

## **COUNCILMEMBERS**

Position No.

1. Tod Gunther
2. Chris Moore
3. Don Tracy
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Melodi Koenig



**ORTING CITY COUNCIL**  
Regular Business Meeting Agenda  
104 Bridge Street S, Orting, WA  
Zoom – Virtual  
June 14th, 2023  
7:00 p.m.

**Mayor Joshua Penner, Chair**

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

This meeting is being held in person and through the platform zoom. A link for virtual participation can be found on the agenda or on the City's website:

<https://us06web.zoom.us/j/88614716796?pwd=K0thZFZyOEpvTW9teTBuU2w0US9tdz09>  
Telephone: 1-253-215-8782 - Meeting ID: 886 1471 6796 and the passcode 301067.

### **REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.**

#### **2. PUBLIC COMMENTS.**

Comments may be sent to the City Clerk at [clerk@cityoforting.org](mailto:clerk@cityoforting.org) by 3pm on June 14th, 2023 and will be read in to the record at the meeting. In person attendees may provide public comment at the meeting. In the case of a question, the chair will refer the matter to the appropriate administrative staff member or committee. Written comments that come in after the 3pm deadline will be read in to the record at the next Council meeting.

#### **3. CONSENT AGENDA.**

- A. Payroll Claims and Warrants.
- B. Meeting Minutes of May 31<sup>st</sup>, 2023.

**Motion:** *To approve the consent agenda as prepared.*

#### **4. OLD BUSINESS.**

- A. **AB23-46** – Personnel Policy  
Scott Larson

**Motion:** *To approve Resolution No. 2023-09, a resolution of the City of Orting, Washington, amending the City of Orting personnel policy and setting an effective date.*

#### **5. NEW BUSINESS.**

- A. **AB23-54** – Planning Commission Appointment.  
Mayor Penner

**Motion:** *To confirm the Mayor's appointment of Jeff Sproul to the Planning Commission.*

- B. **AB23-56** – 6-Year (TIP) Transportation Improvement Plan Briefing.  
John Bielka

**C. AB23-53 – Sign Code Amendments.**

Scott Larson

***Motion:*** *To approve Ordinance No. 2023-1103, an ordinance of the City of Orting, Washington, relating to signs; amending Orting Municipal Code 13-7-9(B); providing for severability; and establishing an effective date.*

**D. AB23-52 – Purchasing Policy.**

Gretchen Russo

***Motion:*** *To approve Resolution No. 2023-11, a resolution of the City of Orting, Washington, adopting amended purchasing policy; and establishing an effective date.*

**E. AB23-55 – Dump Truck Purchase.**

John Bielka

***Motion:*** *To authorize the Mayor or his designee to sign a purchase agreement for a dump truck for an amount not to exceed \$150,000.00.*

**6. EXECUTIVE SESSION.**

**7. ADJOURNMENT.**

***Motion:*** *To Adjourn.*

VOUCHER/WARRANT REGISTER  
FOR **JUNE 14, 2023** COUNCIL  
CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

**JUNE 14 2023 2nd COUNCIL**

CLAIMS WARRANTS # **52478 THRU # 52522**  
IN THE AMOUNT OF \$ **146,609.21**  
MASTERCARD EFT \$

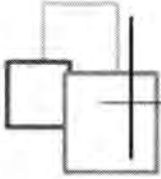
PAYROLL WARRANTS #**23993 THRU #23997** = \$ **98,265.15**  
EFT IN THE AMOUNT OF \$ **158,372.35**  
Carry Over \$ **4,385.02**

**ARE APPROVED FOR PAYMENT JUNE 14, 2023**

COUNCILPERSON \_\_\_\_\_

COUNCILPERSON \_\_\_\_\_

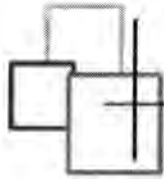
CITY CLERK \_\_\_\_\_



# Fund Transaction Summary

Transaction Type: Invoice  
Fiscal: 2023 - 2023-June - June 1st Council 6/14/2023

Fund Number	Description	Amount
001	Current Expense	\$67,227.64
101	City Streets	\$385.46
104	Cemetery	\$4,889.32
105	Parks Department	\$13,021.91
401	Water	\$9,432.43
408	Wastewater	\$40,090.72
410	Stormwater	\$11,561.73
	<b>Count: 7</b>	<b>\$146,609.21</b>

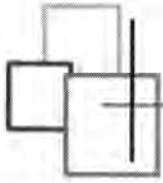


# Register

Fiscal: 2023  
Deposit Period: 2023 - 2023-June  
Check Period: 2023 - 2023-June - June 1st Council 6/14/2023

Number	Name	Print Date	Clearing Date	Amount
<b>Key Bank</b>	<b>2000073</b>			
<b>Check</b>				
<u>52478</u>	A Advanced Septic Services INC	6/5/2023		\$19,255.42
<u>52479</u>	Combined Cutting Contractors INC	6/5/2023		\$3,273.80
<u>52480</u>	ACRnet CBS Branch	6/14/2023		\$35.00
<u>52481</u>	Aktivov LLC	6/14/2023		\$2,133.30
<u>52482</u>	Arrow Lumber	6/14/2023		\$1,367.52
<u>52483</u>	Big J'S Outdoor Store	6/14/2023		\$701.85
<u>52484</u>	Capital One Trade Credit	6/14/2023		\$473.43
<u>52485</u>	CenturyLink	6/14/2023		\$301.27
<u>52486</u>	Centurylink	6/14/2023		\$1,476.83
<u>52487</u>	City of Lakewood	6/14/2023		\$172.32
<u>52488</u>	Core & Main LP	6/14/2023		\$1,796.13
<u>52489</u>	Frost Landscape	6/14/2023		\$13,280.30
<u>52490</u>	Gails LLC	6/14/2023		\$652.43
<u>52491</u>	Harrington's Janitorial	6/14/2023		\$441.00
<u>52492</u>	Inslee, Best, Doezie & Ryder, P.S	6/14/2023		\$5,947.47
<u>52493</u>	Intercom Language Services	6/14/2023		\$150.00
<u>52494</u>	Jennings Equipment Inc	6/14/2023		\$30.71
<u>52495</u>	Korum Automotive Group	6/14/2023		\$3,423.52
<u>52496</u>	Kyocera Document Solutions Northwest INC	6/14/2023		\$320.70
<u>52497</u>	Kyocera Document Solutions Wes	6/14/2023		\$206.77
<u>52498</u>	Milo's Locksmith Company	6/14/2023		\$935.25
<u>52499</u>	Miwall Corporation	6/14/2023		\$1,969.20
<u>52500</u>	Moss Commercial Cleaning LLP	6/14/2023		\$1,325.00
<u>52501</u>	Murphy-Brown, Mary	6/14/2023		\$1,120.00
<u>52502</u>	Office of the Secretary of State Washington	6/14/2023		\$64.98
<u>52503</u>	Pape & Sons Construction INC	6/14/2023		\$1,723.05
<u>52504</u>	PFVT Motors LLC	6/14/2023		\$50,780.00
<u>52505</u>	Platt	6/14/2023		\$296.69
<u>52506</u>	Puget Sound Energy	6/14/2023		\$2,230.22
<u>52507</u>	S&S Tire Service INC	6/14/2023		\$552.74
<u>52508</u>	SHRED-IT, C/O Stericycle INC	6/14/2023		\$126.54
<u>52509</u>	Sonsray Machinery LLC	6/14/2023		\$34.38
<u>52510</u>	Sound Inspections LLC	6/14/2023		\$500.00
<u>52511</u>	Spectral Laboratories	6/14/2023		\$830.00
<u>52512</u>	Sterling Codifers / American Legal Publishing	6/14/2023		\$664.65

Number	Name	Print Date	Clearing Date	Amount
52513	Sumner Lawn'n Saw	6/14/2023		\$2,206.55
52514	Sunset Ford	6/14/2023		\$89.65
52515	T M G Services Inc	6/14/2023		\$1,515.11
52516	The Walls Law Firm	6/14/2023		\$2,142.70
52517	UniFirst Corporation	6/14/2023		\$636.12
52518	Utilities Underground Location Center	6/14/2023		\$77.40
52519	Wa. State Dept. of Ecolog	6/14/2023		\$6,086.59
52520	Water Management Lab Inc.	6/14/2023		\$417.00
52521	Whitney Equipment Company Inc	6/14/2023		\$5,810.45
52522	Z&M Enterprise LLC	6/14/2023		\$9,035.17
		<b>Total</b>	<b>Check</b>	<b>\$146,609.21</b>
		<b>Total</b>	<b>2000073</b>	<b>\$146,609.21</b>
		<b>Grand Total</b>		<b>\$146,609.21</b>



# Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
A Advanced Septic Services INC	52478	3870-Payment #1	408-535-50-48-05	City STEP Tank Cleaning Services-Payment #1	\$19,255.42
				<b>Total</b>	<b>\$19,255.42</b>
ACRnet CBS Branch	52480	23280	001-571-20-31-01	Background Check-Lyons	\$35.00
				<b>Total</b>	<b>\$35.00</b>
Aktivov LLC	52481	ORTING/2023/04	410-531-38-41-07	Custom Forms for NPDES-Source Control Inspections	\$2,133.30
				<b>Total</b>	<b>\$2,133.30</b>
Arrow Lumber	52482	600186-May2023	001-514-21-48-01	PVC Coupling-WO10009	\$1.94
			001-514-21-48-01	Slip & Fit Bushing-WO10009	\$3.26
			001-514-21-48-01	PVC Slip Tee-Wo10009	\$4.89
			001-514-21-48-01	PVC Bushing & 90 Elbow-WO10009	\$5.44
			001-514-21-48-01	PVC Elbow-PVC Adapter-Bushing-WO10009	\$14.71
			001-514-21-48-01	White Gutter & Seam Seal WO 10257	\$15.95
			001-514-21-48-01	Blue Glue-Rags WO10009	\$16.07
			001-514-23-31-02	Hand Cultivater-Hand Trowel-Gloves WO10009	\$6.22
			001-518-20-40-03	Ground Connector-Red Wing Connecolr-WO 10254	\$6.53
			001-521-21-31-01		\$18.59
			001-521-21-31-01		\$19.57
			101-542-30-31-00	Yellow Hard Hat Ratchet	\$8.74
			101-542-30-31-04	Drill Bits-WO10222	\$19.68
			101-542-30-48-02	Push Broom-WO9975	\$36.09
			104-536-50-48-00	Liquid Nail for Plaque-Wo9971	\$10.05
			105-576-80-31-00	Yellow Hard Hat Ratchet	\$8.74
			105-576-80-31-00	Pocket Knife	\$10.71
			105-576-80-31-00	Keys-Snap Ring-Key Ring	\$22.54
			105-576-80-31-00	Gloves	\$22.95

Vendor	Number	Invoice	Account Number	Notes	Amount
Arrow Lumber	52482	600186-May2023	105-576-80-31-02	Zip Ties-Hooks-Chain Hanging Baskets WO10257	\$29.09
			105-576-80-31-02	Hot Water Hose-WO 10257	\$73.29
			105-576-80-48-00	Grass Seed-Peat Moss	\$169.41
			105-576-80-48-00	Stripe-Traffic Marker WO 10037	\$341.07
			105-576-80-48-03	Sceen Door Pull-Door Hinge-WO10150	\$25.75
			401-534-10-31-00	Rags	\$65.61
			401-534-10-31-04	Safety Glasses	\$20.78
			401-534-50-35-00	Sprayer-WO10151	\$16.39
			401-534-50-48-02	Hillman Fasteners	\$1.27
			401-534-50-48-02	PVC Coupling-WO10009	\$1.95
			401-534-50-48-02	PVC Adapter-WO10009	\$2.17
			401-534-50-48-02	PVC MIP Adapter-WO10009	\$2.17
			401-534-50-48-02	Slip & Fit Bushing-WO10009	\$3.26
			401-534-50-48-02	PVC 90 Elbow-Adapter-WO10009	\$3.57
			401-534-50-48-02	PVC Slip Tee-Wo10009	\$4.89
			401-534-50-48-02	PVC Bushing & 90 Elbow-WO10009	\$5.43
			401-534-50-48-02	Hand Cultivater-Hand Trowel-Gloves WO10009	\$6.22
			401-534-50-48-02	PVC Elbow-PVC Adapter-Bushing-WO10009	\$14.71
			401-534-50-48-02	Blue Glue-Rags WO10009	\$16.07
			401-534-50-48-02	Garden Hoe WO 10119	\$22.96
			401-534-50-48-02	Poly Sorayer-Ant Killer Bait-WO10074	\$41.00
			401-534-50-48-02	Pipe Ball Valve-WO10119	\$55.78
			408-535-10-31-00	Graphite Tube-Broom Handle-Deck Bruch	\$16.49
			408-535-10-31-00	Hand Soap-WO10131	\$21.87
			408-535-10-31-00	Garbage Can WO10168	\$58.52
			408-535-10-41-14	LED Bulbs-PO 7335	\$37.17
			408-535-50-35-00	Cutting Pliers	\$30.62
			408-535-50-48-02	Garden Hose VG Sewer Lift Station	\$27.34
				<b>Total</b>	<b>\$1,367.52</b>
Big J'S Outdoor Store	52483	JUNE2023	001-521-20-31-06		\$45.27
			410-531-38-31-02		\$17.70
			410-531-38-31-02		\$141.72
			410-531-38-31-02		\$157.53



Vendor	Number	Invoice	Account Number	Notes	Amount
Big J'S Outdoor Store	52483	JUNE2023	410-531-38-31-02		\$339.63
				<b>Total</b>	<b>\$701.85</b>
Capital One Trade Credit	52484	G11213/3	401-534-50-48-02	Parts for PRV	\$27.24
		G17573/3	401-534-50-48-02	Install-WO 10198 8 Foot Lader-Well	\$218.79
		G21939/3	401-534-50-48-02	#1 -WO 10119- Pine Boards-WO 10331-Well 3	\$227.40
				<b>Total</b>	<b>\$473.43</b>
Centurylink	52486	300549640-JUNE2023	408-535-10-42-01	Sewer Phones	\$44.36
		300549818-JUNE2023	001-514-23-42-00	City Phones	\$355.18
			401-534-10-42-01	City Phones	\$311.32
			408-535-10-42-01	City Phones	\$351.16
			410-531-38-42-01	City Phones	\$68.50
		300549906-JUNE2023	401-534-10-42-01	Water Phones	\$72.55
		300550216-JUNE2023	408-535-10-42-01	Sewer Phones	\$202.81
		409178327-JUNE2023	001-521-50-42-00	Police Phones	\$70.95
	52485	464B-JUNE2023	001-521-50-42-00	Phones-PD	\$129.97
		465B-JUNE2023	001-521-50-42-00	Phones-PD	\$94.95
		492B-JUNE2023	001-521-50-42-00	Phones-PD	\$76.35
				<b>Total</b>	<b>\$1,778.10</b>
City of Lakewood	52487	PD-02013	001-521-40-49-00	EVOC Training- 2022 Bond	\$172.32
				<b>Total</b>	<b>\$172.32</b>
Combined Cutting Contractors INC	52479	2175-Payment #1	105-576-80-40-01	Fir Trees Removed & Triangle Park- Payment #1	\$3,273.80
				<b>Total</b>	<b>\$3,273.80</b>
Core & Main LP	52488	R733755	401-534-50-48-02	Brass Nipple Well 1 -WO9947	\$24.72
		S657933	401-534-50-48-02	DI Pipe 3'-Ring Gasket-Tapt Plug- Well n1 WO 9947	\$1,771.41
				<b>Total</b>	<b>\$1,796.13</b>
Frost Landscape	52489	18976	001-521-50-42-04	Landscape Services-Rain Gardens	\$246.15
			104-536-50-41-02	Landscape Services-Cemetery	\$4,709.27
			105-576-80-48-08	Landscape Services-Parks & Foothills	\$8,324.88
				<b>Total</b>	<b>\$13,280.30</b>
Galls LLC	52490	024398619	001-521-20-31-01	Uniform Items officer Gibbs	\$652.43
				<b>Total</b>	<b>\$652.43</b>
Harrington's Janitorial	52491	4202	401-534-10-41-43	Janitorial-City Shop-Rocky RD	\$147.00

Vendor	Number	Invoice	Account Number	Notes	Amount
Harrington's Janitorial	52491	4202	408-535-10-41-44	Janitorial-City Shop-Rocky RD	\$147.00
			410-531-31-41-04	Janitorial-City Shop-Rocky RD	\$147.00
				<b>Total</b>	<b>\$441.00</b>
Inslee, Best, Doezie & Ryder, P.S	52492	397357	001-515-41-41-02	City Attorney Services-Westlaw Legal	\$4.84
			001-515-41-41-02	City Attorney Services-Public Records Request	\$475.00
			001-515-41-41-02	City Attorney Services-Parks Legal	\$575.00
			001-515-41-41-02	City Attorney Services	\$2,450.00
			001-515-41-41-04	City Attorney Services	\$517.63
			001-515-41-41-05	City Attorney Services-HR	\$400.00
			001-515-41-41-06	City Attorney Services-Code Enforcement	\$500.00
			001-515-41-41-07	City Attorney Services- Bridgewater Development	\$150.00
			001-515-41-41-07	City Attorney Services- Development	\$200.00
			001-521-50-41-02	City Attorney Services-PD Legal	\$250.00
			408-535-10-41-04	City Attorney Services- WasteWater Legal	\$425.00
				<b>Total</b>	<b>\$5,947.47</b>
Intercom Language Services	52493	Invoice - 6/6/2023 1:12:14 PM	001-512-51-49-05	Court Appointed Interpreter- 2A0476175 CT	\$150.00
				<b>Total</b>	<b>\$150.00</b>
Jennings Equipment Inc	52494	43816P	410-531-38-48-01	Springs	\$30.71
				<b>Total</b>	<b>\$30.71</b>
Korum Automotive Group	52495	6780656-1	410-531-38-48-10	Oil Change-Fixed Leaks-Transmission Fluid-Coolant Leak- 2016 F250 92714	\$3,423.52
				<b>Total</b>	<b>\$3,423.52</b>
Kyocera Document Solutions Northwest INC	52496	55T1131420	001-513-10-31-00	Copier Usage	\$288.63
			001-521-20-31-03	Copier Usage	\$32.07
				<b>Total</b>	<b>\$320.70</b>
Kyocera Document Solutions Wes	52497	5025119433	105-576-80-41-15	Public Works Copier Lease	\$31.02
			401-534-10-42-03	Public Works Copier Lease	\$103.38

Vendor	Number	Invoice	Account Number	Notes	Amount
Kyocera Document Solutions Wes	52497	5025119433	408-535-10-42-03	Public Works Copier Lease	\$41.35
			410-531-10-42-03	Public Works Copier Lease	\$31.02
				<b>Total</b>	<b>\$206.77</b>
Milo's Locksmith Company	52498	1286	401-534-10-31-00	Locks for Meters	\$440.00
			401-534-10-31-00	Locks & Keys	\$247.62
			410-531-38-31-00	Locks & Keys	\$247.63
				<b>Total</b>	<b>\$935.25</b>
Miwall Corporation	52499	1581	001-521-20-31-06	Ammunition	\$1,969.20
					<b>Total</b>
Moss Commercial Cleaning LLP	52500	0000115	001-512-51-41-08	Janitorial-City Hall	\$92.75
			001-514-21-41-01	Janitorial-City Hall	\$238.50
			001-521-50-41-04	Janitorial-City Hall	\$397.50
			001-524-20-49-02	Janitorial-City Hall	\$39.75
			101-542-30-44-01	Janitorial-City Hall	\$53.00
			401-534-10-41-43	Janitorial-City Hall	\$159.00
			408-535-10-41-44	Janitorial-City Hall	\$185.50
			410-531-31-41-04	Janitorial-City Hall	\$159.00
				<b>Total</b>	<b>\$1,325.00</b>
Murphy-Brown, Mary	52501	Dance Class-May 2023	001-571-20-31-21	Dance Class-May 2023	\$1,120.00
					<b>Total</b>
Office of the Secretary of State Washington	52502	13295	001-513-10-31-00	Archive Boxes	\$64.98
					<b>Total</b>
Pape & Sons Construction INC	52503	14511809	401-534-50-48-02	2020 Lift Station Upgrades Project	\$1,723.05
					<b>Total</b>
PFVT Motors LLC	52504	230569-NGC14857	001-594-21-64-01	2022 Police Interceptor-NGC14857	\$50,780.00
				<b>Total</b>	<b>\$50,780.00</b>
Platt	52505	4B25881	408-535-50-48-02	LED Bulbs-WO7335	\$277.50
		4B57509	401-534-50-48-02	PVC-Bushing-WO10198	\$19.19
				<b>Total</b>	<b>\$296.69</b>
Puget Sound Energy	52506	200019646914-JUNE2023	101-542-63-47-03	Street Lights	\$130.97
		200021064239-JUNE2023	401-534-50-47-05	Wingate Pump	\$405.11
		200021119249-JUNE2023	401-534-50-47-02	Chlorinator	\$15.64
		220022116432-JUNE2023	001-512-51-47-01	City Hall-Bridge Street	\$132.12
			001-514-21-47-01	City Hall-Bridge Street	\$346.83

Vendor	Number	Invoice	Account Number	Notes	Amount	
Puget Sound Energy	52506	220022116432-JUNE2023	001-521-50-42-06	City Hall-Bridge Street	\$495.47	
			001-524-20-32-05	City Hall-Bridge Street	\$82.58	
			101-542-63-47-01	City Hall-Bridge Street	\$33.03	
			105-576-80-47-03	City Hall-Bridge Street	\$33.03	
			401-534-50-47-13	City Hall-Bridge Street	\$181.67	
			408-535-50-47-01	City Hall-Bridge Street	\$181.66	
			410-531-38-47-04	City Hall-Bridge Street	\$165.16	
			220028112518-JUNE2023	101-542-63-47-03	Street Lights	\$26.95
			<b>Total</b>			
		S&S Tire Service INC	52507	1-143380	410-531-38-48-01	Tires for Storm Mower-WO 10284
1-143665	104-536-20-31-00			Tires for Till Trailer-FA0028	\$170.00	
	105-576-80-31-00			Tires for Till Trailer-FA0028	\$170.00	
<b>Total</b>				<b>\$552.74</b>		
SHRED-IT, C/O Stericycle INC	52508	8003932421	001-512-51-31-00	Shredding	\$10.12	
			001-514-23-31-02	Shredding	\$31.64	
			001-521-20-31-03	Shredding	\$37.96	
			001-524-20-31-00	Shredding	\$6.33	
			401-534-10-31-00	Shredding	\$13.92	
			408-535-10-41-14	Shredding	\$13.92	
			410-531-38-31-00	Shredding	\$12.65	
<b>Total</b>				<b>\$126.54</b>		
Sonsray Machinery LLC	52509	PS0081328-1	401-534-50-48-04	Retainer-1112	\$34.38	
			<b>Total</b>			
Sound Inspections LLC	52510	20222371-4	001-524-20-49-01	Contracted-Inspections May 2023	\$500.00	
			<b>Total</b>			
Spectral Laboratories	52511	5005528	408-535-10-41-03	Lab Testing	\$268.00	
		5005615	408-535-10-41-03	Lab Testing	\$562.00	
		<b>Total</b>				<b>\$830.00</b>
Sterling Codifers / American Legal Publishing	52512	25571	001-514-23-41-10	Supplement S-10-ORDS 2023-1101 thur 2023-1105	\$664.65	
			<b>Total</b>			
Sumner Lawn'n Saw	52513	114478	105-576-80-48-01	Weedeater-SN192291483	\$408.64	
			410-531-38-48-01	Weedeater-SN192291483	\$408.64	
		115089	410-531-38-48-00	Engine Oil-Fuel Mix	\$201.28	
		115202	101-542-30-48-04	Backpack-Ball Fields	\$77.00	

Vendor	Number	Invoice	Account Number	Notes	Amount
Sumner Lawn'n Saw	52513	115202	105-576-80-48-01	Backpack-Ball Fields	\$76.99
		115428	401-534-50-48-04	Water Hose-WO- 10119	\$1,034.00
				<b>Total</b>	<b>\$2,206.55</b>
Sunset Ford	52514	FOCS316697	001-521-50-48-02	Maintenance-2021 Ford Interceptor- 14669	\$89.65
				<b>Total</b>	<b>\$89.65</b>
T M G Services Inc	52515	0050052-IN	401-534-50-48-02	Field Service-Well 3	\$951.23
		0050080-IN	401-534-50-48-02	Tubing-Spare Parts- Well 3	\$563.88
				<b>Total</b>	<b>\$1,515.11</b>
The Walls Law Firm	52516	209-MAY 2023	001-515-41-41-03	Prosecuting Attorney-May 2023	\$2,142.70
				<b>Total</b>	<b>\$2,142.70</b>
UniFirst Corporation	52517	330 1975827	408-535-10-31-03	Uniform Item- Protective Services	\$212.04
		330 1977970	408-535-10-31-03	Uniform Item- Protective Services	\$212.04
		330 1975827	408-535-10-31-03	Uniform Item- Protective Services	\$212.04
				<b>Total</b>	<b>\$636.12</b>
Utilities Underground Location Center	52518	3050205	401-534-60-41-00	Locates-May	\$38.70
			408-535-60-41-00	Locates-May	\$38.70
			<b>Total</b>	<b>\$77.40</b>	
Wa. State Dept. of Ecolog	52519	2023-BA0020303	408-535-50-47-12	Biosoids Annual Permit Fee	\$2,422.59
		RS-000000631	410-531-39-41-39	StormwaterAction Monitoring-NPDES SAM	\$3,664.00
				<b>Total</b>	<b>\$6,086.59</b>
Water Management Lab Inc.	52520	211871	401-534-10-41-03	Lab Testing	\$176.50
		212154	401-534-10-41-03	Lab Testing	\$240.50
				<b>Total</b>	<b>\$417.00</b>
Whitney Equipment Company Inc	52521	PS-INV103197	408-535-50-48-04	Service Fees	\$1,192.46
		PS-INV104317-2	408-535-50-48-04		\$2,976.99
		PS-INV104736	408-535-50-48-04	Service Fees	\$1,641.00
				<b>Total</b>	<b>\$5,810.45</b>
Z&M Enterprise LLC	52522	232-May2023	408-535-50-48-04	KW Lamp-Quartz Sleeve-O-Ring- Backing Ring-Wiper Ring-UV System	\$9,035.17
				<b>Total</b>	<b>\$9,035.17</b>
<b>Grand Total</b>					<b>\$146,609.21</b>

## **COUNCILMEMBERS**

Position No.

1. Tod Gunther
2. Chris Moore
3. Don Tracy
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Melodi Koenig



**ORTING CITY COUNCIL**  
Regular Business Meeting Minutes  
104 Bridge Street S, Orting, WA  
Zoom – Virtual  
May 31st, 2023  
7:00 p.m.

**Mayor Joshua Penner, Chair**

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Mayor Penner called the meeting to order at 7:01pm. Councilmember Hogan led the Pledge of Allegiance.

**Councilmembers present:** Councilmembers Tod Gunther, Chris Moore, Don Tracy, John Williams, Greg Hogan, Melodi Koenig and Deputy Mayor Bradshaw.

**Staff present:** City Administrator Scott Larson, Finance Director Gretchen Russo, Capital Projects Manager John Bielka, City Clerk Kim Agfalvi, City Attorney Charlotte Archer, Engineer JC Hungerford.

### **REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.**

No requests were made.

### **2. PUBLIC COMMENTS.**

Jeff Sproul residing in Orting, Washington commented and asked about a line item in the fund transaction summary that listed a TBD amount of \$4755.00 that was paid to SCJ Alliance with a reference to street conditions and wondered why it was not listed under the line item 101 city streets.

### **3. CONSENT AGENDA.**

#### **A. Meeting Minutes of April 19<sup>th</sup>, April 26<sup>th</sup>, and May 10<sup>th</sup>, 2023.**

*Councilmember Koenig made a motion to approve the consent agenda as prepared. Seconded by Councilmember Moore.*

*Motion passed (7-0).*

City Administrator Scott Larson briefed on the TBD funds for SJC Alliance.

#### **3B. Payroll Claims and Warrants.**

*Councilmember Hogan made a motion to approve the payroll claims and warrants as prepared. Seconded by Councilmember Gunther.*

*Motion passed (7-0).*

### **4. OLD BUSINESS.**

#### **A. AB23-40 – Main Parks Master Plan.**

City Administrator Scott Larson briefed on the Main Parks Master Plan that was prepared by MacLeod Reckord and stated that the plan was updated based on previous Council direction. Council discussion followed.

***Councilmember Hogan made a motion to adopt the City's 2023 Main Park Master Plan as prepared by MacLeod Reckord. Seconded by Councilmember Koenig.***

Council discussion followed.

***Motion passed (5-2). Hogan, Koenig, Moore, Tracy, Williams – Yay. Gunther, Bradshaw – Nay.***

## **5. NEW BUSINESS.**

### **A. AB23-45 – Transportation Interlocal Agreement – Orting School District.**

City Clerk Kim Agfalvi briefed on the interlocal agreement that was prepared for transportation services for summer programming with the Orting School District.

***Councilmember Hogan made a motion to authorize the City to sign an interlocal agreement with the Orting School District from July 1, 2023 through August 31, 2023 for transportation services for the summer youth program. Seconded by Councilmember Williams.***

***Motion passed (7-0).***

## **6. EXECUTIVE SESSION.**

City Attorney Charlotte Archer briefed that the meeting would be recessed to executive session pursuant to RCW 42.30.110(1)(i), to discuss litigation to which the City is a party with legal counsel for the City for fifteen minutes to begin at 7:35pm with no action to follow.

7:35pm executive session began.

7:50pm executive session extended for minutes 34 minutes.

Executive session ended at 8:24.

Mayor Penner reconvened the meeting to regular session at 8:24pm.

## **7. ADJOURNMENT.**

***Deputy Mayor Bradshaw made a motion to adjourn. Seconded by Councilmember Moore.***

***Motion passed (7-0).***

Mayor Penner adjourned the meeting at 8:24pm.

ATTEST:

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Joshua Penner, Mayor

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Kimberly Agfalvi, City Clerk



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Personnel Policy Update Resolution No. 2023-09.	<b>AB23-46</b>	<b>CGA</b>		
		<b>5.3.2023</b>		<b>5.10.2023</b> <b>6.14.2023</b>
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	<b>4.25.2023</b>		
<b>Cost of Item:</b>				
<b>Amount Budgeted:</b>				
<b>Unexpended Balance:</b>				
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	None			
<b>Submitted By:</b>	Scott Larson			
<b>Fiscal Note:</b> None				
<b>Attachments:</b> Personnel Policy, Resolution No. 2023-09				
<b>SUMMARY STATEMENT:</b>				
<p>The City’s periodically reviews the personnel policy based on experience and changes to employment law. The following items have been revised in the attached personnel policy:</p> <ul style="list-style-type: none"> <li>- Revised language around per-diem when traveling and reference the federal Government Services Administration rates.</li> <li>- Revised accrued leave payouts when an employee separates, and conditions those payouts on returning all city property including records, messages and devices.</li> <li>- Added Juneteenth as a city holiday which brings the personnel policy inline with Collective Bargaining Agreements.</li> </ul>				
<b>RECOMMENDED MOTION: <u>Motion:</u></b>				
<p>To approve Resolution No. 2023-09, a resolution of the City of Orting, Washington, amending the City of Orting personnel policy and setting an effective date.</p>				



**CITY OF ORTING**  
**WASHINGTON**  
**RESOLUTION NO. 2023-09**

**A RESOLUTION OF THE CITY OF ORTING, WASHINGTON, AMENDING THE CITY OF ORTING PERSONNEL POLICY, AND SETTING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Orting maintains a Personnel Policy, which governs conduct of Employees, generally, and the policy adopted by the Council through Resolution 2020-10; and

**WHEREAS**, the City Council desires to amend its Personnel Policy, and provide updates where best practices and law has changed; and

**NOW, THEREFORE**, the City Council of the City of Orting, Washington, does resolve as follows:

**Section 1. City Council Rules of Procedure, Amended.** The City Personnel Policy, as last amended in 2020, is hereby amended to read as attached hereto as Exhibit A.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

**Section 3. Effective Date.** This Resolution shall take effect and be in full force immediately upon its passage.

**PASSED BY THE ORTING CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF MAY 2023.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Kimberly Agfalvi, City Clerk

Approved as to form:

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



# CITY OF ORTING

## PERSONNEL POLICIES & PROCEDURES MANUAL

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# CITY OF ORTING PERSONNEL POLICIES & PROCEDURES MANUAL

## 1. INTRODUCTION

### **1.01 Purpose.**

The City of Orting places the highest value on its employees. We wish to see satisfied workers, with the support necessary to achieve the objectives of each position. The City believes that clear, consistent personnel policies contribute to greater job satisfaction. All employees and new hires are required to be familiar with these policies.

These personnel policies serve as a guide to the City of Orting's current employment practices and procedures. The City of Orting retains the right to repeal, suspend, revoke, terminate, revise or modify these policies and every effort will be made to promptly inform employees of any changes to these policies.

If an employee has any questions about the policies herein or would like to seek clarification, the employee must promptly contact his/her supervisor or the City Personnel Director.

### **1.02 Intent of Policies.**

These policies, and this handbook, are not a contract, express or implied, or any type of promise or guarantee of specific treatment upon which an employee may rely, or a guarantee of employment for any specific duration. Although the City desires long-term employment relationships, it is recognized this may not always occur and either the employer or employee may decide to terminate employment. Unless specific rights are granted in written employment contracts, civil service rules, or collective bargaining agreements, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. No supervisor, Department Manager or representative of the City, other than the Mayor or their designee, has authority to enter into any agreement with an employee for employment for any specified period or duration, or to make any written commitments to the contrary.

These personnel policies apply to all City of Orting employees. In cases where these policies conflict with any Civil Service rules and regulations, provisions of a collective bargaining agreement, City ordinance or state or federal law, the terms of that law, rule or agreement prevail. In all other cases, these policies apply. In the event of the amendment of any ordinance, rule, or law incorporated in this document or upon which these provisions rely, these personnel policies shall be deemed amended in conformance with those changes.

As the need arises, the City Council may modify these policies and, by ordinance or resolution, may enact changes to compensation or benefit levels. The City Administrator may deviate from these policies in particular situations, especially in an emergency, to achieve the primary mission of serving the City's citizens. Employees may request specific changes to these policies by submitting suggestions to their Department Manager or the City Administrator or City Personnel Director.

The City retains the right to administer or implement these policies appropriate to the particular situation or occurrence. The City also retains the right to revise, supplement or rescind these policies without prior notice to employees. However, union representatives for the respective bargaining units representing City

employees will be given a copy of any proposed changes to these policies for a 14-day (two (2) weeks) comment period prior to implementation.

### **1.03 Equal Employment Opportunity Policy.<sup>1</sup>**

The City of Orting is an Equal Opportunity Employer. All employees have the right to work in a discrimination-free environment. The City will not permit or condone any unlawful discrimination in the workplace. All employment decisions will be made without regard to race, color, sex, sexual orientation/gender identity, sexual identity, creed, religion, age, marital status, national origin, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, genetic information, military or honorably discharged veteran status, or any other basis prohibited by state, local or federal laws.

If you experience or witness conduct that you feel is discriminatory, please promptly raise the matter for discussion and review so that the City can investigate and take appropriate action. You are encouraged to approach and report observations and experiences to your supervisor or the City Administrator or the City Personnel Director, as you feel is appropriate.

Retaliation against an employee who brings a complaint of discrimination, reports allegations of discrimination, or participates in an investigation of a complaint is prohibited and shall not be tolerated.

### **1.04 Reasonable Accommodation of Disabilities.**

The City complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practice laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the City will provide a reasonable accommodation to qualified employees with a disability requesting the reasonable accommodation if such an accommodation will allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others.

If you would like to request reasonable accommodation, please contact the City Administrator or the City Personnel Director who will work with you and your health care provider to evaluate the need for reasonable accommodation.

### **1.05 Reasonable Accommodation of Religious Beliefs.**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship for the City's business or operations. If you would like to request reasonable accommodation, please contact the City Administrator or the City Personnel Director.

### **1.06 Workplace Anti-Harassment Policy.**

It is the City of Orting's policy to foster and maintain a work environment free from discrimination, harassment, and intimidation. The City will not tolerate unlawful harassment of any employee, whether from a co-worker, member of the public, or other third party.

Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or member of the public due to that individual's race, color, sex, sexual orientation/gender identity, sexual identity, creed, religion, age, marital status, national origin, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, genetic information, military or honorably discharged veteran status. Examples of unlawful harassment include, but are not limited to, slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation (including gender identity), age, disability, marital status, military status or any other legally protected status.

Any conduct implicating a protected status that has the effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment may be considered harassment. Any harassment of a fellow employee or member of the public will be cause for disciplinary action, up to and including termination of employment.

Examples of behaviors which are inappropriate and/or illegal on the job referring to (but not limited to) gender, ethnic background, race or any other protected status include negative or offensive comments; jokes; slang names or labels; talking about or calling attention to another employee's physical or mental capacity in a derogatory or offensive manner; displaying nude or sexual pictures, cartoons or calendars on City property.

Retaliation against an employee who brings a complaint of discrimination or harassment, reports allegations of discrimination or harassment, or participates in an investigation of a complaint is prohibited and shall not be tolerated. "Retaliation" means an adverse job action(s) taken against an employee because he or she has complained about discrimination or harassment, given a statement about a discrimination or harassment investigation, participated in an investigation, or supported a complainant.

See Discrimination/Harassment Complaint Procedure for reporting guidance.

### **1.07 Sexual Harassment Prohibited.**

Sexual harassment is a form of discrimination and it is illegal and violates federal and state law and the City's policies. Sexual harassment is also inappropriate and offensive and will not be tolerated by the City of Orting. The City considers sexual harassment a serious offense, and an employee who harasses other employees or members of the public will be disciplined as in any other case of serious employee misconduct.

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation;
- b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting the member; or
- c. Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.



Sexual harassment is not welcome and is personally offensive, interfering with the effectiveness or creating discomfort on the job.

Written examples of sexual harassment include suggestive or obscene letters, emails, notes and invitations. Verbal examples include derogatory comments, slurs, unwanted sexual comments, suggestions, jokes or pressure for sexual favors. Physical examples include assault, pats or squeezes, repeated brushing against someone's body, touching, impeding or blocking movements. Visual examples include leering, sexually-oriented gestures, or display of sexually suggestive or derogatory objects, pictures, cartoons, or posters. Other examples include the threat or insinuation that lack of sexual favors will result in reprisal, such as: withholding support for job appointment, promotion or transfer; rejection on trial period; punitive actions; change of assignments; or a poor performance report.

It is the policy of the City of Orting to prevent and/or eliminate sexual harassment in the workplace, as well as to alleviate any effects sexual harassment may have on the working conditions, or work environment, of an employee. In response to reports of sexual harassment, the City will seek to protect all parties involved from retaliation, false accusations, or future harassment and, where appropriate, will take prompt and adequate remedial measures.

Employees engaging in sexual harassment are subject to discipline, up to and including termination. Retaliation against an employee who brings a complaint of harassment, reports allegations of harassment, or participates in an investigation of a complaint is prohibited and shall not be tolerated. "Retaliation" means an adverse job action(s) taken against an employee because he or she has complained about harassment, given a statement about a harassment investigation, participated in a harassment investigation, or supported a harassment complainant.

See Discrimination/Harassment Complaint Procedure for reporting guidance.

### **1.08 Discrimination/Harassment Complaint Procedure.**

Each employee is responsible for creating an atmosphere free of discrimination and unlawful harassment in any form. Each employee is responsible for respecting the rights of co-workers and others, including the public.

**The procedure an employee is to follow:** The following procedure outlines the steps an employee should follow if the employee believes he/she is experiencing harassment or discrimination on the job:

- (1) If comfortable doing so, identify the offensive behavior to the harasser and request that the offensive behavior stop. If such informal, direct communication is impractical or uncomfortable, or if the offensive behavior does not immediately cease, then proceed to Step (2); and
- (2) Report the incident(s) to the immediate non-involved supervisor within the department, the Department Manager, City Personnel Director, and/or the City Administrator.

When possible, reports should include specific allegations, date(s) of the occurrence(s), the individuals involved, and the names of any witness(es). A non-involved supervisor is defined as the first supervisor in an employee's department who is not the object of the complaint and is not otherwise involved in the

harassing behavior. In the event that there is no non-involved supervisor, and the behavior involves the Department Manager, the City Personnel Director, and the City Administrator, the employee should report the incident to the City Attorney.

Any employee involved in reporting a concern, or who participates in an investigation, may request that his /her identity be kept confidential. City officials and those involved in the investigation will honor this request to the extent possible under law, business necessity, and the needs of the investigation. Confidentiality, however, cannot be guaranteed.

The City prohibits retaliation against those who have reported a concern in good faith or participated in the investigation. Violations of the City's prohibition on retaliation will result in disciplinary action, up to and including termination

Employees are encouraged to take all action necessary to correct a workplace problem or harassment, so problems can be identified and corrected. They should not refrain from taking these steps due to a fear of retaliation. If retaliation occurs, promptly report such conduct in the same manner as outlined in this section. With a prompt complaint from employees, the City will take all appropriate steps to correct a problem of harassment, discrimination or retaliation in the workplace and will assist the employee affected if further problems arise. Thus, employees are encouraged to utilize these procedures to resolve concerns about workplace discrimination before they allow such conduct to interfere with their performance or such conduct affects their satisfaction with the workplace.

**The procedure a supervisor is to follow:** Supervisors who are aware of situations involving discrimination, harassment or retaliation must respond to such situations regardless of whether or not a complaint is received. Supervisors who receive complaints or become aware of such incidents must:

- (1) Take prompt action to insure the behavior is not repeated; and
- (2) Promptly notify the appropriate director and the City Personnel Director or the City Administrator of the allegations, including all information known to or received by the supervisor.

Supervisors shall be required to take the above steps and are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint.

Supervisors must maintain open channels of communication to permit employees to raise concerns of sexual or other workplace harassment or discrimination without fear of retaliation, promptly stop any observed harassment or discrimination, and treat harassment and discrimination matters with sensitivity, confidentiality, and objectivity.

A supervisor's failure to carry out these responsibilities may result in disciplinary action up to and including termination.

**The investigation process:** Employees are prohibited from interfering in any investigation or retaliating against anyone who in good faith has filed a complaint or participated in an investigation of such a complaint. The City requests full, good faith cooperation during the investigation process.

It is the policy of the City that all complaints of discrimination or harassment shall be promptly and thoroughly investigated. The investigation may include interviews with the directly involved parties, and

where necessary, with employees who may have observed the alleged harassment or who may be similarly situated with the complaining employee, and who may be able to testify to similar experiences with the accused employee.

The individual assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint in good faith, encouraging others to file a good faith complaint or for offering testimony or evidence in any investigation. Retaliation is prohibited. Employees participating in an investigation shall refrain from discussing the investigation process, interviews, or issues under investigation with other potential witnesses to prevent harmful gossip and to prevent the possibility of tainting the investigation, to the extent permitted by law.

All complaints will be kept confidential to the fullest extent possible during the investigation, and will be disclosed only as necessary to allow an investigation and respond to the complaint and as consistent with the law. Confidentiality, however, cannot be guaranteed. The Public Records Act may require disclosure of an investigation report after an investigation has concluded.

The results of each investigation shall be written and a finding made regardless of whether or not there is a basis for disciplinary action. Disciplinary action, if necessary, may range from a verbal warning to termination, depending on the seriousness of the harassment. If an investigation determines the accused employee engaged in harassment, discrimination or retaliation, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file, or an employee transfer, demotion, suspension or termination. An employee may at his/her request have a statement of rebuttal or correction placed in his/her personnel file.

Retaliation is prohibited against an employee who brings a complaint of discrimination, reports allegations of discrimination, or participates in an investigation of a complaint and shall not be tolerated.

### **1.09 Employment of Relatives.**

Business necessity requires the establishment of policies regarding the employment of immediate family and members of the same household in order to avoid conflicts of interest or the perception of favoritism and to assure and maintain accountability.

The immediate family or any member of the same household of current City employees will not be employed by the City under any of the following circumstances:

- (1) When one of the parties would have authority or practical power to supervise, appoint, remove, influence salary or compensation decisions or discipline the other;
- (2) When one party would handle confidential material that creates improper or inappropriate access to that material by the other;
- (3) When one party would be responsible for auditing the work of the other; or
- (4) When other circumstances exist that might lead to potential conflict or appearance of a conflict among the parties or conflict between the interest of one or both parties and the best interests of the City.



### **1.10 Change in Circumstances/ Notification Requirement for Consensual Romantic Relationship.**

Employees who become romantically involved with each other, begin sharing living quarters with one another, or become related by marriage must notify their manager and the City Personnel Director of the relationship and confirm in writing that it is consensual. Employees involved in a consensual relationship must conduct themselves in a professional manner at all times (both during and following the termination of the relationship, as applicable) and the relationship should not affect city business. If the relationship ends, the employees must conduct themselves professionally, and notify the City Personnel Director immediately should one party become hostile toward the other while at work. If employees involved in a consensual relationship are unable to work together in a professional, respectful and/or courteous manner as a result of the relationship and or a break-up, one or both of the employees may be required to terminate employment with the City. Employees involved in a consensual relationship may not supervise each other or otherwise create an actual or apparent conflict of interest. If employees involved in a consensual relationship occupy positions in which one directly or indirectly supervises the other or an actual or apparent conflict otherwise exists, the City will consider a transfer the least tenured employee, to the extent that such a transfer is available and/or feasible. However, if a transfer is not possible or practical, one of the employees will be required to terminate their employment relationship with the City. If the employees are unable to agree which employee is to terminate their employment relationship, the City will make the determination based on the needs and operations of the City.

### **1.11 Contact with News Media.**

The Mayor or his/her designee or the City Administrator or his/her designee shall be responsible for all official contacts with the news media, including answering of questions from the media. The City Administrator may designate specific employees to give out procedural, factual or historical information on particular subjects. City employees will refrain at all times from disclosing confidential City information to the media. A violation of this provision may subject an employee to discipline, including termination.

## 2. EMPLOYMENT AND CLASSIFICATION

At the City of Orting, we want you to understand how your wages, benefits and job duties are affected by your employee classification and your job description or title. The City has a classification system that groups positions for compensation purposes based on knowledge, complexity, accountability and working conditions. More information about the classification system is available from the City Personnel Director.

The following are the main job classifications which are used throughout this Handbook.

**Regular Full-Time Employee:** Any employee who is regularly scheduled to work forty (40) hours per work week on a continuing basis.

**Regular Part-time Employee:** An employee who is regularly scheduled to work less than forty (40) hours per work week, on a continuing basis.

**Temporary Employee:** An Employee working a full or part-time schedule for a specified project or period of less than one (1) year (i.e. on-call, seasonal, Provisional Police Officer, emergency staff appointment, etc.).

**Reserve Police Officer:** A Police Officer who receives no compensation for volunteer police work performed but is entitled to paid sick leave benefits.

**Non-exempt Employee:** An employee who is not exempt from the minimum wage, overtime or timecard provisions of the wage and hour laws. Such employees may receive an hourly wage or a salary and are eligible for overtime pay at the rate of one and one-half times the regular rate of pay for all hours worked in excess of eight (8) hours per work day.

**Exempt Employee:** An employee who is exempt from the minimum wage or overtime. Exempt employees generally include supervisory, administrative, and professional employees who are paid on a salary basis. When employees are hired, they will be informed of whether their position is exempt or non-exempt. Exempt employees are not entitled to overtime but may be eligible for additional time off pursuant to the City's Overtime and Compensatory Time off Exempt Employee Policy within this handbook.

### **2.01 Employee Position Classifications.**

A position classification plan will be maintained by the City based on investigation and analysis of the duties and responsibilities of each position. The completed plan will consist of a classification specification for each position, including appropriate title, description of duties and responsibilities, and minimum requirements and/or desirable training, experience or other qualifications.

The Mayor or his/her designee is responsible to assure the preparation of a plan which includes a specification for each classification. Specifications will be prepared after consultation with supervisors and other persons technically familiar with the duties and responsibilities of the job to be performed. Each position will be assigned by the Mayor to one of the classifications of the approved classification plan. Employees will be notified of the classification of their position. The title, as it appears on the specification, will be used to designate the position on official records and payroll.

The classification specifications are hereby declared to have the following definition and scope:

- a) They are explanatory only and not restrictive.
- b) In determining a position classification, the specification will be considered as a whole, comparing general duties, responsibilities, minimum qualifications and relationship to other positions in order to obtain an inclusive picture of the position and place it in the appropriate classification.
- c) The outline of principal duties of work performed applies to general duties or tasks and is not intended to prescribe the specific duties of a given position, nor to limit the alteration or modification of detailed tasks involved in the duties of any position, so long as they remain within the general definition of the classification.
- d) The classification specification may include additional requirements which are determined to be necessary for the best interests of the City. These requirements may include possession of a valid motor vehicle operator's license, physical ability, or any other bona fide occupational qualifications pertinent to the positions covered.
- e) Nothing in the classification specification is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.

A classification may be reclassified at the request of the Department Manager, employee, or City Administrator when it appears that the duties and responsibilities of an existing classification are changed. Reasons for the reclassification request are to be stated in writing and the Mayor will determine whether the present classification is correct or whether a reclassification is necessary. New or revised classification specifications will be prepared as provided in these policies and will become a part of the classification plan.

When reclassification occurs, an employee occupying the position may be retained in the position provided that the Mayor determines that the reclassification results from an official recognition of a change in duties and responsibilities which has already occurred and is a long-term inequity of classification. If the reclassification results in a higher maximum salary, such reclassification may constitute a promotion and the rules governing promotion with regard to salary apply. If the reclassification results in a lower maximum salary, such reclassification may constitute a demotion and the rules governing demotion with regard to salary apply.

## **2.02 Recruitment, Applications, and Selection.**

This policy outlines the procedures for completing a job notice, posting a job vacancy, and extending an offer of employment. Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence without regard to any individual's sex, race, color, religion, national origin, sexual orientation, pregnancy, age, marital status, military status, genetic information, disability or any other characteristic protected by law.

Available positions are publicized for a reasonable period by announcements posted on city department bulletin boards and by such other means as deemed appropriate. Announcements may specify the title, rate of pay, duties to be performed and required minimum qualifications. All current employees are encouraged to apply for available positions if they so desire. The City of Orting is an equal opportunity employer and selection for any position will be based solely on merit, efficiency and fitness for that position.

## ***Job Posting***

An internal job posting will be placed in appropriate locations to allow current employees, who are qualified, an opportunity to apply for a vacant position. Notices will be posted for five (5) days. If it is determined that consideration of outside applicants is in the City's best interests, staff will begin the process of outside recruitment following the five (5) day internal posting period. If the City Administrator determines that there are unlikely to be any qualified internal candidates, for instance entry-level positions, outside recruitment can happen concurrently with the internal job posting. Current City employees are encouraged to apply for job openings.

## ***Application for Employment***

Each applicant shall complete and sign a City of Orting application form prior to being considered for any position. Resumes may supplement, but not replace, the City of Orting official application. The City "Application for Employment" form shall continue to be in conformance with all State and Federal laws pertaining to pre-employment inquiries. All application forms must be fully completed, signed and dated by the applicant to be valid. Applications will be accepted for open positions and will be considered only for that position. All applications must be received no later than 4:30 p.m. on the published closing date for filing. A closing date may be extended by the City Administrator. Applications, whether accepted or rejected, will not be returned. All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment. Falsification of employment information may be grounds for rejection of an applicant or subsequent dismissal.

## ***Confirmation Employment***

The City may require the City Council's confirmation of employment for certain positions as provided by City Ordinance.

## **2.03 Promotions.**

The City encourages promotion from within the organization whenever possible. The Mayor shall determine whether the promotional process for a position will be competitive or appointive. Before advertising a position to the general public, the City Administrator may choose to circulate a promotional opportunity within the City. Promotional opportunities may be posted on the City bulletin board. The City reserves the right to seek qualified applicants outside of the organization at the Mayor's sole discretion.

A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. The Mayor will determine the salary step of the promoted employee in the new salary range on the date of the promotion. The salary step of the promoted employee will be set so that the promoted employee's pay level is no more than two (2) salary steps higher than the employee's step prior to the promotion. If step one of the salary range to which the employee has been promoted is a pay level more than two (2) steps higher than the promoted employee's previous salary step, then the employee shall be assigned to step one of the higher salary range. When the date of promotion and the merit/step increase date coincide, the merit/step increase is paid prior to the promotional increase.

New Trial Period: After promotion to a new position, a new trial period of six (6) months must be completed. Successful completion of the trial period does not alter the employee's at-will employment. The Mayor may authorize or require an extension of a trial period for up to an additional six months. In the



case of unsatisfactory performance, the employee may be transferred back to the previous position held by the employee, if vacant, or to another position fitting the employee's skills and qualifications, within the limits of vacant authorized positions, or if no such vacant position is available in the Mayor's sole discretion, the employee may be terminated.

### ***Temporary Promotions***

A temporary appointment may be made to any position in the City of Orting. Temporary appointments are for a limited period of time and employees are not entitled to city benefits unless authorized by the Mayor as special conditions. All conditions of a temporary appointment will be specified in the letter of appointment or contract. Seasonal employment is considered temporary appointment status. Temporary employees do not attain regular status in the classification and may be terminated at will.

### ***Acting Promotions***

When the need arises to fill a position due to approved leave of absence, disciplinary actions or when a vacancy exists, a current regular status employee may be appointed "acting" to a position of higher pay grade or to a position of differing classification. Such appointments are for a limited time to fill a temporary vacancy and should not create a job expectancy. Employees will not attain regular status in the higher position from an acting appointment.

## **2.04 Hours of Work.**

Everyone benefits from clarity regarding hours of work and scheduling. The following information may be helpful:

**Work Week:** For payroll and accounting purposes, the City of Orting's work week begins at 12:01 a.m. Monday and ends at midnight on Sunday.

**Work Day:** The normal work day for employees other than police department commissioned personnel consists of eight hours plus an unpaid meal period. Some employees or positions may have different work days determined by the needs of the City.

**Scheduling:** Work schedules are established by management. Unless otherwise scheduled, all employees are expected to work Monday through Friday. Requests for changes in schedules or for particular days off should be made in writing in a timely fashion and approved in advance by your supervisor. Some variation in schedule may be granted by mutual agreement between you and the City, so long as the needs of the department are met.

**Rest Periods:** All non-exempt employees receive one 10-minute break for each four (4) hours of working time. The break should occur near the mid-point of each four (4) hour work period, but scheduling will be done by your supervisor. Break periods are paid and may be used to extend a lunch period or to leave early provided that the total amount of time taken does not exceed the break and lunch periods and approved by your Department Manager.

**Meal Periods:** If you are non-exempt and you work more than five (5) hours in a day, you will have a meal break after two (2) to five (5) hours into your shift. The minimal meal break is a thirty (30) minute unpaid period. The exact time and duration of your meal break will be scheduled by your supervisor to ensure appropriate coverage.

***Rest/Meal Periods for Police Department Employees:*** While at lunch or on a rest/relief period, all Police Department commissioned personnel will be subject to call.

***Breaks for Nursing Mothers:*** Non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. Absent undue hardship, this entitlement shall continue for one year following childbirth. The City will provide a clean, suitable, and private location for these breaks.

***Overtime:*** Overtime is time worked in excess of eight (8) hours of work in a work day. Holidays, Vacation and Sick leave are not considered time worked. The regular work week is forty (40) working hours for most employees, but on certain occasions, some overtime may be required. Any overtime work must be authorized by a supervisor in advance.

## **2.05 Attendance.**

You are a member of a team and each member has an important contribution to make. Timely performance of your job is essential to maintaining the high quality service our City government provides. It also shows your respect for your fellow employees who must assume your duties in your absence. You must report to work regularly and on time, in proper attire, with proper equipment, and ready to work at the starting time. If you will be unable to report for work, will be late, or need to leave early, notify the City Administrator, City Personnel Director, and/or your supervisor as far in advance as possible. Failure to notify the City in a timely and appropriate manner may result in discipline. You may be requested to present a physician's statement verifying the need for sick leave after being absent for more than three (3) days.

An employee who is absent without notification for three (3) consecutive days or shifts will be considered to have abandoned his/her position and may be terminated, subject to the provisions of the Washington Paid Sick Leave Act.

## **2.06 Personnel Records & Files.**

Generally speaking, without specific written authorization from the employee, only the following will be released to anyone outside the employ of the City: job title, department, hire date, separation date and base salary. Generally, only the employee, the City Clerk, the City Treasurer/City Personnel Director and the City Administrator will have access to your personnel file internally.

Personnel records will show the employee's name, title of position held, the department assigned, salary, change in appointment status, training received (with the exception of Police in-service training maintained in Departmental files), performance evaluations, fringe benefits administration, including vacation and sick leave rates of accumulation and use, notes regarding disciplinary action or other counseling sessions, and such other information as may be considered pertinent.

When you move, change your telephone number or experience other changes in your personal information, please make sure you inform the City Clerk's Office and/or the City Treasurer's Office of such changes. In this way, your personnel records will remain accurate and up-to-date.

You may review your personnel records at any mutually convenient time during normal business hours. Should you wish to do so, please make an appointment with the City Treasurer. The City Clerk or City Treasurer will be present during any such review. While a City employee, you may include a personal memorandum in your file if you feel it is necessary to clarify or rebut file information.

Personnel records that are not confidential will be maintained and destroyed in accordance with established policy regarding retention of public records.

## **2.07 Performance Reviews.**

Regular performance reviews conducted at appropriate intervals benefit you and the City by providing a written record of your performance and giving you the opportunity to discuss with your supervisor how well you are meeting the City's expectations, to clarify your job responsibilities, to set mutually agreed-upon goals and to explore your possibilities for advancement within the City of Orting.

Performance reviews are generally conducted annually and are part of your personnel records. You will be given an opportunity for written comment on your performance review. You will be asked to sign your performance review to document that you have read it and that you have had an opportunity to comment. Your signature does not imply agreement or disagreement with the evaluation. You will receive a copy of your review for your own records. Because your performance on the job affects your compensation and employment, your performance review deserves your active and constructive participation. Seasonal and temporary employees do not receive formal performance reviews, however, they are to be coached about work expectations and performance.

### ***New Employees and New Positions***

New employees and employees assigned to a new position will be evaluated by their supervisors during appropriate intervals. Successful completion of the six-month evaluation period does not modify the employee's at will employment.

If an employee's performance is not satisfactory during the probationary period, the supervisor may recommend termination of employment at any time during the probation or, in special circumstances, request that the Mayor to extend the probationary period up to an established period of time, specified in writing to the employee. In the event the employee's performance is still unsatisfactory, the employee may be terminated at any time within the extended probationary period.

### ***Managerial Procedures***

All employees who are promoted to a higher classified position or who assume the duties of a higher classified position will be evaluated by their supervisors during appropriate intervals.

The anniversary date will change to reflect the first date worked in the new position. Successful completion of an evaluation period does not modify the employee's at will employment.

## **2.08 Supervisor's Approach to Performance Reviews.**

The performance review is a critical management tool for the City of Orting. It is an opportunity for managers to recognize employees' contributions to the City, to identify areas for growth and/or improvement, and to set forth goals and action plans for the coming year. The performance review is vital to City employees as well. The score the employee receives determines his/her compensation, and how the performance review conference is conducted affects the tone of the employee-supervisor relationship. Supervisors are expected to review employees' performance with care, consideration, and candor.

## **2.09 Inadequate Job Performance – Corrective Action Plan.**

Poor performance is a serious issue for the City and the employee. Any supervisor who concludes that an employee's performance is unacceptable in one or more categories should consult with the City Personnel Director to determine whether the City should proceed with disciplinary action or implement a Corrective Action Plan (CAP).

If the employee's performance does not sufficiently improve under the CAP or if the employee continues to violate one or more City policies, the employee shall be subject to additional discipline up to and including termination.

A CAP is discretionary and an employee is not entitled to a CAP if employment issues arise.

## **2.10 Reduction-In-Force.**

Fluctuating revenue and budget conditions may from time to time force the city to reduce personnel in one or more departments or programs. This reduction may be accomplished by either of the following methods:

- **Lateral Transfer.** This is a method of employee transfer from one classification to another classification with the same pay grade or within the same classification or pay grade from one department to another. When done for budgeting purposes, such transfer would normally be for the duration of the financial problem only. A lateral transfer must be approved by the Mayor.
- **Layoff.** A layoff is a method of permanent termination of the employee due to financial circumstances or a change in the need for which the position or positions was created. A layoff must be approved by the Mayor. No regular employee shall be laid off while another person in the same classification is employed on a probationary, temporary, acting or part-time basis. In determining which employees in any classification are to be laid off, consideration is to be given to individual performance and then to seniority in the positions to be affected.

## **2.11 Resignation.**

An employee wishing to leave City service in good standing will file with the City Personnel Director and/or City Administrator a written resignation, including a statement of the reasons for resigning and the effective date of resignation. The written resignation notice must be completed at least two (2) weeks prior to the effective date of resignation.

The City Administrator and Department Managers shall be required to give at least four (4) weeks' notice to the Mayor.

A copy of the resignation notice shall be placed in the personnel file of the employee.

## **2.12 Identification of Employees.**

It is the policy of the City that when on duty, all employees be visible and identifiable to the public to the maximum extent compatible with assigned work duties. All City furnished uniforms or work clothing are to be maintained in a presentable manner by the employee.

City-furnished uniforms remain the property of the City at all times and must be returned immediately upon separation from employment. Uniforms will be worn only on duty or during additional approved volunteer

activities that are identical to those performed while on duty. Wearing of uniform items while commuting between a home and the work location may be permitted providing that the wearer does not participate in any interim activity where the image and good name of the city might be negatively affected.

The outer garment of each uniform furnished by the City will bear the official insignia of the city and other such markings or emblems as each Department Manager may specify, except that rain gear may be identified otherwise.

All employees who come in direct contact with the public outside the City-owned buildings may be required to carry an identification card issued by the City. The card will contain the name, title, department, address and telephone number of work location; and a head and shoulders photograph and certification that said person is an employee of the City of Orting.

All City-issued identification, uniforms and other City-owned materials or property in the employee's possession must be surrendered to the City immediately upon employment separation and no later than twenty-four hours after the employee's last day of employment with the City.



### **3. COMPENSATION**

#### **3.01 Your Paycheck.**

Pay periods are from the first through the fifteenth (15<sup>th</sup>) day of the month, and the sixteenth (16<sup>th</sup>) day through the last day of the month. You will receive your paycheck by the fifth (5<sup>th</sup>) day following each pay period. You shall sign up for automatic deposit of your paycheck by contacting the City Treasurer.

All employees must complete an individual time record showing daily hours worked in order to be paid properly. In the case of exempt employees, this timesheet will account for daily attendance.

Deductions from your paycheck are those required by law (*e.g.*, Medicare, workers' compensation premiums, court-ordered garnishments) and those approved by you in writing (*e.g.*, Union dues as applicable, insurance premiums, etc.).

#### **3.02 Complaints or Concerns.**

If you believe there are any errors in your pay, including that you have been overpaid or underpaid, that improper deductions have been taken from your pay or that your pay does not accurately reflect all hours worked, including overtime, report your concerns to the City Treasurer immediately. The City will promptly investigate all reported complaints and, if appropriate, take corrective action.

The City prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this policy. Specifically, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

#### **3.03 Employee Salary and Wage Plan.**

The City of Orting strives to pay its employees' salaries and wages that are internally equitable and comparable to the pay scales of similar cities. While the City cannot pay City employees the same wages as larger cities, the City does consider the pay scales of other comparable cities for those job positions that are comparable to jobs at the City of Orting. The City maintains an Employee Salary and Wage Plan. The Mayor is responsible for recommendation to the City Council of adoption of a Salary Plan for the City of Orting. The Plan will include salaries for non-bargaining unit personnel as well as salary grades negotiated by employee representatives. Changes to employee salaries and wages are approved by the City Council as part of the budget process.

When you begin your employment with the City, you will be paid a wage or salary consistent with the Employee Salary and Wage Plan and appropriate to the experience, educational background, training, and skills you bring to your position. Thereafter, you will only receive salary and wage adjustments based upon your job performance and the discretion of the City Administrator and/or City Personnel Director. Depending upon the quality of your performance, you may receive an upward adjustment. All performance salary and wage increases shall remain within the range for that position as approved by the City Council. Your eligibility for a pay increase may occur at the end of your first six (6) months of City employment.

#### ***Qualified Payroll Period***

When an employee has been in pay status fifteen or more calendar days, including holidays in any given calendar month, the payroll period will be considered qualified to accrue benefits, serve out probation, and for computation of merit increase dates. A new employee may be credited with the first payroll period if

employed prior to the 16th of the month.

### ***Payment of Salaries***

All employees are paid at an hourly or monthly rate, as specified in the City's annual budget document. Hourly employees are paid on the basis of actual number of hours worked, including authorized absences with pay and allowed holidays. Salary rates for temporary or part-time employees will be based on the pay for full-time positions in the same classification.

#### Beginning Salary

Each employee will be appointed at the first step of the range established for the classification, with the exception of management classification, which shall be negotiated within the assigned range. If it is determined that appointment of non-management employees above the first step may be warranted, the following procedures will apply:

- a) The factors to be reviewed in approving appointment beyond the first step are: availability of applicants meeting the qualifications for the vacant position, relationship to other similar classifications, prior experience of a candidate in a comparable position, time available to continue the recruitment process, and budget considerations.
- b) The Department Manager will submit a request for appointment at a higher step to the Mayor, stating justification for the request. The Mayor will make a decision based upon the Department Manager's justification.

#### Merit/Step Increases - Regular Status Employees

- a) When a regular status employee has performed satisfactorily, as determined through the Performance Evaluation process, a merit/step increase may be granted at the completion of six (6) qualified payroll periods from the employee's anniversary date, but not before the satisfactory completion of the employee's initial six-month probationary period. In the case of an employee placed at the time of hire above Step One of the pay range, the initial in-class merit/step raise will be considered upon the completion of twelve months in class and at twelve (12) month intervals thereafter until the employee reaches the top step of the range.
- b) The annual merit/step increase date for an employee will change only if: 1) the employee is promoted or otherwise moved to a position assigned to another job class and is required to serve a trial performance period; and 2) the employee receives a merit/step adjustment as authorized by the Mayor.

#### Promotion

A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. The Mayor will determine the salary step of the promoted employee in the new salary range on the date of the promotion. The salary step of the promoted employee will be set so that the promoted employee's pay level is no more than two (2) salary steps higher than the employee's step prior to the promotion. If step one of the salary range to which the employee has been promoted is a pay level more than two (2) steps higher than the promoted employee's previous salary step,



then the employee shall be assigned to step one of the higher salary range. When the date of promotion and the merit/step increase date coincide, the merit/step increase is paid prior to the promotional increase.

### Demotions

A demotion is an appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification. When a demotion occurs, the Department Manager will recommend to the Mayor and/or City Administrator a salary for the demoted employee within the salary range of the lower classification which is less than or equal to the employee's present salary. The employee will retain the same anniversary date.

### Transfer

- a) A position transfer is an appointment to a position in the same or different classification of the same pay grade.
- b) When an employee is transferred to a position in a different classification with the same pay grade, or is transferred to another department with the same classification, the employee's pay remains the same. The employee will retain the same anniversary date for leave and length of service purposes.

### Temporary Change of Classification

- a) A current employee assigned to a classification with a differing rate of pay in an "acting" appointment status will be compensated at the next higher step in the new range according to the policy on promotion.
- b) If the employee is promoted to the higher class with regular appointment status, all policies apply from the date of promotion.

### Exemptions

The Mayor may recommend positions to be exempt from overtime provisions to the City Council on the basis of the nature of work, conditions of employment or by definition of administrative, supervisory and professional classifications as provided by State and Federal laws. Such exemption is based upon special conditions to work or assignment, in accordance with the Fair Labor Standards Act.

## **3.04 Overtime and Compensatory Time Off.**

At the City of Orting, we want our employees to work a reasonable number of hours. The regular work week is no more than forty (40) working hours in a week, except in the case of non-standard work schedules. On certain occasions some overtime may be required. You may request not to work overtime, but you may not refuse to work assigned overtime. Any overtime work must be authorized in advance by your supervisor or the City Administrator. If overtime is authorized or required, regular, full-time, nonexempt employees will be paid at one and one-half times the regular rate of pay for all hours worked in excess of eight (8) hours in a work day. Holiday, Vacation and Sick leave time are not considered hours worked. If overtime is authorized or required for temporary or part-time employees, they will be paid at one and one-half times the regular rate of pay for all hours worked in excess of eight (8) hours in one work day. Public safety

employees (police) may be subject to alternative work periods and overtime standards, as set forth in an applicable labor agreement.

Nonexempt employees who work overtime have the option to choose compensatory time off that will be accrued at one and a half hours for every hour worked in lieu of overtime pay. You may accrue up to forty (40) hours of compensatory time off. Employees covered by a collective bargaining agreement may have different accrual limits. Compensatory time can be used at times mutually agreed to by you and your supervisor. Any compensatory time not used may be carried over to the next year (up to 40 hours). Upon separation of employment any compensatory time will be paid at your current rate of pay.

## **4. EXPENSE REIMBURSEMENT: TRAVEL, MEALS, AND LODGING**

### **4.01 Purpose and Administration.**

The purpose of this travel policy is to identify and provide guidelines regarding the City's travel policies and to further delineate those valid business expenses for which an employee may qualify for payment or reimbursement.

### **4.02 City Employees and City Officials.**

#### Meals

All City employees and officials claiming reimbursement for meals consumed while on City business shall be entitled to ~~reimbursement based on the following~~ per diem based on the schedule listed in the most Current Per Diem Travel Map produced by U.S. General Services Administration OFM at: <http://www.ofm.wa.gov/resources/travel.asp>; <https://www.gsa.gov/travel/plan-book/per-diem-rates>

Mileage reimbursement for use of a personal vehicle shall following the most recent IRS schedule for standard mileage rates for business and medical and moving expenses.

Meals for which the costs are included in a City-paid registration fee cannot be claimed by an employee for reimbursement. All claims for meal reimbursements for conferences shall include a copy of the conference schedule for determining meals provided by such conferences.

#### Travel

No personal automobile use is permitted by City employees without prior express written consent by the City Administrator or his/her designee. City-owned vehicles should not be used for business travel when the destination is less than a half a mile away from the employee's normal area of work.

Reimbursement for reasonable costs of business travel is authorized. If available, the use of a City vehicle is **required**. If a personal car is used, the employee must maintain proper insurance and agree that his/her insurance will serve as primary insurance. All travel costs are subject to approval by the City Administrator and/or the Mayor. General guidelines are as follows:

#### City Vehicle

Out-of-area costs of vehicle operations are authorized for fuel, oil, tires, and necessary repairs.

#### Vehicle

Expenses shall be reimbursed for travel within a three hundred (300) mile radius of the City at such rate per mile as established by the United States Internal Revenue Service for deductions. Trips beyond this limit will be reimbursed at the lower of (a) the established rate per mile, or (b) the lowest available (other than nonrefundable) airfare obtainable by the City, plus mileage reimbursement at the then-current City rate, based upon the estimated distance between the airport and the destination.

#### Rental Vehicle

The cost of vehicle rental when out of town on business is an exception to this policy and must be submitted

in writing to the Department Manager and approved by the City Administrator, prior to travel.

### Air Travel

Whenever feasible, air travel arrangements should be purchased at least five (5) weeks in advance of departure date. The authorized procurer will arrange for air travel based on the lowest available airfare. A travel agency may be used. If personal travel is combined with business travel, the traveling employee is responsible for paying the increase in airfare if necessary to accommodate the personal part of the flight.

### Miscellaneous Travel Expenses

Miscellaneous travel costs such as bus, taxi, bridge or other tolls, parking, ferry and the like are authorized. Whenever possible an original, itemized vendor's receipt will be required. If a receipt is not available log the time, date, facility or company, expense and reason a receipt could not be provided on the *Affidavit of Lost Receipt*, available from the Accounts Payable Department.

### Out of State or Overnight Travel

To be eligible for any City reimbursement for overnight travel expense, the one-way travel distance must be greater than fifty (50) miles from the City or home. Approval for all overnight or out of state travel must be in writing by the Department Manager or City Administrator.

### Accommodations

Reasonable hotel/motel accommodations for employees and officials are acceptable and will be reimbursed for the single room rate. Exceptions may be requested in writing to the Department Manager and approved by the City Administrator should a single room rate not be available. An original, itemized vendor's receipt is required for all claims.

### Non-Allowable Expenses Include But Are Not Limited To:

Liquor, expenses of a spouse or other persons not authorized to receive reimbursement, beauty parlor or barber services, personal entertainment (movie rentals, etc.), theft, loss, or damage to personal property, damage costs caused by employee/officer actions, airline or other trip insurance, personal postage, reading materials, non-business related telephone calls, laundry/dry cleaning, and personal toiletry articles.

### Non-Travel Food and Beverage Reimbursement Policy

Reasonable expenses for refreshments including food and beverage that are associated with meetings, ceremonies or dedications whether attended solely by city employees or the public or some combination are considered legitimate City expenditures.

## **4.03 Advance Travel Funds.**

The use of advance travel funds is authorized by the City. These are the guidelines for requests:

- Advance travel funds may be used for expenses incurred during the authorized overnight travel of a City employee or officer/elected official while on City business.
- Requests for advance travel funds shall be submitted to the ~~City Treasurer~~ Finance Director on

forms established by the ~~City Treasurer~~Finance Director. Requests will be based on “per diem” rates for meals and a reasonable estimates for those costs not directly billable to the City.

- The Advance Travel Request form will be submitted at least five (5) working days prior to departure, together with a copy of the agenda or conference/workshop application as verification of the purpose of the trip. Requests must be signed by the applicant and the individual’s Department Manager. Meal allowances will not be paid for meals that are included in the registration fee, whether or not the employee partakes of the meal. A continental breakfast is not considered a meal, and therefore if a registration includes a continental breakfast, the City will reimburse the employee for the cost of a regular breakfast, if claimed. Advances will be based on “maximum per diem allowances” for the locality to which the individual is traveling.
- Air transportation and hotel/motel accommodations will be billed directly to the City by the Vendor.
- ~~Settlements of the Advanced Travel will be made on or before the tenth (10<sup>th</sup>) day following the close of the travel period by submitting to the City Treasurer a Travel and Personal Reimbursement Settlement Form. Any default in accounting for, or in repaying a travel advance shall render the “full unpaid” amount immediately due and payable with interest added at the rate of ten percent (10%) per annum, from the date of default until the advance is repaid. The City shall have the right to withhold any and all funds payable to such officer or employee to whom such advance has been made.~~
- No advance of any amount may be made to any officer or employee at any time when he/she is delinquent in accounting for or in repaying a prior cash advance.

#### **4.04 Claims and Approval Process.**

Travel and subsistence expenses will not be paid from Petty Cash

- Special approvals required by this policy shall be obtained by employees in advance. Such approvals shall be in advance of the event and by separate memo and the reasons for the exception.
- All claims by City Council members shall be approved by the Mayor.
- Claims that are rejected shall be reviewed by the Mayor for final disposition.

#### **4.05 Use of City Charge Cards.**

In its discretion, the City may issue charge cards to employees, elected officials, or appointed officials to cover authorized travel expenses and other purchases or acquisitions. The charge card users must submit fully itemized expense vouchers using the City of Orting Credit Card Expense Voucher form. Any charge not properly identified or not allowed following an audit must be repaid by the official or employee. If the amount owed is not repaid, the municipality may withhold all funds that would be payable to the officer or employee who used the charge card up to the amount of the disallowed charges. The card may not be used by any official or employee who has such charges outstanding, and it shall be surrendered upon demand of the City Clerk or City Treasurer.

The City’s charge card may only be used for travel, training, local business meetings, meals, or authorized

City purchases and acquisitions. All State and City purchasing requirements must be followed when using credit cards for purchases and acquisitions. Personal expenses (i.e., telephone calls, purchases of items to be kept by the employee, etc.) are not allowed to be purchased on a City charge card, and cash advances are prohibited. Employees and elected or appointed officials using City credit cards are responsible for promptly reporting lost or stolen credit cards to the credit card company and to the City Clerk or City Treasurer.

Please return the City's charge card to the City Clerk's office within two (2) business days after you return from conducting City business. Within ten days of the return of the charge card to the City Clerk's office, the official or employee of the City who used the card must submit a fully itemized "Credit Card Expense Voucher." All employee expenditures require approval by the appropriate Department Manager (or his/her designee) or by the City Administrator.

If a receipt is not available log the time, date, facility or company, expense and reason a receipt could not be provided, on the *Affidavit of Lost Receipt*, available from the Accounts Payable Department.

## 5. TIME OFF AND BENEFITS

### 5.01 Legal Holidays.

All regular status employees are entitled to an eight (8) hour paid holiday on the following days, observed in accordance with the official state calendar:

New Year's Day	<u>Labor Day</u>
<del>Veteran's Day</del>	
Martin Luther King Day	<u>Veteran's Day</u> <u>Thanksgiving Day</u>
President's Day	<u>Thanksgiving Day</u> <u>Day after Thanksgiving Day</u>
Memorial Day	<u>Day after Thanksgiving Day</u>
<u>Juneteenth</u>	Day before Christmas
Fourth of July	Christmas Day
<del>Labor Day</del>	

For employees on a Monday through Friday work schedule, holidays will be observed in the following manner:

- a) When a holiday falls on a Saturday, the preceding Friday will be considered the holiday.
- b) When a holiday falls on a Sunday, the following Monday will be considered the holiday.

Any employee on vacation or sick leave during a holiday will not be charged vacation or sick leave for that day.

An employee who would otherwise be entitled to a holiday but is on leave without pay will receive compensation for the holiday, provided the employee has satisfied all of the qualifying payroll period provisions.

An employee on the payroll for less than a full month is eligible for a paid holiday provided the employee is in pay status a minimum of one working day immediately preceding and immediately following the holiday.

#### Floating Holiday

In addition to the above-listed holidays, two (2) eight (8) hour "floating" holidays, for all regular status employees who have completed at least six months of employment with the city, may be taken at the request of the employee and with the advance written approval of the Department Manager each calendar year.

The floating holidays must be taken during the calendar year or entitlement to the day will lapse, except when an employee has requested a personal holiday and the request has been denied, by the Department Manager, due to workload or scheduling.

### 5.02 Insurance Benefits.

The City endeavors to provide competitive benefits to its employees and their dependents. Information regarding current benefits as well as coverage and eligibility, is available from the City Personnel Director. The City of Orting will offer to regular-status employees, their spouse (defined as the wife or husband of

an employee, not legally separated from the employee), and eligible dependents (defined as son, daughter, or stepchild), working at least forty (40) hours per week, insurance plans for medical, Long-Term Disability, Employee Assistance Plan (EAP), vision, and dental benefits, to be used at the option of the employee, subject to the carrier's underwriting rules. For those employees not subject to a collective bargaining agreement, the City will contribute to the costs of such plans at least an equal amount to that of the Collective Bargaining Agreement for the Public Works and Office Workers. If insurance plan costs exceed the City benefit contribution, the remainder of costs incurred is the responsibility of the employee. All insurance premiums will be subject to applicable payroll taxes as required by the Internal Revenue Service.

The City of Orting will offer to regular Part-Time employees who regularly work at least twenty-four (24) hours and less than forty (40) hours per week employee only insurance plan for medical, long-term disability and Employee Assistance Plan (EAP) benefits to be used at the option of the employee, subject to the carrier's underwriting rules.

Employees may waive the medical insurance benefit for themselves or dependents that are already covered under other medical insurance. Employees must provide proof of medical insurance coverage for themselves or their dependents and dependent verification documentation for any waived dependents. If waived, the City will increase the employee's compensation by fifty percent (50%) of the City's expense for the employee and/or dependent's premium. All applications for the waiver must be in writing and submitted to the City Treasurer. If the City's insurance broker requires a minimum participation, then waivers will be granted on a first come, first served basis.

### **5.03 Sick Leave.**

Reserve Police Officers will accrue one hour of paid sick leave for every forty (40) hours worked, including overtime (hour for hour). All other full-time employees will accrue eight (8) hours of paid sick leave per month or as specified in an applicable collective bargaining agreement. Regular part-time employees shall accrue sick leave pro-rata based on the number of hours worked to be no less than one (1) hour per forty (40) hours worked.

Employees are not entitled to accrue paid sick leave for hours paid while not working (such as vacation, paid holidays, or while using paid sick leave). Employees are eligible to use accrued paid sick leave ninety (90) days after starting employment. The accrual year is January 1 - December 31.

#### Rate of Pay

Employees shall receive their hourly rate of pay in effect during the time ~~employees use~~ paid sick leave is used.

~~Non-represented employees who separate from City service due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty five (25%) percent. Employees who are choosing to retire and wish to receive a sick leave payment, must provide a resignation letter and appropriate documentation of their decision to retire to the City's Personnel Director. Employees who are terminated or fired shall not be eligible for compensation for unused sick leave.~~

~~Compensation shall be based upon the employee's rate of pay at the time of separation and shall be subject to applicable withholdings under state and federal law.~~

#### Carryover



Non-represented employees may carry over up to 960 hours of sick leave from one year to the next year as the accruals begin again every January 1<sup>st</sup>.

Reserve police officers may carry over up to 100 hours from one year to the next year.

### Authorized Use

Employees may use their accrued, unused paid sick leave hours to care for themselves or a family member for:

- Mental or physical illnesses, injuries, or health conditions;
- Seeking medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
- Preventive medical care.

Sick leave is also authorized for health-related work site closures and for employee's child's school/daycare health-related closures. An employee may also use authorized sick leave if the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking including seeking legal or law enforcement assistance under the Domestic Violence Leave Act.

Family member is defined as:

- Child regardless of age or dependence
  - Includes: biological, adopted, foster, step, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent
- Parent, including spouse's parent(s)
  - Includes: biological, adoptive, de facto, foster, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child
- Spouse & registered domestic partner
- Grandparent
- Grandchild
- Sibling

Incremental use of sick leave is allowed for all of the aforementioned reasons and may be taken in one hour or less increments.

### Notification of Use of Leave

The City of Orting requires reasonable notice of anticipated absences. If the requested leave is foreseeable, the expectation is that an employee will provide ten (10) days advance notice to the employee's supervisor or provide as much advance notice as practicable. If the need for use of leave is unforeseeable, employees must provide notice as soon as possible to their supervisor prior to the start of their shift unless it is not practicable to do so. In the event it is impracticable for the employee to provide notice to their supervisor prior to the start of their shift, a person on the employee's behalf may provide notice to the employee's supervisor.

### Verification

Absences extending longer than three (3) consecutive work days may require a doctor's note and are required within at least ten (10) calendar days following the first day of leave. There is no required verification if the leave is protected under the Domestic Violence Leave Act.

Employers may not require that the verification information provided explain the nature of the condition warranting sick leave. However, sick leave used for a purpose authorized under federal, state, or local law (e.g., FMLA, worker’s compensation) permits an employer to request verification that complies with certification requirements.

If an employee believes that verification will result in an unreasonable burden or expense, he or she must provide a verbal or written statement that (i) the leave was for an authorized purpose and (ii) the verification requirement would cause an unreasonable burden or expense.

Retaliation

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is prohibited. Employees will not be disciplined for the lawful use of paid sick leave. If an employee believes he or she is being discriminated or retaliated against, promptly contact Scott Larson at: [slarson@cityoforting.org](mailto:slarson@cityoforting.org).

If the employee is not satisfied with the response, the employee may contact the Washington State Department of Labor & Industries online at: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)  
 Call: 1-866-219-7321, toll-free  
 Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

Separation & Reinstatement

Non-represented, exempt, employees who separate from City service due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five (25%) percent. Employees who are choosing to retire and wish to receive a sick leave accrual payout, must provide a resignation letter and appropriate documentation of their decision to retire to the City’s Personnel Director.

<u>Length of Service</u>	<u>Monthly Accrual</u>
<u>0 to 12 months (1 year)</u>	<u>6.67 hours</u>
<u>13 months through 48 months (2-4 years)</u>	<u>8.00 hours</u>
<u>49 months through 84 months (5-7 years)</u>	<u>10.00 hours</u>
<u>85 months through 120 months (8-10 years)</u>	<u>12.00 hours</u>
<u>121 months through 156 months (11-13 years)</u>	<u>12.67 hours</u>
<u>157 months through 192 months (14-16 years)</u>	<u>13.33 hours</u>
<u>193 months through 228 months (17-19 years)</u>	<u>14.00 hours</u>
<u>229 months through 288 months (20-24 years)</u>	<u>14.67 hours</u>
<u>289 months + (25 years +)</u>	<u>16.67 hours</u>

Employees who are terminated or fired shall not be eligible for compensation for unused sick leave.

Compensation shall be based upon the employee’s rate of pay at the time of retirement and shall be subject to applicable withholdings under state and federal law.

In the event a non-exempt employee, with less than 20 years of service, separates from the City of Orting, there will not be financial reimbursement to the employee for accrued, unused paid sick leave balances available at the time of separation. If the employee separates and is rehired within twelve (12) months, the ninety (90) day waiting period prior to use of paid sick leave is not imposed, and the City will reinstate the employees accrued, unused paid sick leave up to forty (40)-hours. In the event that an employee is otherwise eligible for a sick leave payout upon separation, such employee will not receive their sick leave payout if their separation is in lieu of a threatened termination.

## **5.04 Vacation Time.**

Vacation time is accrued from the day you start working for the City, and it may be used after successful completion of your first six (6) months of actual service to the City. Vacation must be scheduled with the

<b>Length of Service</b>	<b>Monthly Accrual</b>
0 to 12 months (1 year)	6.67 hours
13 months through 48 months (2-4 years)	8.00 hours
49 months through 84 months (5-7 years)	10.00 hours
85 months through 120 months (8-10 years)	12.00 hours
121 months through 156 months (11-13 years)	12.67 hours
157 months through 192 months (14-16 years)	13.33 hours
193 months through 228 months (17-19 years)	14.00 hours
229 months through 288 months (20-24 years)	14.67 hours
289 months + (25 years +)	16.67 hours

advance approval from your Department Manager or from the City Administrator to limit interference with the operations of the City. Requests for vacation are to be submitted at least two (2) weeks in advance unless waived by the Department Manager. Vacation time may be taken in one-half hour increments.

Vacation accrues according to the above schedule for regular Full Time Employees and will be prorated for Regular Part Time Employees who regularly work 24 hours or more per week based on their Full-Time Equivalent (FTE). Temporary employee shall NOT be entitled to vacation time.

The Mayor may authorize the City Administrator to credit employees with a lump sum of vacation accrual for purposes of recruitment or retention. The amount of the lump sum will be at the sole discretion of the Mayor.

All vacations must be approved by the appropriate Department Manager. Department Manager vacations are approved by the City Administrator. City Administrator vacations are approved by the Mayor.

Vacation time may be accrued only to a maximum of 240 hours (30 days), except under unusual circumstances and with approval of the Department Manager and the City Administrator. Unapproved accrual beyond the 240 hours limit will be forfeited by the employee. Non-represented employees may be credited with up to 120 excess vacation hours beyond the 240 maximum accrual limit. While not accrued

for payout upon separation from employment, these excess vacation hours will be held on account for use by the employee subject to the provisions of this section governing use of vacation leave.

Upon separation from City employment, any regular status employee with more than the equivalent of six (6) months of service shall be paid for up to a maximum of 240 hours of accrued vacation. Compensation shall be based upon the employee's salary at the time of separation and shall be subject to applicable withholding under state and federal law. To be eligible for a vacation payout upon separation, an employee must return all city property including records, messages, devices, and passwords.

Any holiday occurring during an approved vacation is not counted as a day of vacation taken.

### Vacation Leave Sharing

- 1) Employees who are suffering from an illness, injury, impairment or physical or mental condition, which is of an extraordinary or severe nature and which has caused, or is likely to cause the employee to either be in a leave without pay status or to terminate employment with the city, may, subject to the provisions of this section or, for represented employees, subject to collective bargaining agreements addressing this issue, be permitted to receive donations of vacation leave from other employees.
- 2) Requests for Vacation Leave Donations: Employees who wish to receive donations of vacation leave must submit a request to the City Administrator. The request must include an explanation of the circumstances that make the donations necessary and must be supported by the opinion of a qualified medical professional.
- 3) Determination of Eligibility for Vacation Leave Donations: The City Administrator may authorize vacation leave donations if the employee has depleted or is about to deplete his/her annual leave and sick leave accruals.
- 4) Amount of Vacation Leave to be Donated: The total amount of vacation leave that can be donated to an employee will be determined by the City Administrator.
- 5) Eligibility for Donations: Any employee with more than eighty (80) hours of vacation leave accrued may authorize a donation of vacation leave to another employee who has been authorized by the City Administrator to receive vacation leave donations. In no event will an employee be allowed to donate more than twenty five percent (25%) of his/her accrued vacation leave.
- 6) Procedures:
  - a) While an employee is on leave donated under this section, he or she shall continue to be classified as a City employee and shall receive the same treatment in terms of salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave.
  - b) Donated leave will be used on a 1<sup>st</sup> donated, 1<sup>st</sup> used process.
  - c) If any leave donated under this section is not used, it will be returned to the donating employee(s) provided that there is no reasonable expectation that the leave will be needed in the near future in connection with the illness or condition for the which the donation was permitted.

### **5.05 Bereavement Leave.**

The City affords regular full-time and regular part-time employees time off with pay in the event of a death in the employee's immediate family. The employee's immediate family is defined as the employee's

spouse, domestic partner, parents, step-parents, children, step-children, grandchildren, great-grandchildren, brothers, sisters, step-brothers, step-sisters, son in-law, daughter in-law and grandparents. The term also includes a spouse's parents, step-parents, brothers and sisters. Unusual circumstances shall receive individual consideration. In the event of a death in an eligible employee's immediate family, the employee may receive up to three (3) days of Bereavement Leave with pay.

Employees on Bereavement Leave shall continue to accrue Sick Leave and Vacation benefits. Bereavement Leave is not cumulative nor payable upon termination of employment. The period of Bereavement Leave may be extended by the use of accrued Vacation time, or if warranted, Sick leave for a maximum five (5) additional days.

#### **5.06 Jury Duty Leave.**

Serving on a jury is a fundamental responsibility of citizenship, and the City supports this important role in our society. However, to ensure that we can provide proper service to the public, if you receive a notice for jury duty service, please contact your Department Manager or City Administrator as soon as possible so that appropriate scheduling needs can be met. If your absence would pose a significant hardship for the City, you may be asked to request a postponement of jury duty from the court. Jury duty leave is paid at your regular rate for the time you are required to serve up to eighty (80) hours, less juror's fee received (excluding juror expense payments). You are expected to report to work on any day that you are released from service with four (4) or more hours left in your regular shift.

#### **5.07 Military Leave.**

We recognize the importance of enabling employees to serve in the military. An Employee who is a member of the Washington National Guard or of the Army, Navy, Air Force, Coast Guard, or Marine Corps reserve of the United States are entitled to a paid military leave of absence for a period not to exceed twenty one (21) working days during each year beginning October 1 and ending the following September 30. Military leave shall be charged only for days that he or she is scheduled to work for the City. Military leave may be used for required military duty, training, or drills including those in the National Guard under Title 10 U.S.C., Title 32 U.S.C., or state active status. During the period of military leave, the officer or employee shall receive his/her normal pay. Military leave in excess of the Twenty one (21) days of paid time off will be unpaid, unless the employee elects to use accrued leave. All benefits continue to accrue during military leave of less than thirty (30) days.

An employee who enters the state or federal armed services for an extended tour of duty is eligible for an extended, unpaid military leave of absence, which may continue up to five (5) years, unless otherwise provided under federal law. Employees may use all accrued but unused vacation benefits as soon as their extended military leave begins. All insurance benefits will end on the last day of the month in which the extended military leave begins but the employee may extend medical coverage under COBRA if desired. Employees who leave work to serve in military duty are entitled to reemployment and benefit resumption consistent with relevant state and federal laws.

Employees should notify their Department Manager as soon as they receive notice of the need to report for military duty or training, and should provide the Department Manager with a copy of military orders.

#### **5.08 Leave for Spouses/Domestic Partners of Military Personnel.**

The Washington State Military Family Leave Act (MFLA) allows an employee whose spouse is a member of the United States armed forces, National Guard or reserves to take fifteen (15) days of leave when the spouse is notified of an impending call to active duty or when the spouse is on leave from an active duty deployment.

The purpose of MFLA leave is for families of military personnel serving in military conflicts to spend time together. This leave may be used prior to deployment or during the spouse's leave from deployment, but may not be used at the end of the deployment. An employee must work for an average of twenty (20) or more hours per week to qualify for MFLA.

An employee who seeks to take family military leave should provide the City with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse/domestic partner will be on leave or of an impending call to active duty. An employee may elect to use the employee's accrued paid leave in connection with such leave.

#### **5.09 Pregnancy/Childbirth Disability Leave.**

An employee will be granted leave for the period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. Pregnancy/Childbirth Disability leave is unpaid, provided that an employee must use her accrued paid leaves before the unpaid portion of the leave begins.

#### **5.10 Leave Due To Domestic Violence or Sexual Assault.**

This leave is available to an employee who is a victim of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. A reasonable amount of leave may be taken, and is available in blocks, intermittently, or on a reduced leave schedule. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- To seek treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees should give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designee) should give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

### **5.11 Disability Leave.**

An unpaid medical leave of absence may be granted to employees who are unable to perform the essential functions of their position due to a disability as a reasonable accommodation unless the City concludes the additional leave would impose an undue hardship on the City's business. A written request for a medical leave of absence must be provided to the City Administrator along with a doctor's certification indicating the nature of the disability, its impact on the employee's ability to perform the essential functions, the need for leave as a reasonable accommodation and the anticipated length of absence.

An employee on leave of absence status shall continue to accrue continuous service but does not accrue Vacation or Sick Leave, and is not paid for Holidays. Health and life insurance coverage will cease unless the employee pays the applicable premiums; details regarding COBRA coverage would be provided at that time. The City will discontinue health insurance and other insurance coverage for employees and their dependents if the employee does not return to work after the agreed upon end of the leave of absence or after a reasonable amount of time as determined by the City (again, subject to COBRA rights).

### **5.12 Leave Due to Inclement Weather.**

Absence due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather, or other significant disruptions of the transportation system shall be charged to the following in the order listed:

- Accrued vacation leave, annual leave (floating holiday) or compensatory time;
- Accrued sick leave up to a maximum of twenty four (24) hours in any calendar year.

### **5.13 Unauthorized Absence.**

An unauthorized absence will be charged to available leave in the following order:

- Accrued vacation leave, annual leave (floating holiday), compensatory time;
- Accrued sick leave, if applicable.

If the unauthorized absence is not related to protected leave, the City may treat the unauthorized absence as grounds for disciplinary action. Upon return from unauthorized absence, the employee is required to provide a written statement to the Department Manager explaining the reason for the absence. An unauthorized absence for a period of three (3) days may be considered as a resignation from employment of the City.

### **5.14 Retirement.**

In accordance with State law, all employees in a qualifying position, regardless of appointment status, will become members of the City's retirement system. Payroll deduction for employee contributions is required,

regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.

Uniformed personnel shall be members of the Washington Law Enforcement Officers and Fire Fighters Retirement System with employer contributions made in accordance with applicable State law.

### **5.15 Wellness Program.**

In accordance with City of Orting's commitment to health and safety, we have established a Wellness Program for the following purposes:

- 1) To maintain and enhance employee interest in health and safety issues.
- 2) To ensure that managers, supervisors and employees are aware through training activities that they are responsible for the prevention of workplace accidents.
- 3) To help make health and safety activities an integral part of the organization's operating procedures, culture and programs.
- 4) To provide an opportunity for discussion of health and safety problems and possible solutions.
- 5) To inform and educate employees and supervisors about health and safety issues and research findings, etc.
- 6) To help reduce the risk of workplace injuries and illnesses.
- 7) To help ensure compliance with federal and state health and safety standards.

The Wellness Committee is comprised of a cross-section of the organization employee roster. Employees interested in participating on the Committee should contact the Wellness Program Director.

To accomplish the above objectives, the Wellness Committee will:

- Develop a written mission statement in accordance with the organization's overall requirements.
- Define duties and responsibilities of committee members.
- Identify and prioritize goals and establish action plans to achieve each goal.
- Include representation from different levels and areas of the organization element.
- Meet at least monthly.
- Record and disseminate minutes of meetings, documenting attendance, problems, and issues, as well as corrective action proposed and actions taken to address each issue.
- Develop methods to increase and maintain safety awareness.
- Organize special subcommittees to address specific issues, projects or programs.
- Distribute wellness information and pamphlets to employees.
- Develop methods for employee ideas and suggestions submittals.



## **6. EMPLOYEE RESPONSIBILITIES**

Here is a summary of what the City expects from you.

### **6.01 Personal Appearance.**

Employees with a neat, clean appearance are important to our operation, especially when those employees are dealing with the public. How you look is the image the public has of the City of Orting. Employees should wear clothing appropriate to their job, and present an appropriately professional image.

Some employees may be required to wear specific types of clothing due to the nature of the job or safety requirements. When in doubt, ask your supervisor for assistance in determining what is appropriate.

### **6.02 Computer Usage.**

As a City employee, you may use computers extensively in your job. A few rules are necessary so that everyone can get the maximum benefit from the City's investment in technology.

#### ***Software***

In order to protect the City of Orting's computer system from viruses and ensure that the software used is compatible with City computers, only software purchased or approved by the City may be installed on City computers. Before installing any software not purchased by the City, you must check with the City Administrator. Software purchased by the City is for legitimate City business use only. It may not be copied or taken home.

#### ***Copyright Compliance***

Software is protected from unauthorized duplication by law. The City of Orting respects the legal rights of software developers and expects employees to do the same. No employee may duplicate software, or otherwise use software other than in accordance with the terms of its license. Software that has been duplicated without authorization may not be installed on City computers.

#### ***Electronic Media and Internet Usage***

The City provides communication resources including computing resources, electronic mail (email), internet access, mobile devices, and other electronic communications equipment (collectively referred to as City Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of the City's business, in a manner that is consistent with the City's vision and values. De Minimis, incidental personal use of the City's Technology Resources by employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below. This policy does not address all required, allowed, or prohibited behaviors by employees, but covers common examples. In general, the City relies on the good judgment of its employees to ensure that City Technology Resources are used in the public's best interest.

#### **No Expectation of Privacy**

By using the City's technology employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored or transmitted during an employee's incidental personal use

of the technology as permitted under this policy. Employees further agree that they are aware of, understand and will comply with the provisions of this policy, and that their use of the technology can and will be monitored and any data that they create store, or transmit on or over City systems may be inspected by City management at any time. Employees should understand that certain email messages, other electronic communications, and documents created on City computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

### Ownership and Confidentiality

All software, programs, applications, templates, data, data files and web pages residing on City computer systems or storage media or developed on City computer systems are the property of the City. The City retains the right to access, copy, modify, destroy or delete this property. Data files containing confidential or sensitive data must be treated accordingly and must not be removed from the workplace without proper authorization.

### Acceptable Uses of City's Technology Resources

The City's technology may be used by employees or volunteers for City business. De Minimis, incidental personal use may be permitted where, in the judgment of the employee's manager, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-workers assigned work. De Minimis, incidental personal use means: (1) it is occasional and of short duration; (2) it is done on an employee's personal time, such as on a lunch break; (3) it does not interfere with job responsibilities; (4) it does not result in any expense to City; (5) it does not solicit for or promote commercial ventures; (6) it does not utilize excessive network resources; and (7) it does not constitute any prohibited use, as discussed below.

### Prohibited Uses of the City's Technology Resources

Use of the City's technology to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the following uses of City's technology are inappropriate and are prohibited at all times, unless specifically exempted below:

1. Personal business or commercial use (meaning use that benefits an employee's outside employment or commercial business);
2. Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials of an offensive nature;
3. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability or other protected status;
4. Gambling;
5. Usage for recreational purposes including the loading of computer games or playing online games;
6. Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video unless for City business, such as for online training;
7. Unauthorized copying or downloading of copyrighted material;

8. Usage that violates software license agreements;
9. Downloading of software programs unless specifically approved by applicable Manager and coordinated with the IT Manager;
10. Usage for political purposes, including partisan campaigning;
11. Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
12. Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems, or those of any other individual or entity;
13. Releasing misleading, distorted, untrue or confidential materials regarding City business, views or actions;
14. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
15. Use of technology resources for personal use beyond a De Minimis amount or in any manner so as to deprive others of system use or resources, including, but not limited to, the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind;
16. Connecting to the City's network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
17. Any personal use, even if incidental, that results in expense to the City; and
18. Usage that violates the guidelines set forth in the Standards of Conduct described in this Handbook.

Any employee who violates these policies could be subject to disciplinary action, up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

#### Downloading Files from the Internet or Opening E-mail Attachments

Downloading files from the internet or opening e-mail attachments from sources outside the City can lead to spyware and/or virus attacks that can severely damage, or degrade the City's network and/or data. Anti-virus and anti-spyware software does not guarantee that all spyware is blocked, or that all viruses are caught. If you are downloading a file and receive a message that a virus or spyware has been detected, you must contact the IT Manager immediately for assistance. Similarly if you receive an e-mail with a suspicious attachment, or from an unusual source, you should notify the IT Manager before opening it. If you notice that your computer is behaving strangely or you suspect spyware or a virus, notify the IT Manager.

Finally, employees are expected to not use personal cell phones, personal data devices, smartphones, tablets or similar devices during working time for personal business or commercial use.

#### *Security*

You are responsible for the Internet access and the messages sent from your account. Please log off before leaving your computer unattended. Also bear in mind that the use of aliases while using e-mail or accessing the Internet is prohibited. It is also inappropriate to misrepresent an employee's job title, job description, or position. To prevent unauthorized use of your computer, do not give out your password to anyone and change your password on a regular basis.

### **6.03 Computer Usage Supplement: Email & Internet Etiquette Tips.**

The following tips are intended to provide you with a tool when using e-mail and/or the Internet. These tips supplement the City of Orting's Computer Usage Policy.

Always be yourself. Through the use of electronic communications, we are able to embrace a new "spirit of community" within our City, as well as build and enhance relationships directly with our customers. Therefore, be as courteous, friendly and thoughtful as you would be in person. Always represent yourself as yourself - never someone else.

Use of the Internet wisely. The Internet should only be used as follows:

- Research on work related topics/issues
- Investigating City-related topics or practices of other cities
- Sending/receiving documents outside the City
- City-related purchasing
- Communicating with vendors, media, council members, residents, and other external constituencies
- Other work-related activities and information gathering

Consider your audience. Send e-mail messages only to those who need the information. This is particularly important when sending a broadcast announcement to a large group of people. Simply sending a message to City server group names without understanding the people affected potentially results in many individuals receiving and processing useless information.

Keep it brief. Learn to compose messages like a journalist writing an article. Focus on the facts, placing the most important information at the front of the memo. Attach additional information (spreadsheets, word processing documents, and graphics) via files, but pay attention to size. File attachments which are too large can be difficult or impossible to retrieve.

Remember that e-mail and the Internet are public, not private. Any message sent via e-mail can be reviewed by a third party. Therefore, do not send anything that you would be uncomfortable to communicate in public.

Be responsive. If you receive a message which requires your attention and response, reply back to the sender within a reasonable time frame. Even if you can't provide the answer to a question, let the individual know that you are working on it.

## **6.04 Cellular Telephones.**

The City may require you to use a cellular telephone in the performance of your job or in emergency situations. In either case, the City shall pay the expenses related to the purchase, lease or rental of a cellular phone. Please see your Department Manager about the procedures for purchasing the cellular telephone and related equipment and maintaining it in the City's inventory. You are responsible for taking reasonable precautions to prevent equipment theft and vandalism, including securing the equipment in a proper manner at all times.

### ***Use of City-Owned Cellular Telephones***

The City provides cellular telephones to certain employees to improve both the services provided to the community and the communications with other City employees for City business. Therefore, City-owned cellular phones shall only be used for City purposes and/or in the event of an emergency. If personal calls have been made on the cellular phone, you must reimburse the City immediately following receipt of an invoice and prior to the time payment is due to the cellular telephone service provider. Payment shall be made to the City on a City Treasurer's receipt for permanent record keeping.

Remember that cellular telephones are not a secure method of transmitting information. You are therefore expected to use discretion in relaying confidential information. The City reserves the right to monitor the use of all City-owned telephones. If it is determined that there is an abuse of City-owned cellular telephones, then appropriate disciplinary actions will be taken.

### ***Use of Your Personal Cellular Telephone to Conduct City Business***

Personal cellular telephone usage for City business must be authorized in advance in writing by the Department Manager and the City Administrator. Generally, you will not be reimbursed for any business-related calls unless you have received such prior written approval. All requests for reimbursement shall additionally be subject to approval by the Department Manager or City Treasurer. By using your personal cellular telephone, you assume full responsibility for any and all personal costs associated with the use of your cellular telephone service unless other arrangements are approved by the Department Manager and the City Administrator.

The records you create (i.e. text messages, voicemail messages, picture messages, etc.) by using your personal cellular phone for City business will result in the creation of public records on your personal cellular phone. By using your personal cellular phone for City business, you agree to maintain and retain all records consistent with the Public Records Act and the State retention schedule and to provide those records to the City upon request. The City may also require, and you agree, to sign an affidavit related to your search of your personal cell phone upon request should records stored on your personal cellular phone become subject to a public records request. Upon separation you shall not wipe the records from your city phone. If you do not return your city phone with the records that you created on it along with directions to unlock the phone, you shall forfeit any vacation accruals you may have been entitled to.

### ***Managerial Procedures***

When determining whether an employee should be **required** to use a cellular telephone in the course of a job, the following factors should be considered: 1) usage costs for a cellular telephone versus alternative communication choices like pagers, voicemail, etc., and 2) the level of employee need; i.e. determine what the phone will be used for, how often will the telephone be used, the ramifications of not having a cellular

phone, etc.

Cellular telephone acquisition and usage must be budgeted annually in the City's operating budget and reviewed periodically for a more cost effective service provider or a better method of communication. In the event that a less costly, safer or more convenient alternative is made available, the cellular telephone usage will be discontinued.

#### **6.05 Use of City Property.**

City supplies and equipment must be conserved for the authorized conduct of official business and for such services as are available to the public generally. By state law, they are not for personal use. City stationery, supplies and postage may not be used for personal mail.

If you are entrusted with City equipment, materials or property to use in your job, you are responsible for its proper use and maintenance. If you need to borrow or take home City property for City business, you must have authorization from your supervisor.

All communications technology is the property of the City and should be used only for official business. Please limit incoming and outgoing personal phone calls to necessary calls and keep them to a minimum. When personal, long distance use is unavoidable, you should call collect or charge the call to a home telephone or personal credit card, if possible, or log the user charges and reimburse the City for them. You are responsible for all charges incurred and are required to reimburse the City for long distance charges in the following billing cycle. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

The City may provide a locker, cabinet, or desk for your personal belongings. Only City-provided locks may be used on these facilities. The City reserves the right to inspect City-owned property with or without notice, for legitimate business reasons. The City is not responsible for employee valuables, vehicles, or personal possessions brought onto City property. Please also refer to the Travel Policy.

## 7. STANDARD OF CONDUCT AND DISCIPLINE

We all succeed at the City when we respect the needs and interests of the public, the City, and our co-workers. While the City management generally believes in progressive discipline, which calls for appropriate discipline in appropriate circumstances, the City reserves the right to review each situation independently and to make a decision on what it deems to be appropriate discipline in all cases, up to and including discharge. The City may use “coaching” or counseling initially, to be followed by more serious discipline (such as written reprimands, disciplinary probation, suspension or discharge), if the City determines that the situation is not improved or becomes more flagrant. However, in each situation, the City reserves the right to skip one or more of the steps described below. The decision to use progressive discipline in a given case is an attempt to improve the performance or behavior, but does not change the at-will nature of the employment relationship. For represented employees, the City adheres to procedures set forth in the applicable labor agreement.

Some examples of conduct that may lead to discipline or discharge include:

- Insubordination;
- Unauthorized release of City, customer or co-worker information;
- Swearing or verbal abuse while on City premises or representing the City;
- Falsification of any work, personnel, or other City records;
- Unauthorized taking or removal of City funds or property;
- Dishonesty;
- Discrimination against or harassment or retaliation of co-workers, vendors, or members of the public;
- Possession, consumption, or being under the influence of alcohol or a controlled substance at work, on City premises or while representing the City;
- Deliberate damage to or misuse of City property;
- Bringing a weapon into city facilities or vehicles unless authorized to do so as part of your employment (i.e. police);
- Fighting or threatening to fight with another employee;
- Serious misconduct of any kind;
- Poor performance;
- Excessive absenteeism or tardiness or failure to report in when absent or tardy;
- Failure to comply with safety or security rules and procedures;
- Violation of City policy;
- Improper handling of cash or other financial transactions;
- Sleeping on the job;
- Failure to report immediately to your Supervisor any accident or injury which occurs on the job;
- Failure to report to work for three (3) consecutive workdays without prior notification to the City in the absence of a bona fide reason will be considered job abandonment; and
- Smoking in non-smoking areas or in City vehicles.

These examples are not all-inclusive; other behavior may also be grounds for discipline or discharge.

## *Managerial Procedures*

### Verbal Counseling

Supervisors should generally notify employees verbally at least once if the employee commits a less serious offense or the supervisor sees an unacceptable trend in performance or conduct. A memorandum covering the conversation should be prepared by the supervisor for inclusion in the Employee's personnel file, and a copy of the prepared memorandum should be provided to the employee.

If the employee's performance or conduct improves, and no further verbal counseling or other disciplinary action on any issue is required for twelve months of actual service to the City thereafter, the memorandum shall be removed from the Employee's personnel file.

### Written Warning

If an employee's inadequate performance or conduct does not improve following verbal counseling, or if an employee commits a serious offense, the supervisor, after consultation with and approval from the City Administrator, should issue a formal written warning to the employee. The employee should receive the original Written Warning, and a copy should be placed in the employee's personnel file.

If the employee's performance or conduct improves, and no further verbal counseling or other disciplinary action on any issue is required for twelve (12) months of actual service to the City thereafter, the Department Manager may request that the Written Warning be removed from the Employee's personnel file. The final decision rests with the City Administrator.

### Suspension

There may be times when a suspension is appropriate. All suspensions require the advance approval of the City Administrator. Suspensions for non-exempt employees should be issued by the Department Manager or his/her designee. Only the City Administrator may suspend an exempt employee. A non-exempt employee may be suspended without pay for a period normally not to exceed five (5) work shifts. An exempt employee may be suspended without pay in increments of full workweeks. Circumstances warranting a suspension include, but are not limited to, the following:

- When the City determines the situation or violation poses an imminent danger to persons or City property or disruption to City operations.
- When the City believes that effecting a suspension may resolve a situation short of termination.

### Termination

If an employee fails to respond to verbal counseling and/or a written warning of inadequate performance or conduct, or if an employee commits a serious offense, the Employee may be terminated. All proposed termination actions must be reviewed by the City Administrator, City Personnel Director and receive endorsement by the Mayor.

### Administrative Leave

The City may place an employee on administrative leave with pay for an indefinite period of time, as determined by the City Administrator to be in the best interest of the City during the period of an



investigation or other administrative proceedings. The City may require the employee to be available during their regular work shift while on administrative leave.

### **7.01 Employee Suggestions and Concerns.**

We all benefit when employees have an opportunity to share both suggestions for improving our operations, and concerns about problems they may be having.

If you have an idea for improving the way we do things here at the City of Orting, please share it. It is always appropriate to share such ideas informally with your co-workers and/or supervisor. We also encourage you to write your suggestion down and submit it to the Department Manager or City Administrator.

It is our intent here at the City of Orting to try to do what is fair and reasonable at all times in our day-to-day relations with our employees. To that end, all employees, including supervisors, are urged to use the City of Orting Employee Concern System to address work related concerns. A “concern” is any question or dispute regarding the interpretation or application of the City’s personnel policies and procedures, or other work-related situation. We encourage you to raise any and all work-related concerns. You will not be retaliated against for raising concerns through this process. Concerns regarding discrimination, harassment and retaliation should be raised through the complaint procedure specific to those concerns. Represented employees should use the grievance procedures in their labor agreements.

City of Orting Employee Concern System for all other concerns is set forth below. Steps must be taken in succession.

#### ***Step One: Your Supervisor***

Each employee is encouraged to take up his/her own employee concern with his/her immediate supervisor. To be sure that we are dealing with current information, please try to raise any concerns within two (2) working days of the occurrence or date that you become aware of it. If the concern is resolved at this step, your supervisor should place a memo in your personnel file regarding the resolution. If your concern involves your immediate supervisor in a way that you are reluctant to discuss it with him/her, please go directly to Step Two. If your supervisor does not respond or his/her response seems unreasonable or not satisfactory, you may go on to Step Two.

**Note:** The multi-level supervisory command structure of the Police Department shall apply for all uniformed and non-uniformed police employees as Step 1.

#### ***Step Two: City Administrator***

If the concern cannot be resolved at Step One, you, your supervisor, or your Department Manager may refer it to the City Administrator. After your matter has been studied, and the City Administrator takes whatever steps he/she deems appropriate, he/she will then issue a written response to you, generally within twenty (20) working days of receipt of your concern at Step Two. The decision of the City Administrator will be final and binding. The final resolution will be noted in your file.

## 8. CODE OF ETHICS AND POLICY FOR REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, the City of Orting encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. The policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

### Key Definitions – RCW 42.41.020:

**Improper Governmental Action:** Any action by a municipal official or employee that is:

1. Undertaken in the performance of the official's or employee's official City duties, whether or not the action is within the scope of the employee's employment, and
2. Is in violation of any federal, state or local law or rule; an abuse of authority, of substantial and specific danger to the public health or safety; or a gross waste of public funds, and
3. "Improper governmental action" does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, and reductions in pay, dismissals, suspensions, demotions, and violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands. In addition, employees are not free to disclose matters which would affect a person's right to legally-protected confidential communications, such as attorney-client privilege or executive session communications.

**"Retaliatory action"** means: (a) Any adverse change in a [City] employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a [City] employee that were encouraged by a supervisor or senior manager or official. RCW 42.41.020(3).

**Emergency:** A circumstance that if not immediately changed may cause damage to persons or property.

### **8.01 Prohibited Conduct.**

No current city employee shall engage in the following:

Disqualification from Acting on City Business.

- 1) Engage in any transaction or activity which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify himself/herself from official action in those instances where conflict occurs;
- 2) Have a financial or other private interest, direct or indirect, personally or through a member of his/her immediate family, in any matter upon which the employee is required to act in the discharge of his/her official duties, and fail to disqualify himself/herself from acting or participating;

- 3) Fail to disqualify himself/herself from acting on any transaction which involves the City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his/hers, or of his/her firm or partnership;
- 4) Have a financial or other private interest, direct or indirect, personally or through a member of his/her immediate family, in any contract or transaction to which the city or any city agency may be a party, and fails to disclose such interest to the appropriate city authority prior to the formation of the contract or the time the city or city agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

#### Improper Use of Official Position:

- 1) Use his/her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
- 2) Use or permit the use of any person, funds, or property under his/her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose; provided, that nothing shall prevent the private use of city property which is available on equal terms to the public generally (such as the use of library books or tennis courts), the use of City property in accordance with City policy for the conduct of official city business (such as the use of a city automobile), if in fact the property is used appropriately; or the use of city property for participation of the City in activities of associations of governments or governmental officials;
- 3) Except in the course of official duties, assist any person in any City transaction where such City employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the city; provided that this subsection shall not apply to: any employee appearing on his/her own behalf or representing himself/herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by law;
- 4) Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his/her immediate family, in a business entity doing or seeking to do business with the city, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the city.

#### Accept Gifts or Loans:

- 1) Solicit or receive any retainer, gift, loan, entertainment, favor, or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor, or other thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by such employee in his/her official capacity.

#### Disclose Privileged Information:

- 1) Disclose or use any privileged or proprietary information gained by reason of his/her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

#### Hold Financial or Beneficial Interest in City Transaction:

- 1) Regardless of prior disclosure thereof hold or acquire a beneficial interest, direct or indirect, personally or through a member of his/her immediate family, in any contract which, in whole or in part, is, or which may be, made by, through, or under the supervision of such employee; or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested therein.

### **8.02 Prohibited Conduct After Leaving City.**

No former employee shall after leaving City office or employment:

- 1) Disclose or use any privileged, confidential, or proprietary information gained by reason of his/her city employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
- 2) Assist any person in proceedings involving the agency of the City with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty for a period of one (1) year after leaving employment and subject to subsection 1 above;
- 3) Represent any person as an advocate in any matter in which the former employee was officially involved while a City employee for a period of one (1) year after leaving employment and subject to subsection 1 above;
- 4) Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used for a period of one (1) year after leaving employment and subject to subsection 1 above.

### **8.03 Procedure for Reporting Improper Government Action.**

City employees who become aware of Improper Governmental Action should follow this procedure:

1. Bring the matter to the attention of his/her supervisor, if the supervisor is not involved in the matter, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
2. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the City Administrator, City Personnel Director, or the Mayor. The complaint should be in writing, stating in detail the basis for the employee's belief that an improper action has occurred.
3. After an investigation is completed, the employee will normally be advised of the results of the investigation; however, personnel actions taken as a result of the investigation may be kept as confidential as possible, however, records related to such investigation may still be subject to disclosure under a public records request.

In the case of an emergency, where the employee believes that damage to persons or property may be imminent if action is not taken immediately, the employee may report information about Improper Governmental Action directly to the appropriate government agency with responsibility for investigating the improper action.

*City employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper*

*governmental conduct shall not receive the protection against discipline provided by the City in these procedures.*

#### Complaints, Investigations, Review and Enforcement

Any person may file a complaint alleging a violation of this policy.

The complaint shall be in writing stating the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be presented to the City Administrator, City Personnel Director, or the Mayor who shall provide a copy to the person charged with a violation. The complainant shall provide the City with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.

This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of City of Orting employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. The City is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under City policy, and a thorough investigation of such complaints is the City's goal. It is difficult, if not impossible, to conduct a thorough investigation when a complainant remains anonymous. Therefore, the City reserves the right to decline to investigate any complaint that is provided anonymously. If a complaint is received anonymously it shall be referred to the City Attorney for a recommendation on the processing of the complaint. Upon review of the complaint, the City Attorney will recommend to the City Administrator either that the complaint has no merit or that it should be investigated.

Within a reasonable time after receipt of a complaint, the City Administrator or another person appointed by the City Administrator shall conduct a preliminary investigation. If the City Administrator or City Attorney are implicated in the complaint, the Mayor will determine who will conduct the City's investigation. Criminal allegations will be referred to the proper law enforcement agency.

If the City Administrator determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the City Administrator shall dismiss the complaint. If the City Administrator does so dismiss the complaint, he or she shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant and to the person charged with the violation.

Within a reasonable time after a complaint is received, the City Administrator shall issue a written determination stating whether the policy has been violated and setting forth the facts and the provisions of law upon which this determination is based. A copy of said determination shall be delivered to the complainant and to the person charged with the violation.

If the City Administrator determines that an employee has violated the provisions of this policy, the City Administrator may subject the employee to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or removal from employment, or such other disciplinary action as may, by the appropriate city authority, be deemed necessary and proper, and consistent with personnel ordinances and rules; provided, that this section shall

not derogate from employee rights under any collective bargaining agreement or city personnel ordinance, or rules promulgated thereunto.

### Protection Against Retaliatory Actions

City of Orting officials, Department Managers and employees are prohibited from taking retaliatory action against an employee because he/she has in good faith reported an improper governmental action in accordance with these policies and procedures. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise in writing their supervisor, the City Administrator or his/her designee. City of Orting officials, Department Managers and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City Administrator, or his/her designee, as the case may be, does not satisfactorily resolve an employee's complaint that he/she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City of Orting's City Council that:

- a) Specifies the alleged retaliatory action and
- b) Specifies the relief requested.

City of Orting employees shall promptly provide a copy of their written charge to their Department Manager. The City of Orting shall timely respond to the written charge of retaliatory action. After receiving either the response of the City of Orting or thirty (30) days after the delivery of the charge to the City of Orting, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City Administrator within the earlier of either fifteen (15) days of delivery of the City of Orting's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Orting for response. Upon receipt of request for hearing, the City of Orting shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
PO Box 42488, 4224 Sixth S.E.  
Rowe Six, Building 1  
Lacey, WA 98504-2488  
(206) 459-6353

The City of Orting will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

### **8.04 Conflict of Interest and Outside Employment.**

Employees shall not, directly or indirectly, engage in any outside employment or possess a financial interest which may conflict, in the City Administrator's opinion, with the best interests of the City of Orting or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:

1. Prevents the employee from being available for work beyond normal working hours, such as during emergencies or peak work periods, when such availability is a regular part of the employee's job;
2. Is conducted during the employee's work hours;
3. Utilizes City telephones, cellular telephones, computers, supplies or any other City resource, facilities or equipment;
4. Involves employment with a firm which has contracts with or does business with the City; or
5. May reasonably be perceived by members of the public as creating a conflict of interest or one which otherwise discredits public service.

This policy shall be interpreted in accordance with, Chapter 42.23 RCW, the Washington State Code of Ethics for Municipal Officers.

### **8.05 Confidentiality.**

During your employment with the City, you will have access to confidential or proprietary information about the City, its employees and possibly its citizens. It is a violation of City policy to misappropriate such information for your personal use or the use of another third party. Employees must exercise the highest degree of care in safeguarding confidential or proprietary information, and may not use or disclose such information except as necessary to perform their job duties or as required by law such as in response to a Public Records Request. Violation of this confidentiality policy will be grounds for discipline up to and including termination.

### **8.06 Contact with News Media.**

The Mayor, City Administrator or City Attorney shall be responsible for all official contacts with the news media, including answering of questions from the media. The City Administrator may designate specific employees to give out procedural, factual or historical information on particular subjects. City employees will refrain at all times from disclosing confidential City information to the media. A violation of this provision may subject an employee to discipline, including termination.

## **9. HEALTH, SAFETY AND SECURITY**

### **9.01 Workplace Health & Safety.**

The City of Orting wants to provide you with a safe and healthy work environment, and we need your help to do that. The following is basic safety information. Consult with the City Personnel Director if you need more information.

- If you are injured on the job, no matter how minor, you must let the City Personnel Director know on the same day, and fill out an accident report as soon as possible.
- Learn and follow all safety procedures promulgated by the City's Safety Committee.
- Report any unsafe condition or damage to property on the same day observed to the City Personnel Director.
- Become familiar with any Material Safety Data Sheets applicable to your job.
- Learn proper procedures for heavy lifting and adhere to them.
- Keep your individual work area clean and orderly. Untidiness and clutter invite accidents.
- Know and follow the safety rules established for your job. When in doubt, ask before proceeding.
- Do not allow unauthorized persons to operate equipment or have access to restricted areas.
- If you are assigned to a job requiring protective clothing or equipment, use it without fail. Always dress in a way that will not invite job-related injuries.
- Store all materials and equipment in their proper areas.

### **9.02 Safety & Health Program.**

As required by Washington law, anyone operating or riding in City vehicles must wear a seat belt at all times.

Safety is the responsibility of every City employee. Each employee must be alert to any condition which poses a potential threat to a safe and healthful working environment, and must take appropriate action to eliminate these conditions where they exist. Supervisors and other members of the City's management team have the following safety-related responsibilities

- Maintain a safe and healthful working environment.
- Conduct an ongoing accident prevention program.
- Investigate, record and report work-related injuries and illnesses.
- Develop proper attitudes toward safety and health in themselves and in those they supervise.
- Ensure that all work processes and procedures are performed with the utmost regard for safety and health.
- Ensure that all employees are oriented and properly trained in the safe performance of their job.
- Communicate and comply with City safety regulations and legal requirements.

### **9.03 Smoke-Free Workplace.**

For health and safety considerations, the City prohibits smoking by employees in all City vehicles and facilities, including City-owned buildings and offices or other facilities rented or leased by the City, including individual employee offices. A smoke-free environment helps create a safe and healthy



workplace. This policy covers the smoking of any tobacco, smoke, or marijuana product and the use of such products including but not limited to cigarettes, cigars, snuff, smoking tobacco, “spit” tobacco, vape products, electronic smoking devices, e-cigarettes, and marijuana.

Outdoor Smoking Restrictions: Chapter 70.160 RCW significantly restricts the outdoor areas where individuals may smoke in relation to the location of City buildings, work areas and public places. Smoking is prohibited within twenty five (25) feet of any entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. The law also applies to any “place of employment,” which the law defines, in part, as “work areas” and any area which employees are required to pass through during the course of employment. The following direction identifies where and when City employees may and may not smoke.

1. Because the law prohibits any person from smoking at a place of employment, members of work crews are prohibited by law from smoking at any worksite locations. While at a worksite, an employee may only smoke while on his/her break, and the employee must be at least twenty five (25) feet from other working City employees. An employee who is on a break must be at least twenty five (25) feet from all entrances, exits, windows that open, and ventilation intakes that serve an enclosed area in order to smoke
2. Smoking on City Property is prohibited.

#### **9.04 Drug-Free Workplace.**

This policy is intended to comply with the federal Drug Free Workplace Act of 1988 and with federal Department of Transportation regulations governing commercial drivers. The City is committed to maintaining a drug and alcohol free work environment for the safety of all employees and citizens. This policy applies to all City of Orting employees except that employees included in bargaining units are subject to drug testing only if:

- 1) The labor contract covering them specifically allows for such testing; or
- 2) The issue of drug testing has been legally bargained to final impasse; or
- 3) A written agreement between management and the employee’s bargaining agent has been signed and executed to provide for drug testing.

All other provisions of this policy, apart from the limits to drug testing as specified above, shall apply to all City employees.

Employees are strictly prohibited from possessing, selling, consuming, or being under the influence of any controlled substance or alcohol while on City property, in City vehicles, or engaged in City work. If an employee is taking prescription drugs or under prescribed medical treatment that makes the employee drowsy or impairs the employee’s mental functioning in any way, the employee must inform the City Personnel Director in advance of reporting to work. Any violation of this policy may result in discipline, up to and including termination.

When there are reasonable grounds to believe that the employee is under the influence of alcohol or drugs, the supervisor may direct the employee to submit to drug screening and blood alcohol tests. Refusal to submit to such tests can subject the employee to disciplinary action up to and including termination of employment. Under no circumstances will an employee be allowed to operate City equipment or motor vehicle after a supervisor has reasonable grounds to believe that the employee is impaired.

It is the responsibility of employees who are called out to work after regular hours to comply with the provisions of this policy. If the employee called out to work has been involved in activities that may have left him/her in an impaired or intoxicated condition, the employee must inform the person making the call out. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.

An employee who is on-call and who becomes impaired during the on-call time will not receive compensation for such on-call time. An employee who is on-call and who becomes impaired during the on-call time may be subject to discipline up to and including termination. An employee should conduct themselves during on-call time as they would during at-work hours (i.e. refrain from consuming alcohol or drugs).

#### **9.05 Assistance Program / Voluntary Referral.**

The City of Orting supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program (EAP). Any employee who comes forth and notifies the City of Orting of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other policies of the city. Sick leave, vacation leave or leave of absence without pay will be granted for treatment and rehabilitation as in other illnesses subject to City of Orting policy and/or contract language governing use of leave. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

#### **9.06 Compliance with Drug Free Workplace Act.**

It is the policy of the City of Orting to comply with the Federal Drug Free Workplace Act of 1988. Toward that end, the following provisions and procedures shall be in effect:

- a) In the event that an employee is convicted of any criminal drug statutory violation for a violation occurring in the workplace, the employee must notify his/her supervisor within five (5) working days. The supervisor must inform his/her Department Manager within twenty four (24) hours of the notification. The Department Manager will notify the City Administrator immediately. If the employee is directly involved in the performance of a contract for which the City receives federal funding, the contracting agency must be informed of the incident in writing within ten (10) days of the employer's notice. A copy of the notification shall be sent to the City Administrator. The City of Orting is responsible to take appropriate disciplinary action and/or to require the employee to seek approved drug abuse treatment or rehabilitation within thirty (30) days of receiving notice of the employee's conviction.
- b) All employees shall receive a copy of this policy. All employees will be required to sign a statement acknowledging that they have received a copy of this policy.
- c) The City will make information and education on the prevention of alcohol and drug abuse available to its employees.

## **9.07 Compliance with Federal Regulations Applicable to Commercial Drivers.**

It is the policy of the City of Orting to comply with the Federal Department of Transportation regulations (Title 49, CFR subtitle B, chapter 382) which mandate prohibited behaviors and employer responsibilities for employee's holding safety sensitive positions which require the possession of a valid commercial driver's license.

Prohibited Behaviors - In addition to any other prohibitions on the use of alcohol or controlled substances established through City policy or by contract, the following behaviors by employees whose positions require the possession of a valid commercial driver's license are prohibited and will be subject to discipline:

- a) Alcohol Concentration: Reporting to duty and performing safety-sensitive functions while having an alcohol concentration of 0.01 or greater.
- b) Alcohol Possession: Unauthorized possession of alcohol while on duty or operating a commercial motor vehicle unless the alcohol is an insignificant ingredient in a medication that is either prescribed or a commonly recognized over-the-counter remedy and notice has been given to the employee's Department Manager in advance.
- c) Alcohol Use Following an Accident: Use of alcohol within eight (8) hours following an accident or before undergoing a post-accident alcohol test, whichever occurs first.
- d) Alcohol Use on Duty: Use of Alcohol while performing safety-sensitive functions including alcohol which may be in medications.
- e) Alcohol Use Prior to Duty: Performing safety sensitive functions within four (4) hours after having used alcohol. An on-call employee who consumes alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty.
- f) Controlled Substance (Drug) Use: Reporting for duty or remaining on duty performing safety-sensitive functions after having used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The proper and lawful use of drugs is permitted provided their use does not interfere with the individual's ability to perform the essential functions of his/her job. Any employee taking prescribed medication that may impair his/her ability to work safely and productively must notify his/her Department Manager prior to commencing to work. The Department Manager, in consultation with the employee's physician, if necessary, will make the determination regarding the employee's qualifications to work. Information provided to the Department Manager will be treated as confidential. Disclosure by the City will only be required by law or in the event of a proceeding initiated on behalf of the employee. Failure to notify the Department Manager in advance of commencing to work will be cause for disciplinary action up to and including discharge.
- g) Positive Drug Test: Reporting for duty, remaining on duty, or performing safety sensitive functions after having tested positive for a controlled substance.
- h) Refusal to Submit to a Required Test: Refusing to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test as directed pursuant to this policy.
- i) Tampering with a Required Test: An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.

Mandatory Training for Commercial Drivers - The City shall provide all affected employees with copies of this policy and any other information as required by the federal regulations. Each driver shall sign a receipt upon having been provided the above referenced information including a copy of this manual and

accompanying procedures for drug testing. Department Managers and supervisors designated to determine whether reasonable suspicion exists to require a commercial driver to undergo alcohol or drug testing will receive at least sixty (60) minutes of training on alcohol and sixty (60) additional minutes of training on substance abuse. The training will convey the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

#### **9.08 Drug and Alcohol Testing Program for CDL Drivers.**

- a) Pre-employment Drug Testing: All individuals who are covered by this policy must pass a drug test as a post-offer condition of employment.
- b) Reasonable Suspicion Testing: Employees subject to this policy shall submit to a drug and/or alcohol test when the employee's supervisor, City Personnel Director, or City Administrator reasonably suspects that this policy (except the prohibitions against unauthorized possession, transfer or sale of alcohol) may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulable observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use. Alcohol testing for reasonable suspicion may be conducted at any time during working hours. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:
  - 1) An alcohol test is administered (normally within two (2) hours of the determination of reasonable suspicion) and the driver's breath alcohol concentration measures less than .01; or
  - 2) Twenty four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.
- c) Post-Accident Testing: Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight (8) hours after the accident for alcohol testing and thirty two (32) hours after the accident for drug testing. A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy. While awaiting a post-accident test, the driver will be in a paid status.
- d) Random Testing: Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.
- e) Return to Duty Testing: Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty.
- f) Follow-up Testing: An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period as directed by a substance abuse professional. The number and frequency of follow-up testing will be based on the recommendation of the substance abuse professional, but will not be less than six tests in the first twelve (12) months following the employee's return to duty.

- g) Re-Tests: Employees who test positive for drugs may request a second test of the untested portion of the split sample within seventy two (72) hours of notification of a positive test result by the Medical Review Officer (MRO).
- h) Test Results: Test results will be expressed as positive or negative based on detection of levels of alcohol or controlled substances as established by Federal Department of Transportation standards.
- i) Challenges to Test Results: An employee who wishes to challenge a positive drug test must do so within seventy two (72) hours of notification of the positive result. The employee must notify the MRO that he/she wishes to challenge the test and must pay for the retest. The retest must be processed at a DHHS-NIDA-certified laboratory. If the MRO certifies that the second drug test is negative, an employee will be reimbursed for the cost incurred including any lost compensation.

### **9.09 Refusal by a Commercial Driver to Submit to an Alcohol or Drug Test.**

Refusal to submit to a directed test is a prohibited behavior shall subject the employee to appropriate discipline. A refusal to submit shall include:

- a) Failure to provide adequate breath for testing without a valid medical explanation after an employee has received notice of the requirement for breath testing in accordance with established procedures;
- b) Failure to provide adequate urine for controlled substances testing without a valid medical explanation after an employee has received notice of the requirement for urine testing in accordance with the procedures manual; and/or
- c) Engaging in conduct that obstructs the testing process.

### **9.10 Securing Information from Previous Employers.**

If a person is to be hired into a position subject to this policy and during the previous two (2) years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two (2) years of information on the following: a) positive alcohol or drug tests; or b) refusal to be tested. The City of Orting will make a good faith effort to obtain and review the information from prior employers within 14 days of the person performing safety sensitive duties for the first time. If the information obtained from previous employer indicates either a positive test or that a refusal to be tested occurred within the past two (2) years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a substance abuse professional was made and return to duty testing was administered.

### **9.11 Consequences for CDL Drivers of Engaging in Prohibited Behaviors and/or of Positive Drug or Alcohol Test Results.**

Employees found to have engaged in prohibited behavior or to have tested positive for drugs shall be subject to discipline up to and including termination from employment. The following provisions apply to those employees who are not terminated for their policy violations:

- a) If an employee tests positive for drugs or has an alcohol test that indicates a breath alcohol level of .04 or greater or any amount of THC or other drugs not prescribed by a doctor from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct, the employee will

be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

- 1) Has been evaluated by a qualified substance abuse professional; and,
  - 2) If recommended by a substance abuse professional, has properly followed any rehabilitation prescribed; and,
  - 3) Has a verified negative result on a return-to-duty alcohol and/or drug test. Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing as recommended by the substance abuse professional, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty.
- b) Employees with a positive breath alcohol concentration shall be removed from the duty requiring the driving of a commercial vehicle for at least twenty four (24) hours. The time away from work shall be charged to vacation, sick leave, or leave without pay at the employee's option, and will be considered an unscheduled absence.

### **9.12 Workplace Privacy/Searches.**

The City cannot assume responsibility for any theft or damage to the personal belongings of City employees. Therefore, the City requests that employees avoid bringing valuable personal articles to work. Employees are solely responsible for ensuring that their personal belongings are secure while at work. Employees are further advised that work-related searches of an employee's work area, workspace, computer and/or electronic files on City property may be conducted without notice. Employees should have no expectation of privacy as to such items or locations.

### **9.13 Accident, Incident, & Claims Reporting Procedures.**

It is essential that all accidents and incidents are reported promptly and accurately. The City is *continuously* committed to maintaining a safe environment for their residents, users of city facilities and employees.

#### ***Incident Reporting***

Make accurate notes and record all details of any incident observed or brought to your attention. Report incidents on the same day. Be observant and accurate. Take pictures if possible.

Serious incidents shall be phoned in to the Department Manager, City Personnel Director or City Administrator's office immediately. A few examples of incidents that are required to be reported immediately are: any serious injury involving City property or personnel, auto or pedestrian injury, downed stop sign accident, police shootings, and large property loss. ***Do not admit liability or state that the City will take care of the damages.***

#### ***Communicating With the Public about Incidents***

An individual may come into City Hall wanting the "employee's opinion" as to what to do regarding an incident involving City liability. It is the policy of the City to respond in the following manner: If a member of the public feels the City is responsible for damages, then that individual has the right to file a claim. The City Administrator's office must be notified immediately of any inquiry being made so that a brief interview with the individual can be conducted. ***Do not admit liability or state that the City will take care of the damages. Refer all questions to the City Administrator's office.*** Do not discuss the incident with anyone other than your supervisor or other authorized personnel. Citizens that inquire about damages are to be

given the insurance *Tort Form*.

#### **9.14 Inclement Weather.**

The public's need for our services may be especially great during inclement weather. Therefore, it is particularly important for employees to report to work in a safe manner during inclement weather if the City does not declare an emergency closure. We do not want you to jeopardize your safety, however, if you cannot get to work or are delayed and you should try to reach your Department Manager as soon as possible to let him/her know. Non-exempt employees who are unable to get to work because of inclement weather conditions will be granted an authorized unpaid absence or may use vacation time. Non-exempt employees who arrive less than two (2) hours late because of inclement weather will be paid for their normal time. If you are more than two (2) hours late, you will be given a chance to make up the time if schedules and conditions permit. If you are released early by authorization of the Mayor or City Administrator due to weather conditions, you will be paid for the unworked time.

#### ***Managerial Procedures***

"Inclement weather" is defined as weather such as high winds, heavy rain, heavy snow, etc. Any employee unable to report to work, with prior approval of the supervisor, will be given the opportunity to make up the time during the same workweek, or may charge the time as they choose to accrued compensatory time; accrued vacation leave; or leave without pay. You should follow the same practice for emergencies. An "emergency" is defined as any condition which is beyond the control of the City as declared by the City Mayor, or his/her designee, such as earthquakes, explosions, major fires and an airplane crash. (This is only an illustrative list.) Employees who have reported to work and are released from work during an emergency situation shall be given the opportunity to make up the time during the same work week, or shall charge the time of such absence as listed above.

#### **9.15 Emergencies and Disaster Preparedness.**

Knowing what to do in an emergency increases the chances that you and everyone else will come through safely. Meanwhile, please keep the following in mind.

If you are advised to evacuate the building, either for a drill or in an actual emergency, do so calmly but swiftly and stay out of the building until you are advised that you may return.

In case of an earthquake, drop to the ground, seek protective cover under or near desks, tables or chairs in a kneeling or sitting position with hands holding onto table or chair legs. Stay there until movement ends.

In case of fire, turn on the alarm and leave the building through the closest available door. Do not try to put out the fire unless you are professionally trained.

In the case of an emergency, such as an earthquake, flood, winter storm and power outage, an employee may be required to report to the Emergency Operations Center (EOC).





## **10. CHANGES IN EMPLOYMENT**

Here at the City of Orting, we want change to be a positive experience.

### **10.01 Promotion, Demotion, and Transfer.**

It benefits both you and the City for you to be doing the job for which you are best suited. Accordingly, the City looks for opportunities for employees to move within the organization.

#### ***Promotion***

The City may fill vacancies above the entry level from within. Current employees receive first consideration for openings for which they have the knowledge, skills, and abilities, unless outside recruitment seems advisable. Vacant jobs are normally posted in the applicable Department and in City Hall. You may apply for a vacant position through the Human Resources office. If you apply for an open position, you generally will go through the City's normal recruitment and selection process. A promotion normally entails a wage increase.

#### ***Demotion***

Occasionally, it may be necessary for an employee to move to a lower paying job. This normally occurs when the employee is not satisfactorily performing the essential functions of the current job. It may also occur in lieu of layoff, when there is a lower paying position available. An employee is eligible for a demotion only if he or she possesses the minimum qualifications for the position. Demotion to a position in a lower classification is normally accompanied by a salary reduction to a level commensurate with the new position.

#### ***Transfer***

Vacant positions may also be filled through lateral transfer of qualified employees. A voluntary transfer request will be considered if the employee meets the requirements of the new position, has held the current position for at least six (6) months, has a satisfactory performance record and has had no disciplinary actions during the six (6) month period. If you are interested in a transfer, submit a written request for a transfer to your Department Manager, including the reason for the request, and the department and specific position desired. Your request will be forwarded to the Human Resource Office with a recommendation. Normal recruitment and selection procedures generally will be followed as with a promotion.

### **10.02 Layoff and Recall.**

Unfortunately, there may be times when the City must reduce employment because of lack of work, lack of funds, considerations of efficiency or other business reasons. Such reductions may result in layoffs. Layoffs may be temporary or permanent. Layoffs for represented employees will be handled in accordance with their labor agreements.

In making layoff selections for non-represented personnel, the City will generally lay off temporary employees, part-time employees and those with less than six (6) months of actual service in the affected job classification before laying off regular full-time personnel with more than six (6) months of service in the affected job classification. In making layoff decisions affecting full-time, non-represented employees with more than six (6) months of service to the City, the City may consider a number of factors, including seniority, job performance, and the extent to which each employee has the skills and abilities necessary to

do the remaining work as determined solely by the City in its discretion.

While Collective Bargaining Agreements may generally require layoff by seniority, it is usually in the employer's interest to maximize its ability to retain the "best" employees - sometimes that's those with the most seniority and sometimes it's not. The City may deviate from this selection order if the best interests of the City so dictate. Employees who have actually worked for the City for more than six (6) months and who have been selected for layoff will be given thirty (30) days' notice when possible. Employees with less than six (6) months of actual service to the City who have been selected for layoff will be given one (1) week's notice when possible. The City, in its discretion, may provide employees selected for layoff with payment in lieu of notice.

Laid off employees will be maintained on a recall list for one (1) year or until management determines the layoff is permanent, whichever occurs first. While laid off, an employee should make sure Human Resources has a current address, and let them know if you are unavailable for recall to the same position. Employees have seven (7) days after notice of recall to respond to the notice, or their names will be removed from the list. Further information about benefits, seniority and recall rights will be shared with you if you are chosen for layoff.

### **10.03 Separation from Employment.**

The employment relationship between the City and its employees is voluntary. All employees have the right to end the employment relationship if they deem it appropriate. Likewise, for all employees except those covered by a written agreement that modifies at-will status, the City can end the relationship at any time for any reason it deems appropriate.

#### ***Resignation***

If you decide to leave the employ of the City, please give written notice to your supervisor. Employees failing to give appropriate written notice may be ineligible for rehire. Supervisory and managerial employees should give four (4) weeks' written notice. All other employees should give at least two (2) weeks' written notice.

### **10.04 Separation Procedures.**

Separating and laid off employees will be asked to participate in an exit interview with a member of the City management staff on or before their last day of work to explore such issues as the reasons for the separation, the employee's suggestions for improving working conditions, any benefits issues, and to collect City property. Separating employees who desire the City to provide references on their employment will be asked to sign an authorization and release form for that purpose. References other than job title and dates of employment will not be given without such a release. Final pay checks are paid the next regular pay day.

## **CONCLUSION**

Again, we welcome you to your employment here at the City of Orting. We are pleased to have you on our team. We hope that this Personnel Policies and Procedures Manual has answered questions that you may have about our workplace. Please feel free at any time to present any questions to your supervisor. We look forward to working with you.

## CITY OF ORTING ACKNOWLEDGMENT OF RECEIPT

I have received the City of Orting Personnel Policies and Procedures Manual (“Manual”) and understand that it is my responsibility to read these policies and ask questions about anything I do not understand.

I acknowledge that these policies are general guidelines only. They do not promise specific treatment in specific circumstances, they do not create an employment contract, and they do not guarantee employment for any length of time with the City. I understand, however, that the Manual contains policies that are very important to the City’s ability to provide a lawful and respectful work environment. I have reviewed the policies in the Manual, including but not limited to the Anti-Discrimination and Anti-Harassment policies, and I agree to comply with those policies. I understand that violation of City policies may result in discipline, up to and including discharge, subject to legal and collective bargaining agreement requirements.

I acknowledge that the City must be flexible in responding to the needs of the public or changes in the law, and that the City has therefore reserved the right to revise, supplement, clarify, deviate from or rescind any policy or portion of a policy when deemed appropriate by the City and in accordance with any applicable collective bargaining obligations.

The City does not have the authority to modify at-will employment status until that modification is in writing and signed by the City Administrator and/or City Council.

I understand that if I am covered by a collective bargaining agreement, then that contract will control in the event of any conflict with the policies in this Manual and that the agreement is the exclusive source of information regarding my benefits with the City.

Date: \_\_\_\_\_ Employee: \_\_\_\_\_  
(Print name)

Signature: \_\_\_\_\_



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Planning Commission Appointment.	<b>AB23-54</b>			
				<b>6.14.2023</b>
	<b>Department:</b>	Executive		
	<b>Date Submitted:</b>	6.6.2023		
<b>Cost of Item:</b>	<u>N/A</u>			
<b>Amount Budgeted:</b>	<u>N/A</u>			
<b>Unexpended Balance:</b>	<u>N/A</u>			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	End of Month			
<b>Submitted By:</b>	Clerk			
<b>Fiscal Note:</b> None				
<b>Attachments:</b> Planning Commission Applications				
<b>SUMMARY STATEMENT:</b>				
<p>There is currently a vacancy on the Planning Commission.</p> <p>Per the City Code: There is hereby created, in accordance with Revised Code of Washington 35A.63, a planning commission for the city which will consist of seven (7) members, two (2) of whom may be nonresident owners of real property within the city, to be appointed by the mayor with the consent of the council. (Ord. 783, 1-8-2004)</p> <p>The Mayor would like to confirm the following Planning Commissioner:</p> <p>Jeff Sproul</p>				
<b>RECOMMENDED MOTION: <u>Motion:</u></b>				
To confirm the Mayors appointment of Jeff Sproul to the Planning Commission.				



# Commission Application

City of Orting - Office of the City Clerk  
PO Box 489-104 Bridge St S., Orting, WA 98360  
Phone: (360) 893-2219 - Fax: (360) 893-6809  
www.cityoforting.org

FOR CITY CLERK USE ONLY:

Name: Jeffery D Sproul Date: June 4, 2023

Mailing Address: 1327 Riddell Ave NE

Phone: 253-387-9988 Alt. Phone:

Best time to contact you: After 4PM Email Address: jefferydale1@comcast.net

How long at Residence: 17 years

Commission desired: 1.) Planning Commission  
2.)

Reason you are interested in serving: Want to serve our community

Previous community activities: 2014/2015 Pierce Co. Flood Control Zone District Advisory Committee,  
Pierce Co. Elections Integrity, Pierce Co. Election Ballot Observer, JBLM Military Veteran Voter Access,  
River's Edge HOA Architectural Control Committee (ACC) and Precinct Committee Officer (PCO) – 02-111

Applicable education, occupational, and specialized experience: Boeing Procurement Agent for 20+ years.

Formal education: University of Phoenix

Commissions make recommendations regarding monetary expenditures an/or benefits to certain areas of the Community.

- 1.) Can you foresee possible conflicts of interest with any of your current employment or civic positions: No conflicts of interest
- 2.) When making these recommendations do you feel you could be impartial and base your decision on the overall need and benefit of the Community: Absolutely

Are there any days or evenings you are unavailable to meet? : Nothing comes to mind, however, what days or evenings does the Planning Commission meet?

Signature of Applicant: *Jeffery D. Sproul* Date: 6/4/2023

Please return completed form and any additional information to:  
City of Orting – Attn: City Clerk, 104 Bridge St S., PO Box 489, Orting, WA 98360  
For more information, please call (360)893-2219



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>	<b>AB23-56</b>	<b>Public Works</b>		<b>6.14.2023</b>
Public Hearing 6-Year TIP 2024-2029				
	<b>Department:</b>	Public Works		
	<b>Date Submitted:</b>	6.1.2023		
<b>Cost of Item:</b>	N/A			
<b>Amount Budgeted:</b>	N/A			
<b>Unexpended Balance:</b>	N/A			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	7.1.2023 Deadline			
<b>Submitted By:</b>	John Bielka			
<b>Fiscal Note:</b> None				
<b>Attachments:</b> Resolution No. 2023-12, 2024-2029 6-Year TIP, Appendix A 6-Year TIP 2024-2029				
<b>SUMMARY STATEMENT:</b>				
<p>The adoption of the 6-Year Transportation Improvement Plan (TIP) is a requirement by state law provided under at RCW 35.77.010 that, pursuant to one or more hearings, the City Council shall by July 1<sup>st</sup> of each year prepare and adopt a comprehensive transportation program (Transportation Improvement Program) for the ensuing six calendar years.</p> <p>The Growth Management Act requires (RCW 36.70A.070) that the City of Orting Comprehensive Plan include a transportation element that is consistent with the City’s 6-year Transportation Improvement Program.</p> <p>The City’s adopted comprehensive plan as the Transportation Appendix, Orting 2040 Transportation Plan incorporates by reference the updated Transportation Improvement Program as part of the Transportation Element of the Comprehensive Plan.</p> <p>The 6-Year TIP is reviewed annually by the City Council, including conducting a public hearing to obtain citizen input on the Program.</p> <p>Appendix A, the 6-Year TIP is adopted by reference in the City of Orting Municipal Code.</p>				
<b>RECOMMENDED ACTION: <u>Action:</u></b>				
Move item for public hearing and a second reading of Resolution 2023-12; 2024-2029 Transportation Improvement Plan to the regular meeting on June 28th, 2023.				
<b>FUTURE MOTION: <u>Motion:</u></b>				
To adopt Resolution No. 2023-12; a resolution of the City of Orting, Washington, adopting the 2024-2029 6-year Transportation Improvement Program.				

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2023-12**

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**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, ADOPTING THE 2024-2029 6-YEAR  
TRANSPORTATION IMPROVEMENT PROGRAM**

**WHEREAS**, state law provides at RCW 35.77.010 that, pursuant to one or more hearings, the City Council shall by July 1<sup>st</sup> of each year prepare and adopt a comprehensive transportation program (Transportation Improvement Program) for the ensuing six calendar years; and

**WHEREAS**, the Growth Management Act requires (RCW 36.70A.070) that the City of Orting Comprehensive Plan include a transportation element that is consistent with the City's six-year Transportation Improvement Program; and

**WHEREAS**, the City's adopted comprehensive plan as the Transportation Appendix, Orting 2040 Transportation Plan incorporates by reference the updated Transportation Improvement Program as part of the Transportation Element of the Comprehensive Plan; and

**WHEREAS**, the Six-Year Transportation Improvement Program is reviewed annually by the City Council, including conducting a public hearing to obtain citizen input on the Program; and

**WHEREAS**, the City duly noted and conducted a public hearing regarding amendments and updates to the Transportation Improvement Program on June 28, 2023; and

**WHEREAS**, the City Council desires to adopt the City's 2024 – 2029 Six-Year Transportation Improvement Program following such annual review;

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

Section 1. 2024–2029 Six-Year Transportation Improvement Program Adopted. The City of Orting hereby adopts the 2024–2029 Six-Year Transportation Improvement Program, attached hereto as **APPENDIX “A”** and by this reference fully incorporated herein. Said Transportation Improvement Program is adopted with an effective date of July 1, 2023 and the appendix to the Transportation element of the City of Orting Comprehensive Plan is amended, as provided therein, to include the updated 2024-2029 Transportation Improvement Program.

Section 2. Submittal to Secretary of Transportation. The Mayor is requested to direct the City Administrator to forward the adopted Transportation Improvement Program to the Secretary of Transportation as required by RCW 35.77.010(3).

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 28<sup>th</sup> DAY OF JUNE, 2023.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Kimberly Agfalvi, City Clerk

Approved as to form:

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Charlotte Archer, City Attorney  
Inslee Best

Filed with the City Clerk:  
Passed by the City Council:  
Resolution No.: 2023-XX



EXHIBIT "A"

*(Six-Year Transportation Improvement Program; 2024 – 2029)*



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Sign Code Amendments	<b>AB23-53</b>			
			<b>1.18.2023</b>	<b>1.25.2023</b> <b>6.14.2023</b>
	<b>Department:</b>	Planning		
	<b>Date Submitted:</b>	<b>1.11.2023</b> <b>6.1.2023</b>		
<b>Cost of Item:</b>	NA			
<b>Amount Budgeted:</b>	NA			
<b>Unexpended Balance:</b>	NA			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Scott Larson</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Staff Report, Ordinance, Planning Commission Draft Amendment				
<b>SUMMARY STATEMENT:</b>				
<p>Earlier this year council updated the sign code. One of the changes that was recommended by planning commission was updating the sign area of mixed-use centers such as the Safeway complex, under Orting Municipal Code (OMC) 13-7-9(B). The recommendation from planning commission was to increase maximum sign area in those locations to 40 square feet, up from the current 30 square feet. When staff were preparing the ordinance, the update to this section were inadvertently omitted, but were briefed to council as part of the recommendation. This Ordinance would add the OMC 13-7-9(B) amendments to the code to increase the sign size limit for these specific retail areas.</p>				
<b>RECOMMENDED MOTION: <u>Motion:</u></b>				
<p>To approve Ordinance No. 2023-1103, an ordinance of the City of Orting, Washington, relating to signs; amending Orting Municipal Code 13-7-9(B); providing for severability; and establishing an effective date.</p>				

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2023-1106**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO SIGNS; AMENDING  
ORTING MUNICIPAL CODE CHAPTER 13-7-9;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

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**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**, by Ordinance No. 2023-1103, the City recently updated its regulations for signs to create a cohesive aesthetic for signs in the City, provide opportunity for adequate identification and advertising, and to create consistency and predictability in the sign code; and

**WHEREAS**, in accordance with the requirement set forth in RCW 36.70A.106, on November 8, 2022, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed ordinance, inclusive of proposed amendments to Orting Municipal Code (OMC) 13-7-9 (B), for its review and comment period; and

**WHEREAS**, the City's Planning Commission held a public hearing on the proposed amendments on December 5, 2022 and proposed a recommendation and forwarded it to the City Council to adopt the proposed OMC amendments; and

**WHEREAS**, upon adoption, staff noted that the Ordinance, as adopted, omitted proposed amendments to OMC 13-7-9 (B), which were reviewed by the Planning Commission and recommended for adoption; and

**WHEREAS**, in response thereto, staff prepared this amending Ordinance to add the proposed amendments to OMC 13-7-9 inadvertently omitted from Ordinance No. 2023-1103; and

**WHEREAS**, the City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

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

**Section 1. Recitals.** The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

**Section 2. OMC Section 13-7-9, Amended.** Orting Municipal Code Section 13-7-9 is hereby amended in part as follows:

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B. Retail Or Mixed Use Centers:

1. One freestanding ~~monument~~ sign shall be permitted for each street frontage of each center, subject to architectural design review and permitting under sections 13-6-7 and 13-7-11 of this code. The maximum sign area permitted is one hundred sixty (160) square feet for the total of all faces, and no one face shall exceed eighty (80) square feet. The maximum height of a ~~monument~~ freestanding sign shall be eight feet (8').

2. A maximum of ~~thirty~~ forty (340) square feet of wall sign area shall be permitted for each individual establishment in a center, subject to architectural design review and permitting under sections 13-6-7 and 13-7-11 of this code.

C. Other Permitted Permanent Signs:

1. Permanent Residential Development Signs: One sign at each entrance into the development from each abutting street is permitted, subject to architectural design review and permitting under sections 13-6-7 and 13-7-11 of this code. The sign may be a single sign with two (2) faces of equal size or may be two (2) single faced structures of equal size located on each side of the entrance. Sign faces shall not exceed thirty-two (32) square feet in area. Signs may be externally illuminated.

a. Development signs shall be maintained perpetually by the developer, the owner of the sign, the homeowners' association, or some other entity who is authorized in accordance with the permit.

2. Permanent Residential Home Based Business Signs: Home based businesses may display a limit of one sign. The sign shall be no more than six (6) square feet in size and requires a city permit. The sign will not require Architectural Design Review. The sign can be placed on the home or in the yard. If the sign is placed in the yard it must be at least one (1) foot away from sidewalks and/or the property line. The sign cannot be more than 3' high from the ground. No lighting allowed of any type. In neighborhoods with Home Owners Association Covenants and Restrictions, home based business signs may not be allowed.

D. Projected And Under Canopy Permanent Signs: Projected and under canopy signs are subject to architectural design review and permitting under sections 13-6-7 and 13-7-11 of this code. A projected sign or under canopy sign may encroach within, upon or over the public right of way, including any public sidewalk, provided that, such sign meets the requirements of this Chapter, the proposed sign is designed and constructed so as not to interfere with the sight distance of, or otherwise present a hazard to, motorists proceeding on or approaching on adjacent streets, alleys, driveways, or parking areas, or of pedestrians proceeding on or approaching on adjacent sidewalks or pedestrian ways, and the sign meets the provisions of section 13-7-8 of this code.

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**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or

federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**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 14<sup>th</sup> DAY OF JUNE, 2023.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Kimberly Agfalvi, City Clerk

Approved as to form:

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

Filed with the City Clerk:  
Passed by the City Council:  
Date of Publication:  
Effective Date:

## DRAFT AMENDMENTS - RED LINED

### **13-7-2: DEFINITIONS:**

The following definitions shall apply to this Chapter:

**ABANDONED SIGN:** A sign that no longer correctly identifies, exhorts, or advertises any person, business, lessor, owner, product, or activity conducted or available on the premises where such sign is located and which has not been changed or removed within one hundred eighty (180) days of a tenancy change; or an on-premises sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the damaging event.

**ANIMATED SIGN:** Any permanent sign that flashes or simulates motion with an electronic or manufactured source of supply or contains wind actuated motion (excluding flags or banners). Animated signs may include a sign that meets the definition for revolving signs, or changing message centers.

**BANNER SIGN:** A ~~permanent~~ temporary sign constructed ~~of a rectangular shape~~ of fabric or other suitable material which is attached or suspended at two (2) ends or continuously across the long side. Attachment or suspension may be from buildings and/or poles. Flags, insignias, canopy signs, and posters are not considered "banner signs".

**BILLBOARD SIGN:** A large permanent sign which directs attention to a business, profession, product, activity, or service which is not conducted, sold, or offered on the premises where the sign is located. The approximate size of the billboard faces ranges from twelve to fourteen feet (12' to 14') in height and twenty four to forty eight feet (24' to 48') in width.

**CANOPY SIGN:** Any permanent sign that is part of or attached to a canopy, or a non-rigid, retractable or non-retractable, protective covering located at the entrance to a structure. ~~Canopy, under canopy, projected, and wall signs are considered wall signs for the purpose of determining sign area. Canopy signs must comply with the architectural design review process stated in 13-6-7 of this code.~~

**CENTER, SHOPPING.** A multi-tenant building with one or more stories used for retail and service uses with a shared building and/or parking area.

**CHANGING MESSAGE SIGN:** An exterior, electrically controlled permanent sign that displays different copy changes on the same lamp bank which change at intervals of thirty (30) seconds or greater. This includes electronic reader boards.

**COPY:** The linguistic or graphic content of a sign.

**DIRECTIONAL SIGN:** A permanent non-commercial sign used to direct pedestrian or vehicular traffic to a facility, service, or business.

**DISPLAY CASE:** A permanent, freestanding sign with changeable copy.

**ELECTRICAL SIGN:** A permanent sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

**EXTERNAL ILLUMINATED SIGN:** A permanent sign illuminated by an external light source.

**FAÇADE:** The entire building front, or street wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation. ~~Façade is calculated by multiplying the width of the building front by the height of the building façade.~~

**FESTOON (GARLAND):** A temporary strip or string of lights or other decorations.

**FLAG.** A temporary sign composed of a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end, including by way of example and not limitation, feather flags, bow flags, flutter and such similar flags.

**FLAG LOT:** A large lot not meeting minimum street frontage requirements where access to the street is provided by a narrow, private driveway. Development on flag lots created after November 1, 2005, shall be subject to review and approval standards.

**FLASHING SIGN:** An electrical permanent sign or a portion thereof which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.

**FLOATING SIGN:** A permanent sign that is air or gas filled that floats or has movement in the air.

**FLUTTER SIGN:** A sign made of cloth, plastic or similar material affixed to a pole that is located outdoors. Flutter or flutter signs are "temporary signs," securely anchored for safety but not permanently anchored to a structure, or weighted base. This type of sign is prohibited.

**FREESTANDING SIGN:** A permanent sign, not attached to any building or structure, which is securely and permanently attached to the ground or a built-up landscaped area. The height of a freestanding sign shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation. **Freestanding signs must comply with the architectural design review process stated in 13-6-7 of this code.**

**FRONTAGE:** The measurement, in linear feet, of the length of the property line for a single-tenant building or length of leased building frontage for multitenant buildings or multi building complexes **that abuts a public or private street right-of-way. If the building abuts a public or private right of way on more than one side, the right of way which the building addresses off of will be used to determine frontage.**

**GRADE:** The relative existing ground level in the immediate vicinity of the sign.

**GOVERNMENT FLAG.** Any flag or badge or insignia of the United States, State of Washington, Pierce County, or City of Orting.

**INCIDENTAL SIGN:** A permanent sign, generally informational, that has a purpose secondary to the use of the property on which it is located, and which is used to do one or more of the following:

- A. Direct traffic flow, vehicular or pedestrian, i.e., "one-way", "crosswalk", "do not enter", etc.
- B. Clearly indicates location of ingress and egress points, i.e., "entrance", "exit";
- C. Direct certain activities to certain areas, i.e., "parking", "no parking", "waiting", "loading", etc.; or
- D. Provide other similar incidental information, i.e., "no trespassing", "no hunting", "phone", "ATM", "no dumping", "no loitering".

**INTERNAL ILLUMINATED SIGN:** A permanent sign with an internal light source shining through the face of the sign. Exposed neon signs are internally illuminated.

~~**MONUMENT SIGN:** A permanent freestanding sign, not attached to any building or structure, having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete that are harmonious with the materials of the primary structure on the subject property.~~

**OFF-PREMISES SIGN:** A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

**ON-PREMISES SIGN:** A sign which carries a message and content incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of the person, firm or corporation occupying the premises.

**PERMANENT SIGN.** Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

**PORTABLE SIGN:** A temporary sign made of any material, including paper, cardboard, wood or metal, which is capable of being moved easily and is not permanently affixed to the ground, structure or building. This also includes sidewalk or sandwich board signs.

**PROJECTING SIGN:** A permanent wall sign that is attached to the perpendicularly to the façade of the building. Canopy, under canopy, projected, and wall signs are considered wall signs for the purpose of determining sign area. Projecting signs must comply with the architectural design review process stated in 13-6-7 of this code.

**READER BOARD:** A permanent sign face designed to allow copy changes either by manual or electronic means in which the message is static and can only be changed physically by the owner and/or operator.

**REAL ESTATE SIGN:** Any temporary or permanent sign, which is used to offer property for sale, lease, or rent.

**RESIDENTIAL DEVELOPMENT SIGN:** A permanent sign which identifies a residential development upon which the sign is located.

**RETAIL OR MIXED USE CENTER:** A shopping center or other mixed use property having four or more tenants.

**REVOLVING SIGN:** Any permanent sign that rotates or turns in motion by electrical or mechanical means in a circular pattern.

**SANDWICH BOARD/SIDEWALK SIGN:** A portable sign consisting of two (2) sign faces hinged at the top and separated at the bottom to make it self-standing.

**SEARCH LIGHT:** An apparatus for projecting light: an apparatus for projecting a high intensity beam of light in any direction.

**SIGN:** Any writing, video projection, pictorial representation, number, illustration, decoration, flag, banner, pennant, emblem, or other device which is displayed for informational or communicative purposes. The term "sign" shall include the structure, including all associated brackets, braces, supports, lighting and wires, specifically intended for supporting a sign, whether the sign is free standing or attached or affixed to a building.

**SIGN, COMMERCIAL.** A permanent or temporary sign erected for a business transaction or advertising the exchange of goods and services.

**SIGN HEIGHT:** The vertical distance measured from the adjacent grade to the highest point of the sign, except the height of a freestanding sign shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation.

**SIGN, NONCOMMERCIAL.** Any permanent or temporary sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups and political signs.

**SIGN STRUCTURE:** Any structure that supports or is capable of supporting any sign as defined in this Chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.

**TEMPORARY SIGN:** Any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials. Any sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

**UNDER CANOPY SIGN:** Any permanent sign that is mounted underneath a canopy or a non-rigid, retractable or non-retractable, protective covering located at the entrance to a structure. Canopy, under canopy, projected, and wall signs are considered wall signs for the purpose of determining sign area.



Under canopy signs must comply with the architectural design review process stated in 13-6-7 of this code.

WALL SIGN: Any permanent sign attached directly to and supported by the wall of a building or permanent structure. Canopy, under canopy, projected, and wall signs are considered wall signs for the purpose of determining sign area. Wall signs must comply with the architectural design review process stated in 13-6-7 of this code.

#### **13-7-4: GENERAL REGULATIONS:**

A. Conflict: Where regulations conflict within the provisions codified in this Chapter or with other ordinances, the most stringent regulation shall apply.

B. Visibility: No sign shall be erected that interferes with the visibility of traffic control devices or street name signs nor shall any sign be placed so as to cause visual obstruction of a public right of way.

C. Permanent Sign Structure And Installation: The structure and installation of all signs shall comply with this Chapter, Titles 13 and 10 of the OMC, and the latest adopted edition of the City's building code.

D. Architectural Details: Signs shall be located so as to complement the original architecture features and character of the building. Permanent signs are subject to the requirements of section 13-6-7 of this title. All signs may not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. All signs must appear to be a secondary and complementary feature of the building facade. Wall signs must be located within architectural sign bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution.

E. Owner Shall Maintain: All signs shall be maintained by the owner of the sign to show no signs of deterioration, including, but not limited to, rust, holes, discoloration, peeling paint, trash, or overgrowing weeds.

F. Illumination: Indirect illumination is preferred and shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic. Internally illuminated signs must adhere to the standards in subsection L. Internally illuminated signs shall be designed to emphasize the lighting of the sign text, message and/or symbols, while minimizing the lighting of the background of the sign face. Temporary signs shall not be illuminated.

G. Permanent Freestanding Signs: Permanent freestanding signs are considered structures for purposes of compliance with required setbacks. Landscaping shall be used in conjunction with all permanent freestanding signs and may utilize shrubs and plantings or decorative features such as concrete bases, planter boxes, or ornaments.

H. Ownership And Removal Of Signs:

1. Private Property: The property owner or lessee is responsible for all signs on private property and compliance with this Chapter and all other applicable regulations. The property owner or lessee shall immediately remove all illegal, damaged, vandalized or abandoned signs. Signs on private property in violation of this Chapter shall be abated by the City pursuant to the process set out in this Chapter.

2. Public Right Of Way: Except as otherwise provided in this Chapter, no permanent signs shall be placed in the public right of way. Temporary non-commercial signs may be placed in the public right of way with a permit issued by the City, and are subject to the regulations set forth in this Chapter. The permittee shall remove permitted temporary sign(s) placed in the public right of way, pursuant to the terms of the permit. The City or its agents may summarily remove any sign placed in the right-of-way or public property in violation of the terms of this Chapter and is entitled to recover the costs of abatement from the permittee, in accordance with the process set out in this Chapter.

I. Directional Signs: On premises permanent directional signs not exceeding four (4) square feet in area may be permitted for each entrance or exit to a surface parking lot. Permanent directional signs may

be permitted within the public right of way with the permission of the immediately adjacent property owner, pursuant to the permit process stated in this Chapter. Off premises permanent directional signs, whether on private or public property, shall only identify the facility or site and its distance and direction from the sign.

J. Sign Area Determinations:

1. Sign area for freestanding signs ~~other than monument signs~~ shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.

2. Sign area for letters or symbols painted or mounted directly on wall or ~~monument freestanding~~ signs shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.

3. Sign area for signs contained entirely within a cabinet and mounted on a wall or ~~monument freestanding sign~~ shall be calculated by measuring the entire area of the cabinet.

4. Perimeter of all other signs shall be established by the smallest rectangle enclosing the extreme limits of the letter module or advertising message being measured.

K. Installation Prohibited:

1. No sign shall be installed, attached to, supported by or propped up against any utility pole, light standard, traffic sign, tree, fire hydrant, or any other public facility located within the public right of way.

2. No sign shall be mounted above the roofline and/or on the roof of a building.

L. Internally Illuminated Signs:

1. Internally illuminated signs are only permitted as a secondary, permanent sign, supplementary to a business's primary sign which shall not be internally illuminated or be a changing message sign.

2. The text that changes in a changing message sign is limited to a single color and must be a warm-toned off-white or similar color and the background must be a dark toned color as approved by the planning commission in compliance section [13-6-7](#) design review standards. The colors of the sign, letters, and background shall remain fixed.

3. Signs shall have a maximum luminance of not more than 0.2 foot-candles over ambient lighting conditions.

4. Changing message signs shall have dimming capability to allow adjustment of sign brightness when required by the City to accommodate local ambient conditions.

5. An electronic message may not change more frequently than every thirty (30) seconds;

6. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

7. Electronic signs shall not exceed the number, type, size, and height requirements set forth in section [13-7-9](#);

8. Electronic signs shall be permitted only in the MUCTN, MUTC, and PF zones.

9. The sign structure must comply with the architectural design review standards found in section [13-6-7](#). (Ord. 2019-1041, 5-29-2019; Ord. 2021-1081, 9-8-2021)

I. Right of Way Frontage Determination for Flag Lots:

1. The maximum sign area for freestanding signs is determined by the frontage on a public right of way. Frontage for flag lots is determined by the length, in linear feet, of the building which contains the primary entrance to the uses within the building.

J. Wall Sign Area Determination:

1. Canopy, under canopy, projected, and wall signs are considered wall signs for the purpose of determining sign area.

### 13-7-7: SANDWICH BOARD SIGNS:

A. Sandwich board signs are a type of temporary sign permitted by the City in accordance with this Chapter. ~~but are subject to the permitting process for permanent signs., including architectural design review process stated at section 13-6-7 of this code. Applicants must provide all information required in sections 13-6-7 and 13-7-5 of this code to the City of Orting Building Department and must also provide the City with proof of continuous liability insurance for any harm attributable to the sign in an amount established by the City at the time of permit issuance.~~

B. Sandwich board signs are allowed subject to the following restrictions:

1. Sandwich board signs are limited to thirty-six inches (36") in height and thirty inches (30") in width. They must be constructed of durable materials.

2. Sandwich board signs may be located on public sidewalks or adjacent areas in a manner so as to allow adequate pedestrian circulation allowing a minimum of three (3) feet of available sidewalk path, including safe and unconstrained access to parked vehicles. Sandwich board signs shall be placed adjacent to the sign owner's business or premises except when the applicant can demonstrate a need for placement up to one hundred feet (100') from the business or premises and with the permission of the immediately adjacent property owner(s).

3. No sandwich board sign shall be placed within thirty feet (30') of another sandwich board sign.

4. Under no circumstances may a sandwich board sign be placed on the portion of the public right of way upon which vehicles regularly traverse or park. No sign shall be placed in median strips, planter/traffic islands, or in the roadway, including on vehicles. The City shall determine, at its sole discretion, the approved location of sandwich board signs to ensure pedestrian safety and vehicle circulation. Sandwich board signs shall not be located within thirty feet (30') of street intersections or where they inhibit motorist sight distances.

5. No single business or other party shall site more than one sandwich board sign within the City.

6. Sandwich board signs may only be displayed during the hours the premises or business is open to the general public, provided non-commercial sandwich board signs may be placed in the public right of way for a maximum period of twelve (12) hours per each twenty-four (24) hour period.

7. Sandwich board signs that are not permitted or are otherwise out of compliance with this Chapter shall be abated by the City, pursuant to the process set out in this Chapter.

8. The sign owner shall maintain the sign in the condition originally approved.

9. Sandwich board signs are not subject to the time limits as stated in section 13-7-8 C-1-iii.

10. Sandwich board signs shall meet the City's color palette.

**13-7-9: LIMITATIONS ON PERMANENT SIGNS:**

A. Number, Type, Size, And Height Limitations: All signs subject to regulation under this chapter are subject to the following limitations upon number, height, size, and type:

Frontage On A Public Right of Way In Feet	Number of Signs Permitted	Type of Signs Permitted	Total Aggregate Limit Of All Signs Maximum Sign Area for Wall Signs	Maximum Sign Area for Freestanding Signs	Maximum Height of Signs
Less than 50	2	Canopy, wall, under canopy, and projected	Maximum of 10% of square footage of building facade	--	<del>Building</del> Signs shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" vertical clearance from sidewalk
At least 50 but less than 100	2	<del>Parapet signs,</del> Canopy, wall, under canopy, projected, and freestanding	Maximum of 10% of square footage of building façade	72 sf (both faces) 36 sf (per face)	<del>Building</del> Signs shall not extend above the roofline. Freestanding signs shall not exceed 5 feet and must be set back a minimum of 5' from any property lines. Projected signs and under canopy signs must provide a minimum 7'6" vertical clearance from sidewalk
At least 100 but less than 200	2	<del>Parapet signs,</del> Canopy, wall, under canopy, projected, and freestanding	Maximum of 10% of square footage of building façade	100 sf (both faces) 50 sf (per face)	<del>Building</del> Signs shall not extend above the roofline. Freestanding signs shall not exceed 5 feet and must be set back a minimum of 5' from any property lines. Projected signs and under canopy signs must provide a minimum 7'6" vertical clearance from sidewalk
At least 200 but less than 300	3	<del>Parapet signs,</del> Canopy, wall, under canopy, projected, and freestanding	Maximum of 10% of square footage of building facade	130 sf (both faces) 65 sf (per face)	Freestanding signs shall not exceed 5 feet and <del>building</del> signs shall not extend above the roofline. Freestanding signs must be set back a minimum of 5' from any property lines. Projected signs and under canopy signs must provide a minimum 7'6" vertical clearance from sidewalk.
Greater than 300	3	<del>Parapet signs,</del> Canopy, wall, under canopy and freestanding	Maximum of 10% of square footage of building facade	160 sf (both faces) 80 sf (per face)	Freestanding signs shall not exceed 8 feet and <del>building</del> signs shall not extend above the roofline. Freestanding signs must be set back a minimum of 5' from any property lines. Projected signs and under canopy signs must provide a minimum 7'6" vertical clearance from sidewalk.

B. Retail Or Mixed Use Centers:

1. One freestanding ~~monument~~ sign shall be permitted for each street frontage of each center, subject to architectural design review and permitting under sections [13-6-7](#) and [13-7-11](#) of this code. The maximum sign area permitted is one hundred sixty (160) square feet for the total of all faces, and no one face shall exceed eighty (80) square feet. The maximum height of a ~~monument freestanding~~ sign shall be eight feet (8').
2. A maximum of ~~thirty forty~~ (340) square feet of wall sign area shall be permitted for each individual establishment in a center, subject to architectural design review and permitting under sections [13-6-7](#) and [13-7-11](#) of this code.

C. Other Permitted Permanent Signs:

1. Permanent Residential Development Signs: One sign at each entrance into the development from each abutting street is permitted, subject to architectural design review and permitting under sections [13-6-7](#) and [13-7-11](#) of this code. The sign may be a single sign with two (2) faces of equal size or may be two (2) single faced structures of equal size located on each side of the entrance. Sign faces shall not exceed thirty-two (32) square feet in area. Signs may be externally illuminated.

a. Development signs shall be maintained perpetually by the developer, the owner of the sign, the homeowners' association, or some other entity who is authorized in accordance with the permit.

2. Permanent Residential Home Based Business Signs: Home based businesses may display a limit of one sign. The sign shall be no more than six (6) square feet in size and requires a city permit. The sign will not require Architectural Design Review. The sign can be placed on the home or in the yard. If the sign is placed in the yard it must be at least one (1) foot away from sidewalks and/or the property line. The sign cannot be more than 3' high from the ground. No lighting allowed of any type. In neighborhoods with Home Owners Association Covenants and Restrictions, home based business signs may not be allowed.

D. Projected And Under Canopy Permanent Signs: Projected and under canopy signs are subject to architectural design review and permitting under sections [13-6-7](#) and [13-7-11](#) of this code. A projected sign or under canopy sign may encroach within, upon or over the public right of way, including any public sidewalk, provided that, such sign meets the requirements of this Chapter, the proposed sign is designed and constructed so as not to interfere with the sight distance of, or otherwise present a hazard to, motorists proceeding on or approaching on adjacent streets, alleys, driveways, or parking areas, or of pedestrians proceeding on or approaching on adjacent sidewalks or pedestrian ways, and the sign meets the provisions of section [13-7-8](#) of this code.



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>	<b>AB23-52</b>	<b>CGA</b>		<b>6.14.2023</b>
Purchasing Policy				
	<b>Department:</b>	Finance		
	<b>Date Submitted:</b>	<b>5.30.2023</b>		
<b>Cost of Item:</b>	₪			
<b>Amount Budgeted:</b>	₪			
<b>Unexpended Balance:</b>	₪			
<b>Bars #:</b>	NA			
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Gretchen Russo</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Amended Purchasing Policy and Resolution No. 2023-11				
<b>SUMMARY STATEMENT:</b>				
<p>This amendment to the purchasing policy clarifies the processes of purchasing and the level of authorization needed prior to the purchase. The last two pages provide a chart to ensure staff are aware of the rules, requirements and spending authority.</p> <p>In addition to the chart, the following changes are recommended:</p> <ul style="list-style-type: none"> <li>• Clarification of exemptions to normal competitive bidding requirements</li> <li>• Clarification and increases to budgeted purchases authorization.</li> <li>• Credit card limit increases and documenting the allowance of a temporary card limit increase</li> </ul>				
<b>RECOMMENDED MOTION: <u>Motion:</u></b>				
<p>To approve Resolution No. 2023-11 a resolution of the City of Orting, Washington, adopting amended purchasing policy; and establishing an effective date.</p>				

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2023-11**

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**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, ADOPTING AMENDED PURCHASING  
POLICY; AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, the City of Orting finds the adoption of written policies for purchasing and contracting are in the best interest of the City to provide sufficient guidance to the staff and provide a framework for future Council actions on decisions with financial consequence; and

**WHEREAS**, the City Council adopted a Purchasing Policy by motion at its regular meeting of June 14, 2023; and

**WHEREAS**, the City Council finds that an amendment to the Purchasing Policy to update purchasing policy to clarify the waiving of competitive bidding requirements by the terms of written policies as set out in RCW 39.04.280 and to increase purchasing thresholds to match current state laws.

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

**Section 1. Adoption of Purchasing Policy, as Amended.** The City of Orting hereby adopts the “Purchasing Policy” as attached hereto as Exhibit A, hereby incorporated in full by this reference.

**Section 2. Severability.** If any section, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

**Section 3. Corrections Authorized.** The City Clerk is authorized to make necessary corrections to this resolution, including but not limited to correction of clerical errors.

**Section 4. Effective Date.** The fee schedule adopted by this resolution shall be effective upon its passage. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

**RESOLVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF  
ON THE 14th DAY OF JUNE 2023.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Kim Agfalvi, City Clerk

Approved as to form:

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



## City of Orting Purchasing Policy

### Part I: Purpose

By adopting these procedures, the City Council intends to ensure that the city conduct all purchasing and public works contracting activities in full compliance with Washington law and locally adopted procedures. The intent of this chapter is to provide maximum assurances to the public and to all contractors, consultants and vendors, that Orting's purchasing and contracting practices provide maximum fairness and value in the expenditure of public funds. See appendix A for federal purchasing rules.

These procedures are adopted to:

- Implement the requirements of state laws, local ordinances and administrative procedures thereby assuring the legality of the purchasing process;
- Ensure buying competitively and wisely to obtain maximum value for the public dollars spent.
- Commit that procurement will be impartial and provide the City with the best quality for the best value; and
- Ensure that purchases will be within budget limits and meet goals and objectives approved in the City's Operating and Capital budget.
- Non-budgeted items or items that exceed budget capacity must be pre-approved by ~~city council~~ City Council.

### Part II Code of Ethics

Code of Ethics (RCW 42.23) "Public employment is a public trust." The public must have confidence in the integrity of its government. The purpose of this Code of Ethics is to give guidance to all employees and elected officials so that they may conduct themselves in a manner which will be compatible with the best interest of themselves and the City of ~~Poulsbo~~ Orting. It is essential that those doing business with the City observe the following guiding ethical standards:

1. Actions of City employees shall be impartial and fair.
2. The City will not accept donations of materials or services in return for a commitment to continue to initiate a purchasing relationship.
3. City employees may not solicit, accept, or agree to accept any gratuity for themselves, their families or others that would or could result in personal gain. Purchasing decisions must be made impartially. The following are examples of items not considered gratuities: Discounts or concessions realistically available to the general population; Items received that do not result in personal gain; Samples to the City used for general City use.

### Part III Conflict of Interest

No City staff or council member may undertake consulting, professional practice or other assignments which would result in a conflict of interest. Any employee of the City who recommends or approves a purchase and who has any financial interest in the firm involved in the purchase shall disclose his or her interest in the firm prior to recommending or approving the purchase.

## Part IV \_ Definitions

Unless the context requires otherwise, the terms as used in this Policy shall have the following meaning:

“Adequate appropriation balance” means sufficient fund balance existing in the appropriation item against which the purchase order is to be charged.

“Bid” means an offer, submitted by a bidder to furnish supplies, materials, equipment and other property in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids or otherwise required by the city.

“Bidding” means a procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, materials, equipment, and other city property.

“Capital equipment” means any equipment of the city having an initial value of \$1,000 or more and an estimated useful life of three or more years.

“City administrator” means the City of Orting City Administrator or his/her duly appointed designee. The City Administrator is authorized to delegate any functions and responsibilities set forth in this chapter to administrative staff.

“Contractual services” means professional and nonprofessional service contracts including but not limited to engineering, animal control, janitorial and other contracts entered into for the accomplishments of a particular project or limited period of time.

“Cooperative agreements” are purchasing agreements between two or more organizations that aggregate demand and lower costs from select suppliers for the purpose of obtaining supplies or services faster, easier, or at a lower cost.

“Department Heads” means the Mayor, City Administrator, City Treasurer, City Clerk, Police Chief, Court Administrator, Building Official, Public Works Director, and the Parks and Recreation Director.

“Emergency” means, for the purpose of enabling the city to suspend compliance with public bidding and purchasing policies and requirements, an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the community overtaken by such occurrences.

“Interlocal agreements” are the exercise of governmental powers in a joint cooperative agreement. An interlocal agreement does not mean a “Mutual Aid Agreement” as defined by the provisions of Chapter 10.93 RCW – The Washington Mutual Aid Peace Officers Powers Act.

“Life cycle cost” means the total cost of an item to the city over its estimated useful life, including cost of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life.

“Local bidder” means a firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, and is licensed by the city of Orting.

“Mutual law enforcement assistance agreement” includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

“Phone bids” means a non-written quotation for a product, or service as outlined in Part VII.

“Public property” means any item of real or personal property owned by the city.

“Public work” shall have the meaning set forth in RCW 39.04.010, as now adopted and hereafter amended.

“Purchase order” means an official document used in authorizing the encumbrance of city funds toward the purchase of supplies, materials, equipment and other property.

“Purchasing agent” means the City Administrator or city employee designated by the City Administrator to serve as a purchasing agent. For routine departmental purchases of supplies, in accordance with the City Administrator’s administrative policy, each department director may designate one or more departmental purchasing agent(s).

“Request for Proposal” (RFP) is a method of soliciting competitive bid proposals for a defined scope of work. The proposals would normally include factors to measure qualifications, delivery, and service reputation as well as price. Stated another way, an RFP is a formal invitation from the city to a company to submit an offer. The offer is to provide a solution (or proposal) to a problem or need the city has identified. An RFP is a solicitation process whereby the judgment of the supplier’s experience, qualifications, and solution may take precedence over their cost proposal to the City. The elements of an RFP are:

1. Project Background and Scope of Service
2. Definitions
3. Minimum Qualifications
4. Technical Requirements (if any)
5. Schedule
6. Cost Proposal
7. Submittal Requirements
8. Evaluation Process and Criteria
9. Insurance Requirements
10. Funding Sources (if applicable)

“Request for Qualifications” (RFQ) is a method of soliciting competitive proposals that considers and evaluates companies on the basis of demonstrated competency and qualifications rather than price. This process is typically used for architecture and engineering services where price is not a consideration. An RFQ will generally result in negotiations. The elements of an RFQ are:

1. Project Background and Scope of Services
2. Project Budget and Source of Funding
3. Schedule
4. Minimum Qualifications
5. Submittal Requirements
6. Selection Process/Evaluation Criteria

“Requisition” means a standard form providing detailed information as to quantity, description, estimated price, possible vendors, fund account, signature and other information necessary to make purchasing decisions.

“Responsible bidder” means a bidder who has proven by experience or information furnished to the satisfaction of the City Administrator that current financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of supplies of acceptable quality, equipment, or contractual services on which he/she bids. A “responsible bidder” has not violated or attempted to violate any provisions of this chapter.

“Responsive bidder” means a bidder who has complied with all requirements contained in the invitation to bid, including the bid packet and specifications, and who has submitted all required documentation, information and bid bond by the deadline for acceptance of bids.

## Guidelines for

### ~~Part V:~~ Purchases, Public Works and Services

The processes listed in the following guidelines are the normal competitive bidding purchasing requirements. Possible exemptions from normal competitive requirements may include the following: interlocal agreements, emergency, sole source, special facilities or market conditions, purchase of insurance or bonds, auction and electronic data processing or telecommunications purchase.

An interlocal agreement may be used for purchasing in lieu of formal bids or for purchases that do not require a formal process. Initial interlocal agreements of any amount with another governmental agency require Council authorization. The City Administrator may execute renewal or extension of existing interlocal agreements fees up to \$50,000 (fifty thousand), if the agreement’s address renewal and the agreement is consistent with the adopted budget. All other renewals require Council approval. Many of the interlocal agreements are continuing agreements (no end date) and will remain in effect until the City believes that it is no longer needed.

### Part V: Section 1. ~~Purchase~~Purchases of supplies, equipment, and materials (unconnected with a Public Works Project)

Items under this category include furniture, computer hardware, office equipment, and operating and maintenance supplies.

Purchases by the city of supplies, equipment, and materials shall be made as provided herein; provided nothing herein shall be construed to prohibit City participation in cooperative purchasing agreements with other municipalities. Department heads are encouraged to obtain on-call and long-term service contracts for up to three years for services that are regularly used.

Section ~~21~~. Purchases of \$7,500 -or less

Supplies, materials, and equipment with a reasonably expected cost of \$7,500- or less may be purchased without formal or informal bidding; provided that City staff will strive to obtain the lowest practical price for such goods or services.

Section ~~32~~. Purchases between \$7,500 -and \$15,000

Supplies, materials, and equipment with a reasonably expected cost of between \$7,500 and \$15,000 may be purchased without formal bidding but staff are required to get at least three soft “phone bids” before moving forward with the purchase using a vendor list.

#### Vendor List process

1. The City partners with the Municipal Research Service Center (MRSC) that forms vendor lists for the award of contracts for the purchases of materials, equipment and supplies.
- ~~2.~~
- ~~3.~~2. The department director or their designee shall secure written quotations from at least three different vendors whenever possible. The purchase contracts shall be awarded to the lowest responsible bidder.
- ~~4.~~3. Immediately after the award of the purchase contract is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. When awarded, the department director or their designee shall notify the city clerk.
- ~~5.~~4. The city clerk shall post at city hall a list of the contracts awarded using the MRSC at least once a year. The list shall contain the names of vendors awarded contracts, the amount of the contracts, a brief description of the items purchased under the contracts, the dates that the contracts were awarded, and the location where the bid quotations for the contracts are available for public inspection.

#### Section ~~5~~3. Purchases over \$15,000

~~Supplies, material, equipment, or services with a reasonably expected to cost more than \$15,000.00 shall be purchased through a formal call for bids as follows:~~

1. Staff will prepare bid specifications for the goods or services to be purchased, which shall include an invitation to bid notice, instructions to bidders, general conditions, special bid conditions (if any), terms and conditions, and a bid proposal form indicating the type of response desired from a bidder.
2. A call for sealed bids (“Call for Bid”) or request for proposals will be published in a newspaper of general circulation throughout the city not less than one week prior to the date fixed for opening.
3. The Call for Bid or request for proposals will be posted in the same manner as ordinances. The notice shall include a description of the goods or services desired.
4. Bid proposals will be opened on the date and time, and at the place as specified in the specifications or public notices.
5. Staff will prepare tabulation sheets based on the criteria laid out in the Call for Bid and either recommend an award to the lowest responsible bidder, who meets the terms of the specifications, conditions and qualifications or recommend the rejection of any or all bids.
6. The ~~city council~~ City Council shall review the bid proposals, related materials and the recommendation of the staff, and shall award the contract to the lowest responsible bidder. The city administrator may upon review of the materials and recommendations of staff reject any or all bids and make a further call for bids.
7. If bids are not received on the first call, the city may choose either to make ~~a~~ second call for bids or to negotiate directly with any prospective service or supply provider, per RCW 35.23.352(1).

**Part VI            Public Works** (as defined in RCW 39.04.010)

In determining the cost of a public works project, all amounts paid for materials, supplies, equipment, and labor, as well as retail sales and use tax (where required by law) on the construction of that project must be included.

Section 1.            Public Works – Minimal Competition ~~-\$75,000-~~ or less

1. The city may construct public works by contract, without calling for bids, whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of: (1) \$75,000. The term "public works project" means a complete project. Division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project is not permitted.
2. A contract shall be awarded under this section according to the following procedure:
  - A. Competitive bidding is not required and staff may seek quotes directly from individual vendors. Staff are encouraged but not required to seek multiple quotes.

Section 2.            Public Works – Small works roster, \$350,000 ~~-or less~~

1. The city contracts with MRSC for maintenance of a small works roster, consisting of all responsible, licensed contractors requesting to be included for award of public works contracts not to exceed \$350,000-.
2. The city may award a contract for \$350,000 ~~-or less~~ off of the small works roster using the following procedure:
  - A. The ~~director of public services~~Public Works Director or designee shall obtain written quotations, from the small works roster. Whenever possible, the city shall invite at least five contractors to submit quotations, including, whenever possible, at least one otherwise qualified woman or minority contractor. The city may invite all appropriate contractors on the roster to submit quotations. Once a contractor has been afforded an opportunity to submit a quotation, that contractor shall not be offered another opportunity until all other appropriate contractors on the roster have been afforded an opportunity to submit a quotation on a contract.
  - B. The city's invitation for quotations shall include an estimate of the scope and nature of the work to be performed, and the materials and equipment to be ~~famished~~furnished.
  - C. The city shall award the contract to the lowest responsible bidder.
  - D. Immediately after awarding a contract, the ~~director of public services~~Public Works Director shall record the bid quotations obtained for the contract. The bid quotations shall be open to public inspection.

Section 3.            Public Works – Formal bidding, \$350,000 ~~-or more~~

Public works with a reasonably expected cost of \$350,000- or more shall be let by formal bid as provided herein:

1. Formal bidding procedure:

- A. Staff will prepare bid specifications for completion of the public works project upon prior authorization by the ~~city council~~City Council.
- B. A call for sealed bids (“Call for Bids”) will be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, once a week for two consecutive weeks prior to the date fixed for the opening of bids.
- C. The Call for Bids will be posted in the same manner as ordinances.
- D. The Call for Bids shall contain the following:
  1. Description of the nature of work;
  2. State where the plans and specifications are on file;
  3. State that the bids must be sealed and filed with the city before a specific date;
  4. State what criteria will be used to score the bids
2. State that bids must be accompanied by bid proposal deposit which will be at least five percent of the bid in the form of a cashier's check or postal money order or surety bond made out to the city and specify that no bids will be considered without this deposit. Bids will be opened on the date and time and at the place as specified in the bid specifications, requests for proposals, advertisements and public notices.
3. Staff will prepare bid tabulation sheets based on the criteria laid out in the Call for Bids, and either recommend an award to the lowest responsible bidder who meets the terms of the specifications, conditions and qualifications, or recommend the rejection of all bids received.
4. The City Council shall review the bids, specifications and related materials and the recommendations of staff and shall award the contract to the lowest responsible bidder.
5. The city administrator council may, upon review of the materials and recommendations of staff, reject all bids if it is determined that a bidder is non-responsive or not-responsible, and may make a further call for bids.
6. If bids are not received on the first call, the city may choose either to make a second call for bids or to negotiate directly with any prospective public works contractor.

## **Part VII            Service Contracts**

Contracts for services that are not for: (1) public works or (2) a qualifying professional service set out in RCW 39.80.020, do not require a competitive bidding process, per state law. However, the city would like to utilize a competitive process to ensure that taxpayer dollars are being put to their highest and best use. To that end, this city will follow the following processes:

1. For service contracts estimated to be less than \$50,000 ~~-no~~ competitive process is required but staff should be able to show that the price is reasonable and the provider is qualified.
2. For service contracts estimated to be more than \$50,000 ~~-but less than \$75,000-~~ staff should obtain three written quotes from qualified providers, or alternatively they may use a more formal RFP/RFQ process as described herein.

For service contracts estimated to be more than \$75,000 staff should use a formally advertised RFP/RFQ process as described herein.

## **Part VIII Architect and Engineer Services (A&E)**

The City must follow chapter 39.80 RCW for procuring A&E professional services, as defined at RCW 39.80.020. Architectural and Engineering consultants are initially selected based upon their qualifications through a Request for Qualifications (RFQ) process, rather than price (see RCW 39.80.050). After selecting a consultant of this type via the RFQ process, the city will negotiate a contract with the most qualified firm at a price which the City determines fair and reasonable. In so negotiating, the city shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature. If the city is unable to negotiate a satisfactory contract with the firm selected at a price the city determines to be fair and reasonable, negotiations shall be terminated and the city shall begin negotiations with the next highly qualified firm.

## **Part IX Waivers and Exemptions**

### **Section 1 Emergency Purchases**

It is the intent as adopted by the City Council of Orting that the Mayor, or his designee, be authorized to waive the requirements of competitive bidding in the event of an emergency as defined by RCW 39.04.280. An emergency purchase means unforeseen circumstances beyond the control of the city that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. The Mayor or his designee shall comply with all portions of RCW 39.04.280 in the event of an emergency. The City Council through resolution may also waive competitive bidding requirements in circumstances defined within RCW 39.04.280. In any waiver of competitive bidding requirements, public disclosure and review shall be produced per the requirements as defined in RCW 39.04.280.

### **Section 2 Sole Source Supply**

These requirements for purchasing or public works also may be waived by the Mayor, or his ~~designed~~ designee declaring that the purchase or public work is either clearly and legitimately limited to a single source or supply, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. The City Council through resolution may also waive competitive bidding requirements in circumstances defined within RCW 39.04.280. In any waiver of competitive bidding requirements, public disclosure and review shall be produced per the requirements as defined in RCW 39.04.280.

## **Part ~~VIX~~ Purchasing Authority**

Purchasing authority as described below is based on a complete contract price. Contracts that last multiple years shall have each years' cost aggregated to determine the entire contract value. Purchasing authority is also project-limited. If the project requires purchases from multiple vendors, costs from each vendor shall be aggregated to determine how a purchase is approved.



Section 1. Authorities for Budgeted Items:

Purchase of supplies, equipment, materials or goods not connected with a public works project

1. Purchases ~~of less than~~ \$15,000 ~~or less~~ may be approved by ~~Department Directors~~ department directors
2. Purchases ~~above \$15,001 are required to~~ less than \$70,000 may be approved by the City Administrator
- 2.3. Purchases above \$70,000 require Council approval.

Public Works projects

1. Purchases ~~of \$350 less than \$15,000 or less~~ may be approved by the Public Works Director
2. Purchases ~~above \$350,001 or more are required to~~ less than \$75,000 may be approved by the City Administrator
- 2.3. Purchases above \$75,000 require Council approval.

Section 2. Authorities for non-Budgeted Items:

1. ~~Purchases of \$1 less than \$15,000 or less may be approved by Department Directors~~
- 2.1. ~~Purchases between \$1,001 and \$2,500~~ may be approved by the City Administrator
3. ~~Purchases between \$2,501 and \$10 more than \$15,000 may be approved by the Mayor~~
- 4.2. ~~Purchases above \$10,001 are required to be approved by the City~~ require Council approval

Section 3. ~~Emergency Authority~~

~~This section applies only when the mayor has declared an emergency and must comply with part 4.1 above.~~

1. ~~The Incident commander and the mayor, their designee or successor as defined by the Continuity of Operations plan, in the event of a declared emergency are authorized to spend or commit any needed resources to preserve life and property.~~

**Part ~~XXI~~ Credit Cards**

The City shall provide the Mayor and department heads (or their designees, as approved by the Finance Committee) with a ~~City~~ city credit card for traveling or purchasing budgeted items. It is the policy of the City that purchases on credit cards be minimized as much as possible. It is the responsibility of each card holder to save their receipts and provide them to the accounts payable clerk. The ~~finance director~~ Finance Director may require a reconciliation from the card holder if they have more than ten transactions per month.

Section 1. Credit Limits

The following limits shall apply:

1. The Mayor, the City Administrator, and the ~~City Treasurer~~Finance Director shall have full access to the city's credit limit.
2. The Police Chief shall have a limit of \$15,000.
3. The Public Works Director shall have a limit of ~~\$5~~15,000.
4. All other directors shall have a limit of ~~\$1,500~~5,000.
5. The Public Works Administrative Assistant shall have a limit of ~~\$3~~7,000.
6. All others who have credit cards shall have limits of ~~\$500~~1,000.
7. In the case of a declared emergency, the Incident commander and all city directors shall have full access to the credit limit of the ~~City~~city.

#### **APPENDIX A — FEDERAL FUNDS**

If needed, the Finance Director or designee may increase the credit card limit for a limited time period or for a specific purchase.

#### **Part XII Federal Funds**

Federal funds and grants often come with their own separate and more restrictive bidding requirements. Competitive bidding may be required by federal agencies, even below the state limits, and the required competitive process may be more demanding.

If the project uses any federal funding, the most restrictive of the state and federal requirements must be used. The city will work closely with granting agencies and follow all the requirements for the particular grant.

## Equipment and Supplies

<u>Type of Purchase</u>	<u>Normal Process</u>	<u>Other Requirements</u>	<u>Contract Authorization</u>
<u>Items costing less than \$7,500</u>	<u>No state law required</u>		<ul style="list-style-type: none"> <li><u>Department director may execute</u></li> </ul>
<u>Items between \$7,500 and \$15,000</u>	<u>May use any of the following:</u> <ul style="list-style-type: none"> <li><u>3 quotes from MRSC vendor list</u></li> <li><u>Formal bid</u></li> <li><u>Interlocal Agreement or other possible exemptions</u></li> </ul>	<u>Publication of RFP if bidding</u>	<u>Budgeted Purchases</u> <ul style="list-style-type: none"> <li><u>Department director may execute</u></li> </ul> <u>Non-budgeted purchases</u> <ul style="list-style-type: none"> <li><u>City Administrator may execute</u></li> </ul>
<u>Purchases over \$15,000</u>	<u>May use any of the following:</u> <ul style="list-style-type: none"> <li><u>Formal Bid</u></li> <li><u>Interlocal agreement or other possible exemptions</u></li> </ul>	<u>Publication of RFP if bidding</u>	<u>Budgeted Purchases</u> <ul style="list-style-type: none"> <li><u>Purchases up to \$70K City Administrator may execute</u></li> <li><u>Purchases above \$70K are required to be approved by the Council</u></li> </ul> <u>Non-budgeted</u> <ul style="list-style-type: none"> <li><u>Requires Council approval</u></li> </ul>

## Professional and personal services

<u>Type of Service</u>	<u>Normal Process</u>	<u>Other Requirements</u>	<u>Contract Authorization</u>
<u>Architectural, Land Surveying and Engineering Services</u>	<u>Request for Qualifications</u>	<ul style="list-style-type: none"> <li><u>Publish RFQ</u></li> <li><u>Must evaluate on performance and qualifications</u></li> <li><u>Negotiate contract after selection</u></li> </ul>	<u>Budgeted Purchases</u> <ul style="list-style-type: none"> <li><u>If under \$70K, City Administrator may execute</u></li> <li><u>Above \$70K requires Council approval</u></li> </ul> <u>Non-budgeted purchases</u> <ul style="list-style-type: none"> <li><u>Purchases are required to be approved by the Council</u></li> </ul>
<u>All other personal services</u>	<ul style="list-style-type: none"> <li><u>No state law required process</u></li> <li><u>Contracts more than \$50K but less than \$75K should obtain three written quotes or a formal bid</u></li> <li><u>Contracts more than \$75K should use a formal bid</u></li> <li><u>Interlocal agreement or other possible exemption</u></li> </ul>		<u>Budgeted</u> <ul style="list-style-type: none"> <li><u>If under \$15K, department director may execute</u></li> <li><u>If under \$70K, City Administrator may execute</u></li> </ul> <u>Non-budgeted</u> <ul style="list-style-type: none"> <li><u>Under \$15K, City Administrator may execute</u></li> <li><u>Above \$15K requires Council approval</u></li> </ul>

## Public Works

<u>Purchase or Project</u>	<u>Normal Process</u>	<u>Other Requirements</u>	<u>Contract Authorization</u>
<u>Projects less than \$2.5K</u>	<u>One quote needed, two recommended</u>	<ul style="list-style-type: none"> <li>• <u>Prevailing wage</u></li> <li>• <u>No bond</u></li> <li>• <u>No retainage</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Department director may execute</u></li> </ul>
<u>Projects costing under \$50K (Alternative to Small Works Roster)</u>	<ul style="list-style-type: none"> <li>• <u>Solicited quotes</u></li> <li>• <u>Interlocal agreement or other possible exemptions</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Prevailing wage</u></li> <li>• <u>Insurance</u></li> <li>• <u>Contract/Performance bond required between \$10K to \$40K</u></li> </ul>	<u>Budgeted Projects</u> <u>Department director may execute</u> <u>Non-budgeted Projects</u> <ul style="list-style-type: none"> <li>• <u>Under \$15K City Administrator may execute</u></li> <li>• <u>Above \$15K requires Council approval</u></li> </ul>
<u>Projects costing under \$75K</u>	<ul style="list-style-type: none"> <li>• <u>May use Small Works Roster from MRSC</u></li> <li>• <u>Interlocal agreement or other possible exemptions</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Prevailing wage</u></li> <li>• <u>Insurance</u></li> <li>• <u>Contract/Performance bond</u></li> <li>• <u>Bid bond/deposit (unless using Small Works Roster)</u></li> </ul>	<u>Budgeted Purchases</u> <ul style="list-style-type: none"> <li>• <u>Up to \$15K Department director may execute</u></li> <li>• <u>Under \$75K City Administrator may execute</u></li> </ul> <u>Non-budgeted purchases</u> <ul style="list-style-type: none"> <li>• <u>Under \$15K City Administrator may execute</u></li> <li>• <u>Above \$15K requires Council approval</u></li> </ul>
<u>Projects costs exceeding \$75K for single trade or \$116,155 for multiple trades and less than \$350K</u>	<ul style="list-style-type: none"> <li>• <u>Formal Bid or Small Works Roster process to solicit quotes</u></li> <li>• <u>Interlocal agreement or other possible exemptions</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Prevailing wage</u></li> <li>• <u>Insurance</u></li> <li>• <u>Contract/Performance bond required</u></li> </ul>	<u>Budgeted Projects</u> <ul style="list-style-type: none"> <li>• <u>Requires Council approval</u></li> </ul> <u>Non-budgeted Projects</u> <ul style="list-style-type: none"> <li>• <u>Requires Council approval</u></li> </ul>
<u>Projects costing 350K or more</u>	<ul style="list-style-type: none"> <li>• <u>Formal Bid</u></li> <li>• <u>Interlocal agreement or other possible exemptions</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Prevailing wage</u></li> <li>• <u>Insurance</u></li> <li>• <u>Contract/Performance bond</u></li> <li>• <u>Bid bond/deposit</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Requires Council approval</u></li> </ul>

Possible exemptions from normal competitive bidding requirements include the following:

- emergency purchase, sole source purchase, special facilities or market conditions, purchase of insurance or bonds, auction, electronic data processing or telecommunications purchase



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Dump Truck Purchase	<b>AB23-55</b>			
		<b>Public Works 6.7.2023</b>		<b>6.14.2023</b>
	<b>Department:</b> Public Works			
	<b>Date Submitted:</b> 6.1.2023			
	<b>Cost of Item:</b> \$150,000 (maximum)			
<b>Amount Budgeted:</b>		\$125,000		
<b>Unexpended Balance:</b>		N/A		
<b>Bars #:</b>		Streets, Parks, Water, Sewer Storm		
<b>Timeline:</b>				
<b>Submitted By:</b>		Scott Larson/John Bielka		
<b>Fiscal Note:</b> The requested amount is over budget, but since the original budget was approved the end of 2021, the pricing on commercial truck chassis and bodies has increased. The difference in cost will be made up with existing unallocated fund balance.				
<b>Attachments:</b> Dump Truck RFP and Specifications				
<b>SUMMARY STATEMENT:</b>				
<p>In the 2022 Budget, council approved the purchase of a replacement dump truck. Staff identified a dump truck chassis through the Washington Department of Enterprise’s bid list and ordered a chassis. In early 2023 staff were contacted by the state vendor that our order has been cancelled and we can re-order a current year chassis, but delivery is likely over a year away. Due to the long lead time on an ordered chassis, staff developed a Request for Proposal (RFP) and advertised for the purchase of the dump truck. At the end of the submission period no proposals were received. At this point, we have exhausted the typical purchasing process and are eligible to identify a vehicle to purchase in the market. Due to the fluidity of the market, and the length of time it takes to approve purchases through our process, staff are recommending an alternative approval process. This would include:</p> <ol style="list-style-type: none"> <li>1. Staff recommends council approve a purchase limit for the Mayor or his designee to purchase a dump truck, including chassis and body for \$150,000 including all taxes and fees;</li> <li>2. Once a truck has been purchased, staff will bring back the details on what was purchased to the following council meeting or study session and advise council what was purchased and how much was spent.</li> </ol> <p>Attached to this bill is a copy of the RFP that was advertised along which includes specifications of the truck that would meet our needs.</p>				

**RECOMMENDED MOTION: Motion:**

To authorize the Mayor or his designee to sign a purchase agreement for a dump truck for an amount not to exceed \$150,000.

# CITY OF ORTING

900 Rocky Rd NE  
Orting, WA 98360

lhinds@cityoforting.org  
(360) 893-9039

**THE CITY OF ORTING REQUESTS SEALED BIDS FOR  
DUMP TRUCK**

**BIDS ARE DUE FRIDAY APRIL 28, 2023 AT 10:00 A.M.**

**Table of Contents**

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# CITY OF ORTING

900 Rocky Rd NE  
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## INSTRUCTIONS TO BIDDERS

**1. SIGNATURE PAGE.** Each bid must include a signature page signed in ink as follows:

- A. In the case of an individual bidder, the signature must be by that individual.
- B. In the case of a partnership, the name of the partnership must appear and the bid must be signed by at least one partner.
- C. In the case of a corporation, the corporate name shall be inscribed and the signature on the bid must be one of the following: presiding or managing officer, or an authorized agent.

**2. DELIVERY OF BID.** It shall be the bidder's sole responsibility to see that the bid is delivered to the city's Public Works Building prior to the time set forth below. All bids must be in a sealed envelope marked: 2023 Dump Truck Purchase, Attn: Laura Hinds

Hand carried bids must be delivered to the following address:  
City of Orting, 900 Rocky Rd NE, Orting, WA 98360

Mailed bids must be mailed to the following address:  
City of Orting, PO Box 489, Orting, WA 98360

Email Questions or call to: [lhinds@cityoforting.org](mailto:lhinds@cityoforting.org) / (360) 893-9039

*There will be a formal bid opening immediately following the due date/time at the Public Works Facility, 900 Rocky Rd NE, Orting, WA 98360  
Contractors will be contacted within 5-days after bid due date with bid results*

**3. BID OPENING.**

- A. All bids received by the city by **FRIDAY, APRIL 28, 2023 AT 10:00 A.M.**
- B. Any bid received after that time will be returned to the bidder unopened and will receive no consideration by the city.
- C. No bidder will be permitted to alter his bid after the time set for opening bids by the city. This includes the addition or deletion of items or signatures.

**4. WITHDRAWALS.** No bidder may withdraw a bid after the time set for the opening thereof, or before the award of the contract unless the award is delayed for more than thirty (30) days.

**5. FORMS USED.** Bids shall be made on the forms provided. Original copy is required. Do not send photo copies. You must sign or initial any changes or erasures on the bid.



# CITY OF ORTING

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**6. PRICES.** Items are to be bid F.O.B. CITY OF ORTING, LESS SALES TAX delivered and in place. Bids are to be submitted with quotations of price in effect for the time periods noted under each Option. Only firm price quotations will be considered in evaluation and award of this bid. (F.O.B. destination means seller retains the risk of loss until the goods reach the buyer.)

**7. SUSPENSION & DEBARMENT.** If federal funds are expended under this Contract, the Contractor certifies that neither it nor its principals are presently debarred, declared ineligible or voluntarily excluded from participation in transaction by any federal department or agency.

**8. RESERVATIONS.** The Council reservations are as follows:

- A. To reject any and/or all bids.
- B. To waive any or all irregularities in the bids submitted.
- C. To return bid unopened if only one bidder.
- D. To award bid based on item and/or total price.
- E. To order quantities other than those specified herein.

# CITY OF ORTING

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## **SECTION 1 - ADDITIONAL BID INSTRUCTIONS:**

Bids shall be prepared, submitted and received in accordance with the following:

### **1. PURCHASE DESCRIPTION**

This PURCHASE consists of the work described at Section 2 of this packet, *Specifications*. Bidders can provide price for 2023 or 2024 dump truck. Bidders will have 90-days to deliver vehicle after Council Approval. Council approval is anticipated to be May 31, 2023, but shall be no later than June 30, 2023. The City reserves the right to re-bid at any time if the conditions (to include delivery date) are not met. Before submitting a bid, each bidder will, at the bidder's own expense, make or obtain any additional information and data which pertains to this bid.

### **2. CONTRACT DOCUMENTS**

The contract includes the Bid Request, Bid Response, Signature Page, Bidder Responsibility Checklist, Scope of Specifications and Price sheets attached hereto. Only bids submitted on forms furnished by the City will be considered. Bids on company letterhead or quotation sheets will be judged non-responsive. Telephone or Facsimile bids will not be accepted. Paper bids shall be sealed in an envelope. No bid received after closing time shall be considered. There will be a formal bid opening. Contractors will be notified of bid results within 5 days of submittal date.

The intent of these documents is to include all labor, materials, appliances, and services of every kind necessary for the proper execution of this contract, and the terms and conditions of payment therefor. The documents are to be considered as one, and whatever is called for by any one of the documents shall be as binding as if called for by all.

The Vendor agrees to verify all measurements set forth in the above documents and to report all differences before commencing to perform the contract.

Submitted bids shall include the completed Sections of: Signature Page, Bidders Checklist; All of Section 2 Scope of work & Vendor Information, Section 3 Bid price sheet and Additional Required Information as outlined in Section 3.

### **3. CONTRACT AWARD**

A contract or contracts, if awarded, will be based upon the lowest responsive and responsible bid or bids per RCW 39.04.350, based on unit prices per estimated quantities as defined in more detail in the bid documents. The City reserves the right to reject any and all bids, to delete portions or all of the work, to substitute alternative bid item prices for base bid item prices, to waive any informality in bidding, and to make the award deemed to be in the best interest of the City. Proposals received after the deadline stated herein will not be considered. Final quantities are not known and are subject to Owners approval. The right is reserved by the City to waive any immaterial bid errors or irregularities in the bidding and reserves the right to correct arithmetical errors or discrepancies between unit prices and extended amounts if the intended bid is ascertainable from the face of the bid.

# CITY OF ORTING

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## SPECIFICATIONS:

Specification	Yes, or State Equivalent	Not Available
Diesel Regular Cab & Chassis, straight Frame, 31,000# GVWR, with PTO provisions		
Powertrain, Frame, Axle, Suspension, Wheels/Tires		
Engine Alternate, V8 Turbo Diesel, Fuel/Water Separator, 12V Starter, and Engine Exhaust Brake		
Engine Block Heater		
Speed Limiter – 70 mph		
Special GVWR limitation – limits GVWR to 25,999lb when using standard front and rear axles (so CDL is not required to drive finished vehicle)		
Frame Standard		
5-Yard hydraulic dump – steel body - installed		
Front Grill; Access to engine compartment should not conflict with snowplows and other equipment installed on front of truck.		
Exhaust Standard System		
Front Stabilizer Bar		
Rear Axle Standard		
Driveshaft; heavy duty		
Rear Suspension Standard		
Standard Wheels		
Standard Tires		
Electrical; Cab Equipment, seats		
Cab Mounted Mud Flap Holder with flaps		
Remote Mounted Jump Start Stud		
Double Batteries; Two 12V		
Body Builder Wiring – include sealed connectors for 2 ground circuits with Combined left/stop, combined right/stop, stop lamps, park lamps, backup lamps. Include 2 additional pass-through wires to cab		
Back-Up Alarm		

# CITY OF ORTING

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Daytime Running Lights		
Auxiliary Rearview Mirrors, front fender mounted, one each side		
110 A/C outlet in lower center finish panel		
Mirrors; sail, rectangular, front		
Mounted Snow Plow		
Delivery Date		

# CITY OF ORTING

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## SECTION 3 PRICE SHEET

Subtotal \$ \_\_\_\_\_  
Sales Tax \$ \_\_\_\_\_  
BID TOTAL \$ \_\_\_\_\_

### Additional Required Information:

- Provide Standard Warranty Information for entire delivered vehicle and attached accessories
- Optional: Extended Warranty Information for review
- Provide Copy of Sellers Invoice of list of vehicle specifications as noted by manufacturer

### Additional Requests:

- Owner's manual upon delivery
- Vehicle walk through upon delivery and basic training.

The undersigned hereby agrees that all material furnished and all work performed shall be strictly in accordance with the specifications herein and/or as directed by the City and the City shall determine the amount of work and materials to be paid for under the contract for which this proposal is made.

The undersigned also agrees that said bid/proposal is in all respects fair and is submitted without collusion or fraud.

Name of Vendor \_\_\_\_\_

Vendor's mailing address \_\_\_\_\_

Name of authorized representative \_\_\_\_\_

Phone # and email address \_\_\_\_\_

The signing of the proposal will be considered as implicitly denoting that the Bidder has a thorough comprehension of the full intent and scope of the specifications and/or drawings.

By \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Signature and Printed Name

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## BIDDER RESPONSIBILITY CHECKLIST

The following checklist is used in documenting that a bidder meets the mandatory Bidder Responsibility Criteria. Please print a copy of documentation from the appropriate website to be included with the submittal.

<b>GENERAL INFORMATION</b>			
Project Name:	Project Number:		
Bidder's Business Name:	Bid Submittal Deadline:		
<b>CONTRACTOR REGISTRATION</b>			
License Number:	Status:	Active:	Yes ___ No ___
Effective Date (must be effective on or before Bid Submittal Deadline):		Expiration Date:	
<b>CONTRACTOR INFRACTION LIST</b>			
Is Bidder on Infraction List:		Yes ___	No ___
<b>CURRENT UBI NUMBER</b>			
UBI Number:	Account Closed:	Open ___	Closed ___
<b>INDUSTRIAL INSURANCE COVERAGE</b>			
Account Number:	Account Current:	Yes ___	No ___
<b>EMPLOYMENT SECURITY DEPARTMENT NUMBER</b>			
Employment Security Department Number:			
Please Provide a copy of your latest correspondence, containing your account number, with Employment Security Department. Please do not provide document containing personal information such as social security numbers.			
<b>STATE EXCISE TAX REGISTRATION NUMBER</b>			
Tax Registration Number:	Account Closed:	Open ___	Closed ___
<b>NOT DISQUALIFIED FROM BIDDING</b>			
Is the Bidder listed on the "Contractors Not Allowed to Bid" list of the Department of Labor and Industries?		Yes ___	No ___
<b>INFORMATION SUPPLIED BY:</b>			
Print Name of Bidder Representative:		Date	
<b>VERIFIED BY:</b>			
Signature of District Employee		Date	