process and Hearing Examiner Process Strategy
- **Old Business** - April 6, 2021, Meeting Minutes
- **Report** – Passport Service Update

**June 22, 2021**

- **Reports** Financial Monthly Report
- **Study Session** Dobson Remillard Church Cook (DRCC) Facilities Study presented
- **Presentation** - Police Dept. Statistics (tentative)

**July 6, 2021**

- **Presentation** - Police Dept. Statistics
- **Reports** - American Rescue Plan Act (ARPA) Update
- **New Business** - 2021 C Failure Pipe Rehabilitation
- **Executive Session** – City Manager Evaluation

**July 13, 2021**

- **Executive Session** – City Manager Evaluation

**July 27, 2021**

- Formal Action for CM Evaluation

**Future Agenda Items**

- New Business Amendment to Public Records Policy Ordinance
- Proposed New Initiatives: Potential Farmer’s Market.
- Update on Public Works projects and program activity.
- Update on Surface Water Utility
- Body Worn Camera Update
- Police Department Reorganization
- Snohomish Conservation District ILA
- Public Works Winter Preparedness
- **Study Session** - Public Works Equipment
- Fire Contract Update