



McCleary Regular City Council Meeting

Wednesday, July 12, 2023 – 6:30 PM

McCleary Community Center & Zoom Virtual Meeting

Agenda

Join Zoom Meeting

<https://zoom.us/j/98861529830?pwd=Y25ZeEhDa3VOTk1wWHpodjhQdCtVdz09>

Meeting ID: **988 6152 9830**

Passcode: **276660**

(253) 215-8782

Call to Order/Flag Salute/Roll Call

Agenda Modifications/Acceptance

Special Presentations

- [1.](#) Council Meeting Code of Conduct

Public Comment - Agenda Items Only

Consent Agenda

- [2.](#) Accounts Payable June 16-30, 2023 Ck Numbers 52210-52247 totaling \$103,666.27

Updates

- [3.](#) Staff Reports: Police, Water/Wastewater, Public Works, Public Works Director, Building/IT

New Business

- [4.](#) Greenhouse Gas Policies & Procedures

Old Business

- [5.](#) City Administrator Discussion
- [6.](#) Sign Ordinance Discussion

Ordinances and Resolutions

- [7.](#) Sign Ordinance
- [8.](#) Green House Gas Resolution

Public Comment - City Business Only

Executive Session

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 MAYOR AND CITY COUNCIL PROTOCOL MANUAL



McCleary City Council 1949

ADOPTED-10/27/2021

Resolution

CITY OF MCCLEARY

CITY COUNCIL AND MAYOR PROTOCOL MANUAL

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Oath of Office

Newly elected officials may take the oath of office beginning on January 1, or oath the first Council meeting after the first of the year. Those who are elected to fill a position that had been filled by a person appointed may take the oath of office and assume position as soon as the election results are certified. The oath of office may be administered by the Clerk-Treasurer, or the mayor per [RCW 29A.04.133\(3\)](#).

Having been elected to the City of McCleary City Council, Position # _____:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Washington, and that I will faithfully and impartially perform and discharge the duties of City Council for the City of McCleary according to the best of my ability, so help me God.

Signature

Subscribed and sworn before me this ____ day of _____ 20__.

Clerk-Treasurer or Mayor

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 Employee Handbook provides guidance and information related to the City's history, mission, values, policies, procedures, and benefits in written format. It is also viewed as mean of protecting the city against discrimination or unfair treatment claims. These policies and procedures have been adopted by the City as an exercise of the Mayor's authority under statute to direct the day-to-day operations of the City and accordingly its employees. New or revised policies and procedures may be adopted from time to time to facilitate the ongoing, efficient operations of the City. In addition, exceptions may, in the sole discretion of the mayor, be granted when appropriate to facilitate those operations. The City through its Mayor specifically reserves the right to appeal, modify or amend these policies at any time, with or without notice.

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.

The Clerk-Treasurer will provide a laptop or tablet, at the request of Councilmembers, for official City use. The Clerk-Treasurer 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. 3rd 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 of 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. 3rd 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.



City of McCleary STAFF REPORT

To:	City Council
From:	Chief Sam Patrick
Date:	July 6, 2023
Department:	Police Department

Greetings Council

Activity Report Provided with this report.

The McCleary police Department large metal sign which I understand has been in the garage for a long time after being completed has finally been installed on the front of the police department. I appreciate the hard work and detail which it took to make the sign and the hard work of the city staff to finally display it appropriately.

Officer Sneed is doing well and working her assigned shift,

This year we have good police coverage for the Bear Festival.

Things are still moving along

Chief S. Patrick

**McCleary Police Department
Monthly Call Activity Report**



Jun-23

#	Calls		
			Liquor
			Lost Property
		1	Lost/Missing/Found Person
		3	Malicious Mischief
		2	Mortorist Assist
		2	Noise
			Non Blocking Accident
			Non Blocking Vehicle
		1	Order violation in progress
		3	Open Door
			Overdose
		3	Parking Problem
			Police Assist
		14	Police Information
			Property/Lost/Found/Recovered
			Prowler
		2	Reckless
		1	Rescue
			Runaway
		3	Service
			Sex Offense
		1	Shooting/Weapons/Explosives/ Hazards
			Shoplifting
		7	Subject Stop
		1	Sucide
			Suicide/Threats/ Attempts
		2	Suspicious Person
		9	Suspicious Vehicle
		7	Suspicious/Unkn Circumstances
		2	Thefts
		1	Thefts/ Larceny
			Traffic / Reckless-Crimal
			Traffic Pur
			Traffic Offense
		2	Traffic- Other/Hazzard/Patrol
			Traffic SBC
			Violation Controlled Substance
		103	Traffic/ Infractions
		1	Trespassing
		2	Verbal Argument
			Vehicle Theft in progress
		1	Wire
		3	Unknown Problem
		1	Warrants/Wanted Person
		10	Welfare check
95		188	

Tickets: 45 YTD: 239

Total : 283 Year To Date: 1351



City of McCleary STAFF REPORT

To:	Mayor Miller and City Council
From:	Kevin Trehwella
Date:	July, 2023
Department:	Public Works & Utilities

Citywide the Public Works Department has been preparing for Bear Fest.



The Planters that we created look very festive with all the bright flowers and give City Hall a nice facelift.



The Police Department has their new sign up. The week of July 10th chip sealing of roads in town will be ongoing. All residences on the roads that will be affected were notified via door hangers.

On Hemlock a new Water service line was completed.

The Water Treatment Plant is operating excellently.

At the Wastewater Treatment Plant, we, like so many other entities deal with regulations. The ones we mainly deal with come from The Department of Ecology. They have made as part of our Permit a temperature regulation which states that during the warm parts of the year we keep the Effluent from the WWTP below 20 degrees Celsius.

To keep that temperature below 20 C we have a chiller. That chiller is now 18 years old. It is coming to the end of its life expectancy.

Have a great week!

Kevin Trewhella



City of McCleary

STAFF REPORT

To:	Mayor Miller and City Councilmembers
From:	Chad Bedlington, Director of Public Works
Date:	July 12, 2023
Department:	Public Works

Updates:

Aquifer Study

The Study is nearing its completion. City staff is currently reviewing the draft report. Once our initial review is complete, we will be presenting the findings of the study to City Council in August. If we can get a final draft of the report out to Council before the end of July we will do so.

Comprehensive Plan Update

Next Steps include public outreach that was completed during Bear Fest. In May the Advisory Committee, and Planning Commission, held a joint meeting to discuss the updated vision and initial drafts of the completed Comp Plan elements. Existing zoning within the City was discussed to evaluate if and where our zoning is appropriate based on the needs of the community and to manage growth. The results of the final public outreach effort, coupled with visioning work that was completed in May will provide the foundational information our consultant needs to complete the first draft of the comprehensive plan update.

Chip Sealing Program – Pavement Management

Chip sealing began on July 10th with approximately four days to complete the work (concluding on or around July 14th). Affected neighborhoods were provided appropriate notification prior to work commencing on their respective streets. Here is a current list of the streets that will be chip sealed:

- Wildcat Drive (loop and entry road)
- 7th Street – Simpson to Ash
- Ash Street (all)
- 9th Street – Simpson to Ash
- 8th Street – Simpson to Ash
- Maple Street – 3rd to Sewer Plant
- Fir Street – Main to 5th
- Hemlock Street – Main to 6th
- Frontage Road (all)

Prior to the chip seal application, Public Works crews performing pothole repairs were needed. A final “fog seal” will be completed as a top course on the chip sealed streets in late August.

Grant Opportunities

TIB

The City is currently working on application(s) for Transportation Improvement Board (TIB) funding for street and sidewalk projects. Staff is currently working on identifying strong projects for funding. Applications for TIB funding are due by August 11th.

Federal Grants

The City, in partnership with several other cities in Grays Harbor County, submitted for a federal grant for Electric Vehicle (EV) charging station installations throughout the region. The grant application had significant regional support, and McCleary is the lead agency on the grant application that was submitted last month. We are optimistic that we have a strong application and look forward to October when awards will be announced. The total requested grant for the region exceeded \$15,000,000 with McCleary’s total award being around \$350,000 with a 20% local match requirement. Project construction, if awarded, would not be until 2024-2025.



City of McCleary
STAFF REPORT

To:	Mayor Miller and City Councilmembers
From:	Tyson Ryder
Date:	July 12, 2023
Department:	Building/IT

Good evening, Mayor, and Council,

The city continues to limp along with our crippled network. All the new hardware and software has been delivered. The new rack and hardware have been installed and power has been installed to support the new system. I am currently waiting for the backup and recovery appliance to be delivered, which is two weeks out. The Dell lease is also nearing term completion and will need a decision on whether to buy out or return all the desktop computers. All the old computers have had their historical data collected, wiped, and decommissioned for recycling. I have also implemented an asset tracking system and am currently going around tagging and scanning every device owned/in the city. The new sign for the police department has also been installed with backlit lighting. I am going to attempt recovery of the lost data with Stellar's data recovery software tool, but there is no guarantee any of the data can/will be recovered.

The following list comprises the new software and hardware:

- Microsoft Server 2022 licensing
- Microsoft E3 licensing
- Sophos EDR platform
- Cisco Duo MFA platform
- SuperOps RMM platform
- Stellar data recovery software

- Fortinet Firewalls x4
- HPE DL360 Gen10+ Servers x2 for High Availability
- HPE MSA 1060
- HPE Aruba Switch w/ PoE+
- Rack Console
- Rubrik backup/recovery appliance
- 36u HPE G2 Rack
- HPE power distribution units x2

Next steps for me are:

Begin the network cutover and rebuild after Bearfest.

The network cutover consists of the following tasks:

Site 1 – City Hall (HQ/Data Center)

- Setup main firewall
- Configurations and rules for firewalls
- 2x vDOMs (1 for City Hall, 1 for Police Department)
- Configuration of Aruba switch and vLAN configuration
- Configuration of 3x Fortinet APs w/management through main firewall
- 4x VPN tunnels to Police, Wastewater, and Wells

Site 2 – Police Department

- Rules and configuration of firewall
- 2x vDOMs
- 2x VPN tunnels
- 1x unmanaged switch configuration
- Configuration of 1x Fortinet AP

Site 3 – Wastewater

- Rules and configuration of firewall
- 2x VPN tunnels
- 1x unmanaged switch configuration

Site 4 – Wells

- Rules and configuration of firewall
- 1x VPN tunnel
- 1x unmanaged switch configuration

The next steps after the cutover are the following:

- Design and deploy new city and police domains.
- Design and deploy new domain group policies and security.
- Determine and configure backup appliance with retention schedules.
- Reformat and redeploy endpoints with new software onto new domains.
- Configure, deploy, and train police officers on new Cisco MFA platform.
- Migrate users from O365 licensing to MSVL.
- Complete the police department technical audit.
- Implement CIS 18 controls framework and IT policies.
- Redeploy P2P connection for Simpson meter with proper configuration.
- Implement security and controls for the Police department.
- Audit and redeploy VOIP phone system.
- Audit and deploy Springbrook PO system.
- Document imaging and digital filing system deployment.

- Next Request PIR system training and deployment.

Building Department

Activities

Business as usual. Answered a couple citizens’ questions on what they can/cannot build. Reviewed plans for new development and garage conversion. Larry performed inspections on current developments in the city.

Building Department Activity

ACTIVITY	TOTAL	Notes
Customer Service	12	
Building Permits Issued	4	
Plan Reviews	9	
Inspections Performed	7	
Complaints Received	2	
Nuisance Letters Sent	2	Both have complied with request.
Lemay’s Garbage Letters Sent	0	

Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid to Date
June	2	2	n/a	n/a

Title: Greenhouse Gas Reduction	Policy Manual Code: 00.00.000
Approved:	Effective Date: 8/1/2023
Revised:	

GREENHOUSE GAS REDUCTION POLICIES

Public Building Policies:

- Publicly funded buildings should incorporate cost-effective, energy- efficient design.
- Encourage energy conservation practices in buildings by raising the awareness of employees own energy use.

Employee Oriented Policies:

- Encourage ride-sharing, van-pooling and the use of flex-time schedules by employees
- Support voluntary, employer-based trip reduction programs.
- Encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.
- Encourage energy conservation practices in buildings by raising the awareness of employees own energy use.

Energy Source & Use Policies:

- Reduce greenhouse gases by expanding the use of conservation and alternative energy sources and by reducing vehicle miles traveled.
- Reduce pollutants from transportation activities, including through the use of cleaner fuels and vehicles.
- Encourage energy conservation practices in buildings by raising the awareness of employees own energy use.

Fleet & Vehicle Policies:

- Encourage an energy-sensitive fleet management program.
- Encourage local purchasing to promote reductions in GHG emissions by the suppliers of its goods and services.

Equipment Oriented Policies:

- Manage street lighting needs by encouraging lighting standards and using lamps that will assure safe and effective illumination at minimum cost and energy use.
- Monitor the efficiency of the pumps in water and sewer systems, and operate and maintain them at peak efficiency. When cost effective options are possible, the one using the least amount of energy shall be preferred.

Waste Reduction & Use Oriented Policies:

- Implement a solid waste strategy which:
 - Reduces the solid waste stream by recycling and other means
 - Investigates ways to convert non-recyclable solid waste to energy and
 - Promotes the purchase of recycled and recyclable goods
- Expand jurisdiction-wide waste diversion services to include, for example, single stream curbside recycling, and curbside recycling of food and green waste.
- Reduce GHG emissions waste through improved management of waste handling and reductions in waste generation.
- Where and when allowed by the building code, encourages the use of building construction materials made from recycled and recyclable materials.

Land Use Oriented Policies:

- Ensure that local Climate Action, Land Use, Housing, and Transportation Plans are aligned with, support, and enhance any regional plans that have been developed consistent with state guidance to achieve reductions in GHG emissions.
- Adopt and implement a development pattern that utilizes existing infrastructure where feasible.
- Redirect new growth into existing city/urban growth areas.
- Encourage high-density, mixed-use, infill development and creative reuse of brownfield, under-utilized and/or defunct properties within the urban area.
- Whenever possible, urban development should occur only where urban public facilities and services exist or can be reasonably made available.

Public Education & Outreach Policies:

- Publicize energy conservation actions to raise public awareness of the value of wise energy use.
- Promote and expand recycling programs, purchasing policies, and employee education to reduce the amount of waste produced.
- Collaborate with local energy suppliers and distributors to establish energy conservation. Increase public awareness of climate change and climate protection challenges.
- Work with local businesses and energy providers on specific, targeted outreach campaigns and incentive programs.

Transportation Oriented Policies:

- Give priority to transportation projects that will contribute to a reduction in vehicle miles traveled per capita, while maintaining economic vitality and sustainability.
- Provide safe and convenient access for pedestrians and bicyclists.
- Support voluntary, employer-based trip reduction programs.

Other Policies:

- Coordinate with other agencies in region to develop and implement effective waste management strategies and waste-to-energy technologies.
- Establish programs and policies to increase the use of recycled water.
- Install water-efficient landscapes and irrigation.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MCCLEARY REPEALING AND REPLACING MCCLEARY MUNICIPAL CODE SECTION 17.28.090 “SIGNS”; ADOPTING NEW RULES AND REGULATIONS GOVERNING SIGNS IN THE CITY OF MCCLEARY.

RECITALS:

WHEREAS, United States Supreme Court decisions, specifically *Reed v. Gilbert*, has changed the manner in which signs may be regulated; and

WHEREAS, City of McCleary staff is intent on keeping Sign Code within the Municipal Code compliant with all Federal and State statutes and court decisions; and

WHEREAS, City of McCleary staff determined that the manner in which signs are regulated in the City of McCleary may be more easily and effectively accomplished by categorizing signs by their physical appearance rather than message; and

WHEREAS, the City Council held a public hearing on _____ to consider this Ordinance; and

WHEREAS, the City finds that repealing and replacing MMC Section 17.28.090 with the proposed sign verbiage will ensure the City’s Municipal Code is aligned with the Supreme Court decision and will make the administration of the Sign Code more simple and equitable for City staff, citizens, and business owners alike;

NOW, THEREFORE, the City Council of the City of McCleary, Washington do ordain as follows:

SECTION I: MMC Section 17.28.090 titled “Signs”, last amended by Ordinance 749 sec. I, 2008, is repealed in its entirety.

SECTION II: MMC Section 17.28.090 titled “Temporary and Special Signs” is hereby added to read as follows:

17.28.090 Temporary and Special Signs

A. Scope and Purpose: This chapter establishes regulations governing the installation, alteration, relocation, maintenance, use and removal of all signs in the City. It is recognized that the businessperson’s right to identify their business contributes to the economic well-being of the community; however, that right should be exercised in a way as to bring benefit to the businessperson without affecting the welfare of the public. In general, this City takes the view that signs should be scaled to the building and property frontage to which the sign is related. The purpose of these regulations is to accomplish the following:

1. Promote the goals and policies of the comprehensive plan;
2. Promote economic vitality of the City’s business districts and corridors;
3. Ensure that signs are compatible with the desired character and identity of McCleary and its various districts and corridors;
4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
5. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials;
6. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide consistent sign design standards;
8. Promote signs that are designed appropriate to the site’s existing and planned context, including the size and characteristics of the site, and the envisioned character of the applicable area per adopted plans;
9. Prevent visual clutter and provide an improved visual environment for the citizens of and visitors to the City; and
10. Enable the fair and consistent enforcement of these sign regulations.

B. Sign definitions:

1. “Abandoned sign” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found.

2. “Commercial sign” means a sign erected for a business transaction or advertising the exchange of goods and services.
3. “Construction sign” means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building, or to announce the character or type of building.
4. “Flashing sign” means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern, or contains motion or the optical illusion of motion by use of electrical energy.
5. “Freestanding sign” means a permanent pole, ground or monument sign attached to the ground and supported by uprights or braces attached to a foundation in the ground and not attached to any building.
6. “Permanent sign” means a sign constructed of weather-resistant material and intended for permanent use and that does not otherwise meet the definition of “temporary sign.” Wall-mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of Chapter 17.28.090 MMC.
7. “Portable sign” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags.
8. “Projecting sign” means any sign, other than a flat wall sign, which is attached to and projects more than twelve inches from a building wall or other structure not specifically designed to support the sign.
9. “Roof sign” means any sign erected over or on the roof of a building or attached to the wall of a building and extending above the roofline.
10. “Sign” means any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed, used or displayed for the purpose of advertising, informing, identifying, attracting attention to, or promoting the interest of any person, institution, business, event, product, goods or services; provided, that the same is visible from a street, way, sidewalk, or parking area open to the public.
11. “Sign area” means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising or identifying message; provided, that individual letters using a wall as the background, without added decoration or change in wall color, shall have a sign area calculated by measuring the smallest rectangle enclosing each letter and totaling the square footage thereof. For double-faced signs, total sign area shall be calculated by measuring only one face.
12. “Sign height” means the vertical distance from grade to the highest point of a freestanding sign or any vertical projection thereof, including its supporting columns. Grade shall be determined by taking the average elevation at finished grade for the midpoints of the four

sides of the smallest rectangle that will enclose all area which is within a five-foot horizontal radius of the sign and its supporting structure.

13. “Temporary sign” means any sign that is intended and designed to be displayed for a limited period of time, including, without limitation, a sign that is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of Chapter 17.28.090 MMC.

C. General Requirements:

1. The construction and placement of all signs shall conform to the International Building Code and be pre-approved by the city council and/or staff.
2. Prohibited Signs. The following signs are prohibited:
 - a. Signs or sign structures which by coloring, shape, design or location resemble or conflict with traffic control signs or devices;
 - b. Signs that create a safety hazard for pedestrian or vehicular traffic, as determined by the Director of Public Works or the city building official;
 - c. Revolving signs, signs with flashing, rotating, or blinking lights. This includes signs with a changing light intensity or brightness, or which are so constructed and operated as to create an appearance or illusion of motion or animation;
 - d. Signs attached to public property without permission of the government agency owning the same, including, without limitation, trees, utility poles, street lights;
 - e. Privately installed signs that restrict use or activity of any public right-of-way without permission from the City.
3. Maintenance. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition. The owner of the lot upon which the sign is located shall be responsible for sign maintenance.
4. Abandoned Signs—Hazardous Signs. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within six months of abandonment. Signs which constitute a safety hazard to the public shall be removed or made safe immediately.
5. Sign Enforcement—Violations—Penalties.
 - a. Enforcement. The public works director, or the public works director’s designee, shall have authority to administer, implement, and enforce this chapter. The public works director or public works director’s designee may promulgate regulations consistent with this chapter. The authority of the public works director is not exclusive and is concurrent to another’s lawful authority to enforce the provisions of this chapter, including, without

- limitation, the jurisdiction of the McCleary police department to enforce provisions of this code.
- b. Violations. It is a violation of this chapter to fail to comply with or to be in conflict with any provision of this chapter. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
- c. Penalties.
- A. Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.20 MMC.
- B. Any violation of any provision of this chapter constitutes a public nuisance which the City can abate by an action in county superior court. The costs of such action shall be taxed against the violator.
- C. Penalty and enforcement provisions provided in this chapter are not exclusive, and the City may pursue any remedy or relief it deems appropriate.
- d. Removal. Signs not meeting the requirements of this chapter are subject to removal by the City. This includes the following:
- A. Signs located on public or private property that create an immediate threat to the safety of the public.
- B. Signs that create an imminent danger to persons or property.
- C. Signs placed in the public right-of-way that do not meet the requirements of this chapter.
- D. Unauthorized signs placed on any utility pole, public property, public building or public structure, or on any traffic sign.
- E. Signs placed within the right-of-way without the permission of the abutting property owner may be removed by the abutting property owner or the City.
- F. Temporary signs placed within the public right-of-way that may otherwise be allowed by this chapter, but which are in a degraded or dilapidated state due to age, exposure to the elements, or damage may be removed by the City. This includes signs that are illegible.
- G. The property owner is responsible for removing any sign advertising a commercial use that has been discontinued for longer than thirty days.
- H. The public works director or his/her designee will attempt to contact the owner after removal of signs. The owner may contact the public works director or his/her designee to retrieve any signs removed. Failure to retrieve within fourteen days from date of removal will result in disposal by the City. The City shall not be responsible for damages or loss incurred during the removal or storage of any sign.
6. Sign Owner Responsibility. By installing any sign in the City of McCleary, the owner of the sign acknowledges responsibility for compliance with this chapter, for the safety of the sign, and for any and all damage to property or injury to person resulting from the sign.

D. Development standards for specific sign types: The following standards shall apply in addition to the standards listed elsewhere in this chapter. For signs that meet the definition of more than one sign type, the public works director shall determine which standards apply based on the sign's function, location and orientation.

1. No sign, except for traffic signs, portable signs, or other signs approved by the City council, shall be located within the right-of-way of any street or highway, nor project beyond authorized property lines, except as provided below:
 - a. Projecting signs in the C-1 and C-2 districts and authorized by the City shall extend no closer than two feet to the edge of the roadway and provide a minimum clearance of ten feet from the highest existing grade.
2. Freestanding Signs. The following regulations shall apply to all portable signs:
 - a. Freestanding signs must have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself. Sign bases must have an architectural treatment that incorporates materials similar to the sign and/or building.
 - b. Protective Islands Around Sign Base. At the time of installation, all freestanding signs shall include protective islands and curbing to prevent vehicles from hitting the sign structure and to improve the overall visual appearance of the structure. Protective islands shall be designed and constructed so as to provide protection at least three feet in all directions from the sign structure.
 - c. Location. Freestanding signs shall not be located within the public right-of-way.
 - d. Identification Signs for Residential Development. Each entrance to a subdivision development or manufactured home park may have a freestanding or fence-mounted identification sign up to thirty-two square feet in area. The height of such signs shall not exceed four feet.
 - e. Freestanding signs shall not extend more than five feet above the highest exterior wall of the building it serves or, if mounted on the roof ridge line more than two feet above that ridge line.
3. Portable Signs. The following regulations shall apply to all portable signs:
 - a. Portable signs shall not exceed nine square feet per side.
 - b. No more than one portable sign may be displayed per entity.
 - c. Signs shall be located directly in front of the sponsoring entity during business hours only.
 - d. Signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
 - e. Owners of such signs shall assume liability for damage or injury resulting from their use and shall provide the City with an appropriate legal document satisfactory to the City attorney holding the City harmless and indemnifying the City for such resulting loss and/or injury.
 - f. Portable signs shall be nonilluminated.
 - g. Portable signs shall be displayed only during business hours.

4. Projecting Signs. The following regulations shall apply to all projecting signs:
- a. Projecting signs shall not extend more than five feet above the highest exterior wall of the building it serves or, if mounted on the roof ridge line more than two feet above that ridge line.
 - b. Projecting signs shall not be located directly over windows or in conflict with other signs or architectural features of the building as determined by the City.
5. Assisted Care Facility Signs. Subject to prior approval by the City administrator, off-premises directional signs providing guidance to the location of an assisted care facility licensed by the State of Washington subject to the following conditions:
- a. The use is located upon property at least one block from Simpson Avenue, South 3rd Street, or North Summit Road.
 - b. The sign shall be directional in nature indicating only the name of the facility and the direction of travel required to reach the facility.
 - c. No more than two signs for each facility.
 - d. The sign or signs requested to be placed shall be obtained and installed by the City. Prior to ordering of the sign/s, the applicant shall pay to the City the estimated cost of such acquisition and the placement by City staff. In the event the estimate is less than the actual cost incurred, the applicant shall pay such cost upon the billing therefore: Provided that, in the event of the failure to pay within thirty days of such billing, the City may remove the sign/s. If the estimate is higher than the actual costs incurred, the applicant shall be reimbursed the excess.
- E. Temporary signs. These standards apply to all signs meeting the definition of temporary signs in this title.
1. General Requirements for Temporary Signs.
 - a. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.
 - b. Duration. All temporary signs shall be removed within ten days following the event or activity being promoted.
 2. Temporary Signs in Public Right-of-Way.
 - a. Location. Temporary signs are prohibited from being placed within roundabouts, medians, shoulders, travel lanes and areas of the public right-of-way that are not accessible by a sidewalk or pedestrian walking path. Temporary signs shall not be located in right-of-way adjacent to public property owned or under the control of a unit of federal, state or local government, or special purpose district such as a school, park, public utility, port or library district, unless otherwise approved by the unit of government or special purpose district.
 - b. Safety. All temporary signs shall be placed in a manner that is safe for all users of public right-of-way. Temporary signs shall not block access to structures or parked cars, and shall not block vehicular sight distance at corners or intersections.

- c. Residential Zones. Temporary signs in residential zones are limited in size to four square feet total, and shall not exceed three feet in height from the ground when displayed.
 - d. Nonresidential Zones. Temporary signs in nonresidential zones are limited in size to six square feet total, and shall not exceed three feet in height from the ground when displayed.
 - e. Temporary signs shall only be placed in the right-of-way if the sign owner has permission from the owner of the abutting property.
3. Temporary Signs on Private Property.
- a. All signs placed on private property shall have the consent of the property owner or person in control of the property, such as a tenant. The property owner or person in control of the property may remove the sign(s) without notice. For residential uses in any zone, no more than four signs visible from the public right-of-way per lot are allowed. The total size of all signs combined shall be limited to six square feet total.
 - b. Residential Zones. Maximum height of all temporary signs shall be six feet.
 - c. Nonresidential Zones. Maximum height of all temporary signs shall be six feet, except for temporary banners placed on a building.
 - A. No more than one sign visible from the public right-of-way per tenant space is allowed. The sign shall be limited to six square feet in size.
 - B. Temporary Banners on Buildings. Not more than one temporary banner per tenant space may be permitted. The maximum size for temporary banners shall be thirty-two square feet for a duration not to exceed sixty days during any consecutive three-hundred-sixty-five-day period.
- F. Removal of nonconforming signs:
- 1. All existing signs within the City which are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered to be nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this section under the following circumstances:
 - a. Signs which do not conform with the requirements of this section shall be removed within sixty days of the effective date of this title or, if located within an area being annexed to the City, within sixty days of the effective date of annexation, whichever is later.
 - b. Whenever any modification is to be made to the structure, frame or support of any nonconforming sign, such nonconforming sign shall be removed or brought into conformance with this title. Adding a new sign face to a nonconforming sign which does not modify the shape, size or any structural element of a nonconforming sign shall be permitted.
 - c. Whenever the facade of a building upon which is located a nonconforming wall sign or nonconforming projecting sign is remodeled or renovated, all nonconforming wall signs located on the portion of the facade being renovated shall be brought into conformance with this chapter.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrase had been declared invalid or unconstitutional.

SECTION IV: This Ordinance shall take effect upon the fifth day following the date of publication.

PASSED THIS ____ DAY OF _____, 2022, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2022.

CITY OF McCLEARY:

CHRIS SMITH, Mayor

ATTEST:

ANN-MARIE ZUNIGA, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE ADOPTION
OF A GREENHOUSE GAS REDUCTION POLICY**

WHEREAS, the CITY Council finds that the State of Washington has charged all state agencies with reducing the production of greenhouse gases under Chapter RCW 70.235.070, through programs that provide economic and quality of life benefits intended to reduce energy bills, preserve green space, improve air quality, promote transportation choices and sponsor economic development through energy conservation and creation of new energy sources; and

WHEREAS, the CITY Council find the people of the CITY of McCLEARY will gain from policies and procedures that benefit its natural resources and reduce greenhouse gas emissions; and

WHEREAS, the various funding authorities have made adoption of a greenhouse reduction policy a prerequisite to application submittal;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the CITY Council that the following policies and procedures are adopted:

1. All new publicly funded buildings should include cost-effective, energy-efficient design;
2. All existing public buildings should be retrofitted with energy efficient applications as the opportunity and funding allow;
3. CITY employees are encouraged to employ conservation measures;
4. The CITY Lighting system should be upgraded with energy efficient technology;
5. The CITY should continue to pursue recycling as part of its solid waste strategy;
6. The CITY should maintain a water conservation program.

DULY PASSED AND ADOPTED this _____ day of July, 2023, to be effective upon adoption.