

CITY OF ORTING
WASHINGTON

ORIGINAL

ORDINANCE NO. 2020-1065

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO APPOINTIVE OFFICERS;
AMENDING ORTING MUNICIPAL CODE SECTIONS 1-7-1,
1-7-2, AND 1-7-3; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, pursuant to RCW 35A.11.020 and 35A.12.020, the City Council has the authority define the authority, duties, and qualifications of the City's appointive officers; and

WHEREAS, at Orting Municipal Code Chapter 1-7, the City Council established the appointive officer positions of clerk, treasurer, and city administrator, among others; and

WHEREAS, the detailed qualifications and duties of the City Administrator, City Clerk and City Treasurer are currently in the Orting Municipal Code, requiring a full code amendment process for any modifications thereto; and

WHEREAS, for added flexibility, the City Council desires to approve clerk, treasurer, and city administrator duties and qualifications by resolution; and

WHEREAS, in addition, the City Council wishes to update position titles typically found in other cities organized as code cities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. OMC Section 1-7-1, Amended. Orting Municipal Code Section 1-7-1 is hereby amended as follows:

The government of the city shall be vested in a mayor and a council consisting of seven (7) members all elective with such powers as provided by law. The mayor shall appoint a clerk, ~~treasurer~~ [finance director](#), police chief and a municipal judge; and may appoint a city attorney, city administrator, public works director, and such police and other subordinate officers as may be provided for by ordinance, with such powers as authorized by law. All of the above described appointive officers shall hold office at the pleasure of the mayor and shall be subject to confirmation by majority vote of the city council, except that a municipal judge shall be appointed and confirmed as provided pursuant to chapter 10 of this title and may be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office.

Section 2. OMC Section 1-7-2, Amended. Orting Municipal Code Section 1-7-2 is hereby amended as follows:

Every officer of the city, before entering upon the duties of his office, shall take and file with the clerk his/her oath of office. The clerk, ~~treasurer~~finance director, and police chief, before entering upon the respective duties, shall also each execute a bond approved by the council in the following amounts, provided if more than one position is held by one person, then the bonding requirements for that person shall be satisfied by bonding for the one position with the highest bond:

Clerk	\$5,000.00
Treasurer <u>Finance Director</u>	\$5,000.00
Police chief	\$2,000.00

Section 3. OMC Section 1-7-3, Amended. Orting Municipal Code Section 1-7-3 is hereby amended as follows:

~~A. No Employment Rights Created: This section is not intended to create any employment right or benefit for an individual employee or appointive officer.~~

~~A. The authority, duties and qualifications for appointive officers established in OMC 1-7-1 may be set by resolution of the City Council.~~

B. City Clerk:

~~—1. City Clerk: There is hereby created the non-classified, at will, management position and office of city clerk to perform the duties and functions as set forth herein by the City Council via resolution for such office under the direction and supervision of the city administrator, or in the absence of the city administrator, the mayor or other designee.~~

~~—2. Minimum Qualifications: The city clerk shall possess one or more of the following qualifications:~~

~~— a. A certified municipal clerk designation;~~

~~— b. Experience in information science, archives and records management, business/public administration;~~

~~— c. Actual managerial or operational experiences in entity wide records and information management field;~~

~~— d. Appointment as the city administrator; or~~

~~— e. Such other qualifications as the mayor determines demonstrate the requisite knowledge, experience, skills and competency to perform the duties of the office.~~

~~—3.— Duties; Authority: The city clerk, under the supervision of the city administrator, and subject to applicable general laws and ordinances, shall have, perform, keep and maintain the following duties and authority:~~

~~—a.— Keep a full and true record (journal) of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the state auditor;~~

~~—b.— Record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall, in accordance with Revised Code Of Washington 5.44.080, be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding;~~

~~—c.— Be custodian of the seal of the city and official city records, including, but not limited to, contracts, deeds, titles, and other evidences of city ownerships or responsibilities, and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment;~~

~~—d.— Publish all legal notices unless otherwise provided by general law or ordinance;~~

~~—e.— Prepare and distribute the council agenda and packet for each council meeting;~~

~~—f.— Perform such duties as required by Revised Code Of Washington 35A.42.040 (city clerks and controllers);~~

~~—g.— Perform the duties of public records officer in accordance with Revised Code Of Washington 42.56.580;~~

~~—h.— Keep and maintain, for use and examination by the public, copies of any statute, ordinance, code, regulations, standard code of technical regulations, or any portion thereof, with amendments or additions, that has by ordinance been adopted by reference under authority of Revised Code Of Washington 35A.12.140 or 35.21.180;~~

~~—i.— Provide copies of regulatory ordinances to state agencies in accordance with Revised Code Of Washington 35.21.185 and other similar statutes requiring distribution of regulatory ordinances to state agencies;~~

~~—j.— Receive service of process on behalf of the city of Orting pursuant to Revised Code Of Washington 4.28.080(2);~~

~~—k.— Receive assessment rolls for filing;~~

~~—l.— Attend all regular and special meetings of the city council; provided that, in the absence of the city clerk or other qualified person appointed by the city clerk, the mayor or the city council may perform the duties of the office of the city clerk at such meeting 1;~~

~~—m.— Be the agent on behalf of the city appointed to receive any claim for damages filed pursuant to Revised Code Of Washington chapter 4.96 and shall keep and maintain such claim forms as are~~

required pursuant to Revised Code Of Washington chapter 4.96 to be maintained by the city and filed with the state, and make such forms and instructions available to the public;

~~— n. Perform such duties as required pursuant to the applicable budget statutes 2 ; and~~

~~— o. Perform such other duties and possess such authority as assigned to the office of city clerk pursuant to law or ordinance, or as assigned by the city administrator or mayor.~~

~~— C. City Treasurer~~Finance Director:

1. ~~City Treasurer~~Finance Director: There is hereby created the non-classified, at will, management position and office of city treasurer to perform the duties and functions as set forth by the City Council via resolution herein for such office under the direction and supervision of the city administrator, or in the absence of the city administrator, the mayor or other designee.

~~— 2. Minimum Qualifications: The city treasurer shall possess one or more of the following qualifications:~~

~~— a. Two (2) year degree or certificate of completion in accounting;~~

~~— b. Four (4) year degree in accounting, or related field preferred;~~

~~— c. Seven (7) years of experience in governmental accounting;~~

~~— d. Five (5) years of progressively responsible work experience in a governmental supervisory and/or administrative capacity; or~~

~~— e. Such other qualifications as the mayor determines demonstrate the requisite knowledge, experience, skills and competency to perform the duties of the office.~~

~~— 3. Duties; Authority: The city treasurer, under the supervision of the city administrator, and subject to applicable general laws and ordinances, shall have, perform, keep and maintain the following duties and authority:~~

~~— a. Maintain revenue, expenditure and general accounting ledgers;~~

~~— b. Keep separate and distinct accounts for each fund as required by law;~~

~~— c. Be responsible for the receipt, custody, and disbursement of all city funds and all local improvement district funds and other trust funds;~~

~~— d. Monitor all cash handling procedures;~~

~~— e. Coordinate the development of the annual budget and monitor revenues and expenditures;~~

~~— f. Prepare and maintain financial records of county, state and federal grants;~~

~~— g. Oversee accounts receivable and monthly age analysis reports and provide daily closeout function;~~

- ~~— h. Investment management in accordance with Washington state guidelines;~~
- ~~— i. Prepare annual financial report in accordance with Washington state budgeting, accounting and reporting system (BARS);~~
- ~~— j. Prepare revenue and expenditure monthly reports for review by the city administrator;~~
- ~~— k. Receive all demands and accounts against the city and with the necessary evidence in support thereof, submit the same to the city council who shall by a vote direct whether the same shall be paid in whole or in part;~~
- ~~— l. When the city council orders any account or demand to be paid, draw a warrant for the amount ordered paid, which warrant must be signed by the mayor and attested by the city clerk;~~
- ~~— m. Redeem claims and payroll warrants;~~
- ~~— n. Make all deposits of city funds in banks in the manner prescribed by law;~~
- ~~— o. Sign all checks and warrants of the city or, in case of his/her absence or inability to act, by his/her representative designated by him/her in writing; provided that, the mayor may require that all such checks and warrants be countersigned;~~
- ~~— p. Build and provide the excise tax reports;~~
- ~~— q. Process passports in accordance with applicable federal regulations;~~
- ~~— r. Administer and enforce title 3, "Revenue And Finances", and title 4, "Business And License Regulations", of this code including, by way of example and not limitation, processing business license applications, billing, receipt and collection of occupation tax, utility tax, gambling tax, lodging tax, and business license payments, auditing taxpayer returns, books and accounts to determine the correct tax owing, conducting investigations to determine whether a person or firm should be registered and paying their fair share of tax; preparing and sending out delinquent penalty and additional assessment notices, and adopting, publishing and enforcing rules and regulations for the proper administration of titles 3 and 4 of this code;~~
- ~~— s. Keep an accurate and detailed account of all collections and disbursements;~~
- ~~— t. Post receivables;~~
- ~~— u. Establish utility billing, accounts payable and payroll procedures;~~
- ~~— v. Supervise accounts payable, utility billing, audit, and collection procedures;~~
- ~~— w. Communicate with customers or others in person or via telephone;~~
- ~~— x. Assist with problems, complaints, and customer concerns;~~
- ~~— y. Provide A/P billing of city debt;~~

~~z. Comply with the requirements of Revised Code Of Washington 35A.42.010 (city treasurer miscellaneous authority and duties);~~

~~aa. Perform routine office tasks as required; and~~

~~bb. Perform such other duties and possess such authority as assigned to the office pursuant to law or ordinance, or as assigned by the city administrator or mayor.~~

~~4. Additional Duties: Human Resources: The city treasurer, under the supervision of the city administrator, and subject to applicable general laws and ordinances, shall have, perform, keep and maintain the following additional duties and authority:~~

~~a. Serve as personnel officer for the city;~~

~~b. Direct and administer uniform human resources policies, procedures and programs including citywide recruitment, classification, compensation, benefits, labor relations, training and professional development; provide advice, problem mitigation/resolution, and counsel to city officials and staff regarding human resource issues;~~

~~c. Keep and maintain personnel files for city employees; provided that, personnel files for commissioned law enforcement officers shall be kept and maintained by the chief of police;~~

~~d. Provide payroll functions including necessary reports;~~

~~e. Investigate whistleblower and other complaints of employee/public official misconduct; provided that, a complaint involving the treasurer shall be directed to the city administrator for investigation and complaints involving commissioned law enforcement officers and volunteers, other than the chief of police, shall be investigated by the chief of police;~~

~~f. Make recommendations and/or provide guidance to the mayor regarding disciplinary actions; and~~

~~g. Perform such other duties related to human resources as assigned by the city administrator or mayor, or as may be otherwise provided by law or ordinance.~~

D. City Administrator:

1. City Administrator: There is hereby created the non-classified, at will, management position and office of city administrator to perform the duties and functions as set forth by the City Council via resolution herein for such office under the direction and supervision of the mayor, or in the absence of the mayor, the deputy mayor.

The city administrator assists in supervising the city's department heads and all subordinate personnel and assists in managing the city government on behalf of the mayor to implement city council policies and goals and the duly enacted ordinances of the city. The individual serving in this position provides advice and counsel to the mayor and department heads concerning fiscal and administrative alternatives and options.

Nothing herein is intended to abrogate or diminish the authority granted to the mayor pursuant to Revised Code Of Washington 35A.12.100 as chief executive and administrative officer of the city.

~~—2. Minimum Qualifications: The city administrator shall possess one or more of the following qualifications:~~

~~— a. A graduate of a recognized college or university;~~

~~— b. Experience in public administration;~~

~~— c. Experience in financial administration, accounting and/or personnel management or similar fields as deemed appropriate by the mayor; or~~

~~— d. Such other qualifications as the mayor determines demonstrate the requisite knowledge, experience, skills and competency to perform the duties of the office.~~

~~—3. Duties; Authority: The city administrator, under the direction and supervision of the mayor, or in the absence of the mayor, the deputy mayor, and subject to applicable general laws and ordinances, shall have, perform, keep and maintain the following duties and authority:~~

~~— a. Provide a preliminary budget proposal to the mayor and city council each fiscal year;~~

~~— b. Keep the mayor fully informed of the financial condition of the city, to include anticipated future needs;~~

~~— c. Utilize financial and administrative expertise to perform analysis and provide special reports to the mayor to facilitate decision making;~~

~~— d. Provide advice and guidance with respect to any issue affecting the business or the well being of the city;~~

~~— e. Participate in related committee work or prepare special projects to accomplish same;~~

~~— f. Prepare administrative or financial reports for the mayor;~~

~~— g. Make recommendations to the mayor regarding adoption of such financial measures as may be deemed appropriate or expedient;~~

~~— h. Assist in supervising duties of the department heads;~~

~~— i. Participate as a member of the city's bargaining committee in all labor negotiations;~~

~~— j. Attend meetings of the city council and such other meetings as may be suggested or required by the mayor;~~

~~— k. Supervise the activities of the city clerk and city treasurer;~~

~~— l. General supervision of all city employees;~~

~~— m. — Coordinate the activities and functions of the various city offices, departments, commissions, and boards in carrying out the required mandates of city ordinances and the policies of the mayor and the city council;~~

~~— n. — Administer and supervise the carrying out of decisions, regulations, and policies of the various city departments, commissions, and boards; provided, that nothing herein shall be construed to abridge or to limit the responsibilities or authority of a civil service commission relative to uniformed personnel;~~

~~— o. — Report regularly to the mayor and the city council concerning the status of all assignments, duties, projects, and functions of the various city offices, departments, commissions, and boards;~~

~~— p. — Supervise all purchasing by the various city officers, departments, commissions, and boards, for the purpose of keeping the same within the limitation of the adopted budget and any long-range planning projected for the city;~~

~~— q. — Maintain a current capital improvements program based on long-range plans and policies developed by the city;~~

~~— r. — Analyze all facets of proposed capital expenditures in order to facilitate the decisions of the mayor and the city council;~~

~~— s. — Assist each department in ascertaining whether or not all city departments are adequately and properly manned and organized in order to carry out their functions;~~

~~— t. — Represent the city at meetings with other governmental units, agencies, commissions, and associations as directed by the mayor;~~

~~— u. — Be informed about and remain cognizant of federal and state grant and loan opportunities that could be of pecuniary value to the city, and to alert the proper city officials to any opportunities for taking advantage of federal and state grants which could benefit the city;~~

~~— v. — Coordinate and work with all other municipal corporations;~~

~~— w. — Conduct the city's business with the public (i.e., answer questions, provide information);~~

~~— x. — Seek funding sources and prepare and process grants and furtherance of municipal planning goals;~~

~~— y. — Plan and prepare grants and monitor resultant program activity;~~

~~— z. — Administer, enforce and implement the city development code (titles 13 and 15 of this code) and the flood control code (title 14 of this code); the critical areas and shoreline code (title 11 of this code); and, the subdivision regulations (title 12 of this code);~~

~~— aa. — Be the SEPA responsible official in accordance with section 15-14-2-4 of this code;~~

~~— bb. — Lead, develop, and execute an economic development program or programs designed to foster economic vitality;~~

~~— cc. — Research, plan, and implement development projects;~~

~~— dd. — Lead development efforts for neighborhoods and business districts;~~

~~— ee. — Advise other departments, the mayor, and the city council on issues and opportunities relating to economic development; and~~

~~— ff. — Perform such other duties and possess such authority as assigned to the office pursuant to law or ordinance, or as assigned by the mayor.~~

~~— 4. — Combination Of Position: The mayor may combine the office and position of city administrator with any other appointive position in the city; provided that, when combined, the compensation shall be fixed by the city council for the combined office and shall not necessarily be the total of the compensation fixed for each office individually.~~

~~— 5. — Exclusive Employment: The city administrator shall work exclusively for the city and shall not be allowed to work for any other municipality during his/her term as city administrator.~~

~~— 6. — Council Member Ineligible: No person elected to membership on the city council shall, subsequent to such election, be eligible for the appointment of city administrator until one year has elapsed following the expiration of the last term for which he/she was elected.~~

~~— 7. — Mayoral Vacancy/Absence: In the event a vacancy occurs in the office of mayor, or the mayor is absent from office, the city administrator shall report directly to the deputy mayor. (Ord. 958, 7-9-2014)~~


Appointive officers' duties and qualifications shall be approved by resolution of the City Council.

Section 4. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

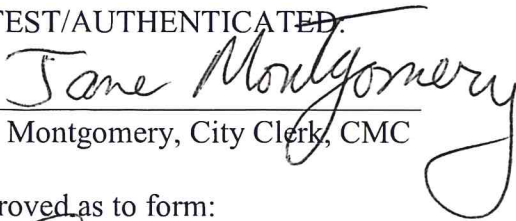
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26TH DAY OF AUGUST, 2020.

CITY OF ORTING

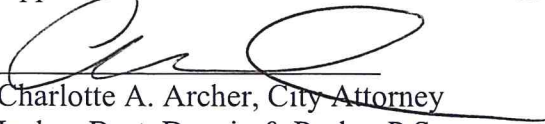


Joshua Fenner, Mayor

ATTEST/AUTHENTICATED.


Jane Montgomery, City Clerk, CMC

Approved as to form:


Charlotte A. Archer, City Attorney
Inslee, Best, Doezie & Ryder, P.S.

Filed with the City Clerk: 8.13.20
Passed by the City Council: 8.26.20
Date of Publication: 8.28.20
Effective Date: 9.2.20