



**CITY OF CLE ELUM
COUNCIL & COMMISSIONS
OPERATING POLICIES &
PROCEDURES MANUAL**

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Chapter 1

Introduction

Cle Elum was developed as a townsite in 1888, became a town after Washington became a state in 1890, and the town incorporated as a “third class” city on February 12, 1902. As the population grew the City became a “second class” city with a mayor/council form of government. This designation was the governance for the City until a July 2010 action of the Council voted to declare Cle Elum as a “non-charter code city” to be governed by the provisions of [Title 35A](#) Revised Code of Washington. [RCW 35A.11.020](#) states that “the legislative body of each code city shall have all powers possible for a city to have under the constitution of this state not specifically denied to code cities by law”. Cle Elum’s legislative body is the City Council.

The government of any non-charter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. Cle Elum operates with a Mayor-Council form of government. There is an elected Mayor and seven (7) elected councilmembers. A Mayor Pro-Tem is selected from the council by the Council to preside in the absence of the Mayor. The Mayor heads the administration of the City and presides over the City Council meetings.

This handbook has been developed to be a resource to provide assistance to and expectations of city officials, staff, and volunteer committees and commissions, but is available to the public as well. The protocols provided in this handbook shall be followed by staff, council, Mayor, and all advisory committees and commissions of the city.

There are a number of statutory requirements for elected officials, staff, and any advisory committees or commissions. These currently are:

- Open Public Meetings Act (OPMA) as required by [RCW 42.30.205](#)
<https://wacities.org/data-resources/open-public-meetings-act-elearning>
- Public Records Act (PRA)
<https://wacities.org/data-resources/public-records-act-elearning>
- There are also additional information sites that are provided to council, staff and committees:
 - [AWC Mayor & Councilmember Handbook](#)
 - City of Cle Elum Employee Handbook
 - Robert's Rules of Order Newly Revised In Brief, Third Edition

With the City of Cle Elum, as a Mayor-Council organization, policy and administration are separated. The Mayor is sometimes referred to as a “Strong Mayor” and has significant authority

with all administrative authority and veto power. The legislative and policymaking powers are invested in the City Council.

This document is designed to provide direction and clarity in legislative and procedures of the City. It will be distributed to every council member, all department heads, and the Mayor. It will also be provided to all appointed committees and commissions of the city.

This document is subject to review and amendment as needed but should also have a periodic formal update as conditions require.

This document is to be available to any member of the public and listed on the city website.

Chapter 2

Powers and Responsibilities of Council

State law (RCW 35A.11.020) includes language that “the legislative body of each code city shall have all powers possible for a city or town to have under the constitution of this state and not specifically denied to code cities by law.” The City Council is Cle Elum’s legislative body.

The City of Cle Elum operates with a Mayor-Council form of government. The basic structure and organization are set out in RCW 35A.12. The Council’s principal job is making policy. The elected Mayor is the chief executive officer and head of the administrative branch implementing policy. The Mayor is the presiding officer at Council meetings.

2.01 City Council Elections

Cle Elum voters elect Councilmembers to four-year terms and from a citywide basis, and not from districts. The seven positions are non-partisan and terms are staggered. Cle Elum City Council elections are a part of the Kittitas County Primary (if required) and General Elections held in August and November, respectively, of odd-numbered years.

Kittitas County Elections administers elections in partnership with Cle Elum staff. To become a candidate, citizens must complete and file a Declaration of Candidacy at Kittitas County Elections. Candidate filing opens the Monday two weeks prior to Memorial Day and ends the following Friday. Filing fees or filing fee petitions must accompany the declaration at the time of filing. The filing fee is based on the position salary in effect at the time of filing. View information provided by Kittitas County Elections for full details on election procedures.

2.02 Council Compensation

Cle Elum Municipal Code (CEMC) 2.02.020 establishes salaries for the Council. Each Councilmember receives a salary of \$250 per month, paid once per month. A seated City Council may not increase or decrease its own compensation. Councils may only adopt an ordinance to adjust the compensation of incoming City Council (State Constitutional Article 2, Section 25 and Article 30, Section 1). Alternatively, the council can appoint a salary commission made up of residents that can make mid-cycle increases effective immediately.

2.03 Financial Disclosure

Cle Elum has less than 2000 registered voters so elected officials and candidates are not required to file an F-1 disclosure form unless a candidate as opted for “full reporting” to the Public Disclosure Commission.

2.04 Oath of Office

The qualifications for filling the role of councilperson are at least 18 years of age, reside in the City of Cle Elum for 1 year prior to filing, and be a registered voter. The Kittitas County Auditor provides checks for eligibility.

Following certification of election results and no later than the first regular City Council meeting following an election year, City Councilmembers shall take an oath prior to performing the duties of their office. The City Clerk or other official as determined by the Mayor shall administer the oath of office. The City Clerk shall file the signed oaths of elected officials with the Kittitas County Recorder's Office. The oath shall be in the following form:

I, _____, do affirm that I am a citizen of the United States of America and the State of Washington; that I am legally qualified to assume the office of Council Position, City of Cle Elum; that I will support the Constitution and laws of the United States and the State of Washington; and that I will faithfully, diligently and impartially perform the duties of this office, as such duties are prescribed by law, to the best of my judgment, skill and ability.

2.05 Council Orientation

Councilmembers who are new to the position shall become acquainted with the City's operation through a formal orientation session or individual meetings with the Mayor and department heads. The City Clerk shall provide Councilmembers with this manual, a list of other key documents to review, and other resources. Councilmember orientation shall include a tour of the City's physical facilities. Facility tours are planned for all new councilmembers as a group at the beginning of their term of office.

2.06 Council Training

Elected and appointed officials are required to complete training in Open Public Meetings and Public Records within 90 days of assuming duties. Refresher training is required every four years (RCW 42.30 and 42.56). Councilmembers may complete the training online or in-person and must provide proof of completion to the City Clerk. Ongoing training in areas such as finance, emergency preparedness and meeting conduct assists in providing exceptional service to residents. Councilmembers are responsible for continuous professional development in their vital role and the city will strive to provide information about opportunities. The City shall pay expenses for Council training and travel according to financial and personnel policies, and as budgeted.

Reference materials are provided in chapter 10 of this manual. Councilmembers may request staff provide training sessions as needed. A number of federal and state agencies and non-government organizations provide training programs and resources. All Councilmembers are strongly encouraged to pursue Certificates of Municipal Leadership awarded by the Association of Washington Cities.

2.07 Council Meetings

Councilmembers primarily accomplish their work during open public meetings regularly held the second and fourth Mondays of the month starting at 6:00 p.m. at Cle Elum City Hall, 119 W First St, Cle Elum, Washington, 98922. Study sessions, retreats, town hall meetings, and other special meetings are held as needed. More detail concerning meetings and meeting procedures is found in chapter eight of this manual.

2.08 The Role of Councilmembers

Councilmembers take final action by at least a majority vote, so the Council acts as a body and speaks with one voice. No member has any extraordinary powers beyond those of other members. While individual members may disagree with majority decisions, those decisions bind the Council to a course of action.

Members of the Cle Elum City Council are collectively responsible for establishing policy, adopting a budget, holding public hearings (as required), and providing vision and goals to the Mayor. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather is an effort to summarize the primary responsibilities.

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

1. Establish Policy
 - a. Adopt goals and objectives.
 - b. Establish priorities for public services.
 - c. Approve/amend the operating and capital budgets.
 - d. Approve contracts consistent with adopted policy.
 - e. Adopt resolutions.

2. Enact Local Laws
 - a. Adopt ordinances.

3. Advisory Boards and Commissions
 - a. Establish advisory boards and commissions.
 - b. Ratify appointments to advisory bodies.
 - c. 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 interests at regional, county, state, and federal levels.

5. Decision Making

- a. Study problems
- b. Review alternatives
- c. Determine best course of public policy.
- d. Take timely action.

2.09 Role of Mayor and Mayor Pro-Tem

The mayor shall be 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 and remove a chief administrative officer or assistant administrative officer. The mayor shall see that all laws and ordinances are faithfully enforced, and that law and order is maintained in the city and shall have general supervision of the administration of city government and all city interests.

The presiding officer at all meetings shall be the Mayor and in the absence of the Mayor, the Mayor Pro-Tem shall act in that capacity. If both the Mayor and the Mayor Pro Tem are absent, Councilmembers present shall elect one of their members to serve as presiding officer until the return of the Mayor or Mayor Pro-Tem.

The presiding officer will:

- A. Preserve order and decorum in the Council Chambers.
- B. Observe and enforce all policies and procedures adopted by Council.
- C. Appoint Councilmembers to serve on ad-hoc committees, if necessary; and
- D. Recognize Councilmembers requesting the floor.

It is the policy of the Cle Elum City Council to encourage its members to:

- 1. Speak one time to an issue taking care not to reiterate previous comments or arguments.
- 2. Rebut opposing arguments only once.
- 3. Speak only twice on the same subject without permission of the presiding officer.
- 4. Wait for presentations to conclude before offering comments and asking questions; and
- 5. Speak to the merits of an issue and avoid references to personalities.

When a Councilmember serves as presiding officer, the Councilmember shall have only those rights and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

2.10 Vacancies

A Council position becomes vacant if the person elected or appointed fails to qualify, enter office at the time fixed by law without a justifiable reason, fails to attend three consecutive regular Council meetings without excusal, ceases to be a legally registered Cle Elum voter, resigns, or any other causes of vacancy listed in RCW 42.12.010. If a Councilmember position is vacant, the Council shall appoint a qualified person to serve in the position using the procedure found in chapter eight of this manual. An appointed Councilmember shall serve until the next municipal election as provided in RCW 42.12.070(6).

Councilmembers will elect a new Mayor Pro-Tem at the next regular meeting if a permanent vacancy occurs in this position.

2.11 City Council Relation with Staff

The distinction between policy formulation and implementation may not always be clear, requiring communication between Council and Mayor. The City Council establishes departments, employee roles, the number of employees, and employee salaries and other compensation. The Mayor is responsible for hiring employees, supervising them, and addressing personnel matters, or delegating that responsibility.

Councilmembers must avoid intrusion into those areas that are the responsibility of staff. Staff is directed to reject any attempts of individual Councilmembers to direct work or influence recommendations. When administrative policy or performance complaints are made directly to individual Councilmembers, the Councilmember should refer the matter to the Mayor or City Administrator for review and potential action, rather than taking up the issue with an employee. Councilmembers are encouraged to interact with city staff to promote the free exchange of information.

A. Access to Information

A variety of methods are used to share information with the Council. Study sessions are held to provide detailed presentations. Retreats serve to focus on topics and enhance information exchange. The City Clerk is the primary information liaison between Council and staff. He or she provides status reports, executive summaries and other documents on a regular basis. The City Administrator's open-door policy allows individual Councilmembers to meet with him or her on a one-on-one basis. Councilmember contact with staff for the purpose of inquiries, including the City Administrator, shall be during regular business hours, except in the case of an emergency. Inquiries should be directed to the City Administrator, City Clerk, City Attorney (only in rare cases), or Department Heads only.

Citizens may contact department heads at any time. Department heads are accountable for advising the Mayor or Administrator for direction if policy is needed or clarification of a question is required.

- B. **Significant Requests:** significant - “sufficiently great or important to be worthy of attention.”

No Councilmember shall request or direct the City Administrator or Department Heads to initiate any action or prepare any report that is significant in nature or initiate any significant project or study without consent of the Mayor. The Mayor or their designee shall determine whether or not a matter is significant.

Chapter 3

Other Officials and Adjudicators

3.01 City Clerk

The City Clerk administers state and local procedures involved in the legislative process and directly assists the Council and Mayor in meeting legal responsibilities. He or she is the liaison to Kittitas County Elections, conducts City Council elections and the appointment process for Council vacancies, verifies legal notices have been posted or published and completes the necessary arrangements for effective meetings. The City Clerk records Council decisions in meeting minutes and oversees the preservation and protection of ordinances, the municipal code, and other public record. The powers and duties of the City Clerk are defined by state law, RCW 35.23.121.

A. Summary of City Clerk Powers and Duties as Provided in, but not Limited to, the Revised Code of Washington

1. Keeping a full and true record of every act and proceeding of the Council.
2. Recording and certification of all ordinances and authenticating resolutions.
3. Acknowledging instruments and attesting to signatures.
4. Recordkeeping and providing records to the public.
5. Producing reports required by the State Auditor.
6. Custodian of the City seal.
7. Publishing notices; and
8. Other duties as the Council may determine by ordinance or resolution.

3.02 City Attorney

State law, RCW 35A.12.020, requires appointment of a City Attorney or for the City to contract for legal counsel. According to RCW 35.23.111, the City Attorney advises officials in all legal matters pertaining to City business and approves ordinances as to form. He or she represents the City in all actions brought by or against the City or its officials and performs any other duties the Council by ordinance directs.

A. Summary of General Legal Responsibilities of the City Attorney

1. Provides legal assistance necessary for the formulation and implementation of legislative policies and projects.
2. Represents the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings.
3. Preparing or approving the form of ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes and intentions of the City Council; and

4. Keeping the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

Normally the City Attorney advises all City officials, and the City Council should not hire separate outside counsel. Other attorneys may be hired to handle specific cases because of the nature of the case or because the City's attorney has a conflict or other reason he or she cannot be involved. Access to the City Attorney should be made through the Mayor or their designee.

3.03 Department Directors

The City Council establishes City departments, or principal administrative branches of Cle Elum's government, through budget adoption, and in consultation with the Mayor. Department Directors report to the Mayor and he or she, or their designee, supervises employees and contractors working in each specialized functional area. Directors interpret and apply Council policies and provide recommendations to the Mayor and Council on nearly all aspects of governance.

3.04 Chief of Police

State law, RCW 35A.12.020, requires appointment of a chief law enforcement officer. The Cle Elum Chief of Police functions as a Cle Elum Department Director and serves at the pleasure of the Mayor. The Police Chief manages personnel regularly assigned to the City.

3.05 Municipal Court Judge

The Municipal Court of the City of Cle Elum is created in Cle Elum Municipal Code 2.60. Cle Elum's Municipal Court Judge serves four-year terms. The Mayor with Council confirmation is to appoint the judge on or before December 1 of the next preceding year in which the judicial term commences. Before performing the duties of the office, the judge shall take an oath to be filed with the Cle Elum City Clerk and Kittitas County Auditor's Office. Cle Elum's court is provided through an interlocal agreement with the Upper Kittitas County District Court.

3.06 City Prosecutor

The City contracts for prosecution legal services, which includes all services for the prosecution of persons charged by the City with a crime or infraction, including pre-charging decisions, sentencing, post-sentencing phase and any appeals of such actions. The prosecutor is an independent contractor.

3.07 City Fire Chief

The Cle Elum Fire Chief functions as a Cle Elum Department Director and serves at the pleasure of the Mayor. The Fire Chief manages paid and volunteer personnel within the department.

Chapter 4

Council Committees and Advisory Boards

The City Council forms Council subgroups, groups or committees of appointed officials and citizen groups to study certain issues and solutions and accomplish specific tasks. Group members provide professional expertise, qualified viewpoints, and additional representation from the community at large. Groups may be “standing” which means essentially permanent, or “ad hoc” meaning temporary. Standing committees and commissions regularly provide reports and recommendations to the full City Council, and ad hoc committees generally cease in existence after completing final reports and assigned tasks. Groups function within authority established by the City Council.

Cle Elum Council or staff participation in groups of representatives from other agencies provides beneficial regional perspective and connection. Cle Elum representatives to these outside groups regularly provide Council reports to assist in decision-making or to communicate Cle Elum Council perspectives to the region. Participation facilitates adequate consideration of complex matters affecting a large number and broad variety of people.

4.01 Council and Regional Committees

This manual establishes standing Council committees, and the Council may create ad hoc Council committees by motion. The Mayor annually appoints Councilmembers to Council and regional committees. The Mayor shall take into account any stated interest and expertise of Councilmembers when making appointments. Appointments shall be made no later than the first regular Council meeting in February. Council standing committees should be reviewed and membership should be reconsidered on a biennial basis, at minimum.

Each Council committee consists of not more than three Councilmembers, ~~and~~ any staff, or residents local to Kittitas County necessary for efficient functioning. A quorum of the Council, or four members, shall not attend committee meetings. Within 30 days of appointment to committees, members shall meet and elect a chair and secretary. Standing committees may recommend to the Mayor a need for ad-hoc advisory groups for a particular task. The committee chair or two committee members may call other meetings as needed. The committee chair shall routinely report to the City Council. The committee secretary shall provide written minutes to the City Clerk. In the interest of transparency, committees are encouraged to make their meetings available to the public through livestreaming or in-person attendance.

A. Council Finance Committee

Meetings of the Council Finance Committee must be noticed according to the provisions of the Open Public Meetings Act or OPMA, RCW 42.30, because the committee exercises decision-making power. More on the OPMA is found in chapter eight of this manual.

This committee makes recommendations relating to financial and investment policies,

long- term financial planning and budgeting. Committee members routinely approve contracts of monetary thresholds established within financial policies. Councilmembers on the committee will review City claims payments. Members attend Washington State Auditor exit interviews.

The committee will also perform other tasks related to financial management as directed by the Council.

B. Council Budget Committee

This committee drafts the annual city budget and tracks it through the budget cycle. The committee will review all payment vouchers. Prior to the drafting process, the Mayor shall schedule a study session to have a budget priorities discussion. During the drafting process, the committee shall update the council at each regular council meeting of the progress and solicit feedback.

C. Employee Relations and Benefits Committee

Committee members make recommendations on staff salaries and benefits and Council salaries. The committee every three years shall review a comparison of the salaries and benefits of Cle Elum staff positions with those of comparable positions in a group of similar cities selected by the City Council. This committee may also review proposals made during the course of collective bargaining or professional negotiations.

D. Representation to Regional Groups

The Mayor with Council confirmation appoints Councilmembers and alternates to these groups, including but not limited to: Kittitas County Council of Governments, Coal Mines Trail Commission, and KITCOMM 911. Councilmembers participating in regional meetings will represent the consensus of the Council. Personal positions, when given, will be identified as such. Assignment and direction of staff in relation to regional meetings are at the discretion of the Mayor or City Administrator.

Three consecutive unexcused absences of any member of a regional committee shall be cause for removal from the committee. In the case of such removal, the alternate shall be automatically appointed.

4.02 Advisory Commissions

The Council establishes its standing advisory commissions in the Cle Elum Municipal Code. Currently the City has two advisory boards, the Planning Commission and Historic Preservation Commission. The Planning Commission has five members and an alternate and makes recommendations to the Council on matters related to development and land use. The Historic Preservation Commission has five members who serve three-year terms and is charged with the

preservation and protection of Cle Elum’s historic, architectural, and archaeological resources. One of the most important purposes of the commissions is to provide an additional avenue for public representation and participation. For this reason, the Council gives consideration toward maintaining an equitable balance of community representation and a broad mix of occupational backgrounds on the commissions.

Commission members are selected without respect to political affiliation and serve without compensation. The Mayor with Council approval appoints Commissioners to serve four-year terms. A selection process shall be used for all new appointments. An open selection process may be used but is not required for re-appointment of incumbents. The City Clerk will conduct the selection process by publicly announcing the position vacancy and application period, providing application forms and accepting completed applications, letters of interest and resumes. The Mayor shall review applications and select candidates for interviews, and the City Clerk shall schedule interviews. The Mayor, a Councilmember or staff member the Mayor selects, and the chair of the commission experiencing a vacancy will conduct interviews. The Mayor and interview team will evaluate applicants on an objective basis.

Commissioners may be removed by a majority vote of all members of the City Council. In these instances, the decision of the Council is final.

4.03 Chair and Vice Chair of Commissions

Commissions are to elect a Chair and Vice Chair using the same procedure as that of Mayor Pro-Tem, found in chapter eight. The Chair serves as the presiding officer at meetings, may participate in proceedings in the same manner as any other member and is expected to vote, unless a conflict of interest exists. The Chair can second motions at any time. If the Chair would like to make a motion, the Vice Chair if available or other Commissioner must temporarily assume the duties of the Chair and preside over the meeting. The role of the Vice Chair is to preside at meetings in the absence of the Chair.

The chairperson is responsible for Commission compliance with the municipal code and rules of procedure. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations and meeting procedures.

4.04 Commissioner Training

Commissioners are required to complete training in Open Public Meetings and Public Records within 90 days of assuming duties. Refresher training is required every four years (RCW 42.30 and 42.56). Commissioners may complete the training online or in-person and must provide proof of completion to the City Clerk. City staff shall provide Commission orientation sessions. City staff or contractors, or staff from other agencies and groups shall provide other training. Commissioners are encouraged to seek continuing education opportunities and the City shall pay expenses for Commission training and travel in accordance with financial and personnel policies, and as budgeted.

4.05 Council and Advisory Board Communication

Unless specifically authorized by the Council, no Councilmember shall state or testify to the policy or position of the Council before any advisory board. Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as stated in chapter eight of this manual. When an advisory body wishes to correspond with an outside agency, the correspondence shall be approved by the City Council.

A. Commission Work Plans

The Council communicates its priorities primarily through commission work plans. Commissions will annually recommend work plans to the Council, and the Council by resolution will approve final work plans for advisory commissions. The Council may amend work plans at any time due to unforeseen needs.

B. Reports to the City Council

Ongoing communication occurs by the attendance of an advisory board representative at Council meetings on a monthly basis. Written reports may also be submitted.

C. Council Liaison to Commissions

On an annual basis, the Council may elect to appoint a Council liaison to standing commissions. The purpose of the liaison is to communicate information about Council proceedings, decisions and priorities, and to answer questions concerning these topics. Council liaisons are not commission members and shall speak only when the Commission Chair requests information or during a designated period.

D. Quasi-Judicial Matters

Councilmembers 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 Councilmember to recuse himself or herself from participating in City Council proceedings concerning these matters.

4.06 Staff Relationship to Advisory Commissions

The Mayor appoints staff liaisons to support the work of the Planning and Historic Preservation commissions and, as authorized, contracts with consultants for Commission technical needs. While staff works closely with advisory bodies staff members remain accountable to their immediate supervisors, and Commissioners do not have supervisory authority. Commissioners are responsible for the functions of the advisory body only.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes

of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

4.07 Planning Commission

The Planning Commission provides advice and makes recommendations on the Comprehensive Plan, zoning and development codes, and performs other duties as the Council assigns. Commissioners accomplish their work during open public meetings. Working subgroups of three Commissioners may meet to accomplish specific tasks and report to the full Commission. Planning Commissioners regularly meet the first and third Tuesdays of every month at 6 p.m. at Cle Elum City Hall. Special meetings may be called in the same manner as special Council meetings. More information on meeting procedures is found in chapter eight of this manual.

4.08 Historic Preservation Commission

The Historic Preservation Commission identifies and actively encourages the conservation of the city's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve as the city's primary resource in matters of history, historic planning, and preservation. More information about the commission can be found in CEMC 15.22.40.

4.09 Civil Service Commission

The Civil Service Commission is authorized by RCW 41.12. Civil service state laws help assure that city law enforcement officers are recruited through open competition, hired and promoted on the basis of merit, and are demoted, suspended, removed from office, or discharged only for cause. Commissioners are appointed by the Mayor and serve six-year terms.

Chapter 5

Equipment and Facility Use

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

5.01 Computers

The City will provide tablet computers on request for officials' use for City business. Officials shall sign an acknowledgement of receipt upon issuance. Information technology staff will ensure that all appropriate software is installed and provide an orientation in the use of computers and related software. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Personal media and programs cannot be stored on City computers.

City-issued computers are subject to audit. There is no right to privacy in the course of using City-issued computers whether for City business or incidental personal use. Virus protection software must not be disabled at any time on City equipment and non-City programs or media found during audits will be removed. Computers are to be returned at the conclusion of a Councilmember's term or when the equipment is no longer needed. Officials shall sign an official statement at the time of return to staff.

5.02 Use of Computers and Information Systems

Refer to City of Cle Elum Technology Acceptable Use Policy.

5.03 City Email Addresses

Members of the Council and all appointed officials will receive City email addresses that must be used for the conduct of City business. Use of private email addresses for City business may subject the private email system or privately owned computers to a public records search. Information technology staff will provide instructions on how to access the email system, training in the use of City email, and may assist officials in setup or in troubleshooting issues.

5.04 Mail and Deliveries

City officials receive a large volume of mail and other materials that are delivered primarily through the use of mailboxes located in City Hall. Officials are encouraged to check mailboxes frequently. In addition, City staff will email or personally deliver materials that are time-sensitive to an official's home or office if appropriate. Correspondence addressed to one official will be copied for all members of the Council or board. At the conclusion of a Councilmember's term, mail will not be forwarded.

5.05 Office Supplies and Copies

City staff shall provide copies of documents and publications to City officials for use in the conduct of City business free of charge using the most expedient means possible. Councilmembers have free and open access to office supplies needed to perform their duties.

5.06 Access to City Hall

City staff will issue electronic key fobs to City Councilmembers for access to City Hall. Councilmembers may enter City Council Chamber and adjoining room for the purposes of picking up meeting packets, mail, or conducting other City business that could not be conducted during normal business hours. Councilmembers must return key fobs at the conclusion of a Councilmember's term. Staff will deactivate unreturned key fob.

5.07 Meeting Rooms

The City Council and members of advisory boards hold meetings in the City Hall Council Chambers, located at 119 W First St, Cle Elum, Washington, 98922. Officials may reserve conference rooms at City Hall for meeting with constituents and performing tasks related to City business. Officials should contact the front desk receptionist to schedule rooms.

5.08 Use of Resources for 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 except as allowed by state law. The City may distribute informational reports or pamphlets for informing the public of the facts of an issue.

5.09 Safety and Accident Reporting

To minimize risk and assist in maintaining a safe work environment, Councilmembers should promptly report any unsafe or potentially hazardous conditions to the City Administrator. The City will make every effort to remedy problems as quickly as possible.

An accident involving property damage or personal injury, however minor, must be immediately reported to the City Administrator so that staff may make a timely report to the Department of Labor and Industries. Failure to report accidents may result in a violation of legal requirements.

5.10 Americans with Disabilities Act Requirements

The City of Cle Elum strives to provide accessible facilities and meetings for people with disabilities. If any accommodations are required, the City Clerk may be contacted at 509-674-2262, at least three days prior to a meeting.

Chapter 6

Ethics and Standards of Conduct

In order to best serve the citizens of the City of Cle Elum, elected and appointed officials must act individually and collectively to create a City government that is ethical, responsible, fair, honest, open and accountable to the people. Officials are expected not only to follow federal, state and local regulations, but also to demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to maintain public trust. Inappropriate actions can result in liability either for the City or the individual official under civil, criminal, and case laws.

This chapter provides an ethical guide and specific rules that reflect the values of the City of Cle Elum. It is designed to promote high standards for conduct, and to foster a healthy ethical culture throughout Cle Elum's government.

6.01 Core Principles

The City Council establishes the following principles for City governance:

1. City Leaders Listen to the Community in a way that represents the community's interests and goals.
2. Mayor, Council, and staff should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible. The Council and the Mayor are most effective when working as a team.
3. City Leaders Lead and Reason Together and Councilmembers should individually, and collectively demonstrate the ability to lead and reason together.
4. The City Exemplifies Professionalism and City leaders exhibit respect for the professionalism and ethical conduct of the Mayor and staff.
5. All City representatives Act in Accordance with Policies stated in this manual.

6.02 Adopted Code of Ethics

State law, RCW 42.23, provides a code of ethics for city officials. According to this resolution, the following ethical principles shall govern the conduct of the City's elected and appointed officials, and employees, who shall per RCW 42.23.010 which states:

Declaration of purpose: It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in

chapter 268, Laws of 1961, in conflict with the proper performance of their duties in the public interest.

and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve.

1. Be dedicated to the concepts of effective and democratic local government.
 - a. Democratic Leadership. Officials and staff shall honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules and regulations.
2. Affirm the dignity and worth of the services rendered by government and maintain a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships. City leaders value transparency and will endeavor to share with the public to the level that legal obligations allow.
 - a. Public Confidence. Officials and staff shall conduct themselves so as to maintain public confidence in City government and in the performance of the public trust.
 - b. Impression of Influence. Officials and staff shall conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
4. Recognize that the chief function of local government at all times is to serve the best interests of all people, businesses and other organizations.
 - a. Public Interest. Officials and staff shall treat their office as a public trust, only using the power and resources of public office to advance public interests, and not to attain personal benefit or pursue any other private interest incompatible with the public good.
5. Keep the community informed on municipal affairs, encourage communication between the citizens and all municipal officers, emphasize friendly and courteous service to the public, and seek to improve the quality and image of public service.

- a. Accountability. Officials and staff shall assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold City officials accountable.
 - b. Respectability. Officials and staff shall safeguard public confidence in the integrity of City government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.
6. Seek no favor; believe that personal benefit or profit secured by confidential information or by misuse of public time is dishonest.
- a. Business Interests. Officials and staff shall disclose and limit any business or contract relationship with the City as provided in State law.
 - b. Private Employment. Officials and staff shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service or business creates a conflict with or impairs the proper discharge of their official duties.
 - c. Confidential Information. Officials and staff shall not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.
 - d. Gifts. Officials and employees shall not directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form under the following circumstances:
 - i. It could be reasonably inferred or expected that the gift was intended to influence the performance of official duties; or
 - ii. The gift was intended to serve as a reward for any official action on the official's or employee's part.
 - e. Investments in Conflict with Official Duties. Officials and employees shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with their official duties.
 - f. Personal Relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of a conflict of interest.
 - g. Family Relationships. Officials and staff shall not favor, patron or supervise any person or persons who are deemed family, to wit a spouse, domestic partner, child,

stepchild, grandchild, sibling, half-sibling, parent, stepparent, grandparent, aunt, uncle, or any person listed hereinbefore of the spouse or domestic partner.

- h. Business Relationships. Officials and staff shall not use staff time, equipment or facilities for marketing or soliciting for private business activities.
 - i. City Funds and Property. Officials and staff shall use City funds and City property solely for the official purpose or purposes intended, without extension to any other person or entity for any purpose outside the intended use of the funds or property.
 - j. Reference Checking. Reference checking and responding to agency requests are a normal function of municipal business and is not prohibited if it does not adversely affect the operation of the City.
7. Conduct business of the City in a manner which is not only fair in fact, but also in appearance.
- a. Personal Relationships. In quasi-judicial proceedings elected officials shall abide by the directives of RCW 42.36 which requires full disclosure of contacts by proponents and opponents of land use projects which are before the City Council. Boards and Commissions are also subject to these fairness rules when they conduct quasi-judicial hearings.
8. Not knowingly violate any Washington statutes, City ordinance or regulation in the course of performing their duties.
9. For one year after end of term or end of employment respectively, officials and staff may not represent any private person as an advocate on a matter in which they were involved, compete for a City contract when they were involved in determining the scope of work or the selection process, or hold or acquire a financial interest in any contract or contracts having a total value of more than \$5,000 made by, through or under their supervision.

6.03 Breach of Ethics

Failure to report a known breach of ethics will be considered in and of itself a separate and serious breach of the ethics code. No retaliatory action, implied, threatened or actual, shall be taken against any person by officials or staff for having raised privately or publicly any concern or question that is neither spurious nor malicious regarding an actual or apparent breach of ethics.

Once aware of committing a breach of ethics as set forth in the ethics code or as commonly accepted by government entities:

1. An elected official shall notify the Council no later than at the start of the next Council meeting, regularly scheduled or otherwise.

2. The Mayor shall immediately notify the Council of the breach; and
3. Staff shall immediately notify the Mayor or immediate supervisor, and the Mayor shall notify the Council of the breach.

6.04 Conflicts of Interest and Appearance of Fairness

The conflict-of-interest law (RCW 42.23) is one of the most complicated laws on the books, derived from the state constitution, state statutes and case law. The general rule from which the law derives is that a municipal officer shall not use the position to secure special privileges or exemptions for himself, herself or others. The rule applies to real and perceived conflicts of interest and include a prohibition against elected officials voting on matters in which they stand to benefit financially. Washington's appearance of fairness doctrine (RCW 42.36) applies to quasi-judicial actions before the City Council pursuant to RCW 42.36.010. According to this doctrine, the appearance of fairness is as important as substance.

It is imperative that Councilmembers identify in advance what their conflicts or appearance of fairness considerations are. Councilmembers must declare a conflict of interest, and refrain from participation or involvement in discussions on issues or contracts where such an interest exists.

See chapter eight of this manual for meeting procedures relating to disclosure of conflicts of interest or appearance of fairness considerations, challenges for cause, and Councilmember participation and voting on matters when conflicts of interest or appearance of fairness considerations exist.

The following information is provided as guidance concerning conflict of interest. Due to the complex nature of this law, officials are encouraged to consult with the City Attorney or a private attorney concerning compliance.

A. Applicability

All elected and appointed officials are subject to the conflict-of-interest law in RCW 42.23.

B. Remote Interests

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

- a. A non-salaried officer or member of a nonprofit doing business or requesting money from the City. Therefore, being such an officer or member would not constitute a conflict of interest.

- b. The landlord or tenant of a contracting party. For instance, a Councilmember may lease office space to a party that has a private interest in a public matter without it resulting in a conflict of interest.
- c. The owner of less than 1 percent of the shares of a corporation or a cooperative doing business with the City.
- d. Being reimbursed only for actual and necessary expenses incurred in the performance of official duties.

C. Acts not Constituting a Conflict of Interest

- a. Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Councilmember 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.
- b. 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 Councilmember who is a schoolteacher 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 Councilmember.
- c. 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.

D. Declaration of a Conflict

When a substantial interest exists, the City official must:

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

Under the Appearance of Fairness Doctrine, in the event of a challenge to a member or members of the Council which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not

occurred, if the member(s) of the Council publicly disclose the basis for disqualification prior to rendering a decision (RCW 42.56.090).

E. City Attorney Opinions

A Councilmember's request for an opinion from the City Attorney concerning conflict of interest is generally confidential. Councilmembers may seek advice from a private attorney, at their own expense, concerning potential conflicts.

F. Filing of Disclosures

The City Clerk shall maintain a file for all disclosures and legal opinions of conflicts of interest.

6.05 Confidentiality

Councilmembers shall keep confidential all written materials and verbal information provided to them when the information is considered confidential under the doctrine of attorney-client privilege. Disclosure of confidential information learned by reason of a municipal officer's position, or use of such information for personal benefit, is prohibited by RCW 42.23.070(4). Any Councilmember who has discussed confidential information with another party shall immediately notify the Mayor, City Attorney, or City Council. State law provides for monetary penalties and possible forfeiture of office for violations.

6.06 Public Meetings/Quorum

Washington's Open Public Meetings Act or OPMA (RCW 42.30.030), establishes restrictions on how public officials can talk about City business both inside and outside City Hall. No more than three Councilmembers or Commissioners can have a conversation about City business without public notice. This means four Councilmembers (a quorum) discussing City business face to face in any location, or via telephone, text messaging, email or social media is not permitted without public notice. Serial meetings whereby a meeting of four officials occurs one person at a time also is an OPMA violation.

OPMA requirements do not apply to meetings of committees that do not have decision-making powers, unless four Councilmembers or Commissioners are present. Passive receipt of emails sent to more than three elected or appointed officials for the purpose of sharing information, without back-and-forth dialogue, do not violate the OPMA. Social gatherings without discussion of City business are also excluded. Quasi-judicial proceedings and executive sessions, detailed in chapter eight, are not subject to the OPMA.

There are several potential consequences for violating the procedural requirements of the OPMA. Most importantly, actions taken in meetings that violate the Act are null and void, including the approval of ordinances and resolutions. In addition, knowing attendance at an improperly held

meeting is punishable by a civil fine of \$500. The party that prevails in an action for violation of the Act may recover reasonable expenses and attorneys' fees under certain circumstances.

6.07 Anti-Harassment and Discrimination

See the City of Cle Elum Employee Handbook.

6.08 Liability

The City must always approach its responsibilities in a manner that intends to reduce 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 altogether. To better manage insurance and risk, the City participates in risk- and loss-control activities in coordination with Washington Cities Insurance Authority.

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 **Communications and Engagement**

In order to assess community opinions and needs, and to share the vision and goals of the City with constituents, the Council must communicate with the public. Because the City Council performs as a body, individual Councilmembers should observe general guidelines when speaking for the full Council. When members are expressing personal views, the public should be so advised.

Councilmembers can communicate using a wide range of formats, some of which are electronic and instantaneous. Any non-verbal communication concerning City business is a public record subject to RCW 42.56, the Public Records Act. The law applies to electronic messages, files, data, videos and images. Officials should provide full assistance to staff in fulfilling the City's obligation to retain and provide access to public records, regardless of the communication media or equipment used.

City staff will prepare and distribute official City communications. The City Council provides communication priorities to staff through a communications strategy.

7.01 Use of Public Facilities

State statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. Except as provided by law and as re-stated in Chapter 8.03 of this manual, members of the City Council or its advisory boards are prohibited from using public facilities for communications for or against any ballot item including initiatives, candidates for office, or ballot measures. Communications for the purpose of providing unbiased and balanced information concerning the facts of an issue are permitted.

7.02 Citizen Requests for Action

Citizens often will contact Councilmembers directly with complaints or requests for action. In these situations, officials should refer citizens to the City's request for action website or other administrative resource as appropriate for a prompt staff response. Councilmembers should consider citizen comments, complaints, or requests as feedback on policies and service delivery systems.

7.03 Ceremonial Proclamations

As formal public statements with no force of law, proclamations are a way to communicate. The Mayor, with City Council approval, issues proclamations. They may originate with the City Council as a way to recognize individuals, events or issues, or to make position statements. Most often organizations or individuals will request proclamations. The Council will give preference to requests for honoring Cle Elum residents or organizations, or requests increasing public awareness of local events, arts and cultural celebrations. A certificate of recognition or a letter of support can be provided when a proclamation is not issued. The following guidelines apply to requests for proclamations:

1. Requests should be made at least two weeks in advance of the requested Council meeting to guarantee placement on the agenda.
2. Proclamations must be issued prior to recognized events occurring.
3. The Mayor will determine if the proposed proclamation should be recommended for Council approval.
4. The City may modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs or policy determinations, or deny any proclamation request.
5. If a proclamation is not approved, the City Clerk will notify the requestor.

7.04 Official Correspondence

Members of the City Council will often be called on to write letters to citizens, businesses, or other public agencies. City staff may assist in drafting letters, and City letterhead may be used. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside

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

Written letters and memoranda received by the City, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's records retention schedule. If a citizen sends correspondence concerning a topic that is the subject of a public hearing, the official should forward said e-mail to the City Clerk for inclusion in the hearing's record.

7.05 Email Communications

Councilmembers and appointed commissioners shall receive City email addresses for use in communications concerning City business. All email either sent from or received by a City email address should be retained as a public record. Use of a private email address for City business should not occur as it could subject private email or devices to a public records search. Using a City email for personal business also is not permitted.

1. If a citizen sends an email to a Councilmember concerning a topic that is the subject of a public hearing, the Councilmember will forward said e-mail to cityclerk@cleelum.gov.
2. Staff may review Council email for the purposes of records management or in response to a public records request.
3. As noted in Chapter 6, email discussion among four Councilmembers concerning City business is in violation of the Washington Open Public Meetings Act.
4. Emails should be limited to those who need to have access to the information.
5. Email should be used cautiously when seeking legal advice or in discussing matters of pending litigation or other confidential City business. Confidential email should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
6. All written communication, including casual notes, may become part of litigation. Avoid unnecessary adjectives or personal remarks in emails.

7.06 Newsletters

To ensure the accuracy and uniformity of information provided to the public, City staff shall prepare and distribute official City of Cle Elum newsletters and other publications. Councilmember communication to the public should not resemble a City newsletter, and when information is shared, links to City sources of information or other official sources should be provided. Any

opinions expressed should be identified as personal opinions that do not represent the City of Cle Elum or the Cle Elum City Council.

7.07 Text Messages

Text messaging or other messaging features are available on almost all mobile phones and some tablet computers or other devices. When text messages are about City business, they may be considered public records, even if sent or received by private devices. The City is then responsible for retaining, managing, and potentially disclosing these records in response to public records requests. Generally, service providers do not have the responsibility to retain text messages. Officials should limit the use of text messages whenever possible.

1. Retaining Public Record Texts

An official who uses a personal device for City business will be required to search for (or allow the City to search for), produce, transmit, transcribe, or forward text messages to text@cleelum.gov for retention. Officials also are required to cooperate with the City and provide their fullest assistance in fulfilling the City's duties and obligations under the Public Records Act.

Public record texts can be properly retained by:

1. Periodically forwarding text messages to text@cleelum.gov;
2. Sending screen shots of text messages to text@cleelum.gov;
3. Using an application to forward text messages to text@cleelum.gov; or using a backup application to store text messages.

7.08 Social Media Use

Social media provides officials with a convenient tool to communicate, inform and engage residents. The use of social media allows officials to showcase their efforts and can improve public trust. However, social media must be used in accordance with Washington's public records and open public meetings laws. Officials should avoid posting anything regarding City business on personal social media accounts. Personal accounts may become subject to a public records search if policies are not observed.

A. Government Official Accounts

1. An official should notify the City Clerk if he or she plans to create a "Government Official" social media account so that the Clerk can establish records archiving.
2. Government Official accounts should go through the verification processes of social media platforms.

3. The following disclaimer should be included on Government Official social media pages:

“The purpose of this page is to present matters of public interest in Cle Elum, including its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns, but please note this is a moderated online discussion site and not a public forum. Once posted, the City of Cle Elum reserves the right to delete submissions that contain: (i) vulgar language; (ii) personal attacks of any kind; (iii) offensive comments that target or disparage any ethnic, racial or religious group. Further, the City also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) clearly off topic; (iii) advocate for illegal activity; (iv) promote particular services, products or political organizations; (v) infringe on copyrights or trademarks; or (vi) use personally identifiable medical information. We recommend you not share any of your medical information on our pages. Please note that the comments expressed on this site do not reflect the opinions or position of the City of Cle Elum government or its officers or employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City Clerk at cityclerk@cleelum.gov.”

4. Councilmembers regularly participate in activities with constituents including local businesses, and it is acceptable for officials to use social media to publicize these events. Councilmembers should avoid posting the following types of content on their Government Official social media account:
 - i. Content that promotes or appears to promote any for-profit interest, including events in which there is no City participation, products, services or goods.
 - ii. Content that promotes or appears to promote any candidate or political party in any election at any level of government.
 - iii. Content that contains inappropriate or offensive language.
 - iv. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
 - v. Content that violates any terms of the hosting site.

B. Election Accounts

Officials should take affirmative steps to clearly distinguish the use of social media for election purposes.

1. While using a separate and distinct social media account for re-election purposes, Councilmembers may continue to use their Government Official social media account throughout the election campaign to further their duties as a Councilmember.
2. Once a Councilmember has been elected, election accounts may be kept as-is and used solely for campaign purposes, or they may be converted into a Government Official account. A government official account should not be converted into an election account.

C. Personal Accounts

The following items should be avoided on personal social media accounts:

1. Use of any City email address as a point of contact for registration purposes.
2. Identification of the official as a current member of the City Council or other official body in the handle name or username.
3. Use of the City logo or any other proprietary mark of the City of Cle Elum.
4. Contact information for the official at City Hall or other official contact information except as necessary to redirect residents to official government media.

D. Personal Account Precautions

Officials should implement the following precautions:

1. Post a disclaimer on the personal account that identifies the account purpose and specifies that the opinions expressed are personal opinions.
2. Limit the personal account content to personal use and don't write posts concerning City business.
3. Understand and use privacy settings to manage the account.
4. When officials receive comments regarding City business on their personal page, they should direct the commenter to an official City page.
5. Don't discuss private accounts in public meetings or reference private accounts in documents.

6. Do not use City devices to manage personal accounts.

E. Citizen Comments and Tagging

1. If a citizen posts a comment to a Government Official account about an item related to the day-to-day business of the City, Councilmembers should direct the commenter to the official City page for staff response.
2. When a Government Official page is tagged in a closed group, Councilmembers should either ignore the message or reply with the following message:

“In order to maximize transparency and adhere to public records laws, please direct all questions and comments to my government social media account [if available] or my email FLast@cleelum.gov.”

7.09 Community Engagement Meetings

While the Council provides open public comment periods during Council business meetings, these opportunities are frequently underutilized. Other meeting formats provide a more informal atmosphere for the public to share concerns and ideas with elected representatives. The primary purpose of community engagement meetings is to foster open communication with citizens and to provide information to the public.

A. Town Hall Meetings

The City Council may hold town hall meetings to hear the concerns and opinions of the public. City staff and consultants may use the opportunity to communicate information to residents concerning capital projects, programs, services, special events and key issues.

B. Community Conversations

Citizens may interact informally with City Councilmembers during Community Conversation events. During these events, residents will share their thoughts and ask questions in a relaxed setting. Three Councilmembers are required to attend for an event to be held, and the Councilmembers in attendance will vary. Staff may attend as requested by the City Council.

C. Councilmember Office Hours

Individual City Councilmembers may make themselves available to meet one- on-one with citizens on an as-requested basis.

Chapter 8

City Business Meetings

The City Council and its advisory boards conduct business openly during public meetings. The primary purpose of business meetings is for the representatives of Cle Elum’s citizens to take action on their behalf. The public evaluates the performance of its officials to a great extent by what happens at meetings. The following rules are provided to assist in conducting meetings in a way that is fair, efficient and legally compliant. The most current version of Robert’s Rules of Order Newly Revised **shall** be generally followed in the proceedings of the regular meetings of the City of Cle Elum. This manual customizes those procedures and takes precedence in any incidence of conflict with Roberts Rules. All of the rules and guidance in this chapter applies to both the Council and its standing advisory boards, unless explicitly stated otherwise.

8.01 Meeting Types

All meetings attended by a quorum of Cle Elum elected or appointed officers for the purpose of conducting City business shall comply with the requirements of Washington’s Open Public Meetings Act, RCW 42.30. A quorum is defined as four members of the City Council, three members of the Planning Commission, Historic Preservation Commission, and/or the Civil Service Commission. Without a quorum, no business can be transacted. The only actions that may be taken are measures to obtain a quorum or motions to fix the time at which to reconvene, to adjourn or to recess.

A. Regular Meetings

Regular meetings are all formal business meetings held according to a regular schedule. All regular meetings shall begin at 6:00 p.m. and be held at Cle Elum City Hall, 119 W 1st St, Cle Elum, WA 98922. Meetings may be conducted in person and/or “hybrid” remotely by interactive platforms and must comply with.

The City Council meets the second and fourth Mondays of each month. The Planning Commission meets the first and third Tuesdays, ~~and~~ the Historic Preservation Commission meets the last Thursday of the month, or on an as needed basis, and the Civil Service Commission meets only as needed. When a regular meeting coincides with an observed holiday, the body will decide on an alternative date.

A regular meeting can be canceled in advance by a majority vote of the body. Meetings can also be canceled by the Mayor or Commission chairpersons by providing written notice to all Councilmembers and/or Commissioners. The City Clerk will endeavor to notify 24 hours in advance of the regular meeting date.

If no members of the council or commission attend a regular meeting, the City Clerk may adjourn the meeting. He or she must create a written notice of adjournment specifying the

time and place of the rescheduled meeting in the same manner required for a special meeting.

B. Special Meetings

Any meeting of the Council or its advisory boards not held according to a regular schedule is a special meeting. As specified in RCW 42.30.080, the Council or Commission may only take action only those items listed on the agenda distributed before the meeting. Any final action taken at a special meeting that was not properly noticed may be invalidated.

The Council or Commission may by majority vote schedule special meetings. The Mayor, chairperson, or any four members of the body may also call a special meeting by delivering written notice containing specific business items to each Councilmember and the City Clerk not less than 24 hours before the time of the special meeting.

At special meetings Roberts Rules of Order need not govern, however regular decorum should be observed. Special meetings may be held at any location. No final action may be taken at meetings held outside Cle Elum City limits.

C. Executive Sessions

Executive sessions may be called at any time during regular or special meetings without prior public notice. An executive session is a closed, confidential meeting called for specific purposes set forth in RCW 42.30.110(1). No final action may be taken in executive session. Before convening an executive session, the presiding officer must announce the topic and the session's anticipated duration. Only those topics announced may be discussed. Should additional time for an executive session be required, the presiding officer shall make a public announcement of the session's extension and anticipated duration.

Discussions are limited to the following topics identified in RCW 42.30.110 (1) as may be amended, which include:

1. Matters affecting national security.
2. Lease or purchase of real estate if disclosure would increase price.
3. Determining minimum offering price for sale or lease of real estate if disclosure would decrease price.
4. Reviewing negotiations on the performance of a publicly bid contract.
5. Reviewing complaints brought against a public officer or employee. Discussion must be in open session if the accused person requests it.
6. Reviewing qualifications of an applicant for public employment.
7. Reviewing performance of a public employee.
8. Reviewing qualifications of candidates for appointment to public office.
9. Discussing enforcement action with legal counsel.
10. Discussing current or potential litigation with legal counsel.

11. Discussing legal risks of current practice or proposed action with legal counsel.

Disclosure of confidential information learned by reason of a municipal officer's position is prohibited by RCW 42.23.070(4). State law provides for monetary penalties and possible forfeiture of office for violations.

8.02 Public Notice of Meetings and Hearings

The City Clerk is directed to publish notices and post agendas. Pursuant to RCW 35.22.288, cities must establish a procedure for notifying the public of hearings and the preliminary agenda for upcoming meetings. The procedure followed by the City of Cle Elum is as follows:

A. Public Hearing Notices

Unless otherwise specified by law, public hearing notices shall comply with publishing requirements adopted in the Cle Elum Municipal Code.

B. Preliminary Agendas – Regular Meetings

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

- a. The City's official website, CleElum.gov
- b. Cle Elum City Hall – Front Entrance Outdoors – 119 W 1st St, Cle Elum, WA 98922
- c. Carpenter Memorial Library – 302 N Pennsylvania Ave – Cle Elum, WA 98922

C. Preliminary Agendas – Special Meetings

The City Clerk must post the notice and/or agenda and distribute it to news media that have expressed an interest in receiving such notice not less than 24 hours before the special meeting. The notice must contain the time and place of the meeting and the business to be transacted. Only those items listed on the agenda distributed before the meeting may be discussed or acted on.

D. Notice of Meeting Cancellation or Postponement

The City Clerk must post notices of regular meeting cancellation or rescheduling at least 24 hours before the original meeting date. Requirements for special meetings shall apply to rescheduled meetings.

E. Excluded Meeting Types

Posting of notices and/or agendas for meetings of committees or work groups containing not more than three members of the governing body, (Council, Planning Commission, or Historic Preservation Commission) is not required, except for the Council Finance Committee. The Finance committee can deliberate without adhering to meeting notice requirements by calling an emergency meeting.

Noticing is not required 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.

8.03 Meeting Agendas

Required by state law, agendas are ordered lists of items to be discussed at meetings, and a valuable tool to keep conversation focused. The City Clerk in collaboration with other City officials and staff drafts and distributes agendas, and the meeting presider is primarily responsible for adherence during meetings. Agendas must contain the meeting type, date, time, location and items to be discussed listed in order.

A. Standing Order of Business

Unless modified by Council motion, the standing order of business for regular meetings shall be as follows: Council agenda addition may be requested by a Council Member for “City business with a three-minute limit” at the beginning of the meeting.

Council Agenda: Sample

Call to Order, Pledge of Allegiance, and Roll Call

Public Comment

Approval of Meeting Agenda

Announcements, Appointments, Awards & Recognition

Consent Agenda

Items listed have been distributed to Council Members in advance for study and will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on a regular Agenda at the request of a Council Member or at the request of a member of the public with concurrence of a Council Member

Staff Reports

City Administrator, City Planner, Public Works Director, Police Chief, Fire Chief, Veolia Water

Public Appearances – 15-Minute Limit

Business Requiring Public Hearings

Unfinished Business
New Business
Committee Reports
Executive Session
Adjournment by Motion

B. Consent Agenda

The consent agenda contains multiple items approved with one undebatable motion and is intended to improve meeting efficiency. Consent agenda items are those that do not require discussion, such as routine items, other items that can be reviewed without explanation, or items the Council has previously discussed. First readings of Ordinances may not be placed on the consent agenda. During review of the final agenda, any one Councilmember can remove items from the consent agenda for discussion under “New Business” without making a motion.

C. Council Planning Calendar

The City Clerk shall prepare a Council Planning Calendar containing a schedule of items for upcoming meetings and shall prepare agendas using the planning calendar. The Mayor shall approve final preliminary agendas.

Items may be placed on the planning calendar by any of the following methods:

1. Council majority vote or consensus.
2. Council committee.
3. Any two Councilmembers.
4. Advisory board majority vote or consensus.
5. Department directors; or
6. City Administrator

D. 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 included in meeting minutes.

E. Actions Concerning Ballot Propositions

According to RCW 42.17A.555, the City Council or its standing commissions can take action at an open public meeting to express a collective decision or to actually vote on a motion, proposal, resolution or ordinance to support or oppose a ballot proposition as long as (1)

any required meeting notice contains the title and number of the ballot proposition; and (2) members of the Council or commission or the public are given an approximately equal opportunity for the expression of an opposing view. In this instance, the title and number of the ballot proposition and a statement that “Members of the public are encouraged to attend and will be afforded an approximately equal opportunity for the expression of an opposing view” shall be noticed on the meeting agenda.

8.04 Agenda Packets

Prior to each meeting, City staff prepares meeting packets to inform and advise officials concerning items on the agenda. Meeting packets are to contain succinct business style writing. Staff is to provide a clear statement of the action proposed, any fiscal impact, necessary background information, a discussion section anticipating key questions, recommended action and a suggested motion if final action is proposed. The City Clerk shall ensure all agenda packet materials are complete and receive adequate review prior to distribution and publication.

All agenda packet materials shall be presented to the City Clerk for final review by 12:00 p.m. five days preceding regular meetings. The City Clerk shall post final City Council agenda packets on the City’s website, CleElum.gov. Packets will delivered electronically or hand delivered.

Councilmembers shall come to meetings prepared. Councilmembers should read the agenda packet prior to the meeting, carefully review proposals under consideration, and prepare in writing motions they intend to make. For meeting efficiency, questions concerning proposals may be directed to the Mayor, City Administrator, or department directors prior to the meeting. Emails among four or more board members, or other communications whether written or oral, concerning items on preliminary agendas are not permitted.

8.05 Meeting Minutes and Audio Recordings

Minutes shall be required to document all meetings subject to Washington’s Open Public Meetings Act, RCW 42.30. The City Clerk, or designee, shall record actions taken during meetings by writing meeting minutes. Minutes shall be made available promptly, and no later than the next regular meeting. Members of the Council or advisory commission shall review and approve minutes.

Minutes shall include at a minimum the meeting type, date, time and place, roll call results, late arrival and early departure times of officials, speaker names, all motions and the names of those making them, titles of legislation, detailed voting results, staff direction, all points of order and appeals, public hearing opening and closing times, and time of meeting adjournment. The reasons for an individual’s dissent from the majority decision may be included upon request. Council intent or other statements or information shall be included as the Council or commission approves. The City Clerk shall also note any conflict of interest or appearance of fairness challenges and recusals.

The City Clerk or designee shall make and keep audio or video recordings of all meetings except those meetings or portions of meetings conducted in executive session. Recordings shall be posted on the City's website, CleElum.gov at the soonest available opportunity.

8.06 Meeting Attendance and Seating

As noted in section 8.01 of this manual, a quorum is required for the transaction of City business. Elected or appointed officials may be excused from attending regular meetings by contacting the Mayor or their designee on the day of the meeting and stating the reason for non-attendance. The Council or Commission may then excuse individual members by motion or unanimous consent. Three consecutive unexcused absences from regular meetings shall cause a position to become vacant (RCW 35A.12.060).

City staff, attorney, and consultants shall attend meetings as requested by the Mayor, with input of the City Council. During executive sessions, other persons as the Mayor requests shall be present.

8.07 Parliamentary Procedure and Decorum

Parliamentary procedure assists deliberative assemblies in considering matters in an efficient, legal manner. Safeguards ensure due process and protect the rights of individual members of the governing body and the group as a whole. Officials must conduct business meetings according to formal procedures and preserve decorum. To maintain decorum, Councilmembers must address their remarks to the meeting presider during discussion and debate of business items.

A. Inappropriate Remarks

Robert's Rules of Order and the common parliamentary law it is based on require that board members be courteous to one another and the public, speak to issues and not personalities and stay on topic. Certain types of remarks are inappropriate during discussion at a meeting because they are not relevant to discussion. These restrictions do not apply to the public, but all speakers are expected to be courteous and efficient when making remarks. The following is a list of inappropriate remarks to Councilmembers and to members of the public:

1. Personal remarks – remarks that pertain to an individual's appearance, background, ethnicity or other personal aspects, rather than views on issues.
2. Insults, obscenity, vulgarity and personal attacks.
3. Inflammatory language – remarks that incite high emotions rather than addressing the issues.
4. Criticizing past actions of the group, with two exceptions:
5. If the group itself is discussing a past action.
6. If the Councilmember intends to propose amending or rescinding the action; or
7. Remarks that are not "germane" or relevant to the discussion.

B. Use of Electronic Devices

Cellular devices must be silent during meetings. To maintain decorum, officials and members of staff are prohibited from text messaging or making phone calls at the dais while in session. Members of staff and the audience also are prohibited from making phone calls in the Council Chambers during meeting proceedings. The use of electronic devices for viewing meeting presentations, materials or other reference related to city business is encouraged.

C. Other Minor Disruptions

Side conversations or the passing of written notes at the dais are discouraged. General conversation between board members and the public is not permitted. Members should keep microphones turned on and speak clearly into the microphone when they have the floor.

D. Major Disruptions

Any official, person or group of persons rendering the orderly conduct of the meeting infeasible may be asked to leave by the presiding officer and may be barred from attending the remainder of the meeting. Pursuant to RCW 42.30.050, if order cannot be restored, Councilmembers by majority vote may order the room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by the Council.

8.08 Point of Order and Appeal

The Mayor, Chairperson or other presiding officer has the duty of enforcing meeting rules and managing discussion. The City Clerk or designee, in consultation with the City Attorney if available, shall assist the meeting presider in matters of parliamentary procedure. If the presider does not maintain order, any board member or the City Clerk has the duty of raising a Point of Order.

Point of Order requires the presiding officer to abide by parliamentary rules or require another member to abide by the rules. A point of order can be made at any moment, at the time of rule violation. When a Point of Order is made, it stops business until the presider rules. The presider may agree and enforce the rules or disagree and move on with business at hand. Any member, with a second, can appeal the ruling. Motions to appeal are not debatable. The body would then decide on the matter.

8.09 Committees, Commissions, and Advisory Boards Discussion

Roberts Rules of Order provides special rules for small groups such as the City Council and its advisory boards. Informal discussion is allowed prior to a motion. The presider should take care to ensure the discussion is productive and should request a motion as soon as the group appears

ready for it. All members have an equal right to speak and to make or second motions, including the meeting presider.

Members must seek recognition from the meeting presider before speaking by raising their hand. Comments should be limited to a maximum of five minutes and must be relevant to the item under consideration. No member may interrupt a speaker while they have the floor, unless to make a point of order. No one may speak a second time until everyone who wishes to do so has spoken once. There is no limit to the number of times a member can speak. Staff do not have the right to participate in discussion unless granted by the Council. Members of staff present information and are permitted to respond to points of information as requested.

8.10 Taking Action by Motion

Main motions are formal proposals by members to do something that move a group from discussion into action. Motions should be clear, concise, and unambiguous, and should be in writing unless very short. All motions should be phrased in the grammatical positive.

Individuals make motions by saying, "I move that..." or "I move to..." and announcing what is proposed. After the motion is made another member who wishes the motion considered says, without obtaining the floor, "I second the motion," or simply, "Second." In most instances, motions if not seconded are not taken up for discussion.

The presiding officer then repeats the exact motion and opens debate by stating: "It has been moved and seconded that ... Is there any discussion?" The way the presider states the motion is its official text, unless an objection is heard. Until the presider has stated the question, the motion maker has the right to modify or withdraw the motion. If modified, the seconder can withdraw his or her second. After motions have been stated, they can be modified or withdrawn only with board approval.

The board may modify motions by approving motions to amend. Members make motions to amend by stating, "I move to amend the motion by adding, striking out, inserting, or substituting" words. An amendment requires a second, is debatable and requires a majority vote. An amendment may be inconsistent or in conflict with the spirit of the original motion, but it must have a direct bearing on the subject of that motion. If the motion to amend passes, the presider puts the main motion, as amended, to a vote. If the motion to amend fails, the presider puts the main motion, as originally presented, to a vote.

A pending motion may be eliminated with a motion to postpone indefinitely. If the body would like to delay action on a motion, a motion to postpone to a time certain may be made. A motion to table an item is commonly misused in place of a motion to postpone. Tabling a motion should be used only when some immediate urgency has arisen, and the question is temporarily put aside. Adopted motions can be reconsidered at the same meeting by a member voting in opposition, and until the action has been carried out, reintroduced at a later meeting, amended, or rescinded at any time by motion.

During most regular meetings of the City of Cle Elum, the following occurs:

1. Presiding officer introduces the agenda item.
2. Staff provides a presentation or information.
3. Presiding officer opens a public hearing if required.
4. Presiding officer closes the public hearing after receiving comment.
5. Board member discussion.
6. A member proposes a motion.
7. A member seconds a motion.
8. Presiding officer states the motion.
9. Board member debate of the motion.
10. Presiding officer restates the motion.
11. Presiding officer takes the vote and announces results.
12. City Clerk records action in minutes.

8.11 Determining Majority

For most motions, a simple majority of board members present at a meeting 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, meaning four affirmative votes, regardless of how many Councilmembers attend a meeting. Public emergency ordinances, necessary for the protection of public health, safety, property, or peace, may take effect immediately if passed by a majority plus one of the whole membership of the Council, or five Councilmembers. Some motions that affect the rights of individual members, such as call the question, require a two-thirds vote or “super majority” to be approved.

| Members Present | Majority Vote | Two-Thirds Vote |
|------------------------|----------------------|------------------------|
| 4 | 3 | 3 |
| 5 | 3 | 4 |
| 6 | 4 | 4 |
| 7 | 4 | 5 |

8.12 Voting

Decisions may be made expediently by unanimous consent, meaning no member objects. Any board member who objects must state the objection immediately so the presider may take a vote.

Presiding officers shall conduct voice votes unless there is uncertainty in the vote or if any board member requests voting by roll call or a show of hands. Each Councilmember or advisory board member shall vote on all questions, unless a conflict of interest or appearance of fairness consideration is present. Board members must be present to vote on any matter, so proxy votes are not allowed. Silence during voting shall be recorded as an affirmative vote. In the case of a tie vote on any motion, the motion fails. A person who would like to change their vote may do so prior to the presiding officer's announcement of voting results. After voting results are announced, a vote can only be changed by unanimous consent of the body immediately after the presiding officer's announcement, before any debate or business has intervened.

Any board member shall have the right to express support for or protest against any motion and have the reason entered in the minutes on request. Any statement expressing the intent of the Council body must be approved by the Council.

8.13 Changing a Final Action

Until the time they are carried out, Council actions may be changed or reversed with motions to reconsider, amend or rescind previously approved motions. Alternately new motions may also be made at later meetings with the same effect. Motions to reconsider, amend or rescind have specific rules that apply to each.

A. Motion to Reconsider

If approved, a motion to reconsider takes Council discussion back to the point just prior to voting on the original motion. A motion to reconsider:

1. Can only be moved during the meeting the original motion was approved, or the next day if part of the same meeting.
2. Must be moved by someone who voted with the prevailing side.
3. Requires a second and can be debated if the original motion was debatable.
4. Cannot be amended; and
5. Takes a majority to pass.

B. Motion to Amend Something Previously Adopted

A motion to amend something previously adopted allows the group to change an approved motion. A motion to amend something previously adopted.

1. Can be moved during the meeting the original motion was approved, or at future meetings.
2. Requires a second and can be debated.

3. Can be amended; and
4. Requires a two-thirds majority to pass if taken up at the same meeting, or a simple majority if previous notice is given by placing the item on the final agenda.

C. Motion to Rescind Something Previously Adopted

A motion to rescind something previously adopted allows the group to rescind an approved motion. A motion to rescind something previously adopted.

1. Can be moved during the meeting the original motion was approved, or at future meetings.
2. Requires a second and can be debated.
3. Can be amended; and
4. Requires a two-thirds majority to pass if taken up at the same meeting, or a simple majority if previous notice is given by placing the item on the final agenda.

8.14 Quasi-Judicial Actions

Certain decisions of the City Council or Planning Commission are considered to be quasi-judicial in nature, which means the board exercises powers resembling those of a court. In these instances, the board is obliged to follow procedures to objectively determine facts and draw conclusions from them as the basis of action. Quasi-judicial decisions determine the legal rights, duties, or privileges of specific parties and not of the public in general. Some examples of quasi-judicial actions include rezones or reclassifications applying to specific parcels of property, appeals of the decisions of the Planning Commission (Hearings Examiner), subdivisions, and special land use permits.

A. Conflict of Interest and Appearance of Fairness

Conflict of interest laws and the Appearance of Fairness Doctrine (RCW 42.36) applies to quasi-judicial actions pursuant to RCW 42.36.010. According to this doctrine, the appearance of fairness is as important as substance. The test of whether the doctrine has been violated is: "Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." It is illegal to participate or otherwise be involved in discussions on issues where a conflict of interest or appearance of fairness consideration exists. More information is provided in section 6.05 of this manual.

Prior to any quasi-judicial hearing, each member of the Council or Planning Commission with a conflict of interest or appearance of fairness consideration, no matter how remote, shall disclose such facts to the meeting presider. A board member, the City Attorney or any

member of the public may immediately exercise challenges for cause. The challenge must be raised as soon as the basis for disqualification is made known or reasonably should have been made known prior to issuance of a decision.

The party seeking to disqualify the board member shall state with specificity the basis for disqualification. The City Attorney may interview the board member to determine the validity of the statements and whether they are able to objectively consider the issue and render a decision on the basis of information received.

B. Ex Parte Communications

According to RCW 42.36.060, no member of a decision-making body may engage in communications with opponents or proponents in regard to the proposal that is the subject of the quasi-judicial proceeding. Any ex parte communications would need to be disclosed prior to the hearing so the meeting presider may determine if a conflict of interest or appearance of fairness issue exists.

C. Recusal From Proceedings

Based on these facts, the member may choose to recuse himself/herself from proceedings, or the meeting presider may request recusal. Two or more board members who believe a violation exists may make a motion requesting recusal of a member. A recused board member shall leave the Council Chambers until the discussion of the matter is complete, unless the recused member's presence is necessary to maintain a quorum. In this instance, the member shall be permitted to participate.

8.15 Public Participation

Input from individuals or groups is an important part of the legislative process, but the primary purpose of formal regular meetings is to conduct business. Verbal public comment is invited only during designated periods. No person shall be permitted to address the Council while it is in session without the unanimous consent of the entire Council and recognition from the Mayor. Special community meetings are often held for gathering public input on key topics.

A. Written Public Comment

Written comment concerning agenda items shall become a part of the meeting record. Public comment for the Council or advisory body may be submitted to the City Clerk at any time. Comment received by 4 p.m. on the meeting date shall be distributed prior to the meeting. After this time, written comment to be considered at the meeting can be provided in-person.

B. Verbal Public Comment

All verbal comments shall be made from the lectern and are audio recorded. All speakers are expected to be courteous and efficient when making remarks. An individual may speak only once per public comment period unless additional input is requested by the Council. In some instances, the City Council by unanimous consent or majority vote may limit the total amount of time available for public comment.

During ~~two~~ open public comment periods, the public may comment on any topic not already on the agenda with an opportunity for public comment or hearing. The Council shall invite public comment on first reading of all ordinances. Councilmembers may open the floor to public comment during subsequent readings of ordinances or any other topic under consideration.

Public hearings are formal public comment periods advertised in the City's newspaper of record prior to the meeting. The presiding officer shall announce the opening of the public hearing, and when all persons wishing to speak have done so, shall declare the hearing closed. When needed, the Council or advisory body may hold open a public hearing to allow additional time for receipt of testimony. If the hearing concerns a quasi-judicial matter, the City Attorney will inform the public of the procedure required by law. During quasi-judicial hearings, persons providing testimony may be required to take an oath affirming the truth of the testimony.

The following procedure shall be followed for verbal public comment:

1. Speakers should approach the microphone and state their name, city and neighborhood of residence, and whether they are representing an organization.
2. Speakers should write this information on a sign-in sheet at the lectern.
3. People speaking for themselves shall be granted three minutes, and representatives of organizations shall be granted five minutes to speak. The City Clerk shall be the timekeeper. In some instances, the Council by unanimous consent or motion may allow additional time.
4. Comments shall be directed to the presiding officer only.
5. Any Councilmember may ask questions of a speaker before the speaker is seated, with permission of the meeting presider.
6. Unless required by a public hearing, the Council may not immediately respond to public comment. Officials or staff shall respond within two weeks of the date comment is submitted.

8.16 Election of Mayor Pro Tempore

Procedures for electing the Mayor Pro Tempore are as follows:

A. Biennial Election

At the first meeting of each even-numbered year, the Council will elect a Mayor Pro Tempore from among its membership.

B. Nominations

The Mayor will call for nominations. Each member of the City Council will be permitted to nominate one person, and nominations will not require a second. A nominee who wishes to decline the nomination will do so at this time. When it appears, the Council has no further nominations, the Mayor shall close the nomination period, but Councilmembers may, by majority vote reopen nominations. After nominations are closed, each nominated Councilmember may speak for three minutes in the order in which he or she was nominated.

C. Casting Ballots

Each Councilmember may vote for one nominee, and the vote of a simple majority of Councilmembers present is required to elect a candidate. Abstentions are not permitted. A tie vote results in a failed candidacy. Voting will be by written ballot. Each ballot will contain a list of nominees and the name of the voting Councilmember. The City Clerk will publicly announce results for the record by stating the name of the voting Councilmember and the manner in which he or she voted.

D. When a Mayor Pro Tempore Cannot be Elected

If the Council is unable to elect an officer after the initial voting period, the Mayor shall repeat the balloting process. If the Council again does not elect an officer, the Council may, by majority vote reopen the nomination period to add new candidates to the ballot. The City Clerk would then conduct the balloting process not more than twice for existing and additional nominees. Elections will be held at each subsequent regular Council meeting until a Mayor Pro Tempore is elected.

E. Removal from Position

A vote of five members shall be required to remove the Mayor Pro Tempore from his or her position. Removal from the position of Mayor Pro Tempore does not constitute a removal from the position of Councilmember.

8.17 Filling Council Vacancies

If a Council position becomes vacant for any of the reasons found in 2.10 of this manual, the Mayor shall direct staff to begin the appointment process and establish an interview and appointment schedule at the earliest opportunity in accordance with RCW 42.12.070. A Councilmember vacating a position cannot participate in the appointment process.

A. Soliciting Applications

1. The City Clerk shall prepare and submit a display advertisement to the City's official newspaper, with copies to other local media, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Cle Elum, and (b) have a one-year residency in the City of Cle Elum. This advertisement shall be published once each week for two consecutive weeks. The advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, Councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate.
2. The City Clerk shall utilize the standard application form requesting appropriate information for City Council consideration of the applicants. Applications will be available at City of Cle Elum offices and on the City's official website. Copies of the display advertisement will be provided to current members of the City of Cle Elum commissions, committees, task forces and other City-sponsored citizen groups.
3. Applications received by the deadline date and time will be copied and circulated by the City Clerk to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

B. Interviewing Candidates for Office

1. The City Clerk shall publish the required public notice(s) for the meeting scheduled for interviewing applicants. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting. The City Clerk shall also notify applicants of the location, date and time of City Council interviews.
2. During the interview meeting, the applicant shall present his or her credentials to the City Council. The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.

3. Councilmembers may each submit one interview question for one set of predetermined questions, to be reviewed by legal counsel. An informal question period may also be a part of proceedings. City Council and Mayor will determine if informal questions that elaborate or clarify a previous question is appropriate.

C. Selection

1. Upon completion of the interviews, Councilmembers may convene into Executive Session to evaluate the qualifications of the applicants. However, all interviews and final action appointing a candidate to elective office shall be in a meeting open to the public. Nothing in this policy shall prevent the Council from reconvening executive session at any time to discuss qualifications.
2. Selection shall be by Council motion approved by a majority of the Council present.
3. Proceedings shall continue until the Council appoints a Councilmember. At any time during the appointment process, the Council may postpone selection until a set date.
4. The new Councilmember shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
5. If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the occurrence of the vacancy, the Revised Code of Washington delegates appointment powers to Kittitas County.

Chapter 9

Public Records

The Washington State Public Records Act (RCW 42.56) requires all local government agencies to protect public records from damage and disorganization and to make them available to the public with very narrow exemptions. A public record is defined as any writing prepared, owned, used or retained by any local government agency that contains information relating to the conduct of government or performance of any government function. The term “writing” is broadly defined to include not only traditional written records, but also photos, maps, videos, voicemails, emails, text messages and social media messages. The City Clerk is Cle Elum’s Public Records Officer.

9.01 Public Records on Privately Owned Resources

Records created or maintained on personal devices or privately owned accounts may be public records if they are meeting the definition under RCW 42.56.010(3). Officials should avoid creating or storing public records on privately owned resources whenever possible and should transfer public records to the City’s Public Records Officer at the soonest available opportunity.

9.02 Records Retention Schedule

Various public records must be kept for different amounts of time. City officials shall assist in the retention of public records they create. The State of Washington’s Local Government Common Records Retention Schedule or CORE specifies how long each type of record must be kept. The CORE assigns a disposition authority number or DAN to each type of record or “records series.” Access the full CORE at <https://www.sos.wa.gov/archives/recordsretentionschedules.aspx>. The City Clerk is available to answer questions concerning the CORE.

9.03 Records Commonly Created by Officials

The City Clerk retains records related to Council and advisory board operations according to state schedule such as original copies of agenda packets, minutes, ordinances and resolutions. Staff often provides officials with duplicate copies of these materials, most of which can be disposed of immediately without any particular procedure. Records with a longer retention period may be transferred to the City Clerk. The following is intended to provide guidance concerning retention periods for records and may not be all-inclusive.

| DAN | Record Description | Retention Period |
|------------|---|---|
| GS50-02-04 | <p>Secondary (Duplicate) Copies</p> <p>Copies of records (created or received), provided the agency retains its primary copy of the record in accordance with the approved minimum retention period.</p> | Retain until no longer needed for agency business then destroy |
| GS2016-007 | <p>Meeting Materials – Members’ Copies/Notes</p> <p>Individual members’ meeting materials from participating in governing/executive, advisory, internal/external committees, provided the committees’ records are retained by the secretary/responsible agency/member. Includes but is not limited to copies of agendas, meeting packets, working notes or drafts.</p> | Retain until no longer needed for agency business then destroy. |
| GS2016-010 | <p>Reference Materials</p> <p>Materials gathered from outside sources for reference/reading use which are not evidence of the agency’s business transactions. Includes but is not limited to individual participants’ copies of internal and external training materials (such as handouts, notes taken, etc.) from conferences/seminars/trainings.</p> | Retain until no longer needed for agency business then destroy. |
| GS50-02-03 | <p>General Information – External</p> <p>Information received from other agencies, commercial firms, or private institutions, which requires no action and is no longer needed for agency business purposes. Includes unsolicited junk mail, informational copies, notices, newsletters and announcements.</p> | Retain until no longer needed for agency business then destroy. |
| GS50-01-12 | <p>Communications – Governing/Executive/Advisory</p> <p>Internal and external communications to, from, and/or on behalf of the agency’s governing bodies, elected officials/executive management or advisory bodies, that are in connection with the transaction of public business. Includes all communication types regardless of format such as email and social networking posts.</p> | Retain for 2 years after received or provided, whichever is later, then transfer to State |

| | | |
|-------------|---|---|
| GS2012-028 | <p>Reporting/Filing (Mandatory) – Agency Management</p> <p>Records relating to general functions of the agency required to be submitted to an outside agency such as political campaign reports, lobbying reports, or personal statements, filed with the Public Disclosure Commission.</p> | Retain for 6 years after report or document submitted then contact Washington State Archives for appraisal. |
| GS 2016-003 | <p>Contact Information</p> <p>Records relating to contact details of external clients/stakeholders the agency has gathered/received. Includes email distribution lists, business cards and contact details stored in contact databases.</p> | Retain until no longer needed for agency business then destroy. |
| GS2016-004 | <p>Drafting and Editing</p> <p>Records relating to the drafting/editing of correspondence, documents and publications. Includes preliminary drafts and edits/suggestions/directions, such as handwritten notes and track changes information.</p> | Retain until no longer needed for agency business then destroy. |
| GS2016-011 | <p>Scheduling –</p> <p>Appointments/Meetings Records</p> <p>relating to the scheduling of appointments/meetings, provided the calendar is retained in accordance with GS50-01-36. Includes meeting invitations accepted/declined and related correspondence.</p> | Retain until no longer needed for agency business then destroy. |
| GS50-02-01 | <p>Requests for Basic/Routine Agency Information</p> <p>Internal and external requests for, and provision of, routine information about the operations of the agency, such as business hours, web/email addresses and meeting dates/times.</p> | Retain until no longer needed for agency business then destroy. |

9.04 Records Automatically Archived

All city officials and staff should retain any non-transitory emails and cell phone records sent from or to a City-issued email address is automatically archived on publicly- owned resources. Text

messages sent from City owned mobile devices and social media records on City social media accounts are automatically archived. View section 7.07 for more information on procedures related to text message communications and section 7.08 concerning social media records.

9.05 Records Destruction or Transfer

No records should be destroyed after the submittal of a public records request relating to such records regardless of retention period. Records that have met their mandated records retention periods and are not a part of a current public records request should be destroyed to limit liability to the City and to reduce the cost of responding to public records requests. Some records are eligible to be transferred to the State of Washington for retention.

Chapter 10

Additional Training and Resource Materials

10.01 Association of Washington Cities (AWC)

The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington.

(800) 562-8981 – WACities.org

10.02 Municipal Research & Services Center of Washington

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.

(206) 625-1300 – mrsc.org

10.03 Washington Cities Insurance Authority

A municipal organization of Washington public entities that join together for the purpose of providing liability and property financial protection to its members.

(206) 575-6046 – wciapool.org

10.04 International City/County Management Association

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 Councilmembers. Publications are also available through ICMA concerning every basic city service.

(202) 289-4262 – imca.org

10.05 Government Finance Officers Association

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.

(312) 977-9700 – gfoa.org

10.06 National League of Cities

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.

www.nlc.org – (202) 626-3000

10.07 Overview of Basic City Documents

Many other laws, plans, and documents exist which bind the City to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

A. City Council Goals and Strategic Priorities

The Council provides prioritized goals that provide broad guidance to officials and staff. The City should review and amend these annually. Goals turn the City’s mission and vision into specific targets. Goals are outcome statements to guide implementation of strategy.

B. Comprehensive Plan

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

C. Cle Elum Downtown Revitalization Plan

The Cle Elum Downtown Revitalization Project will renovate the First Street (“Main Street”) corridor between Billings Ave (west) and Peoh Ave (east).

D. Cle Elum Downtown Master Plan

The Cle Elum Downtown Master Plan forms the foundation of a downtown plan that includes several components that complement the plan to make 1st Street a more inviting place for visitors to browse the shops, restaurants, accommodations, and businesses in downtown.

E. Cle Elum Municipal Code

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

F. 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. The six-year Transportation Improvement Program is included.

G. Annual Budget

The 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 budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

H. Comprehensive Financial Management Policies

The City's Comprehensive Financial Management Policies serve as a framework for financial planning, budgeting, accounting, reporting and other financial management practices. The document assists the City in operating in a prudent manner, using sound fiscal policies that ensure safekeeping of the City's assets.

I. Personnel Policies and Employee Handbook

Personnel policies adopted by the City Council apply to all City employees. Generally they do not apply to the Mayor or City Council. The document provides policies about recruitment, selection, retention and separation of City employees. Guidance on compensation, benefits, employee responsibilities and conduct are provided.

J. Disaster Preparedness and Business Continuation Plan

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

10.08 Orientation of New Members and Ongoing Training

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

The Code City Handbook, Report No. 37, published by the Municipal Research & Services Center (MRSC), provides a wealth of general information. Another publication from MRSC that goes hand in hand with the handbook is, *Knowing the Territory*: 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 and immunities from tort liability.