

CITY OF YELM

MAYOR AND CITY COUNCIL PROTOCOL MANUAL

Adopted – December 11, 2002, Resolution No. 432

Revised – June 8, 2005, Resolution No. 453



CITY OF YELM

OATH OF OFFICE

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

I do solemnly swear that I will support the Constitution and laws of the United States and the State of Washington and ordinances of the City of Yelm, and that I will faithfully and impartially perform the duties of City Council Member of the City of Yelm, to the best of my ability.

Signed _____

Term of Office:
Month day, year - Month day, year

Subscribed and sworn to before me this
_____ day of _____, _____.

(Name)
Mayor

Attest:

Agnes P. Bennick
City Clerk/Treasurer

Vision and Mission Statement

Foreword

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

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

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

Chapter 1

Introduction and Overview

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

1.01 Mayor-Council Form of Government

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

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

The Code City Handbook, Report No. 37, published by the Municipal Research & Services Center, provides a wealth of general information on the major functions of a Council Member's job as a locally elected official. Another publication that goes hand in hand with the handbook is, *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*, published by Municipal Research & Services Center of Washington. This report discusses basic powers; basic duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Open Government-Public Records-Freedom of Information; immunities from tort liability. These documents, along with the *Councilmember's Handbook, MRSC Report No. 48, the Appearance of Fairness Doctrine, MRSC Report No. 32 and others* are distributed to elected officials with this Manual and should be reviewed and considered an integral part of procedures utilized within the City.

1.03 Purpose of City Council Protocol Manual

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

1.04 Overview of Basic City Documents

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

A. Yelm Municipal Code

The municipal code contains local laws and regulations adopted by ordinances. Title 2 of the code addresses the meeting date and time and compensation of the City Council, describes the appointment of certain city staff positions and advisory boards and commissions, including the Parks Advisory Committee, Tree Advisory Board, Planning Commission, Civil Service Commission, Police Advisory Committee and Library Advisory Board. Title 15 addresses the Historic Preservation Commission. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, water, sewer and reclaimed water standards and revenue and finance issues.

B. Code of Conduct Policy

It is the policy of the City of Yelm to uphold, promote, and demand the highest standards of ethics from all of its elected and appointed officials. Accordingly, all elected officials, members of all appointed boards, commissions, committees, City employees, consultants and professional service providers are expected to maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their City position or powers for personal gain. Attached Appendix 5 is the *City of Yelm Code of Ethics*.

C. Revised Code of Washington

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Yelm is an “optional code city,” which means it operates under the general laws of the state. As an optional code city of the State of Washington, Yelm is vested with all the powers of incorporated cities as set forth in the Revised Code of Washington (RCW), Constitution of the State of Washington, and Yelm Municipal Code. Conversely, there are a number of cities within Washington that are “charter cities” and have adopted local provisions that establish basic governing procedures for local government. There are also 1st, 2nd, 3rd, and 4th Class cities that have variable statutory authority based on population. (Please see RCW Titles 35A in general, and RCW 35A.12 for more specific information relating to the Mayor-Council Plan of Government.

D. Annual Budget

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

E. Annual Financial Report

The annual financial report includes the financial statements of the City for a calendar year. It includes the financial condition of the City, the results of operations as reflected in income and expense statements, short and long-term debt and grant information, and related footnotes. The annual financial report includes statements for the various groups of funds and a consolidated group of statements for the City as a whole.

F. Comprehensive Plan

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

G. Six-year Capital Improvement Program

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

H. Disaster Preparedness Plan

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

1.05 Orientation of New Members

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the Mayor, an experienced Council Member and City Administrator will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with staff. Another training opportunity for new members is the Association of Washington Cities-sponsored newly elected officials orientation AND the annual June Association of Washington Cities conference. Members are highly encouraged to attend both of these excellent training and networking opportunities. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

1.06 Leadership Team Retreats

Periodically, the Mayor, members of the Yelm City Council and appropriate staff representatives, will hold a leadership retreat to discuss and establish key team issues, goals and priorities and develop agreements to optimize performance with a particular focus on developing a strong leadership team to direct the Yelm municipal government.

A Leadership Team Retreat was conducted on September 28, 2002 consisting of the Mayor, City Councilmembers and City Administrator. The summary report of agreements, working norms and protocols that were agreed upon is attached to this manual as Appendix 12.

Chapter 2

Yelm City Council: General Powers and Responsibilities

2.01 City Council Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. When it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Council Members should respect adopted Council policy. In turn, it is staff's responsibility to ensure the policy of the Council is upheld.

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

A. *Council Non-Participation in Administration*

In order to uphold the integrity of the Mayor-Council form of government, and to provide proper checks and balances, members of the City Council refrain from becoming directly involved in the administrative affairs of the City. As the Council is the policy making body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system.

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

2.02 Role of Council Members

Members of the Yelm City Council are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the Mayor and Departments. The following outline is a brief description of the various duties of Council Members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

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

1. Establish Policy
 - a. Adopt goals and objectives.
 - b. Establish priorities for public services.
 - c. Approve/amend the operating and capital budgets.
 - d. Adopt resolutions.
 - e. Approve contracts.
2. Enact Local Laws
 - a. Adopt ordinances including zoning, development regulations and comprehensive plan.
3. Establish Boards/Committees
 - a. Confirm appointments to certain advisory bodies (currently the Planning Commission, Police Advisory Committee and Historic Commission require Council confirmation/approval; others are director Mayoral appointments.)
 - b. Provide direction to advisory bodies.
4. Provide Public Leadership
 - a. Relate wishes of constituents to promote representative governance.
 - b. Mediate conflicting interests while building a consensus.
 - c. Call special elections as necessary.
 - d. Communicate the City's vision and goals to constituents.
 - e. Represent the City's interest at regional, county, state, and federal levels.
5. Decision-Making
 - a. Study problems.
 - b. Review alternatives.
 - c. Determine best course of public policy.
6. Personnel Matters
 - a. Adopt personnel policies, establish positions, set wages and benefits.
 - b. Establish bargaining parameters and approve final labor contracts.

7. Budget
 - a. Establish goals and priorities which provide framework for budget-discuss and adopt final budget and amend as needed.
 - b. Set city tax rates, to the extent permitted by statutes.
 - c. Set utility rates and other fees as required.
8. Council Meetings
 - a. Adopt Council rules of procedure.
 - b. Participate in preparation of council meeting agenda as provided in council rules.
 - c. Discuss all policy matters and make decisions following the adopted rules.
9. Relationships with Other Entities
 - a. Decide whether City will participate in optional government organizations, provide guidance to Mayor or other city representatives.
 - b. Serve as City representative on certain intergovernmental bodies.

2.03 Role of Mayor

A. Chief Executive and Administrative Officer

The Mayor is the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The Mayor may appoint a city administrator, subject to the confirmation by a majority vote of the city council. The Mayor shall appoint and remove all appointive officers of the city, which shall include: a city attorney, a chief of police, a city clerk/treasurer, a public works director and a community development director. He/She shall have general supervision of the administration of city government and all city interests.

The Mayor shall preside over all meetings of the City Council, when present, but shall have a vote only in the case of a tie in the votes of the Council with respect to matters *other than* the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

The Mayor has the power to veto ordinances passes by the Council as provided in RCW 35A.12.130 but such veto may be overridden by the vote of the majority of all council members plus one more vote.

The Mayor shall prepare and submit to the Council a proposed budget.

B. Ceremonial Representative

The Mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the Mayor's attendance at an official function and no Mayor Pro Tempore has been appointed by the Council, a member of the Council or some other suitable person may be designated by the Mayor to represent the City.

2.04 Absence of Mayor and Council Members

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

If the Mayor or other Council Members are absent from the City requiring them to miss a Council Meeting or Committee assignment, they shall notify the Mayor and City Clerk of such absence.

2.05 Election of Mayor Pro Tempore

Procedures for electing the Mayor Pro Tempore are as follows:

A. Biennial Appointment of Mayor Pro Tempore

A Mayor Pro Tempore shall be appointed from among their membership by a majority of the City Council Members at the first meeting of the newly elected Council at the beginning of each biennium, commencing January 1, 2002.

B. Resignation of Mayor Pro Tempore

If the Mayor Pro Tempore resigns, the City Council will appoint a new Mayor Pro Tempore, using the procedure outlined above. Such newly appointed Mayor Pro Tempore shall serve the remainder of the term.

2.06 Emergency Response

The Mayor shall sign the declaration of emergency.

2.07 Advisory Bodies

A. Appointments Made by the Mayor and/or Council

Boards, commissions and citizen committees provide a great deal of assistance to the Yelm City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards and commissions that are more fully described in Appendix 3, along with the appropriate appointing authority authorized by Ordinance. In addition, special purpose committees and task forces are often appointed

by the Mayor and City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

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

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

1. For vacancies, the Department Head charged with staffing the Board or Commission will:
 - a. Publicly announce the position vacancy and filing period by publication of it in the official newspaper of the City of Yelm.
 - b. Post notices of the position vacancy and filing period in the two public places established in Section 8.02(B) of this manual.
 - c. Notify by mail all residents of the community not currently a member of an advisory board or commission who have indicated interest in serving on a City board or commission.
 - d. Notify by mail the Chairpersons of advisory boards and commissions of the vacancy.
 - e. Notify by mail the incumbents of advisory boards and commissions whose terms are expiring of such term expiration and inviting incumbent to consider reapplying.

B. Qualifications, Terms of Service, Forms

Persons wishing to be considered for appointment or reappointment will submit to the appropriate City Department an application on a form provided by that office. The Mayor and/or Council will review applications and make appointments for those Boards/Commissions prescribed by Ordinance.

It is the policy of the Mayor and/or City Council to evaluate each applicant on an objective basis, utilizing the following criteria:

1. Sectional Composition - Normally, consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions.

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

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

2. Occupation - The Mayor and/or Council will attempt to maintain a broad mix of occupational backgrounds on all boards and commissions.
3. Knowledge of Municipal and Planning Process - When ranking equally qualified applicants, the Mayor and/or Council will consider background experience and knowledge of the municipal process as appropriate to the position, in reaching its decisions.
4. Contributive Potential - The Mayor and/or Council will evaluate the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide the Mayor and/or Council in its evaluation may include:
 - a. Ability to communicate
 - b. Desire to perform public service
 - c. Ability to express ideas, concepts, or philosophies
 - d. Desire to participate in decision-making process

5. Leadership Potential - Since each appointee may be called upon to serve as a Chair, the Mayor and/or Council will evaluate leadership abilities, such as:
 - a. Past or present leadership experience (current employment, special interests, etc.)
 - b. Past or present participation in community services
 - c. Expressed interest in a leadership role

C. Reappointment Criteria

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

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

D. Mayor and/or Council Action

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

However, the Mayor and/or Council reserves the right to make appointments after reviewing applications and without conducting interviews.

2. Mayor and/or Council Evaluation - After each applicant or member is evaluated, the Mayor and/or Council will deliberate and reach a decision at its earliest convenience.
3. Decision & Announcement - Each applicant will be notified by mail of the decision of the Mayor and/or Council by the Department that serves as staff to the Board/Commission. The Chair of the affected board or commission will also be notified of the decision.

E. Resignations

Resignations shall be submitted in writing to the Mayor. Following the Mayor's acceptance of the resignation, the appropriate Department is authorized to advertise such vacancies according to the process set forth in Section 2.07(A).

F. Representation by Council Members

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

G. Rules of Conduct

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

1. All members of City boards and commissions will abide by all applicable state laws, City ordinances, and other doctrines relating to the conduct of board or commission members, including, but not limited to, the Appearance of Fairness Doctrine, conflict of interest statutes, and the State Open Public Meetings Act.
2. Members of City boards and commissions will not testify in their capacity as a board or commission member, before any other board, commission, administrative officer or agency of the federal government, the State of Washington, or of any county or other municipal corporation, including cities and towns, except as hereinafter provided. Exceptions to the policy set forth above shall be as follows:
 - a. If the member is testifying in such a capacity pursuant to a lawfully issued subpoena; or
 - b. In the event the board or commission has designated the member or members to act as a spokesperson for the board or commission to explain the majority vote and recommendation of that board or commission; or
 - c. In the event the City Council appoints the member or members to represent the City before another tribunal.
3. Notwithstanding the foregoing, nothing contained herein is intended to preclude a board or commission member from speaking as an individual citizen, so long as the following conditions are met:
 - a. The individual clearly identifies that he/she is speaking only as an individual citizen and is not in any manner representing or speaking on behalf of the board or commission of which he/she is a member; and
 - b. No board or commission member testifies orally or in writing as to any quasi-judicial matter being heard, or having the possibility of

being heard, by the board or commission of which the person is a member.

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

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

- (iv) The Council Member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.

2.08 Incompatibility of Offices

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

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

Chapter 3

Support Provided to City Council

3.01 Staff/Clerical Support

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

3.02 E-mail Use

It is important to note that all letters, memoranda, and interactive computer communication (e-mail) involving City Council Members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions stated by the Public Disclosure Act (RCW 42.17), are public records.

3.03 Meeting Rooms

Use of a conference room located at City Hall or the Public Works Facility may be scheduled with the City Administrator's Office.

3.04 Mail, Deliveries

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

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

Chapter 4

Financial Matters

4.01 Council Compensation

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

4.02 Budget

The annual City budget includes appropriations for expenses necessary for members to undertake official City business. Funding provided includes membership in professional organizations and attendance at conferences or educational seminars.

4.03 Financial Disclosure

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

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

4.04 Travel Policy

The Mayor, members of the City Council, City boards and commissions are subject to the following travel policy:

A. Travel Involving an Overnight Stay

Elected officials will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, and travel expenses while away from the City, but excluding any expenses for alcoholic beverages. If private automobiles are used, elected officials will be reimbursed at the Internal Revenue Service rate approved for business travel. Sharing of vehicles should be done whenever possible. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable.

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

B. Reimbursement of Travel Expenses

Requests for advances or reimbursement shall be submitted on an expense report form signed by the elected official and shall include receipts. The City Administrator must approve any advances.

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

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

3. Trip Reports - All officials will provide a brief trip report with the Mayor and fellow Council Members upon returning from travel to share any valuable knowledge and insights that have been gained.

Chapter 5

Communications

5.01 Overview

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

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

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

5.02 Correspondence from Council Members

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

While Councilmembers are encouraged (see Appendix 12, page 7) to not make formal comment on issues that are currently in the process of being addressed but have yet to be resolved, on occasion, members may wish to speak out on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

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

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

5.03 Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue. Included in the Appendix section is a Guideline sheet prepared by the Association of Washington Cities for Elected and Appointed Officials' ballot proposition activity.

5.04 Proclamations

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

5.05 State Public Disclosure Act

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

A. Communications - Generally

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

B. Written Communications

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

C. Electronic Communications

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

2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
 - If a citizen sends an e-mail to a Council Member and requests that it be included in the record of a particular public hearing, the Council Member will forward said e-mail to the City Clerk/Treasurer.
 - If a Council Member wishes that an e-mail be distributed to a City staff member, the Council Member will forward said e-mail to the Mayor.
 - Staff will print the e-mail and keep according to the City's Records Retention Schedule.
3. E-mail communications that are intended to be shared among three (3) or more Council Members, whether concurrently or serially, must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is inappropriate.
4. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
5. E-mail between Council Members and between Council Members and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.

5.06 Yelm Web Page

The Yelm Web Page contains information about Yelm's Mayor and City Council members and affords an opportunity for the public to "interact" with elected officials. Elected officials agree to be prompt and responsive in their interaction with the public and will seek answers to questions (if necessary) in the appropriate manner (see Appendix 12, page 4, #11).

Chapter 6

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

6.01 Conflicts of Interest

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

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

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

A. Applicability

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

B. Definition

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

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

C. Acts not Constituting a Conflict of Interest

- receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Council Member who owns a business within the City votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits
- an officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Council Member who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Council Member
- a member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

A City official may sell equipment, material, supplies, or services to the City if this is done through an award or contract let after public competitive bidding.

D. Declaration of a Conflict

When a substantial interest exists, the City official must:

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

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

E. City Attorney Opinions

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

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

F. Filing of Disclosures

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

G. Prohibited Acts (RCW 42.23.070)

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

6.02 Liability

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

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

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

Chapter 7

Interaction with City Staff/Officials

7.01 Overview

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

7.02 Mayor-Council Plan of Government

Yelm has a Mayor-Council plan of government. Basically, with this structure, the City Council's role is to establish city policies and priorities. The Mayor implements those policies and undertakes the administration of the organization.

The Mayor enforces the laws, directs the daily operations of city government, prepares the budget, and implements the policies and programs initiated by the City Council. The Mayor directs and coordinates the various departments. The Mayor is responsible for appointing all department directors and authorizing all other personnel positions and may appoint a City Administrator, subject to the confirmation by a majority vote of the city council, to help carry out the above duties.

The position of City Administrator, shall be filled by appointment of the mayor, subject to the confirmation by a majority vote of the city council, to serve at the pleasure of the Mayor. While the Mayor has appointive and removal authority over the remaining appointive positions, which shall include: a city attorney, a chief of police, a city clerk/treasurer, a public works director and a community development director, the Mayor will employ a collaborative process that includes at least two (2) City Council members in the process of reviewing the candidates. Once the Mayor has made a final decision on his/her selection of a candidate for a key position within the City, the Mayor will convene an Executive Session to advise the City Council of the decision. This session will occur prior to any public announcement of the decision.

The City Council authorizes positions through the budget process; based upon that authorization, the Mayor makes the appointments, other than the City Administrator position, which is subject to the confirmation by a majority vote of the city council. The Mayor appoints members to the Civil Service Commission.

The Mayor-Council plan of government is outlined in RCW 35A.12. The powers and duties of the Mayor include:

- General supervision over the staff administrative affairs of the city

- Hire (subject to the above process, when possible), fire, supervise and discipline all city employees (civil service rules and labor contracts must be followed, if applicable)
- Negotiate labor contracts (sometimes Mayor is not member of negotiating team and delegates this duty)
- Prepare Council Meeting agenda, preside over meetings, report to Council on matters involving city administration, propose policy initiatives or changes
- As presidor of meetings, facilitate an orderly meeting process
- Vote on measures to the extent allowed by the statutes and veto ordinances, as permitted by statutes
- Keep Council informed on city affairs
- Propose policy and implement as adopted by Council and report back regarding policy implementation and possible improvements
- Work with staff to develop preliminary budget
- Lead Council in process of establishing goals and priorities for the City of Yelm
- Implement budget adopted by Council, provide regular financial reports and present alternatives when Council has to deal with budget problems
- Sign contracts, supervise contract performance, enforce contracts
- Represent City as official spokesperson, in accordance with views or goals set by Council
- Act as official head of City for ceremonial events

7.03 City Council Non-interference

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

In no manner, either directly or indirectly, shall a Council Member become involved in, or attempt to influence, personnel matters that are under the direction of the Mayor.

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

7.04 City Council/Mayor Relationship

The relationship between the City Council and Mayor honors the fact that the Mayor is the chief executive of the City. All dealings with the Mayor, whether in public

or private, should respect the authority of the Mayor in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Mayor.

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

A. Annual Goal Setting

The Mayor and City Council shall meet on an annual basis to ensure that both the City Council and Mayor are in agreement about performance and goals based upon mutual trust and common objectives. Department Heads may participate as needed.

7.05 City Council/City Staff Relationship

City Council Member contact with City staff members, inclusive of the Mayor, will be during regular business hours, except in the case of an emergency, and will be based on a three-tiered system:

- Specific Department Heads can be approached directly to answer operational questions about a specific department's delivery of service
- The City Administrator should be approached with questions that involve more than one department or cross over into all aspects of the city operations and require no action.
- The Mayor should be approached for all requests for actions that involve city staff.

7.06 Code of Ethics

The City Administrator is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA). These principles appear in Appendix 5 of this manual. It should be noted that this code binds the City Administrator to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by ICMA.

The City of Yelm Mayor and City Council are committed to conducting their business in a fair, open, efficient and accountable manner. To help accomplish this, a Code of Ethics is adopted as part of this manual and is included in Appendix 5.

7.07 City Council/City Attorney Relationship

Pursuant to recommendation of the Mayor, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a City Attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The City Attorney is a contract employee appointed by the Mayor; such contract is confirmed by the City Council. The City Attorney is the legal advisor for

the Council, its committees, commissions and boards, the Mayor, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

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

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

7.08 Roles and Information Flow

A. Council Roles

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

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

B. Access to Information

The Mayor is the information liaison between Council and City staff. Requests for information from Council Members are to be handled based on the 3-tiered system described above in Section 7.05 and will be responded to promptly. When appropriate, the information requested will be copied to all members of Council so that each member may be equally informed. The sharing of information with City Council is one of the Mayor's highest priorities.

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

C. Staff Roles

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

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

7.09 Dissemination of Information

In addition to periodic reports provided by the Department Directors to the City Council concerning key aspects of their department, all Council Members receive copies of correspondence received by the Mayor that will assist in them in their policy-making role. The content and frequency of the reporting will be decided by the Mayor and Council during their annual goal-setting meetings.

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

7.10 Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Council Members that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. This "Council Initiative Process" is more fully described in Appendix 12, page 6. If so directed by action of the Council, staff will proceed to complete the work within a Council-established timeline.

7.11 Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their department head, City Administrator and, ultimately, the Mayor. The

members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

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

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

7.12 Restrictions on Political Involvement by Staff

Yelm is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy for the good of the community, not influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff (more fully described in Appendix 4)

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

7.13 Council Attendance Policy

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

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

7.14 Attendance via Speakerphone (AVS)

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

A. *The Rare Occasion*

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

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

B. *Attendance - Procedure*

1. The Council Member attending via speakerphone
 - a. must be able to hear the discussion on the agenda item taking place in the Council chambers, and
 - b. must be able to be heard by all present in Council Chambers.
2. When the particular agenda item is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:
 - a. Let the record reflect that Council Member _____ is attending via speakerphone for Agenda Item No. _____, relating to _____.
 - b. Council Member _____, can you hear me? [There must then be a clearly audible response in the affirmative.]
 - c. Let the record reflect that Council Member _____, who is attending via speakerphone, can be heard by all present in Council chambers.

3. Upon conclusion of the particular agenda item, the Mayor (or presiding officer, if the Mayor is not physically present) should state:
 - a. Council Member _____, discussion on Agenda Item No. _____ has concluded. Thank you for your attendance via speakerphone. The telephone connection will now be terminated. [Connection should be terminated at this time.]
 - b. Let the record reflect Council Member _____'s attendance via speakerphone has been terminated. Next on the agenda is

Chapter 8

City Council Meetings

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

8.01 Meeting Schedule

Regular meetings are held the second and fourth Wednesdays of each month at 7:30 p.m., Yelm City Hall, 105 Yelm Ave. W., Yelm. Should these days happen to be designated as a legal holiday, the Council meeting will establish an alternative meeting date.

8.02 Public Notice of Meetings and Hearings

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

A. Notices

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

B. Preliminary Agenda of Council Meeting

The public shall be notified of the preliminary agenda for the forthcoming regular City Council meeting by posting a copy of the agenda in the following two (2) public places in the City at least 24 hours in advance of the meeting:

-
- Yelm City Hall
105 Yelm Ave. W
Yelm, WA 98597
- Yelm Timberland Library
Fay Fuller Building, 210 Prairie Park St. NE
Yelm, WA 98597

C. Duties of City Clerk

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

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

The City Clerk is responsible for posting the notice of public meeting at least 24 hours in advance of the meeting. Posting locations include Yelm City Hall and Yelm Timberland Library.

8.03 Special Meetings

Special meetings may be called by either the Mayor or Mayor Pro-tem, or by the written request of three (3) Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, or by facsimile, written notice to each member of the Council and to each local newspaper of general circulation, and to each local radio station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

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

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

8.04 Work Sessions

The City Council may meet informally in a work session. The work session is the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the Mayor and others. All discussions and conclusions held during a workshop are of an informal nature. No final action is taken while in a work session.

8.05 Placing Items on the Agenda

A. Agenda Planning

All matters to be presented to the City Council at its regular meetings are reviewed by the Mayor.

B. City Council

A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or submitting the request in writing to the Mayor at least ten working days prior to the meeting for which the item is requested to be placed on the agenda.

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

C. Advisory Bodies and Civic Organizations

Advisory bodies of the City Council and other civic agencies (i.e., Chamber of Commerce) may submit items for Council by submitting a request in writing to the Mayor at least 10 working days prior to the meeting for which the item is requested to be placed on the agenda.

D. Members of the Public

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

E. Emergency Items

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

8.06 Development of the Agenda

Staff is required to submit a staff report for each topic of discussion on the City Council agenda. The deadline for submitting these forms is generally 5:00 p.m., the Wednesday prior to the date of the meeting for which the item is scheduled (unless a meeting date is adjusted due to a holiday). The report must include background

information, supporting documentation and a staff recommendation (including suggested motion).

8.07 Audio Recording of Meetings

The City Clerk, or designee, shall make and keep tape recordings of all meetings of the Yelm City Council, except those meetings or portions of meetings conducted in Executive Session. Recordings and related records of all City Council meetings, except as referenced above, shall be retained by the City.

- Audiotapes are designated as the primary record of “Audio/Visual Recording of Official Proceedings” for Council and board/commission proceedings, and are kept for one year after transcription/approval of the minutes, in accordance with Disposition Authority No. (DAN) GS50-05A-06.
- Agenda packets are retained for three years in accordance with GS50-05A-03.

8.08 Order of Business

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

A. Call to Order

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

B. Roll Call

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

C. Meeting Agenda Approval

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

D. Special Presentations

The City Council may receive awards or special recognition's from various agencies, committees, or individuals during this segment of the meeting.

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

E. Public Comment

During this portion of the meeting, the Mayor will invite citizens to talk with the Council about topics that are not scheduled for public testimony on the evening's agenda. Speakers will be limited to five (5), and their presentations to three (3) minutes each, unless a longer period is permitted by the presiding officer and/or Council. Speakers are asked to fill out the speaker cards provided.

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

F. Consent Agenda

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

- Approval of all Council minutes;
- Acceptance of advisory board and commission minutes;
- Approval of manual and claim checks;
- Approval of payroll – preliminary and final;
- Park use requests
- Setting dates for public hearings/meetings;
- Passage of resolutions and/or ordinances which the Council has given directions to place on the consent agenda;
- Final acceptance of public works construction projects as complete.

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

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

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

G. Public Meetings, Public Hearings, Open Record Reviews, and Closed Record Reviews

Public meetings, public hearings, open record reviews, and closed record reviews shall be held at 7:30 p.m. or later, unless otherwise noticed in accordance with law.

Individuals desiring to speak during a public hearing are to address the Council from the speaker podium after giving their name and address. Comments are limited to the specific matter for which the public hearing is held and are limited to 5 minutes, unless a longer period is permitted by the Mayor and/or Council. Written comments are encouraged during the public hearings. When materials are presented during public hearings, they should be submitted to the City Clerk before the public hearing is closed on the item. Written documents submitted will be entered into the record, but will not be read aloud. Unless the Mayor grants an extension of time, comments are limited to five minutes.

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

H. New Business

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

I. Old Business

Items and topics which have been previously brought before the Council.

J. Boards & Commissions

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

K. Executive Session

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

- Discussion with legal counsel of pending or potential litigation
- Personnel Matters
- Property Acquisition/Disposition
- Matters affecting National Security
- Performance review of publicly bid contracts
- Complaints or charges brought against a public officer or employee

- Qualification/performance review of job applicants and employees
- Evaluate qualifications of candidates for appointment to an elective office
- To discuss strategies related to Collective Bargaining Agreements

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

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

L. Reports/Council Initiatives

Members of the Council and the Mayor may take this opportunity to make comments, extend compliments, express concerns, or make announcements concerning any topic they wish to share with staff or the public. Council Members will share current activities on regional, state, and federal committees, boards, or commissions on which they serve and provide departmental reports as necessary.

This is also the opportunity to bring initiatives forward by the Council that do not rise to the level of formal goals, but are important for the Council to address. Consensus must be reached among members of the Council that a new initiative should be moved forward for a “scoping process” by staff to further define the possible nature of the initiative, associated costs, and time requirements. Based upon Council consensus, the staff will conduct a scoping process and schedule a presentation of the outcome of this process at a subsequent Council meeting for further discussion and possible actions.

M. Adjournment

A Council Member may propose to close the meeting entirely by moving to adjourn. The meeting will close upon the majority vote of the Council. A motion to adjourn will always be in order and decided without debate.

Addressing the Council – Generally

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

Written comments may be submitted to the Council at any time by mailing or otherwise delivering to the City Clerk, 105 Yelm Ave. W, Yelm, WA 98597. The Clerk will distribute a copy of the correspondence to each Council Member.

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

- 1) During the Public Comment portion of the Agenda for items not on the Agenda;
- 2) During public hearings, following staff (and applicant, if applicable) comments;
- 3) During items on the agenda that are not public hearings, etc., following staff comments at the discretion of the Mayor.

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

D. Addressing the Council -- After a Motion is made

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

Award of Contracts, Ordinances & Resolutions

A. Award of Contracts

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

B. Ordinances & Resolutions

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

Ordinance Passage

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

8.09 General Procedures

A. Seating Arrangement of the Council

Typically, the Council Members are seated by position number, either the Mayor and Positions 1 – 5 or the Mayor and Positions 5 – 1. The Mayor, with the approval of individual Council members, shall establish other seating arrangements for regular council meetings.

B. Signing of City Documents

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

C. Quorum

Three (3) members of the Council shall constitute a quorum and are necessary for the transaction of City business. In the absence of a quorum, the Mayor shall, at the request of any two members present, compel the attendance of absent members.

D. Minutes

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

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

E. How Many Votes are Required for Passage?

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

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

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

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

8.10 Open Meeting Law

A. Applicability

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

B. Meetings

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

C. ADA Requirements

The City of Yelm strives to provide accessible meetings for people with disabilities. If accommodations are required, please contact the City Clerk at 360-458-8404 at least four (4) days prior to the meeting.

D. Actions

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

E. Correspondence

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

Chapter 9

Parliamentary Procedure

By approval of this Manual, the City adopts by reference the most recent version of the *Robert's Rules of Order* (the 10th Edition, as of Protocol Manual adoption) that is to be used as the document to guide Parliamentary Procedure in the City of Yelm.

Chapter 10

Protocol Administration

10.01 Biennial Review

The Mayor and City Council will review and revise the Mayor and City Council Protocol Manual as needed, or every two years. Whenever possible, the Mayor and City Council shall refrain from changes to this manual during discussion/deliberation on that particular issue.

10.02 Adherence to Protocol

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

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

10.03 City Attorney as Protocol Advisor

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

10.04 Adherence to Non-interference Ordinance

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

10.05 Applicability of Protocol Manual

The Mayor and City Council Protocol Manual shall also apply when the Council is sitting as another entity or agency.

Chapter 11

Additional Training and Resource Materials

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

www.mrsc.org [AWC is linked to the MRSC web site] The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington. The Association:

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

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

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

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

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

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

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

www.iimc.com IIMC is a professional, nonprofit association that assists its membership by providing services, resource materials, sample documents, and continuing educational development opportunities.

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

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

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

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

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

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

11.07 Appendix

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

- Appendix 1 – RCW 35A.12
- Appendix 2 - Tips for Successful Public Service
- Appendix 3 - Board & Commission Membership Matrix
- Appendix 4 – PDC Guidelines related to Ballot Proposition Activity
- Appendix 5 - City Council and City Administrator Code of Ethics
- Appendix 6 - Glossary of Terms
- Appendix 7 - Left open for future Appendix
- Appendix 8 - Reference Locator Guide
- Appendix 9 – City Council Liaison and Meeting Assignment sheet
- Appendix 10 – Directory of Elected Officials
- Appendix 11 – City of Yelm Organizational Chart
- Appendix 12 – City of Yelm Leadership Team Development Workshop, 9-28-02 Summary Report

11.08 Other Reference Materials on File

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

- AWC's *Welcome to City Hall: a Handbook for New Mayors and Council Members*
- MRSC's *Knowing the Territory: Basic Legal Guidelines for Washington Municipal Officials*
- MRSC's *Code City Handbook*
- MRSC's *Handbook for Council Members*
- MRSC's *Mayor's Handbook*
- MRSC's *Appearance of Fairness Doctrine in Washington State*
- MRSC's *Strategies for Reconnecting Citizens and Government*
- MRSC's *Local Government Policy-Making Process*
- MRSC's *The Open Public Meetings Act*
- *Robert's Rules of Order* latest edition
- United States Constitution
- Washington State Constitution
- Revised Code of Washington
- Washington Administrative Code
- Yelm Municipal Code
- Yelm Annual Budget
- City of Yelm Comprehensive Plan and Joint Plan with Thurston County
- Yelm Capital Improvement Plan

Chapter 12

Leaving Office

12.01 Return of Materials and Equipment

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

12.02 Filling Mayor and Council Vacancies

If a vacancy occurs in the Mayor's position or of a member of the City Council during a term, the Council shall, by majority vote, appoint an individual to serve the remainder of the term, as provided by law.