



# McCleary Regular City Council Meeting

Wednesday, September 22, 2021 – 6:30 PM

WebEx Virtual Meeting

## Agenda

### WebEx Meeting Link:

<https://cityofmcclary.my.webex.com/cityofmcclary.my/j.php?MTID=m8496a562e042adfa37cf443bf7bf23d9>

Join By Phone: **+1-408-418-9388**

Meeting number 2551 084 6809 (access code):

Meeting password: ZSp6yq7P345 (97769777 from phones and video systems)

### Call to Order/Flag Salute/Roll Call

### Agenda Modifications/Acceptance

### Special Presentations

1. Port Blakely Annexation - Marina Kuran

### Public Comment

### Consent Agenda

2. Accounts Payable September 1-15 - Check numbers 49636-49712 and EFT's totaling \$203,573.51
3. Payroll July 2021 - Check numbers 49539-49548 and EFT's totaling \$234,226.80
4. Payroll August 2021 - Check Numbers 49615-49624 and EFT's totaling \$238,906.45

### Updates

### New Business

- [5.](#) BPA Fourth Purchase Period (FY 2025 - FY 2028) Election
6. ARP Funding Discussion

### Old Business

- [7.](#) Annexation Resolution
- [8.](#) Mayor and Council Policies
- [9.](#) ORCAA Burn Permit MOA
- [10.](#) Large Document Scanner Contract

### Ordinances and Resolutions

### Updates

11. Councilmembers
12. Mayor

### Public Comment

### Closed Session

13. Employment Matter - RCW 42.30.140

### Adjourn

**Please turn off Cell Phones- Thank you**

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request.

The City of McCleary is an equal opportunity provider and employer.

La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.



# City of McCleary

## STAFF REPORT

<b>To:</b>	Mayor Orffer and City Councilmembers
<b>From:</b>	Todd Baun- Public Works Director
<b>Date:</b>	9/19/2021
<b>Topic:</b>	BPA Fourth Purchase Period (FY 2025-FY 2028) Election

### **Action Needed:**

Please vote to maintain our current election of Short Term Alternative A with zero resource amounts. This essentially puts all our Above HWM load (if you have any) on BPA at Tier 2.

### **Background:**

September 30, 2021 is the deadline for the fourth (and final) Purchase Period (FY 2025 - FY 2028) elections under McCleary's Regional Dialogue Power Sales Agreement. The elections include: (1) service for McCleary's Above Rate Period High Water Mark Load (Above-RHWM Load); and if applicable, (2) McCleary's Resource Support Service (RSS) choices; and (3) resource reshaping.

The applicable contract sections to refer to are section 3.4.2, section 3.4.3, section 9, and Exhibit C of the Agreement, as well as the Resource Support Service contract language.

To help with the evaluation, attached is a spreadsheet of an early look at our anticipated load as compared to a projected Rate Period High Water Mark. Currently, with these assumptions, we don't forecast to have any load growth between FY 2025 and FY 2028 that would require coverage at the Tier 2 Short Term Rate. However, things could change by the time FY 2025 arrives.

Ultimately, if we plan to continue with our current choice of Tier 2 Short Term Rate coverage for FY 2025-2028, that is all BPA needs to know by September 30, 2021. Otherwise, BPA needs to know whether the plan will be to provide coverage with all non-federal resources, or even a combination of Tier 2 Short Term and non-federal resources.

--

## Above RHWL Estimates FY 2025 - FY2028

Updated by BPA Liz Oberhausen, PSS May 18, 2021

Above-RHWL Load estimates are for planning purposes only. Customers' Above-RHWL Load amounts will be determined during the RHWL Process for the applicable Rate Period. For example, for the FY 2024 - 2025 Rate Period, this determination will be made in the summer of 2022.

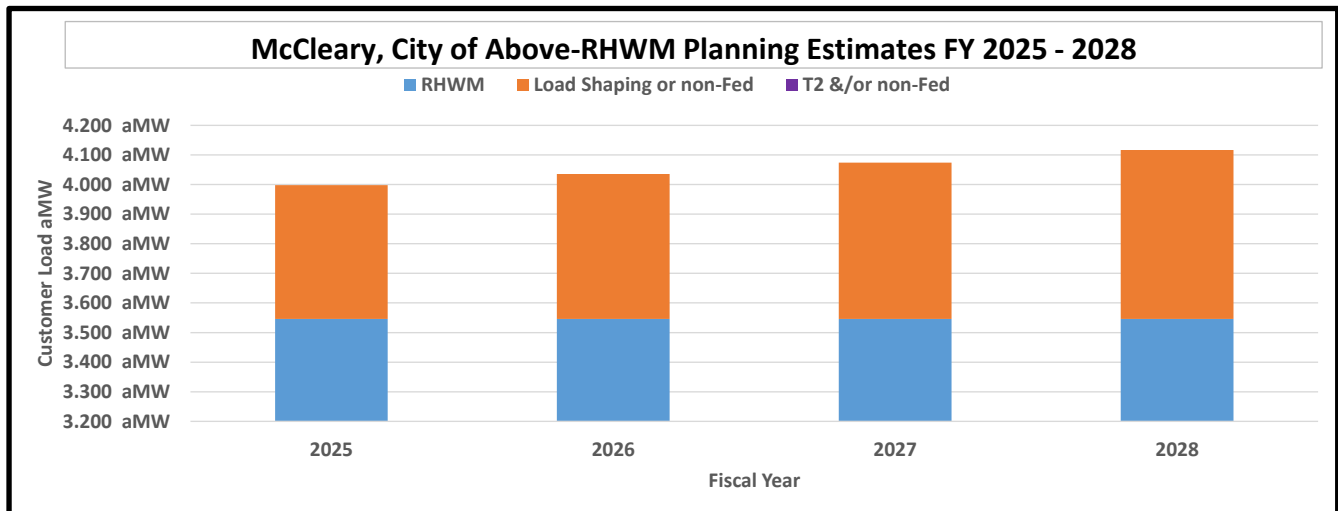
**BES No**  
**Customer Name**

**10078**  
**McCleary, City of**

**CHWM (includes Provisional CHWM & Additional CHWM)**  
**RHWL for FY2022-2023 (and assumed RHWL for FY2024-2028)**

**3.773 aMW**  
**3.546 aMW**

Forecasted Net Requirements	2025	TRL	3.998 aMW
		NLSL	0.000 aMW
		Existing Resources	0.000 aMW
		Gross Requirements	3.998 aMW
Forecasted Net Requirements	2026	TRL	4.036 aMW
		NLSL	0.000 aMW
		Existing Resources	0.000 aMW
		Gross Requirements	4.036 aMW
Forecasted Net Requirements	2027	TRL	4.074 aMW
		NLSL	0.000 aMW
		Existing Resources	0.000 aMW
		Gross Requirements	4.074 aMW
Forecasted Net Requirements	2028	TRL	4.117 aMW
		NLSL	0.000 aMW
		Existing Resources	0.000 aMW
		Gross Requirements	4.117 aMW
Estimated Above-RHWL Load	2025	Above-RHWL Load	0.452 aMW
	2026	Above-RHWL Load	0.490 aMW
	2027	Above-RHWL Load	0.528 aMW
	2028	Above-RHWL Load	0.571 aMW



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION (ACCEPTING/REJECTING/MODIFYING) THE  
PROPOSED ANNEXATION OF PORT BLAKELY TREE FARMS  
UNDER RCW 35A.14.120.**

**R E C I T A L S:**

1. On May 27, 2021 the City Council received written notice from Mike Warjone, Owner of The Port Blakely Tree Farms, site address of Summit 40, McCleary, Washington (Parcel No. 180501110000), of said parties' intention to commence annexation proceedings.
2. City staff and the City Council have reviewed the written notice and believe the written notice to be proper in form and substance.
3. The City Council agrees to (accept/reject/geographically modify the proposed annexation).
4. The request for annexation will not require the simultaneous adoption of a proposed zoning regulation.
5. The City Council agrees to assume all of any existing city indebtedness by the area requested to be annexed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF MCCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

**RESOLUTION - 1**

**CITY OF McCLEARY  
100 South 3<sup>rd</sup> Street  
McCleary, WA 98557**

SECTION I: The City Council for the City of McCleary hereby accepts/rejects/geographically modifies) this initial annexation proposal.

SECTION II: The CFO/City Clerk and the Director of Public Works shall provide such distribution of this Resolution as may be required by law or is found to be in the City's best interests from time-to-time.

PASSED THIS \_\_\_\_\_ DAY of \_\_\_\_\_, 2021, by the City Council of the City of McCleary, and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF McCLEARY:

\_\_\_\_\_  
BRENDA ORFFER, Mayor

ATTEST:

\_\_\_\_\_  
DANI SMITH, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRISTOPHER JOHN COKER, City Attorney

RESOLUTION - 2

**CITY OF McCLEARY**  
**100 South 3<sup>rd</sup> Street**  
**McCleary, WA 98557**



# CITY OF MCCLEARY MAYOR AND CITY COUNCIL PROTOCOL MANUAL



McCleary City Council 1949

ADOPTED-

Attachment A to Resolution No. \_\_\_\_\_

*Item 8.*

Resolution



# CITY OF MCCLEARY

## CITY COUNCIL AND MAYOR PROTOCOL MANUAL

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Oath of Office

## **Foreword**

In the course of serving as a public official, there are myriad issues with which you will become involved. This Protocol Manual attempts to centralize information on common issues related to local government and your role as a McCleary City Councilmember or Mayor.

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

The protocols included in this reference document have been formally adopted by the City Council. Provisions contained herein will be reviewed as needed to respond to changes in the law and the will of the Council.

## Chapter 1- Introduction and Overview

McCleary's citizens trust their representatives to act in the best interest of the community in a way that follows the rule of law and is participatory, consensus oriented, accountable, transparent, responsive, equitable, inclusive, efficient and effective. The City Council and Mayor Protocol Manual is a resource to assist officials and staff in meeting these expectations.

### Mayor-Council Form of Government

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

### Association of Washington Cities and Municipal Research & Service Center of Washington

The Code City Handbook, published by the Municipal Research & Services Center (MRSC), provides a wealth of general information on the major functions of a Councilmember's and Mayor's job as a locally elected official. Another publication that goes hand in hand with the handbook is Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials, published by MRSC. 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; Public Records Act; and immunities from tort liability. These documents should be reviewed and considered an integral part of procedures utilized within the City.

### Purpose of City Council and Mayor Protocol Manual

This Protocol Manual is to assist the City Council and Mayor by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council, Mayor and staff to abide by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide the Council and Mayor in their actions.

### Overview of Basic City Documents

This Protocol Manual provides a summary of important aspects of City and Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council 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. McCleary Municipal Code**

The municipal code contains local laws and regulations adopted by ordinances. Title 1 of the code contains general provisions including City Classification. Title 2 of the Code addresses Administration and Personnel. 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.

**B. Employee Handbook**

The

**C. Revised Code of Washington**

The Revised Code of Washington {RCW} contains many requirements for the operation of city government and administration of meetings of city councils throughout the state. McCleary is an "optional code city," which means it operates under Title 35A of the RCW and the "general laws" of the state. As an optional code city of the State of Washington, McCleary is vested with all the powers of incorporated cities as set forth in the RCW, Constitution of the State of Washington, and McCleary Municipal Code. As a Mayor-Council Code city, McCleary is specifically governed by Chap. 35A.12 of the RCW.

**D. 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.

**E. Annual Financial Report**

The annual financial report includes the financial statements of the City for a calendar year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial report includes statements for the various groups of funds and a consolidated group of statements for the City as a whole.

**F. Comprehensive Plan**

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

### G. Six Year Capital Improvement Program

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

### H. Disaster Preparedness Plan

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

## Orientation of New Members

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

The Open Government Training Act ([ESB 5964](#)) requires many public officials, all appointed public disclosure officers ([RCW 42.56.080](#)) and state agency appointed records officers ([RCW 40.14.040](#)) to receive public records training.

This act requires training on Washington's public records and open government requirements which are in state law:

- Preservation and Destruction of Public Records ([Chapter 40.14 RCW](#)), which is under the authority of the Office of the Secretary of State.

The Office of the Attorney General has the authority over the other two statutes covered in the Open Government Training Act:

- Public Records Act ([Chapter 42.56 RCW](#))
- Open Public Meetings Act ([Chapter 42.30 RCW](#) and [Chapter 42.32 RCW](#)), also under the Authority of the Office of the Attorney General.

***For Public Records Act and Open Public Meetings Act Training, please visit the [Washington State Office of the Attorney General Open Government Training page](#).***



Training is critical in correctly implementing and complying with the laws. As a risk management and mitigation tool, training and education can help avoid or reduce litigation and its costs.

Managing records and information supports compliance with not only public records laws and requirements, it also promotes compliance with audits. Records and information are among an agency's most important business assets, and support an agency's business needs and other legal obligations.

### Team Retreats

Periodically, the Mayor, members of the McCleary City Council and appropriate staff representatives, may hold a retreat to discuss and establish key team issues, goals and priorities and develop agreements to optimize performance with a particular focus on developing a strong leadership team to direct the McCleary municipal government. These meetings are to be scheduled as Special Meetings and will be open to the public.

## Chapter 2- McCleary City Council and Mayor: General Power and Responsibilities

### City Council Generally

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

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

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

#### A. Council Non-Participation in Administration

In order to uphold the integrity of the Mayor-Council form of government, and to provide proper checks and balances, members of the City Council refrain from becoming directly involved in the administrative affairs of the City. As the Council is the policy making

body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system.

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

### Role of Council Members

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

- A) Summary of Council Duties and Responsibilities as Provided in, but not Limited to, the Washington Administrative Code and Revised Code of Washington
  - 1) Establish Policy
    - a) Adopt goals and objectives.
    - b) Establish priorities for public services.
    - c) Approve/amend the operating and capital budgets.
    - d) Adopt Resolutions.
    - e) Approve contracts in excess of the dollar threshold signing authorities the Council has delegated to the Mayor, City Administration and other City Employees.
    - f) Amend the Comprehensive Plan
  - 2) Enact Local Laws
    - a) Adopt ordinances including zoning, development regulations and comprehensive plan.
    - b) Amend the McCleary Municipal Code
  - 3) Establish Boards/Committees
    - a) Confirm appointments to certain advisory bodies (currently the Planning Commission, Police Advisory Committee, and Land Use Hearing Examiner, require Council confirmation/approval; others are director Mayoral appointments.)
    - b) Provide direction to advisory bodies.
  - 4) Provide Public Leadership
    - a) Relate wishes of constituents to promote representative governance.
    - b) Mediate conflicting interests while building a consensus.
    - c) Call special elections as necessary.
    - d) Communicate the City's vision and goals to constituents.

- e) Represent the City's interest at regional, county, state, and federal levels.
- 5) Decision-Making
  - a) Study problems.
  - b) Review alternatives.
  - c) Determine best course of public policy.
- 6) Personnel Matters
  - a) Adopt personnel policies, establish positions, set wages and benefits.
  - b) Establish bargaining parameters and approve final labor contracts.
- 7) Budget
  - a) Establish goals and priorities which provide framework for budget- discuss and adopt final budget and amend as needed.
  - b) Set city tax rates, to the extent permitted by statutes.
  - c) Set utility rates and other fees as required.
- 8) Council Meetings
  - a) Adopt Council rules of procedure.
  - b) Participate in preparation of council meeting agenda as provided in council rules.
  - c) Discuss all policy matters and make decisions following the adopted rules.
- 9) Relationships with Other Entities
  - a) Decide whether City will participate in optional government organizations, provide guidance to Mayor or other city representatives.
  - b) Serve as City representative on certain intergovernmental bodies.

### Role of Mayor

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

- Chief Executive and Administrative Office
- General supervision over the staff administrative affairs of the city
- Hire (subject to the above process, when possible), fire, supervise and discipline all city employees (civil service rules and labor contracts must be followed, if applicable) The City Council authorizes positions through the budget process; based upon that authorization, the Mayor makes the appointments. The Mayor appoints members to the Civil Service Commission.
- Negotiate labor contracts (sometimes Mayor is not member of negotiating team and delegates this duty)
- Prepare Council Meeting agenda, preside over meetings, report to Council on matters involving city administration, propose policy initiatives or changes
- As presider of meetings, facilitate an orderly meeting process
- Vote on measures to the extent allowed by the statutes and veto ordinances, as permitted by statutes
- Keep Council informed on city affairs

- Propose policy and implement as adopted by Council and report back regarding policy implementation and possible improvements
- Work with staff to develop preliminary budget
- Lead Council in process of establishing goals and priorities for the City of McCleary
- Implement budget adopted by Council, provide regular financial reports and present alternatives when Council has to deal with budget problems
- Sign contracts, supervise contract performance, enforce contracts
- Represent City as official spokesperson, in accordance with views or goals set by Council
- Act as official head of City for ceremonial events

### City Council/Mayor Relationship

The relationship between the City Council and Mayor honors the fact that the Mayor is the chief executive of the City. All dealings with the Mayor, whether in public or private, should respect the authority of the Mayor in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Mayor.

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

#### A. Annual Goal Setting

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

### Absence of Mayor and Council Members

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

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

### Election of Mayor Pro Tempore

Procedures for electing the Mayor Pro Tempore are as follows:

#### A. Biennial Appointment of Mayor Pro Tempore

Biennially at the first meeting of a new council, or periodically, Council members, by majority vote, may designate one of their members as mayor pro tempore or Mayor Pro Tempore for such period as the council may specify, to serve in the absence or temporary disability of the mayor.

#### B. Resignation of Mayor Pro Tempore

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

### Advisory Bodies and Council Participation on Outside Boards

#### A. Creation of Boards and Commissions

The City Council is specifically empowered to create or dissolve all advisory boards and commissions pursuant to the provisions of Title 35A RCW, or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, the City Council may act to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate desire to serve on such boards or commissions. Such policy may be established in the McCleary Municipal Code or as a supplement to this Council Protocol Manual.

#### B. Councilmembers on Outside Boards

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

Membership appointment to these groups shall be made by consensus of the Council. If more than one Councilmember desires to serve as a member of a particular outside group, the member for that group will be appointed by a majority vote of the Council. Council may appoint an alternate to attend outside boards, councils, commissions, or committees, if the main delegate to such group is unable to attend a meeting of the group.

Councilmembers participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the Mayor. Councilmembers, the Mayor or staff members representing the City on these outside Committees shall provide verbal or written reports on committee meetings attended.

### C. Councilmembers' Role and Relationship with City Advisory Bodies

Council members shall not be appointed to City advisory bodies concurrent with their term of office as Councilmember.

Unless specifically authorized by majority vote of the full Council, no Councilmember shall state or testify to the policy or position of the Council before any advisory board or commission of the City.

Councilmembers shall police their own conduct before the City's advisory boards and commissions in order to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following minimum standards should be observed:

Council members shall not testify in quasi-judicial matters pending before any advisory board or commission that will receive, or could potentially receive, future appeal or review before the City Council.

Councilmembers shall refrain from providing testimony in legislative or administrative matters pending before any advisory board that will receive, or could potentially receive, future review or other action before the Council, unless the Councilmember declares on the record that the Councilmember is present in his or her private capacity as an interested citizen and not speaking on behalf of the Council.

### Dual Office Holding

State law prohibits Councilmembers from holding more than one office at a time, if those offices are considered to be "incompatible." Questions concerning dual office holding or compatibility of offices shall be addressed to the City Attorney on case-by-case basis.

## Chapter 3- Support Provided to City Council

### Staff/Clerical Support

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

### Office Equipment

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

Designated Staff will provide a laptop or tablet, at the request of Councilmembers, for official City use. Designated Staff or vendor will ensure that all appropriate software is installed and will also provide an orientation in the use of computers and related software. Personal media and programs cannot be stored on City computers. Councilmembers shall agree to follow the City of McCleary Acceptable Use of Information Technology when utilizing City owned computers and electronic devices.

### City Buildings

Use of the City Buildings may be scheduled with the City Clerk-Treasurer.

### Mail and Deliveries

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of a mailbox located at the inside City Hall. The mailbox is maintained for all Councilmembers by the City staff. Councilmembers are encouraged to check the mailboxes often. In addition, City staff will email or personally deliver materials that are time-sensitive to a Councilmember's home or office, if appropriate.

### Email Use

It is important to note that all letters, memoranda, and interactive computer communication (e-mail) involving City Council Members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions stated by the Public Disclosure Act (RCW 42.17), are public records. E-mails must be retained in accordance to the Washington State Local Government Common Records Retention Schedule (CORE).

## Chapter 4- Financial Matters

### Council Compensation

The municipal code provides for payment of a modest honorarium to members of the City Council. A seated City Council may not increase or decrease its own compensation. Councils may only pass an Ordinance to adjust the compensation of an incoming City Council (MMC 2.04.340 and Constitutional Article 2, Section 25 and Article 30, Section 1). However, the Council may establish a Salary Commission as provided in RCW 35.21.015, which may adjust salaries mid-term.

### Mayor Compensation

The salary of the Mayor is set by the City Council. The Mayor of the City of McCleary is a part-time position. The salary of Mayor may be raised during their term of office, as long as their vote was not required to pass the applicable ordinance. The state constitution contains an exception allowing salary increases during an official's term in office if that official does not fix his or her

own compensation. The exception cannot be triggered by an official abstaining from the vote for a salary increase because it is a councilmember's authority to fix compensation that is determinative. This exception would allow the salary of a mayor in a mayor-council city to be increased during his or her term of office, provided that the vote of the mayor is not necessary for the passage of the applicable ordinance. (Attorney General's Opinion, AGO 1968 No. 36).

## Expenses

The City budget may include appropriations for expenses necessary for members to undertake official City business. Funding provided may include membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies. Councilmembers are responsible for training and travel expenses within their budget allocation and must follow the City Employee Handbook policy for travel and reimbursement. Council travel is subject to review by the Mayor.

## Chapter 5- Communications

### Overview

Perhaps the most fundamental role of a Councilmember and Mayor is communication:

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

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

### Correspondence from Councilmembers

Members of the City Council will often be called upon to write correspondence to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. The City Clerk is available to support the Council and Councilmembers in preparing written correspondence. In the event a Councilmember self-prepares correspondence related in any way to City business, a copy of the document shall be provided to the City Clerk and Mayor for Public Records purposes and for distribution to other Councilmembers.



On occasion, Councilmembers 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. A copy of any correspondence produced should be provided to the City Clerk for Public Records purposes and for distribution to other Councilmembers.

### Correspondence from the Mayor

The Mayor will often be called upon to write correspondence to transmit the City's position on policy matters to outside agencies on behalf of the City Council. The Mayor shall forward correspondence made on behalf of the City to Councilmembers for informational purposes.

### Local Ballot Measures

State statutes prohibit the City and any elected official from using its personnel, equipment, materials, buildings, or other resources to support or oppose a candidate for office or a ballot measure. What the City can do is distribute neutral and factual information for the purpose of informing the public of the facts of an issue.

The City Council may also vote as a body to issue an official Resolution supporting or opposing a ballot measure, as long as the number and title of the ballot measure is listed on the meeting agenda and any citizens who are supporters or opponents are given an equal chance for public comment.

### Proclamations

Proclamations may be issued as a ceremonial commemoration of an event or issue (e.g., National Night Out). Proclamations are not statements of policy; they are a manner in which the City can make special recognition of an individual, event, or issue.

### State Public Records Act

To ensure that business communications submitted to and by elected and appointed officials comply with the State Public Records Act, Chap. 42.56 RCW, and the State Open Public Meetings Act, Chap. 42.30 RCW, the following is set forth:

#### A. Records - Generally

Any documents, including letters, email, social media postings, and text messages, which are received, sent, or created by City Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, are public records.

The Mayor and Councilmembers must ensure that all public records are kept in City custody to enable the City to satisfy public records requirements. The Mayor and Councilmembers

should minimize use of personal electronic devices and email accounts to create, send, receive, or modify any document that meets the definition of a public record. Any communications or records created, sent, or received by the Councilmember on a personal device or account are to be immediately transferred to City custody for retention and disclosure. Council members may accomplish this by forwarding records and communications to their City-issued email accounts, with a subject line that will allow the record to be found in the event of a search.

#### B. Written Communications

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

## Chapter 6- Conflicts of Interest and Liability of Elected Officials

### Conflicts of Interest

The Washington State Code of Ethics for Municipal Officers, Chap. 42.23 RCW, is intended to ensure that the judgment of public officers is not compromised or affected by inappropriate conflicts of interest, and that confidential matters are appropriately safeguarded. The Code of Ethics has provisions that prohibit:

- Using one's official position to obtain a special privileges or exemptions.
- Receiving compensation or gifts for the officer's services.
- Accepting employment or engaging in activities that could require or induce an officer to disclose confidential information.
- Disclosing confidential information or using such information for the officer's personal benefit.
- Being beneficially interested in a contract with the City.

The consequences of violating the Ethics Code may include: (1) a determination that an action taken by the Council is void, (2) financial penalties; (3) consequences assessed by the Council including censure; and (4) forfeiture of office through recall.

The application of the Ethics Code must be addressed on a case-by-case basis. The Ethics Code is not generally intended to preclude Council members from voting on legislation with City-wide impact, such as land use, police power, and taxation ordinances. In addition, a Council member might be found only to have a "remote interest" in a contract, such that the Council may still approve a contract if the interested Council member abstains from the vote.

The Mayor and Councilmembers are encouraged to consider whether public perception and trust would be best served by disclosure of individual interests or relationships that are relevant to a policy matter under consideration. To understand the effect of the Ethics Code and its applicability to any particular situation, Council members and the Mayor should contact the City Attorney as questions arise.

## Liability and Indemnification

Chapter 2.80 of the McCleary Municipal Code addresses indemnification of employees and officers, including Councilmembers. It is important to note that violations of certain laws and regulations by an individual Member of the City Council or the Mayor may result in the Member/Mayor being personally liable for damages which would not be covered by the City's insurance. Elected and appointed officials should participate in risk management training to reduce liability due to actions taken.

## Chapter 7- Interaction with City Staff

### Overview

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

### Mayor-Council Plan of Government

McCleary has a Mayor-Council plan of government. Basically, with this structure, the City Council's role is to establish city policies and priorities. The Mayor implements those policies and undertakes the administration of the organization. The roles of the Mayor and Council are described in Chapter 2 of this manual.

### City Council Non-interference

The City Council is to work through the Mayor when dealing with administrative services of the City. In no manner, either directly or indirectly, shall a Council Member become involved in, or attempt to influence, personnel matters that are under the direction of the Mayor.

Subject to RCW 42.30.110 and the holding of executive sessions to discuss and review personnel matters, the Council is not prohibited, while in open session, from fully and freely discussing with the Mayor anything pertaining to appointments and removals of City officers and employees and City affairs.

### City Council/City Attorney Relationship

Pursuant to recommendation of the Mayor, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a City Attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The City Attorney is a contract employee appointed by the Mayor; such contract is confirmed by the City Council. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the Mayor, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

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

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

## Roles and Information Flow

### A. Council Roles

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

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

### B. Access to Information

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

with City Council is one of the Mayor's highest priorities. The Mayor shall strive to ensure that all Council Member inquiries are answered.

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

### C. Staff Roles

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

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

### Dissemination of Information

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

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

### Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Council Members that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so directed by action of the Council, staff will proceed to complete the work within a Council-established timeline.

### Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their department head, City Administration and, ultimately, the Mayor. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

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

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

### Restrictions on Political Involvement by Staff

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

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

### Attendance via Telephone

An elected official of the City, whether a Council Member or the Mayor, may participate telephonically in all or part of a Council Meeting subject to the following conditions:

- 1) All elected officials participating in the meeting are able to hear each other at the same time, such as by the use of speaker phone or other electronic means allowing such verbal communication;
- 2) The elected official or officials participating electronically shall have reviewed all of the applicable material; and
- 3) To the extent any vote is made by an elected official so participating, he or she has participated in the relevant portion of the Council Meeting related to the topic upon which the elected official is voting.

Any technical prohibitions or difficulties that unreasonably interfere with or prevent all elected officials present at the Council Meeting from adequately communicating with one another will negate any right or authority of the elected official participating electronically to vote on a matter.

## Chapter 8- City Council Meetings

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

### Meeting Schedule

A. The council shall hold regular meetings on the second and fourth Wednesday of each month, such meetings to convene at six-thirty p.m.; provided, that the council shall have the authority to cancel, continue, or recess such meetings as it deems appropriate. These meetings shall be subject to the following conditions:

1. As to the council, the same shall be regular sessions and final action on any particular item may be taken.
2. As to the committees of the city council, to the extent that such committee meetings are required by the Open Meetings Law of the state to be held at such regularly scheduled meetings, then the committees shall so meet; provided that nothing established in this chapter shall prevent or hinder a committee of the city council from meeting at another time to the extent that such meeting is not subject to the provisions of the Open Meetings Law of the state in relation to scheduling and notice. A committee shall have the right at meetings held pursuant to the schedule established by this section, to take any and all action which may be authorized under the Open Meetings Law of the state, as it may from time to time exist.

B. Nothing within this section shall in any way restrict the right of the city council or a committee thereof to call and/or hold special meetings in the manner allowed by the laws of the state as those laws may from time to time exist or from taking such action or carrying forth such discussions or receiving such information as may be allowed by the laws of the state.

### Public Notice of Meetings and Hearings

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

#### A. Notices

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City



Council or the City's Boards and Commissions shall be given by one publication of a notice containing the time, place, date, subject, and body before whom the hearing is to be held, to include posting online, and in the City's official newspaper at least thirteen (13) days before the date set for the hearing.

#### B. Preliminary Agenda of Council Meeting

The City shall meet established legal requirements for notifying the public of meetings, special meetings, and public hearings. The public shall be notified of the agenda for forthcoming regular and special City Council meetings by posting in advance of the meeting, to include posting online and at:

McCleary City Hall  
100 S. 3<sup>rd</sup> Street  
McCleary, WA 98557

### Special Meetings

Special meetings may be called by either the Mayor or by a majority of Councilmembers. Notice of a special meeting will be made by the City Clerk. The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted. Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to: each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk, or the member is actually present at the meeting; and each member of the news media who has on file with the governing body a written request for notice of special meetings. The notice must be posted on the City's website 24 hours in advance of the meeting. The notice must be prominently displayed at the main entrance of City Hall and the meeting site if the meeting isn't held at City Hall.

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

### Work Sessions

Work sessions are the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, to conduct Council open discussion, and to receive information and presentation from the Mayor and others. Study Sessions allow Councilmembers to do concentrated preliminary work on time consuming, complex matters (i.e. budget, complex legislation or reports, etc.). One of the goals of Work Sessions is to allow a less formal atmosphere within which Councilmembers may ask questions of staff and each other, as opposed to taking time on the action agenda, thus shortening the time spent at Regular meetings. Public comment at work sessions is limited to and the specific items on the agenda. No final action is taken while in a work session. Work sessions will be scheduled as special meetings and minutes will be taken.



Commencing at six thirty p.m. on the evening upon which a regular council meeting will occur, a work session shall be subject to being called into session by such elected officials as may be present. It shall not be a bar to such session occurring that less than a quorum of the council is present, either at the time of commencement of the session or at any time thereafter. The session shall be subject to the following provisions:

- A. In the absence of the mayor or mayor pro tem, it may be called to order by any member of the council. No roll shall be required to be taken.
- B. All portions of the session shall be open to the public. The public shall participate in the discussion in such manner and to such degree as the presiding official deems appropriate, taking into consideration the topics to be discussed, the time available, and the availability of time specifically set aside for such role in the council's session which will intermediately follow the work session.
- C. The council and mayor may discuss such topics as they deem appropriate, including items upon the agenda for the council meeting, receive staff reports upon such matters as may be deemed appropriate, and receive, whether in an oral or written form, such other information as may be relevant.
- D. No action, as that term is utilized in RCW 42.30, shall be taken during a work session, whether in the form of the taking of a vote or the development of a formal consensus on an issue.
- E. Any document received and discussed by the mayor and council during a work session shall be deemed a public record and shall be open for review by the public at such time as is reasonably convenient, without unduly interfering with the completion of the work session.
- F. Department heads will be encouraged to be present so as to be able to respond to questions from the elected officials on pending matters.

### Council Attendance Policy

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

Councilmembers may excuse any absent members by majority vote of those present. Councilmembers are encouraged to call the Mayor or City Clerk's Office prior to 4:30 p.m. on the day of the meeting to provide an explanation regarding an anticipated absence.

## Placing Items on the Agenda

### A. Agenda Planning

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

### B. City Council

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

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

### C. Advisory Bodies and Civic Organizations

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

### D. Members of the Public

A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting and/or by submitting the request in writing to the City Council, through the Mayor. In order to allow sufficient time for the Mayor to review, and staff to research the matter, the request should be submitted at least 10 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been placed on the agenda, the City Clerk will notify the requester so that he or she may plan to attend the meeting.

### E. Emergency Items

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

## Development of the Agenda

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

holiday). The report must include background information, fiscal impact, supporting documentation and a staff recommendation (including suggested motion).

Given the rigorous time frame for agenda development, it is extremely difficult for staff to compile or prepare information requested less than **ten days** in advance of the next agenda bill deadline.

The Council will generally receive follow-up information at the second Council meeting following the date it is requested. This would allow staff sufficient time to prepare reports that require additional investigative research and/or additional time due to complexity of subject matter.

Agendas will be posted to the website and emailed to the Mayor and Council Members by **5:00 p.m.** on the Friday prior to the regular meeting. Special Meetings require at least 24 hour notice. Council Members require time to review the agenda and supporting documentation.

### Audio Recordings of Meetings

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

Audio recordings are designated as the primary record of “Audio/Visual Recording of Official Proceedings” for Council and board/commission proceedings, and are kept for six years and then transferred to the WA State Archives for permanent retention, in accordance with Disposition Authority No. (DAN) GS50-05A-13 Rev. 2.

Agenda packets are retained under the same DAN for permanent retention.

### Order of Business

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

#### A. Call to Order; Pledge of Allegiance

The Mayor, or in the Mayor's absence the Mayor Pro-Tempore, presides over all meetings of the City council, and after determining that a quorum is present, calls the meeting to order. Motions may be made to excuse absent Councilmembers. In the absence of the Mayor and Mayor Pro-Tempore, the City Clerk shall call the Council to order, whereupon a temporary Mayor Pro-Tempore shall be elected by the Members of the Council present. Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

## B. Roll Call

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

## C. Agenda Modifications

Any Councilmember may use this time to pull an item from the consent agenda for full consideration and discussion by the Council. There may be a consensus or simple majority vote to consider items in a different order or remove agenda items. To avoid surprise and allow for staff preparation if necessary, Councilmembers are highly encouraged to notify the Mayor of any anticipated agenda modifications in advance of the meeting.

## D. Special Presentations

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

Council may also take the opportunity to acknowledge outstanding achievements or present awards to employees, groups, or other individuals

## E. Public Comment

During this portion of the meeting, the Mayor will invite citizens to talk with the Council about topics that are not scheduled for public testimony on the evening's agenda. All speakers are asked to sign the "Sign-In" sheet provided, and to state their full name and whether they are a City resident on the record. Speakers shall limit their presentations to three minutes. No speaker may convey or donate his or her time for speaking to another speaker. If an unusual number people wish to speak during general public comment, Council may, by consensus or majority vote:

- Limit the total amount of time dedicated to a single issue of public concern; and/or
- Reduce the time allotted to every speaker
- Continue the time for public comment on that issue to a future Council meeting; and/or
- Encourage citizen groups to appoint a single spokesperson to speak for their group.

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

## F. Consent Agenda

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

- Approval of all Council minutes;
- Acceptance of advisory board and commission minutes;
- Treasurer's Report
- Approval of Vouchers;
- Approval of payroll – preliminary and final;
- Setting dates for public hearings/meetings;
- Acknowledging receipt of claims for Damages against the City;
- Final acceptance of public works projects as complete.

No discussion shall take place regarding any item on the consent agenda beyond asking questions for simple clarification. Prior to approving the items on the consent agenda, Council Members may request to withdraw (or pull) any item and take action separately on that item. Council will consider each withdrawn item during the course of the meeting after the amended consent agenda has been approved.

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

#### G. Updates/ Staff Reports

Written staff reports are to be submitted for the agenda by all Management staff at least once monthly to provide departmental information, project updates, requests and information on meetings attended on behalf of the City. Oral staff reports from the City Attorney are acceptable in place of written reports.

#### H. New Business

Items presented for initial discussion and consideration, with no final action to be taken. To enable full Council discussion, policy changes and new policy documents should be presented as new business for discussion prior to requesting adoption by the Council.

#### I. Old Business

Items presented for final action, including but not limited to Resolutions, Ordinances, contracts, agreements and purchases.

#### Prior Administrative Review

All Ordinances and Resolutions shall, before presentation to the Council for final action, have been approved as to form and legality by the City Attorney or the City

Attorney's authorized representative, and shall have been first referred for review to the head of the department under whose jurisdiction the administration of the subject matter of the Ordinance or Resolution would devolve.

#### Ordinance and Resolution Preparation

The City Attorney shall review all Ordinances and Resolutions. The City Attorney shall prepare no Ordinance or Resolution unless ordered by a majority vote of the Council or requested by the Mayor.

#### Ordinance Passage

No Ordinance shall contain more than one subject that shall be fully and clearly expressed in its title. Ordinances shall be presented to each Councilmember and the Mayor in written form prior to any vote thereon; provided, however, that amendments may be made by motion at such meeting. Ordinances must pass by at least three votes.

#### J. Public Hearings:

The Mayor will open the Public Hearings and Council shall proceed in the following order: Staff brief/presentation (if applicable); public comment; motion to approve and second; Council discussion; vote.

Individuals desiring to speak during public hearings are to address the Council after giving their name and address. Comments are limited to the specific matter for which the public hearing is held and are limited to three (3) minutes. No speaker may convey his or her time for speaking to another speaker. Written comments may be submitted to the City Clerk before the public hearing is closed.

In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed. Groups shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

After a public hearing is closed, no member of the public shall be permitted to address the Council or the staff. In fairness to members of the public, the City Council shall be considered to be in deliberations from that point forward. Continuance of the item shall place it on the "action" portion of any forthcoming agenda; PROVIDED that additional public testimony either that evening or at a future meeting would be precluded until public hearing notification procedures required by applicable legal authority are satisfied.

#### K. Ordinance and Resolution

**L. Mayor/Council Updates:**

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

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

**M. Public Comment**

This is the second time for Citizens to provide public comment. All speakers are asked to sign the "Sign-In" sheet provided, and to state their full name and whether they are a City resident on the record. Speakers shall limit their comments to three minutes. No speaker may convey or donate his or her time for speaking to another speaker. If an unusual number people wish to speak during general public comment, Council may, by consensus or majority vote:

- Limit the total amount of time dedicated to a single issue of public concern; and/or
- Reduce the time allotted to every speaker
- Continue the time for public comment on that issue to a future Council meeting; and/or
- Encourage citizen groups to appoint a single spokesperson to speak for their group.

**N. Executive Session**

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

- Discussion with legal counsel of pending or potential litigation and agency enforcement actions
- The price at which real estate may be purchased or offered for sale or lease, when public awareness of such discussion may result in a detrimental change in price

- Matters affecting National Security
- Performance review of publicly bid contracts
- Complaints or charges brought against a public officer or employee
- Qualification/performance review of job applicants and employees
- Evaluate qualifications of candidates for appointment to an elective office

The Council may also meet in private to plan or adopt a strategy or position to be taken during collective bargaining, professional negotiations, or grievance or mediation proceedings, or to review proposals made in ongoing negotiations. State law specifically provides that the Open Public Meetings Act does not apply in the above-noted situations.

Before convening in Executive Session, the presiding officer shall publicly announce the purpose for the Executive Session, the anticipated time when the Executive Session will be concluded, and whether the Council anticipates taking action following the executive session. An Executive Session may be extended to a stated later time by announcement of the presiding officer.

#### O. Adjournment

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

#### Addressing the Council - Generally

- Written Communications.

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

Written comments may be submitted to the Council at any time by mailing or otherwise delivering to the City Clerk, 100 S. 3<sup>rd</sup> Street, McCleary, WA 98557. The Clerk will distribute a copy of the correspondence to each Council Member.

- Oral Communications

All persons may address the Council verbally, either:

- During the Public Comment portions of the Agenda



- During public comment portion of public hearings;

P. Addressing the Council - Manner & Limits

Each person addressing the Council will give his or her name and address in an audible tone of voice for the record, and shall limit the address to three (3) minutes. The Mayor may ask the City Staff to follow-up with members of the public concerning questions raised during the comment period.

Q. Addressing the Council -- Decorum

The Mayor shall preserve decorum and decide all questions of order, subject to appeal to the full Council. During Council meetings, Council members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the legitimate orders of the chair or the rules of protocol. Any person making personal, impertinent, or slanderous remarks who creates an unreasonable disruption while addressing the Council shall be directed to cease by the Mayor. If the unreasonably disruptive conduct continues, the person shall be removed from the meeting.

## General Meeting Procedures

A. Signing of City Documents

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

B. Quorum

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

C. Minutes

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

D. Votes Required for Passage

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

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

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

Unless otherwise provided by the rules of parliamentary procedure, all other matters require a majority vote of Members in attendance.

### Open Public Meetings Act

All meetings of the Council shall be open to the public, except in the special instances as provided in RCW 42.30.140, as now existing or hereafter amended. A meeting takes place when a quorum (a majority of the total number of Council members currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon as defined in Washington's Open Public Meetings Act. Whether the meeting is referred to as regular or special, workshop or study session, the notice, agenda and minute-taking requirements must be met.

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

### Serial communications

Councilmembers should use care when communicating amongst each other via email or text message concerning any substantive issues of City business. E-mail or text communications shared among four or more Councilmembers, whether concurrently or serially, may constitute a "meeting" in violation of the Open Public Meetings Act. If the e-mail or text includes or lead to deliberations, discussions, considerations, reviews, evaluations, or taking a collective positive or negative decision, such communications must be held at an open meeting rather than via electronic communication.

## Chapter 9- Parliamentary Procedure

Meetings shall be conducted in accordance the most recent version of the Robert's Rules of Order that is to be used as the document to guide Parliamentary Procedure in the City of

McCleary. Parliamentary rules are intended to assist the Council in conducting business in an orderly manner, but strict adherence to parliamentary procedure shall not be required. Councilmembers are encouraged to work through discussions by consensus wherever possible. In the event that the procedure for considering a matter is unclear or in dispute, the following procedure shall be employed: (a) a motion shall be made proposing a course of action; (b) a second shall be required; (c) thereafter, each Council member shall be afforded the opportunity for discussion; and (d) the Mayor shall call for a vote. Council shall be bound by the results of the vote.

The Mayor or any Councilmember may ask the City Attorney for clarification or guidance on matters of parliamentary procedure. While the primary responsibility for points of order lies with the Council Members, the Mayor, City Clerk, and City Attorney shall have the ability to raise points of order as necessary to clarify the record or prevent the Council from taking illegal or legally deficient action.

## **Chapter 10- Protocol Administration**

### **Review**

Elected Officials will review and revise this Protocol Manual as needed to respond to changes in state law and local policy. Whenever possible, the Mayor and City Council shall refrain from changes to this manual during discussion/deliberation on that particular issue.

### **Adherence to Protocol**

The Council trusts that all elected officials of the City of McCleary will act with integrity, honesty, and in accordance with their Oath of Office and these Protocols.

### **City Attorney as Protocol Advisor**

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

## **11- Leaving Office**

### **Return of Materials, Equipment and records**

During their service on the City Council Members and the Mayor may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as copies of the McCleary Municipal Code, Comprehensive Plan, building keys, etc. These items are to be returned to the City immediately at the conclusion of a Member's

term. Councilmembers shall ensure that any and all public records located in personal accounts or on personal devices have been transferred to City custody for retention and disclosure.

### Filling Council/Mayor Vacancies

A Council position or the position of Mayor shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember/Mayor. The Councilmember/Mayor who is vacating his or her position cannot participate in the appointment process.

The City Council shall direct staff to begin the appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.

The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media outlets, 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 McCleary, and (b) have a one (1) year residency in the City of McCleary. This display advertisement shall be published once each week for two (2) consecutive weeks. This display advertisement may contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, position 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.

The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications may be available at City of McCleary City Hall, City website and such other locations that the City Council deems appropriate.

Applications received by the deadline date and time will be copied and circulated, by the City Clerk's Office, to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

The City Clerk's Office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting.

The City Clerk's Office shall notify applicants of the location, date and time of interviews.

#### A. Interview Meeting

Each interview of an applicant/candidate shall be no more than 20 minutes in length as follows:

The applicant shall present his or her credentials to the City Council. (5 minutes)

The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have 2 minutes to answer each question. (10 minutes)

An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions. (5 minutes)

The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.

The Council may reduce the 20-minute interview time if the number of applicants exceeds six (6) candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

#### B. Voting

Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, deliberations, nominations and votes taken by the Council shall be in open public session.

## Appendix

### Suggestions for Successful Public Service

#### 53 ideas on how you can govern better

<https://www.wacities.org/docs/default-source/resources/53suggestsuccesspubservice.pdf?sfvrsn=2>

- 1) **Learn all you can about your city**, its history, its operation, its financing. Do your homework. Know your city ordinances. Dust off your comprehensive plan.
- 2) **Devote sufficient time to your office** and to studying the present and future problems of your community.
- 3) **Don't burn yourself out** on the little things, but recognize that they are often important to the public. Save some energy – and time – for the important matters.
- 4) **Don't act as a committee of one.** Governing a city requires a team effort --practically and legally.
- 5) **Don't let honest differences of opinion** within the governing body degenerate into personality conflicts.
- 6) **Remember that you represent all the people** of your community, not just neighbors and friends. Be wary of personal experiences coloring your public decisions.
- 7) **Take your budget preparation job seriously** for it determines what your city does or doesn't do for the coming year, and will influence decisions and actions in future years as well.
- 8) **Establish policy statements.** Written policy statements let the public, and the city staff, knows where they stand. They help the City Council govern, and writing them provides a process to develop consensus.
- 9) **Make decisions on the basis of public policy** and be consistent. Treat similar situations similarly and avoid favoritism.
- 10) **Focus your attention on ways to prevent problems** rather than just trying to solve them as they occur. Filling potholes is one approach to governing – developing plans to prevent them is more important.
- 11) **Don't be misled by the strong demands of special interest groups** who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
- 12) **Don't be afraid of change.** Don't be content just to follow the routine of your predecessors. Charge your appointed officers and their employees with being responsible for new ideas and better ways. Listen to what they have to say.
- 13) **Don't rush to judgment.** Few final actions have to be taken at the first meeting they are considered. Avoid crisis management.
- 14) **Don't give quick answers when you're not sure** of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something that is wrong.
- 15) As an individual, even if you're the Mayor, **don't make promises you can't deliver!** Most decisions and actions require approval of the governing body, and that takes a majority vote.
- 16) Remember that **you have legal authority as a governing body** member only when the governing body is in legal session.

- 17) **Don't spring surprises on your fellow governing body members** or members of your city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it is worth being on the agenda. Surprises may get you some publicity, at the embarrassment of others, and tend to erode the team approach to governance.
- 18) **Conduct your official public meetings with some formality**, and follow rules of procedure. Have an agenda, and follow it. Most governing body members agree that formal meetings expedite the process, and tend to promote better decision making.
- 19) **Participate in official meetings with the dignity and decorum** fitting those who hold a position of public trust. Personal dress and courteous behavior at meetings help create an environment for making sound public decisions.
- 20) **Don't be afraid to ask questions.** It is one of the ways we learn. But do your homework by studying agenda material before meetings.
- 21) **Vote yes or no on motions.** Don't cop out by abstaining, except when you have a conflict of interest. A pass does not relieve you of responsibility when some decision must be made.
- 22) Once a majority decision of the governing body has been made, **respect that official position**, and defend it if needed, even if you personally disagree
- 23) **Respect the letter and intent of the open meetings law.** But also keep private and confidential matters to yourself – don't gossip.
- 24) **Retain competent, key employees.** Pay them well, trust their professional judgment and recognize their authority and responsibilities.
- 25) **Don't bypass the system!** If you have a manager or other chief administrative officer, stick to policymaking and avoid personal involvement in the day-to-day operations of the city. If you do not have an administrative officer, make sure you have some management system that officers, employees, and the public understand.
- 26) **Don't let others bypass the system.** Insist that people such as equipment or service suppliers first work with your city staff. If direct contact with governing body members is necessary, it should be with the governing body as a whole, or a committee, and not on a one-on-one basis.
- 27) **Don't pass the buck** to the staff or employees when they are only following your policies or decisions.
- 28) **Don't always take no for an answer.** The right question may be "How can we do this?" instead of "May we do this?" Be positive!
- 29) **Learn to evaluate recommendations** and alternative courses of action. Ask your staff to provide options. Encourage imaginative solutions.
- 30) **Avoid taking short-term gains at the expense of long-term losses.** Be concerned with the long-term future of the city.
- 31) **Be friendly and deal effectively with the news media.** Make sure what you say is what you mean. Lack of good communication, with the media and the public, is one of the big problems of cities
- 32) Remember that what you say, privately and publicly, will often be news. **You live in a glass house.** Avoid over-publicizing minor problems.
- 33) In determining the public interest, **balance personal rights and property interests**, the possible harm to a few versus the good of the many. Recognize that in some situations, everyone can't be a winner.
- 34) **Remember that cities are for people!** Be concerned with the total development – physical, economic and social – of your community.

- 35) **Don't act as if the city operates in a vacuum.** Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county and school officials.
- 36) **Know your neighbors.** Get to know the officials of neighboring and similar size cities. Visit other cities, particularly those with a reputation of being well run.
- 37) **Keep your constituents informed,** and encourage citizen participation.
- 38) **Learn to listen** – really listen – to your fellow governing body members and the public. Hear what they are trying to say, not just the words spoken.
- 39) **Expect and respect citizen complaints.** Make sure that your governing body members, and your city, have a way to effectively deal with them. Have a follow-up system.
- 40) **Be careful about rumors.** Check them out. Help squelch them when you know they are false.
- 41) **Appoint citizen advisory committees and task forces** when you need them, but be prepared to follow their advice if you use them.
- 42) **Take care in your appointments to boards and commissions.** Make sure they are willing and capable as well as representative of the whole community.
- 43) Never allow conflicts of interest to arise between your public duties and your private interests. **Be sensitive to actions you take that might even give the appearance of impropriety.**
- 44) **Seek help.** Use manuals, guides and other technical assistance and information available from AWC and other agencies. Attend workshops and conferences put on for the benefit of you and your city.
- 45) **Pace yourself.** Limit the number of meetings you attend. Set some priorities, including the need to spend time with your family. Recognize that life – and the city – is dependent on a lot of things you have little control over.
- 46) **Be a leader, as well as part of the team** of elected and appointed officials who were selected to make your city an even better place to live.
- 47) **Establish some personal goals and objectives.** What do you want to help accomplish this year? Next year?
- 48) **Help develop some short-term and long-term goals** and objectives for your city and check your progress at least every six months.
- 49) **Help your city develop a vision of the future.** Plan going from the future to the present and listen to different community voices along the way.
- 50) **Focus on the future,** and try to leave your city better than that which you inherited as a city officer.
- 51) At least once a year, **schedule a governing body discussion about how you are governing.** Review the processes and procedures. Sit back and ask, “How are we doing? How can we do things better?”
- 52) **Be enthusiastic about your public service,** and the privilege you have, and let the public know it. But maintain your sense of humor. Don't take yourself or the business of government so seriously that you don't enjoy it. It should be fun as well as a rewarding experience.
- 53) **Celebrate!** Always focusing on problems and issues may lead you and the public to believe that nothing positive ever happens. Good things do happen. Let the public share our successes.



### Approaches to governing

Public officials have different styles or approaches to governing. It is vital that a governing body, and its members, spend at least some time on governing – leadership, providing direction, and making policy.

Once in a while sit back and think about “Where do I, an individual, spend most of my time?” “Where does my governing body spend most of its time?” “Where should we spend more of our time?”

Ask yourself the following questions:

- Do you often propose, or do you usually dispose of those matters brought before you?
- Do you act, or do you primarily react?
- Do you plan ahead, or do you spend most of your time responding to the immediate issues confronting you?
- Are you concerned about tomorrow, or mostly about today?
- Do you initiate, or do you mostly review?
- Are you more concerned with preventing problems, or in solving problems once they occur?
- Are you responsive to change, or more interested in preserving the status quo?
- Are you a homemaker, or a housekeeper? (There is a difference between the two.)
- Do you try to exercise control, or are you primarily controlled by events and the actions of others?
- Do you provide some sense of direction to your government, or do you muddle through?
- Do you manage, or are you managed?
- Are you part of an organized team, or a collection of people?
- Do you lead, or do you follow?
- Do you set goals, or do you specialize in crisis management?
- Do you make policy, or simply accumulate policy by individual actions?
- And finally, do you govern, or are you governed?

Use the table on the following page to summarize your answers. For each approach, write down the percentage of time you spend, totaling 100%. For example, you may spend 10% for propose, and 90% for dispose. Then do the same thing for your governing body as a whole on the table that follows. Looking at the proportionate amount of time spent on each of the options can bring some misleading connotations. The quality of effort may be much more significant than quantity of time. A typical governing body may spend less than 10% of its time on the left hand side. Given the nature of public service at the local level, the great bulk of time must normally be spent on day-to-day concerns, commonly on the right hand side of the ledger. In helping you more clearly see where you and your governing body spend most of your time, these tables may help you answer the question **“Where should we spend more time?”**

**Percentage of time spent by you:**

		%		%
1.	Propose		Dispose	
2.	Act		React	
3.	Plan Ahead		Respond	
4.	Tomorrow		Today	
5.	Initiate		Review	
6.	Prevent problems		Solve problems	
7.	Responsive to change		Preserve status quo	
8.	Homemaker		Housekeeper	
9.	Control		Controlled	
10.	Direct		Muddle through	
11.	Manage		Managed	
12.	Organized team		Collection of people	
13.	Lead		Follow	
14.	Set Goals		Crisis management	
15.	Make policy		Accumulate policy	
16.	Govern		Governed	

**Percentage of time spent by governing body:**

		%		%
1.	Propose		Dispose	
2.	Act		React	
3.	Plan Ahead		Respond	
4.	Tomorrow		Today	
5.	Initiate		Review	
6.	Prevent problems		Solve problems	
7.	Responsive to change		Preserve status quo	
8.	Homemaker		Housekeeper	
9.	Control		Controlled	
10.	Direct		Muddle through	
11.	Manage		Managed	
12.	Organized team		Collection of people	
13.	Lead		Follow	
14.	Set Goals		Crisis management	
15.	Make policy		Accumulate policy	
16.	Govern		Governed	

Association of Washington Cities  
 1076 Franklin St SE  
 Olympia, WA 98512  
 360.753.4137  
 awcnet.org



**MEMORANDUM OF Understanding  
between  
OLYMPIC REGION CLEAN AIR AGENCY  
and  
CITY OF MCCLEARY**

**Purpose:**

This Memorandum of Understanding(MOU) is for the purpose of defining the responsibilities for the issuance of Residential Burn Permits within the City of McCleary and Grays Harbor Fire District 12 (GHFD 12).

The Washington Administrative Code (WAC) 173-425-030 defines residential burning as “the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burn on such lands by the property owner or his or her designee.”

WHEREAS, outdoor burning is a hazard from both a fire safety standpoint and a public health and nuisance standpoint, and

WHEREAS, Revised Code of Washington (RCW) 70A.15.5100 of the Washington state Clean Air Act give ORCAA the authority to cooperate in implementing the limited outdoor burning policy authorized by chapter 70A.15 RCW, and

WHEREAS, the City of McCleary and GHFD 12 are capable and willing to participate in the permitting activities set forth in this agreement, and

WHEREAS, it is acknowledged by all parties to this agreement that a cooperative effort is necessary if the public is to be properly served, and

WHEREAS, it is acknowledged by all parties to this agreement that each party must fully understand its respective role, and

WHEREAS, in order to define these respective roles, the following MOU has been established.

NOW, THEREFORE, BE IT AGREED THAT:

**Section 1: Public Education**

- a) As mutually agreed, to by the City of McCleary, GHFD 12, and Olympic Region Clean Air Agency (ORCAA), all parties will work with local media to inform the public about outdoor burning regulations and alternatives to outdoor burning.
- b) ORCAA will customize informational materials for the City of McCleary and GHFD 12.
- c) ORCAA will distribute appropriate educational materials to the City, GHFD 12, and other interested parties.
- d) The City of McCleary and GHFD 12 will post in locations accessible to the public and otherwise make available to the public the educational/informational materials provided by ORCAA.

- e) The City of McCleary and GHFD 12 will provide residents with information concerning outdoor burning regulations, alternatives to burning, and how to complete the residential burn permit form online. This may be done through a variety of channels, including community newsletters, utility bills, websites, and other social media venues.
- f) Outdoor burning, including residential burning, will be prohibited during any period of impaired air quality as designated by ORCAA or the state Department of Ecology, or during extreme fire danger due to dry weather conditions as designated by the Grays Harbor County Fire Marshal, or the state Fire Marshal. To facilitate this, ORCAA will disseminate pertinent information to those with active permits concerning any burn ban which has been declared for air quality and fire safety. ORCAA will communicate when the burn ban has ended. ORCAA will promptly notify the City of McCleary and GHFD 12 of any impaired air quality episodes.

## Section 2: Permitting

- a) The City of McCleary agrees to the use of ORCAA's existing web-based permitting software.
- b) ORCAA will incorporate requested revisions of the permit conditions and application form by the City of McCleary and GHFD 12
- c) ORCAA will provide direct access to the information collected via the application process to the city of McCleary and GHFD 12.

## Section 4: Termination

It is acknowledged by the parties hereto that this document is solely an understanding and may be terminated at will by either party by giving ten (10) days written notice to the other of the desire to terminate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 France L. McNair  
 Executive Director  
 Olympic Region Clean Air Agency

\_\_\_\_\_  
 ((City of McCleary representative name  
 title))

\_\_\_\_\_  
 Fire District 12 Commissioner



## HP XL3600 MFP PS Service Options

### Option 1:

#### **Parts, Labor and Phone Support**

**\$75.00 Month**

(1000 SqFt Monthly Printing) Only pay for Consumables, Unlimited Scanning

### Option 2:

**Cost per SqFt (Parts, Labor, Ink, Paper (20lb Bond) & Phone Support) \$50.00 Month +**  
**+ (Line/CAD .23 Medium Density .43 High Density .83)**

Don't pay for anything unless you want special paper

### Option 3:

#### **Time and Materials Only**

\$70.00 Travel Charge & \$225.00 hr plus Parts





## MASTER AGREEMENT

AGREEMENT NO.:

**CUSTOMER ("YOU" OR "YOUR")**FULL LEGAL NAME: **City of McCleary**ADDRESS: **100 S 3<sup>rd</sup> St McCleary, WA 98557****EQUIPMENT AND PAYMENT TERMS**☐ SEE ATTACHED SCHEDULE

TYPE, MAKE, MODEL NUMBER, SERIAL NUMBER, AND INCLUDED ACCESSORIES	NOT FINANCED UNDER THIS AGREEMENT	BEGINNING METER READING		MONTHLY IMAGE ALLOWANCE		EXCESS PER IMAGE CHARGE (PLUS TAX)	
		B&W	COLOR	B&W	COLOR	B&W	COLOR
<b>HP XL3600 MFP PS</b>	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
TOTAL CONSOLIDATED MONTHLY IMAGE ALLOWANCE AND EXCESS PER IMAGE CHARGES (IF CONSOLIDATED)							

EQUIPMENT LOCATION: **As Stated Above**METER FREQUENCY: **Monthly**TERM IN MONTHS: **63**MONTHLY BASE PAYMENT AMOUNT\*: **\_\_\_** (\*PLUS TAX)PURCHASE OPTION\*: **Fair Market Value**

SECURITY DEPOSIT:

**CONTRACT**

THIS AGREEMENT IS NON-CANCELABLE AND IRREVOCABLE. IT CANNOT BE TERMINATED. PLEASE READ CAREFULLY BEFORE SIGNING. YOU AGREE THAT THIS AGREEMENT AND ANY CLAIM RELATED TO THIS AGREEMENT SHALL BE GOVERNED BY THE INTERNAL LAWS OF THE STATE IN WHICH OUR (OR, IF WE ASSIGN THIS AGREEMENT, OUR ASSIGNEE'S) PRINCIPAL PLACE OF BUSINESS IS LOCATED AND ANY DISPUTE CONCERNING THIS AGREEMENT WILL BE ADJUDICATED IN A FEDERAL OR STATE COURT IN SUCH STATE. YOU HEREBY CONSENT TO PERSONAL JURISDICTION AND VENUE IN SUCH COURTS AND WAIVE TRANSFER OF VENUE. EACH PARTY WAIVES ANY RIGHT TO A JURY TRIAL.

**CUSTOMER'S AUTHORIZED SIGNATURE**

BY SIGNING THIS PAGE, YOU REPRESENT TO US THAT YOU HAVE RECEIVED AND READ THE ADDITIONAL TERMS AND CONDITIONS APPEARING ON THE SECOND PAGE OF THIS TWO-PAGE AGREEMENT. THIS AGREEMENT IS BINDING UPON OUR ACCEPTANCE HEREOF.

**(As Stated Above)****X**

CUSTOMER

SIGNATURE

PRINT NAME &amp; TITLE

DATE

**GOVERNMENTAL CERTIFICATE**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT, AS OF THE DATE OF THE AGREEMENT, (A) THE INDIVIDUAL WHO EXECUTED THE AGREEMENT HAD FULL POWER AND AUTHORITY TO EXECUTE THE AGREEMENT AND (B) THE REPRESENTATIONS SET FORTH IN THE AGREEMENT IN THE PARAGRAPH TITLED "APPLICABLE TO GOVERNMENTAL ENTITIES ONLY" ARE TRUE AND ACCURATE IN ALL MATERIAL RESPECTS.

SIGNATURE:

**X**

NAME &amp; TITLE:

DATE:

**OWNER ("WE", "US", "OUR")****Kelley Imaging Systems**

OWNER

SIGNATURE

PRINT NAME &amp; TITLE

DATE

22710 72nd Ave S Kent, WA 98032-1926

**CERTIFICATE OF DELIVERY AND ACCEPTANCE**

The Customer hereby certifies that all the Equipment: 1) has been received, installed, and inspected, and 2) is fully operational and unconditionally accepted.

SIGNATURE: **X**

NAME AND TITLE:

DATE:

## ADDITIONAL TERMS AND CONDITIONS

Item 10.

**AGREEMENT.** You want us to now provide you the equipment and/or software referenced herein, excluding equipment marked as not financed under this Agreement ("Equipment") and you unconditionally agree to pay us the amounts payable under the terms of this agreement ("Agreement") each period by the due date. This Agreement is binding upon our acceptance hereof and will begin on the date the Equipment is delivered to you or any later date we designate. If any amount payable to us is past due, you will pay a late charge equal to: 1) the greater of ten (10) cents for each dollar overdue or twenty-six dollars (\$26.00); or 2) the highest lawful charge, if less. Any security deposit will be returned upon full performance.

**NET AGREEMENT. THIS AGREEMENT IS NON-CANCELABLE FOR THE ENTIRE AGREEMENT TERM. YOU AGREE THAT YOU ARE UNCONDITIONALLY OBLIGATED TO PAY ALL AMOUNTS DUE UNDER THIS AGREEMENT FOR THE ENTIRE TERM. YOU ARE NOT ENTITLED TO REDUCE OR SET-OFF AGAINST AMOUNTS DUE UNDER THIS AGREEMENT FOR ANY REASON.**

**IMAGE CHARGES AND OVERAGES.** You are entitled to make the total number of images shown under Image Allowance (or Total Consolidated Image Allowance, if applicable) each period during the term of this Agreement. If you make more than the allowed images in any period, you will pay us an additional amount equal to the number of the excess images made during such period multiplied by the applicable Excess Per Image Charge. Regardless of the number of images made in any period, you will never pay less than the Base Payment Amount. You agree to provide us with the actual meter readings on any business day as designated by us, provided that we may estimate the number of images used if such meter readings are not received within five days after being requested. We will adjust the estimated charge for excess images upon receipt of actual meter readings. You agree that the Base Payment Amount and the Excess Per Image Charges may be proportionately increased at any time if our estimated average page coverage is exceeded. After the end of the first year of this Agreement and not more than once each successive twelve-month period thereafter, the Base Payment Amount and the Excess Per Image Charges (and, at our election, the Base Payment Amount and Excess Per Image Charges under any subsequent agreements between you and us that incorporate the terms hereof) may be increased by a maximum of 10% of the then existing payment or charge. Images made on equipment marked as not financed under this Agreement will be included in determining your image and overage charges.

**EQUIPMENT USE.** You will keep the Equipment in good working order, use it for business purposes only and not modify or move it from its initial location without our consent. You agree that you will not take the Equipment out of service and have a third party pay (or provide funds to pay) the amounts due hereunder. You will comply with all laws, ordinances, regulations, requirements and rules relating to the use and operation of the Equipment.

**SERVICES/SUPPLIES.** If we have entered into a separate arrangement with you for maintenance, service, supplies, etc. with respect to the Equipment, payments under this Agreement may include amounts owed under that arrangement, such as a monthly supply freight fee. These amounts may be invoiced as one payment for your convenience. You agree that you will look solely to us for performance under any such arrangement and for the delivery of any applicable supplies.

**SOFTWARE/DATA.** Except as provided in this paragraph, references to "Equipment" include any software referenced above or installed on the Equipment. We do not own the software and cannot transfer any interest in it to you. We are not responsible for the software or the obligations of you or the licensor under any license agreement. You are solely responsible for protecting and removing any confidential data/images stored on the Equipment prior to its return for any reason.

**LIMITATION OF WARRANTIES. EXCEPT TO THE EXTENT THAT WE HAVE PROVIDED YOU A WARRANTY IN WRITING, WE MAKE NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. YOU CHOSE ANY/ALL THIRD-PARTY SERVICE PROVIDERS BASED ON YOUR JUDGMENT. YOU MAY CONTACT US OR THE MANUFACTURER FOR A STATEMENT OF THE WARRANTIES, IF ANY, THAT THE MANUFACTURER IS PROVIDING. WE ASSIGN TO YOU ANY WARRANTIES GIVEN TO US.**

**ASSIGNMENT.** You may not sell, assign, or sublease the Equipment or this Agreement without our written consent. We may sell or assign this Agreement and our rights in the Equipment, in whole or in part, to a third party without notice to you. You agree that if we do so, our assignee will have our assigned rights under this Agreement but none of our obligations and will not be subject to any claim, defense, or set-off that may be assertable against us or anyone else.

**LOSS OR DAMAGE.** You are responsible for any damage to or loss of the Equipment. No such loss or damage will relieve you from your payment obligations hereunder. Except for claims, losses, or damages caused by our gross negligence or willful misconduct, you agree to indemnify us and our assignee, if applicable, against any claims, losses, or damages, including attorney fees, in any way relating to the Equipment or data stored on it. In no event will we be liable for any consequential or indirect damages.

**INSURANCE.** You agree to maintain commercial general liability insurance acceptable to us. You also agree to: 1) keep the Equipment fully insured against loss at its replacement cost, with us named as loss payee; and 2) provide proof of insurance satisfactory to us no later than 30 days following the commencement of this Agreement, and thereafter upon our written request. If you fail to maintain property loss insurance satisfactory to us and/or you fail to timely provide proof of such insurance, we have the option, but not the obligation, to secure property loss insurance on the Equipment from a carrier of our choosing in such forms and amounts as we deem reasonable to protect our interests. If we secure insurance on the Equipment, we will not name you as an insured party, your interests may not be fully protected, and you will reimburse us the premium which may be higher than the premium you would pay if you obtained insurance, and which may result in a profit to us through an investment in reinsurance. If you are current in all of your obligations under the Agreement at the time of loss, any insurance proceeds received will be applied, at our option, to repair or replace the Equipment, or to pay us the remaining payments due or to become due under this Agreement, plus our booked residual, both discounted at 3% per annum.

**TAXES.** We own the Equipment. You will pay when due, either directly or by reimbursing us, all taxes and fees relating to the Equipment and this Agreement. Sales or use tax due upfront will be payable over the term with a finance charge.

**END OF TERM.** At the end of the term of this Agreement (or any renewal term) (the "End Date"), this Agreement will renew month to month unless a) you provide us written notice, at least 30 days prior to the End Date, of your intent to return the Equipment, and b) you timely return the Equipment to the location designated by us, at your expense. If a Purchase Option is indicated above and you are not in default on the End Date, you may purchase the Equipment from us "AS IS" for the Purchase Option price. If the returned Equipment is not immediately available for use by another without need of repair, you will reimburse us for all repair costs. You cannot pay off this Agreement or return the Equipment prior to the End Date without our consent. If we consent, we may charge you, in addition to other amounts owed, an early termination fee equal to 5% of the price of the Equipment.

**DEFAULT/REMEDIES.** If a payment becomes 10+ days past due, or if you otherwise breach this Agreement, you will be in default, and we may require that you return the Equipment to us at your expense and pay us: 1) all past due amounts and 2) all remaining payments for the unexpired term, plus our booked residual, discounted at 3% per annum; and we may disable or repossess the Equipment and use all other legal remedies available to us. You agree to pay all costs and expenses (including reasonable attorney fees) we incur in any dispute with you related to this Agreement. You agree to pay us 1.5% interest per month on all past due amounts.

**UCC.** If we assign rights in this Agreement for financing purposes, you agree that this Agreement, in the hands of our assignee, is, or shall be treated as, a "Finance Lease" as that term is defined in Article 2A of the Uniform Commercial Code ("UCC"). You agree to forgo the rights and remedies provided under sections 507-522 of Article 2A of the UCC.

**MISCELLANEOUS.** This Agreement is the entire agreement between you and us relating to our providing and your use of the Equipment and supersedes any prior representations or agreements, including any purchase orders. Amounts payable under this Agreement may include a profit to us. The parties agree that the original hereof for enforcement and perfection purposes, and the sole "record" constituting "chattel paper" under the UCC, is the paper copy hereof bearing (i) the original or a copy of either your manual signature or an electronically applied indication of your intent to enter into this Agreement, and (ii) our original manual signature. If a court finds any provision of this Agreement unenforceable, the remaining terms of this Agreement shall remain in effect. You authorize us to either insert or correct the Agreement number, serial numbers, model numbers, beginning date, and signature date. All other modifications to the Agreement must be in writing signed by each party.

### APPLICABLE TO GOVERNMENTAL ENTITIES ONLY

You hereby represent and warrant to us that as of the date of the Agreement: (a) the individual who executed the Agreement had full power and authority to execute the Agreement on your behalf; (b) all required procedures necessary to make the Agreement a legal and binding obligation against you have been followed; (c) the Equipment will be operated and controlled by you and will be used for essential government purposes for the entire term of the Agreement; (d) that all payments due and payable for the current fiscal year are within the current budget and are within an available, unexhausted, and unencumbered appropriation; (e) you intend to pay all amounts payable under the terms of the Agreement when due, if funds are legally available to do so; (f) your obligations to remit amounts under the Agreement constitute a current expense and not a debt under applicable state law; (g) no provision of the Agreement constitutes a pledge of your tax or general revenues; and (h) you will comply with any applicable information reporting requirements of the tax code, which may include 8038-G or 8038-GC Information Returns. If funds are not appropriated to pay amounts due under the Agreement for any future fiscal period, you shall have the right to return the Equipment and terminate the Agreement on the last day of the fiscal period for which funds were available, without penalty or additional expense to you (other than the expense of returning the Equipment to the location designated by us), provided that at least thirty (30) days prior to the start of the fiscal period for which funds were not appropriated, your Chief Executive Officer (or Legal Counsel) delivers to us a certificate (or opinion) certifying that (a) you are a state or a fully constituted political subdivision or agency of the state in which you are located; (b) funds have not been appropriated for the applicable fiscal period to pay amounts due under the Agreement; (c) such non-appropriation did not result from any act or failure to act by you; and (d) you have exhausted all funds legally available for the payment of amounts due under the Agreement. You agree that this paragraph shall only apply if, and to the extent that, state law precludes you from entering into the Agreement if the Agreement constitutes a multi-year unconditional payment obligation.