

COUNCILMEMBERS

Position No.

1. Tod Gunther
2. Chris Moore
3. Don Tracy
4. Jeff Sproul
5. Stanley Holland
6. Greg Hogan
7. Melodi Koenig



ORTING CITY COUNCIL
Regular Business Meeting Agenda
104 Bridge Street S, Orting, WA
Zoom – Virtual
January 10th, 2024
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/85260683280?pwd=aC8OazWMNC1oYBfCObPLS5peweJ2zb.1>
Telephone: 1-253-215-8782 - Meeting ID: 852 6068 3280 and the passcode 895912.

2. SWEARING IN OF ELECTED COUNCIL MEMBERS AND POLICE SERGEANT.

Jeff Sproul – Position #4
Stanley Holland – Position #5
Greg Hogan – Position #6
Zach Kenyon – Police Sergeant.

REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.

3. PUBLIC COMMENTS.

Comments may be sent to the City Clerk at clerk@cityoforting.org by 3pm on January 10th, 2024 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.

4. CONSENT AGENDA.

A. Payroll Claims and Warrants.

Motion: To approve consent agenda as prepared.

5. NEW BUSINESS.

A. AB24-03– Proposed Amendments to the City Council Rules of Procedure for Hearings.

Motion: To adopt the amended Council Rules of Procedure as presented.

B. AB24-04 - Hearing Examiner Appointment.

Motion: To confirm Phil Olbrichts as the City of Orting Hearing Examiner and authorize the Mayor to negotiate a consultant contract in a form approved by the City Attorney. Total compensation over the contract period shall not exceed \$75,000.00.

C. AB23-91 – Murrey's Franchise Agreement.

Motion: To approve Murrey's rates as shown in Exhibit A, effective March 1st, 2024.

D. AB24-05 – Deputy Mayor Appointment.

Motion: To appoint _____ as Deputy mayor for the year 2024 effective February 1st, 2024.

E. AB24-06 – Council Committee Assignments.

Action: Informational Item Only.

6. EXECUTIVE SESSION.

7. ADJOURNMENT.

STATE OF WASHINGTON,

}ss.

OATH OF OFFICE

County of Pierce

I, Jeff Sproul, residing in Orting, Washington 98360,

Do solemnly swear that I am a Citizen of the United States and the State of Washington. I will support the Constitution and Laws of the United States, and the Constitution and Laws of the State of Washington, and all local ordinances, and that I will faithfully and impartially perform and discharge the duties of the office of Council Position #4, City of Orting in and for Pierce County, Washington, according to law and to the best of my ability, so help me God.

Jeff Sproul

Subscribed and sworn to before me this 10th day of January, 2024.

John Curry, Judge

Joshua Penner, Mayor

Kimberly Agfalvi, CMC, City Clerk

STATE OF WASHINGTON,

}ss.

OATH OF OFFICE

County of Pierce

I, Stanley Holland, residing in Orting, Washington 98360,

Do solemnly swear that I am a Citizen of the United States and the State of Washington. I will support the Constitution and Laws of the United States, and the Constitution and Laws of the State of Washington, and all local ordinances, and that I will faithfully and impartially perform and discharge the duties of the office of Council Position #5, City of Orting in and for Pierce County, Washington, according to law and to the best of my ability, so help me God.

Stanley Holland

Subscribed and sworn to before me this 10th day of January, 2024.

John Curry, Judge

Joshua Penner, Mayor

Kimberly Agfalvi, CMC, City Clerk

STATE OF WASHINGTON,

}ss.

OATH OF OFFICE

County of Pierce

I, Greg Hogan, residing in Orting, Washington 98360,

Do solemnly swear that I am a Citizen of the United States and the State of Washington. I will support the Constitution and Laws of the United States, and the Constitution and Laws of the State of Washington, and all local ordinances, and that I will faithfully and impartially perform and discharge the duties of the office of Council Position #6, City of Orting in and for Pierce County, Washington, according to law and to the best of my ability, so help me God.

Greg Hogan

Subscribed and sworn to before me this 10th day of January, 2024.

John Curry, Judge

Joshua Penner, Mayor

Kimberly Agfalvi, CMC, City Clerk

STATE OF WASHINGTON,

}ss.

OATH OF OFFICE

County of Pierce

I, Zach Kenyon, residing in Pierce County, Washington,

do solemnly swear I am a Citizen of the United States and of the State of Washington; that I will support the Constitution and Laws of the United States and the Constitution and Laws of the State of Washington, and will faithfully and impartially perform the duties of the office of Police Sergeant for the City of Orting, in and for Pierce County, Washington, as such duties are prescribed by law, so help me God.

Signature

Subscribed and sworn to before me this 10th day of January, 2024.

John Curry, Judge

Joshua Penner, Mayor

Kimberly Agfalvi, CMC, City Clerk

WARRANT/CHECK REGISTER

City of Orting

Time: 08:53:11 Date: 12/27/2023

12/20/2023 To: 12/27/2023

Page: 6

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
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VOUCHER/WARRANT REGISTER
 FOR 12-27-2023 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 JUST, DUE, AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

COUNCILPERSON: _____

COUNCILPERSON: _____

CITY CLERK: _____

WARRANT/CHECK REGISTER

City of Orting

Time: 08:53:11 Date: 12/27/2023

12/20/2023 To: 12/27/2023

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
4927	12/27/2023	Claims	1	EFT	Keybank-MasterCard	13,123.41	5423-KeyBank MasterCard-NOV2023-Public Works; 4225-KeyBank MasterCard-NOV2023-Daskam; 3589-KeyBank MasterCard-Nov2023-Alfiere; 1920-KeyBank MasterCard-NOV2023-Gabreluk; 1397-KeyBank MasterCard-NOV2023
		APs	Amount	PO	For		
		409	3,024.16		5423-KeyBank MasterCard-NOV2023-Public Works		
		410	702.32		4225-KeyBank MasterCard-NOV2023-Daskam		
		411	765.89		3589-KeyBank MasterCard-Nov2023-Alfiere		
		412	2,611.37		1920-KeyBank MasterCard-NOV2023-Gabreluk		
		413	1,044.30		1397-KeyBank MasterCard-NOV2023-Turner		
		414	657.17		7626-KeyBank MasterCard-Nov 2023-Wetzel		
		415	734.03		8502-KeyBank MasterCard-Nov2023-Police		
		416	1,028.58		1513-KeyBank MasterCard Nov 2023-Kainoa		
		417	566.19		4499-KeyBank Mastercard Nov 2023-Bielka		
		418	843.93		6607-Keybank MasterCard-Nov 2023 Finance		
		419	250.00		2462-KeyBank MasterCard-Nov23-Russo		
		420	895.47		0525-KeyBank MasterCard-NOV 23-Agfalvi		
5035	12/20/2023	Claims	631	55344	AT&T Mobilty	2,968.11	287309454338X12042023-Cell Phones-City & PW; 287300949706X12042023-Court-P D Cell Phones
		APs	Amount	PO	For		
		500	1,845.03		287309454338X12042023-Cell Phones-City & PW		
		501	1,123.08		287300949706X12042023-Court-PD Cell Phones		
5036	12/20/2023	Claims	631	55345	Advanced Analytical Solutions	555.56	34749-Lab Testing
		APs	Amount	PO	For		
		499	555.56		34749-Lab Testing		
5037	12/20/2023	Claims	631	55346	Art N Stitches	155.03	14403-Mesh Caps-Police Logo
		APs	Amount	PO	For		
		454	155.03		14403-Mesh Caps-Police Logo		
5038	12/20/2023	Claims	631	55347	Asphalt Patch System INC	11,301.74	54422R-Pay Request #2-Sidewalk Repairs; 54547-Pay Request #1-Sidewalk Repairs
		APs	Amount	PO	For		
		472	2,001.22		54422R-Pay Request #2-Sidewalk Repairs		
		473	9,300.52		54547-Pay Request #1-Sidewalk Repairs		
5039	12/20/2023	Claims	631	55348	Associated Petroleum Products INC	3,386.30	23-980200
		APs	Amount	PO	For		
		445	3,386.30		23-980200		
5040	12/20/2023	Claims	631	55349	Big J'S Outdoor Store	621.82	Monthly Billing-NOV2023
		APs	Amount	PO	For		

WARRANT/CHECK REGISTER

City of Orting

Time: 08:53:11 Date: 12/27/2023

12/20/2023 To: 12/27/2023

Page: 2

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
		APs	Amount	PO	For		
		462	621.82		Monthly Billing-NOV2023		
5041	12/20/2023	Claims	631	55350	CenturyLink-Lumen	9,810.30	5-M6DFZ8RO-Internet-City Hall & PW
		APs	Amount	PO	For		
		504	9,810.30		5-M6DFZ8RO-Internet-City Hall & PW		
5042	12/20/2023	Claims	631	55351	D.M Recycling	154.72	117745535111-WWTP
		APs	Amount	PO	For		
		446	154.72		117745535111-WWTP		
5043	12/20/2023	Claims	631	55352	Data Bar	508.65	264529-Utility Billing Mailing
		APs	Amount	PO	For		
		430	508.65		264529-Utility Billing Mailing		
5044	12/20/2023	Claims	631	55353	Drain-Pro INC	1,959.37	119190; 119189; 119187; 119185; 119191; 119184; 122055; 119188; 119192; 119186; 119183; 122028
		APs	Amount	PO	For		
		438	104.50		119190		
		439	104.50		119189		
		440	304.50		119187		
		441	217.71		119185		
		442	104.50		119191		
		444	104.50		119184		
		466	304.50		122055		
		475	104.50		119188		
		476	254.50		119192		
		477	104.50		119186		
		478	96.66		119183		
		479	154.50		122028		
5045	12/20/2023	Claims	631	55354	Galls LLC	185.39	026185383-Uniform Items Gabreluk
		APs	Amount	PO	For		
		453	185.39		026185383-Uniform Items Gabreluk		
5046	12/20/2023	Claims	631	55355	GreatAmerica Financial Svcs	1,132.82	355079423-City Phone Lease
		APs	Amount	PO	For		
		458	1,132.82		355079423-City Phone Lease		
5047	12/20/2023	Claims	631	55356	Hach Company	3,722.24	13840647; 13848710-Chemical Supplies
		APs	Amount	PO	For		
		434	3,096.55		13840647		
		465	625.69		13848710-Chemical Supplies		
5048	12/20/2023	Claims	631	55357	Hometown Consulting	6,000.00	09-Lobbying Services 3rd & 4th QRT 2023
		APs	Amount	PO	For		
		455	6,000.00		09-Lobbying Services 3rd & 4th QRT 2023		

WARRANT/CHECK REGISTER

City of Orting

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12/20/2023 To: 12/27/2023

Page: 3

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
5049	12/20/2023	Claims	631	55358	Huffman, ED	42.00	2024 Waterworks Renewal Reimbursement
		APs	Amount	PO	For		
		435	42.00		2024 Waterworks Renewal Reimbursement		
5050	12/20/2023	Claims	631	55359	Industrial Chem Labs	369.34	381002-Citrus Cleaner & Degreaser
		APs	Amount	PO	For		
		468	369.34		381002-Citrus Cleaner & Degreaser		
5051	12/20/2023	Claims	631	55360	Law Office of Holmes Weddle & Barcott	5,936.87	830751-HR Services; 830750-HR Services; 830752-Legal HR
		APs	Amount	PO	For		
		431	3,661.87		830751-HR Services		
		432	1,100.00		830750-HR Services		
		463	1,175.00		830752-Legal HR		
5052	12/20/2023	Claims	631	55361	Law Offices of Matthew J Rusnak	2,207.00	DEC2023-400 Public Defender
		APs	Amount	PO	For		
		456	2,207.00		DEC2023-400 Public Defender		
5053	12/20/2023	Claims	631	55362	Murreys Disposal Company INC-A Waste Con	168.11	11757748-Garbage Service-City Shop
		APs	Amount	PO	For		
		464	168.11		11757748-Garbage Service-City Shop		
5054	12/20/2023	Claims	631	55363	Nana's Sweets & Crumbles	265.00	54-Cookies & Cocoa with Mrs Claus
		APs	Amount	PO	For		
		427	265.00		54-Cookies & Cocoa with Mrs Claus		
5055	12/20/2023	Claims	631	55364	O'Reilly Auto Parts	159.13	1265583-NOV2033
		APs	Amount	PO	For		
		497	159.13		1265583-NOV2033		
5056	12/20/2023	Claims	631	55365	P.C. Budget & Finance	7,164.48	CI-342366 C104188-PC 3rd QRT Liquor Tax; CI-343746 C-104188 -Peg Fees 3rd QRT; CI-343689 C-104188-RCC Membership Dues 4th QRT
		APs	Amount	PO	For		
		449	645.06		CI-342366 C104188-PC 3rd QRT Liquor Tax		
		450	3,769.20		CI-343746 C-104188 -Peg Fees 3rd QRT		
		451	2,750.22		CI-343689 C-104188-RCC Membership Dues 4th QRT		
5057	12/20/2023	Claims	631	55366	Pape & Sons Construction INC	15,511.40	#865-1-19006 Pioneer Way E-Water Line Directional Drill
		APs	Amount	PO	For		
		474	15,511.40		#865-1-19006 Pioneer Way E-Water Line Directional Drill		

WARRANT/CHECK REGISTER

City of Orting

Time: 08:53:11 Date: 12/27/2023

12/20/2023 To: 12/27/2023

Page: 4

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
5058	12/20/2023	Claims	631	55367	Parametrix	25,752.16	50678-Kansas ST SW; 50676-General Consulting; 50675-AC Water Main
		APs	Amount		PO For		
		422	4,242.16		50678-Kansas ST SW		
		423	17,635.00		50676-General Consulting		
		424	3,875.00		50675-AC Water Main		
5059	12/20/2023	Claims	631	55368	Puget Sound Energy	6,323.41	200019646914-Street Lights; 220028112518-Street Lights; 300000002406-Street Lights
		APs	Amount		PO For		
		447	133.72		200019646914-Street Lights		
		448	27.31		220028112518-Street Lights		
		459	6,162.38		300000002406-Street Lights		
5060	12/20/2023	Claims	631	55369	Puyallup, City of	2,595.46	1377-Metro Cities SWAT 2023 Assessment; 1511-Jail Fees NOV2023
		APs	Amount		PO For		
		452	1,624.42		1377-Metro Cities SWAT 2023 Assessment		
		460	971.04		1511-Jail Fees NOV2023		
5061	12/20/2023	Claims	631	55370	Rodarte Construction INC	940.00	2317-002-Manhole Repair & Asphalt Restoration Payment #2
		APs	Amount		PO For		
		429	940.00		2317-002-Manhole Repair & Asphalt Restoration Payment #2		
5062	12/20/2023	Claims	631	55371	SCORE	199.00	7426-Jail Fees-NOV 2023
		APs	Amount		PO For		
		461	199.00		7426-Jail Fees-NOV 2023		
5063	12/20/2023	Claims	631	55372	Serenity Air	1,610.53	80157397-Fan Motor MPC Furnace; 80097237-Travel & Diagnostic-MPC Furance
		APs	Amount		PO For		
		502	1,369.63		80157397-Fan Motor MPC Furnace		
		503	240.90		80097237-Travel & Diagnostic-MPC Furance		
5064	12/20/2023	Claims	631	55373	Spectral Laboratories	281.00	5006854-Lab Testing
		APs	Amount		PO For		
		469	281.00		5006854-Lab Testing		
5065	12/20/2023	Claims	631	55374	T M G Services Inc	112.30	0050957-IN
		APs	Amount		PO For		
		426	112.30		0050957-IN		
5066	12/20/2023	Claims	631	55375	Technical Systems Inc.	6,600.00	23-057-001 PLC & Scada System Review & Due Diligence
		APs	Amount		PO For		
		498	6,600.00		23-057-001 PLC & Scada System Review & Due Diligence		
5067	12/20/2023	Claims	631	55376	UniFirst Corporation	423.26	2220051788; 2220053985

WARRANT/CHECK REGISTER

City of Orting

Time: 08:53:11 Date: 12/27/2023

12/20/2023 To: 12/27/2023

Page: 5

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
		APs	Amount	PO	For		
		436	211.63		2220051788		
		470	211.63		2220053985		
5068	12/20/2023	Claims	631	55377	Utilities Underground Location Center	49.02	3110205-Locates NOV2023
		APs	Amount	PO	For		
		433	49.02		3110205-Locates NOV2023		
5069	12/20/2023	Claims	631	55378	Water Management Lab Inc.	238.49	216799-Lab Testing
		APs	Amount	PO	For		
		471	238.49		216799-Lab Testing		
5070	12/20/2023	Claims	631	55379	Wex Bank	2,145.00	93888476-PD Fuel
		APs	Amount	PO	For		
		457	2,145.00		93888476-PD Fuel		
5161	12/27/2023	Claims	631	55380	Murphy-Brown, Mary	740.00	DEC2023-Dacne Class & Recital
		APs	Amount	PO	For		
		505	740.00		DEC2023-Dacne Class & Recital		

001 Current Expense	47,366.27	
101 City Streets	23,435.56	
105 Parks Department	821.77	
401 Water	35,670.51	
408 Wastewater	24,067.27	
410 Stormwater	4,057.04	
	135,418.42	Claims: 135,418.42



**City of Orting
Council Agenda Summary Sheet**

	Agenda Bill #	Recommending Committee	Study Session Dates	Regular Meeting Dates
Subject:	AB24-03	N/A	N/A	1.10.2024
Proposed Amendments to City Council Rules of Procedure for Hearings.				
	Department:	Deputy Mayor and Special Legal Counsel		
	Date Submitted:	1.3.2024		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:	For consideration at January 10 th , 2024 Meeting			
Submitted By:	Special Legal Counsel Kendra Rosenberg			
Fiscal Note: N/A				
Attachments: Council Rules of Procedure and Proposed Amendment to Council Rules of Procedure				
SUMMARY STATEMENT:				
<p>The City Council adopted the City Council Rules of Procedure in 2007 to govern Council’s meetings and business. From time to time the Council amends the rules to address new issues or improve the efficiency of current practices. The most recent amendment occurred in August 2023, when the Council modified the process for selecting a Deputy Mayor.</p> <p>The City Council desires to enhance Article 6, Public Hearing Procedures, set out in its Rules of Procedure to add specificity as to the conduct and procedures of public hearings held by the City Council during a regular meeting. The proposed amendments add clarity such as the procedures for a hearing that are followed (including the order of proceedings and associated timelines), and add language taken from state law regarding the appearance of fairness doctrine.</p>				
RECOMMENDED ACTION: <u>Action:</u>				
To approve the proposed amendments to City Council Rules of Procedure for hearings as presented.				
PROPOSED MOTION: <u>Motion:</u>				
To adopt the amended Council Rules of Procedure as presented.				

Amendments to the City of Orting
City Council Rules of Procedure

ARTICLE 6 - PUBLIC HEARING PROCEDURES

6.3 Conflict of Interest/Appearance of Fairness:

Prior to the start of a public hearing, the Chair will ask if any Councilmember has or may have an interest or may have engaged in an ex-parte communication which could, pursuant to Ch. 42.23 RCW or Ch. 42.36 RCW, prohibit or disqualify the Councilmember from participating in the public hearing process. A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down, is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest. The appearance of fairness doctrine applies only during quasi-judicial hearings. The conflict of interest provisions, however, apply anytime there will be a vote by the council on a contract. Normally, an announcement would not be required for a vote in which a conflict would occur and it is up to the elected official to bring up the conflict. The City Attorney may prompt the Councilmember to remove him or herself or not participate in the vote. However, if there is a conflict, this must be announced on the record before the vote. The Councilmember is not required to leave during the vote or discussion, but may not participate in the vote.

- (A) Types of Hearings that the appearance of fairness doctrine applies. The Appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of areawide zoning ordinances or the adoption of a zoning amendment that is of areawide (versus site-specific) significance under RCW 42.36.010.
- (B) Obligations of Council Members. Council members should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Council member or a Council member's business associate, or a member of the Council member's immediate family. It could involve ex parte (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Council member's employer with the

proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each council member should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Council member should disclose such facts to the City Attorney.

Anyone seeking to disqualify a Council member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Council member shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made in the course of a quasi-judicial hearing, the Council member shall either recuse him/herself or the Presiding Officer shall call a recess to permit the City Attorney to render an opinion.

6.4 The Public Hearing Process: Open Record.

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right to free speech.

(A) All comments by proponents, opponents or other members of the public shall be made from the podium; individuals making comments shall first give their name and address.

(B) No comments shall be made from any other location, unless it is impractical to make comment from the podium. Anyone making “out of order” comments shall be subject to removal from the meeting. If a citizen is disabled and requires accommodation, the citizen is required to advise the City Clerk.

(C) There will be no demonstrations during or at the conclusion of a public hearing.

(D) The order for a public hearing shall be as follows: 1. The Chair calls upon City Staff to describe the matter under consideration. 2. The Chair calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration. 3. The Chair inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium. The Chair continues the public hearing to a specific time or closes the public hearing.

6.5 The Public Hearing Process for Quasi Judicial Matter: Closed Record. The procedure for Public Hearings involving a Quasi-Judicial closed record appeal shall be substantially as follows:

- (A) The closed record appeal for the (state name of application) is now open. There has been an open record hearing before the Hearing Examiner. Under state law, there is only one public hearing allowed in this proceeding. This closed record appeal means the Council will base its decision on the record developed at the public hearing before the Hearing Examiner; therefore no new testimony is allowed except in very limited circumstances. If a party has submitted a motion to supplement the record, Council will deliberate and vote on that motion before hearing argument from the parties.
- (B) Comments from the parties must be in the nature of argument only, based on and limited to facts in the written and oral record developed before the Hearing Examiner. If anyone presents comments that are not based on facts in the record, anyone may make an objection. If an objection is made, the person speaking will stop until the issue of the objection is resolved.
- (C) All comments shall be made from the podium. Please speak slowly and clearly because this hearing is being recorded. If anyone requires special accommodation in order to speak, please let me know and we will make arrangements.
- (D) Each party will have 15 minutes to present arguments. The appealing party will go first and will have the right to reply at the end of argument if they reserve time. The Council can ask questions at any time.
- (E) Before arguments begin, I'll remind the Council that this hearing is quasi-judicial in nature, and therefore the appearance of fairness and conflict of interest rules apply. Quasi-judicial actions are defined as actions of the Council that determine legal rights, duties, or privileges of specific parties in a hearing. The public hearing must be fair in three respects: form, substance and appearance. All council members should now give consideration as to whether they have (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record, or (4) ex parte contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. Does any Council member have an Appearance of Fairness or Conflict of Interest issue or disclosure to make? Seeing none, . . . (to next item, or if there is a question or disclosure, refer to City Attorney.)
- (F) Is there anyone in the audience who objects to my participation or any other Council member's participation in these proceedings? (Refer any affirmative answer to City Attorney.)
- (G) The purpose of this hearing is for the Council to hear the appeal and to take action relating to the (name of proposal – from the agenda). Each party will have 15 minutes to present arguments. The appealing party will go first and will have the right to reply at the end of argument if they reserve time. The Council can ask questions at any time.

- (H) Are there any written materials that have been submitted to the Council? (Any documents are given to City Attorney, who will read or summarize the document and should include the hearing examiner decision and any briefs filed by the parties)
- (I) Proceed to arguments.
- (J) Proceed to Council discussion. There being no further comment, I will close this portion of the hearing. It is now in order for the Council to discuss this matter and for a Council member to make a motion to take action or postpone. RCW 42.30.140(2) allows, but does not require, the Council to deliberate (but not vote) on quasi-judicial matters in a closed session. Does any Councilmember wish to make a motion to adjourn to a closed session for deliberation? (If so, vote on motion if it passes, adjourn for a set period of time for deliberations) b. If no one wants to go to a closed session, or the vote to do so fails due to a lack of majority vote in support, the Council will deliberate in an open session.
- (K) The Council shall make a motion and render its decision, directing the City Attorney, or designee, to draft the written decision.



City of Orting

City Council Rules of Procedure

TABLE OF CONTENTS

1. General Rules

- 1.1 Meetings to be Public
- 1.2 Quorum
- 1.3 Attendance, Excused Absences
- 1.4 Remote Participation
- 1.5 Council Meeting Staffing
- 1.6 Journal of Proceedings
- 1.7 Right of Floor
- 1.8 Rules of Order
- 1.9 Councilmember Seating

2. Types of Meetings

- 2.1 Regular Council Meetings
- 2.2 Special Meetings and Workshops
- 2.3 Council Committee Meetings
- 2.4 Emergency Meetings
- 2.5 Executive Sessions
- 2.6 Council Contact Outside an Official Meeting

3. Chairs and Duties

- 3.1 Chair
- 3.2 Call to Order
- 3.3 Preservation of Order
- 3.4 Points of Order
- 3.5 Questions to be Stated
- 3.6 Mayor – Powers
- 3.7 Mayor – Duties
- 3.8 Deputy Mayor – Powers
- 3.9 Deputy Mayor – Duties
- 3.10 Councilmembers – Powers
- 3.11 Councilmembers – Duties

- 4. Order of Business and Agenda**
 - 4.1 Order of Business
 - 4.2 Council Agenda
 - 4.3 Ordinances
 - 4.4 Resolutions
 - 4.5 Council Packets
 - 4.6 Council Confirmation of Mayoral Appointments

- 5. Consensus, Motions and Decorum**
 - 5.1 Consensus Votes
 - 5.2 Motions
 - 5.3 Council Relations with City Staff
 - 5.4 Council Representation to the Media

- 6. Public Hearing Procedures**
 - 6.1 Definition of Public Hearing
 - 6.2 Speaker Sign-In
 - 6.3 Conflict of Interest/Appearance of Fairness
 - 6.4 The Public Hearing Process

- 7. Duties and Privileges of the Media and Citizens**
 - 7.1 Media Representation
 - 7.2 Meeting Participation
 - 7.3 Subjects Not on the Current Agenda
 - 7.4 Comments and Suggestions to the Council
 - 7.5 Personal and Slanderous Remarks
 - 7.6 Written Communications

- 8. Filling Council Vacancies and Selecting Deputy Mayor**
 - 8.1 Notice of Vacancy
 - 8.2 Application Procedure
 - 8.3 Interview Process
 - 8.4 Selection of Councilmember
 - 8.5 Selecting Deputy Mayor

- 9. Creation of Committees, Boards and Commissions**
 - 9.1 Citizen Committees, Boards and Commissions
 - 9.2 Types of Committees
 - 9.3 Membership and Selection
 - 9.4 Committee Meetings
 - 9.5 Committee Records
 - 9.6 Open Public Meetings Act
 - 9.7 Removal of Members of Boards and Commissions

- 10. Public Records**

- 10.1 Public Records
- 10.2 Electronic Mail
- 10.3 Open Public Meetings Act Regarding Electronic Mail

11. Council Travel Expenses

- 11.1 Applications
- 11.2 Administration
- 11.3 Documentation
- 11.4 Council Retreats
- 11.5 Service Award Ceremonies
- 11.6 Transportation Expenses
- 11.7 Meals
- 11.8 Local Business Meals
- 11.9 Meeting through Mealtimes
- 11.10 Business Meals between City Employees and Non-City Employees
- 11.11 Meals While on Authorized Travel Status
- 11.12 Non-Reimbursable Expenditures
- 11.13 Lodging
- 11.14 Non-Allowable Expenses

12. Suspension and Amendment of These Rules

- 12.1 Suspension of These Rules
- 12.2 Amendment of These Rules
- 12.3 Conflict

1. General Rules

1.1 Meetings to be Public:

The meetings of the City Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). After minutes have been approved, the City Clerk will post the minutes on the website and retain the minutes in a fire proof safe or file, and retain them in accordance with Washington State Retention schedules.

1.2 Quorum:

A simple majority of Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 Attendance, Excused Absences:

RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. The member shall contact the Mayor or the City Clerk prior to the meeting and state the reason for his/her inability to attend the meeting. The Mayor shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes. If the motion is not passed, the City Clerk will note in the minutes that the absence is unexcused.

1.4 Remote Participation

Councilmembers are encouraged to attend meetings in person as often as possible. In the event that you are not able to attend meetings in person remote attendance preferably visually, and audibly will be permitted.

1.5 Council Meeting Staffing:

The City Administrator, City Clerk, City Treasurer, City Engineer and City Attorney shall attend all meetings of the Council unless excused. The staff may make recommendations to the Council and may take part in the discussions of the Council, but shall have no vote. The City Attorney shall give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.

Other City staff may be asked to attend if their expertise is required to answer questions or make a report on a specific agenda item.

1.6 Journal of Proceedings:

The City Clerk will keep an account of all proceedings of the Council, in accordance with statutory requirements, all proceedings will be either audio or video recorded and then written minutes will be prepared by the City Clerk, as the official record of the Council meeting. All Planning Commission and Civil Service Commission meetings will be audio recorded and written minutes shall be retained according to Washington State Record Retention schedules Committee meetings may be audio and written recorded and retained according to Washington State Record Retention schedules.

1.7 Right of Floor:

Any Councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered. Councilmembers may speak about the subject under consideration for a reasonable length of time.

1.8 Rule of Order:

Except as otherwise provided herein, *Robert's Rules of Order* shall be the guideline procedures for the proceedings of the Council.

1.9 Councilmember Seating:

A Councilmember's seat at the dais will be determined as follows or as mutually agreed upon by Council:

- (A) The Mayor shall sit in the center seat, and the Deputy Mayor shall sit to the Mayor's right.

2. Types of Meetings:

2.1 Regular Council Meetings:

The Council shall meet on the second, and last Wednesday of each month at 7:00 pm, at the Multipurpose Center (202 Washington Avenue South, or at another location the City Council may deem appropriate and noticed). The Council may reschedule regular meetings to a different date or time by a motion and majority vote of the Council. All meetings shall be open to the public.

2.1.1 Regular Study Sessions:

The Council shall hold, as regular meetings, study sessions at the Orting Multi-Purpose Center on the third Wednesday of each month, at 6:00 pm., unless otherwise noticed. Study sessions may be used by the city council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of city issues or city council business.

2.2 Special Meetings and Workshops:

Special meetings may be called by the Mayor or any three members of the Council in conformance with Chapter 35A.12 RCW. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall notify each member of the Council, as required by law, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting and post that notice to the City's website, to the News Tribune, and to the information box at City Hall and at the location of the City Council meeting. No subjects other than those specified in the notice shall be considered during the meeting. The Council may not make final disposition on any matter not mentioned in the notice. All special meetings shall be open to the public. The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three of more members of the Council. Discussions and conclusions shall be informal and do not constitute official actions of the Council.

2.3 Council Committee Meetings:

There shall be three standing council committees: Public Works; Public Safety; and Community and Government Affairs. Committee assignments shall be made in accordance with Rule 3.9. There shall be two councilmembers on each committee, with one serving as Chairperson and one serving as Vice Chairperson. The Chairperson shall chair the Committee meeting. A Councilmember may attend a Council Committee meeting for a Committee to which he or she is not assigned, however the non-committee member attends the Committee meeting as an observer and the Chair or presiding officer of the Committee determines the extent of the Councilmember's participation in the meeting.

Council Committees shall establish a regular time, date location for their meetings, and the City Clerk will maintain a list of committee meeting times, dates and locations. All meetings shall be publicly noticed and open to the public.

Agenda items for Council Committee Meetings may be submitted by any of the following: (1) the Mayor; (2) the City Administrator or his or her designee; and (3) a Department Director, with consent of the City Administrator; and/or (4) a City Councilmember.

Unless otherwise stated in these rules, the Council Committee may make recommendations on agenda items to the Council for consideration at a study session. In the event of a dispute between the Chairperson and Vice Chairperson on a particular agenda item, where no consensus can be reached, both recommendations may be submitted to the full council to debate at a study session.

2.4 Emergency Meetings:

An emergency meeting is a Special Council meeting called without 24-hour notice. An emergency meeting deals with injury or damage to persons or property or the

likelihood of such injury or damage, when time requirements of a 24-hour notice is impractical and would likely increase such injury or damage. Emergency meetings may be called by the City Administrator or the Mayor or two Councilmembers. The minutes will indicate the reason for the emergency.

2.5 Executive Sessions:

An executive session is a Council meeting that is closed except to the Council, City Administrator and staff members and/or consultants authorized by the Mayor. The public is restricted from attendance and all matters discussed during an executive session are confidential. Executive sessions may be held during regular or special Council meetings or at separate meetings and will be announced by the Mayor. Executive session subjects are limited to considering matters authorized by state law, as set forth in RCW 42.30.110, including considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, pending litigation, public employment applications and public employee evaluation, and elective office appointments. Before convening in executive session the Mayor shall publicly announce the purpose for excluding the public from the meeting place, the time when the executive session will be concluded and the potential for action by Council when it reconvenes. Should the session require more time, a public announcement shall be made by the City Clerk, extending the meeting to a specific time. At the end of that time, if the discussion has not concluded, the meeting shall, by public announcement, again be extended to a specific time. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session.

2.6 Council Contact outside an Official Meeting:

Generally Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

3. Chairs and Duties

3.1 Chair:

The Mayor shall preside as Chair at all meetings of the Council, except as otherwise stated in these rules. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Council shall elect a Chair for that meeting.

3.2 Call to Order:

The meetings of the Council shall be called to order by the Chair.

3.3 Preservation of Order:

The Chair shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

3.4 Points of Order:

The City Attorney who is the parliamentarian, shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the parliamentarian be sustained?"

3.5 Questions to be stated:

The Chair shall state all motions submitted for a vote and announce the result. A roll call vote may be taken by the City Clerk on any question at the request of the Mayor or any member of the City Council.

3.6 Mayor – Powers:

The Mayor may not make or second motions, but may participate in debate to the extent that such debate does not interfere with chairing the meeting. If the Mayor wishes to participate vigorously in the debate of an issue, the Mayor shall turn over chairing of that portion of the meeting to the Deputy Mayor, or to another Councilmember if the Deputy Mayor is absent. The Mayor's voting rights and veto power are as specified in RCW 35A.12.100.

3.7 Duties:

The Mayor or designee shall:

- (A) Be the official spokesperson for the City.
- (B) Act as the official head of the City for all ceremonial purposes.
- (C) Sign contracts and other documents as appropriate on behalf of the Council.
- (D) Observe and enforce all policies and procedures adopted by the Council.
- (E) Act as presiding officer at all meetings of the Council.
- (F) Preserve order and decorum in the Council Chambers.
- (G) Recognize Councilmembers in the order in which they request the floor.
- (H) Endeavor to keep the discussion moving and within a reasonable timeframe.

- (I) Share information with Councilmembers on meetings, issues, etc., that the Mayor has received as part of his/her official status as Mayor.

3.8 Deputy Mayor – Powers:

- (A) In the event of the temporary disability or illness of the mayor the Deputy Mayor will assume the Mayor’s powers.

3.9 Deputy Mayor -- Duties:

- (A) Term of the Deputy Mayor shall be one year. (February 1st, to January 31st.)

(B) Vacancy of Deputy Mayor

1. Planned Vacancy. In the event the Deputy Mayor plans to vacate the office of Deputy Mayor prior to the end of their term, Council shall appoint a new Deputy Mayor based on the Deputy Mayor selection process at the last regular Council meeting the current Deputy Mayor will attend to complete the term.

2. Unplanned Vacancy. In the event the Deputy Mayor vacates the office of Deputy Mayor without prior notice before the end of their term, Council shall appoint a new Deputy Mayor based on the Deputy Mayor selection process at the next regular Council Meeting to complete the term.

- (C) Election of Deputy Mayor. At the first meeting of January, the Council shall elect a Deputy Mayor (DM) for a term of one year, beginning Febraury 1st, and ending the last day of January.

- (D) The election process shall be as follows:

1. The Deputy Mayor shall serve as the Chair for the nomination process for the position of DM, unless they are a nominee in the process, at which time it will be turned over to the Mayor as Chair. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.

2. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Second nominations will then be accepted.

3. Nominations may be made by another Councilmember, or by self.

4. Nominations may include brief supporting comments by the Councilmember.
5. A Councilmember may withdraw their nomination from consideration.
6. Nominations do not require a second.
7. After nominations have been closed (see #2 above for second nominations), each nominee will have an opportunity to speak, either at their seat or at the podium. If the nominee chooses to speak, it may not be for longer than three minutes, with a fifteen second wrap-up period. Then voting for DM will precede:
 - a. Voting will be according to alphabetic order, A-Z of nominations made. Any second vote will be by reverse order, Z-A; continuing to reverse as necessary for subsequent votes. This is done to be as fair as possible to all nominees.
 - b. If there is **only one nominee** for the position, the Chair will open the floor for a motion and appointment.
 - c. If there are **two nominees**, the following scenario will be followed:

Scenario #1: 2 Nominees, 7 standing councilmembers

1. Clerk does a roll call for Councilmembers on their preferred candidates
 2. Nominee A receives 3 votes
 3. Nominee B receives 4 votes
 4. Deputy Mayor is chosen (Nominee/Candidate B) by majority consensus, no further motion of appointment necessary.
- d. If there are **three or more nominees**, the following scenarios will be followed:

Scenario #1: 3 or more Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Council-members on their preferred candidates
2. Nominee A gets 3 votes
3. Nominee B gets 2 votes
4. Nominee C gets 2 votes
5. Nominee A is chosen as Candidate A. Chair sets a second ballot for Nominees B & C to determine second candidate.

6. Clerk does a roll call for Councilmembers on their preferred candidate
7. Nominee B gets 3 votes
8. Nominee C gets 4 votes
9. Nominee C is chosen as Candidate B.
10. Clerk does a roll call for Councilmembers on the two final candidates
11. Candidate A gets 2 votes
12. Candidate B gets 5 votes
13. Deputy Mayor is chosen (Candidate B) by majority consensus, no further motion of appointment necessary.

Scenario #2: 3 or more Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Councilmembers on their preferred candidates
2. Nominee A gets 3 votes
3. Nominee B gets 3 votes
4. Nominee C gets 1 vote
5. Chair need not set a second ballot as there is a top-two
6. Clerk does a roll call for Councilmembers on their preferred candidate from A & B
7. Candidate A gets 5 votes
8. Candidate B gets 2 votes
9. Deputy Mayor is chosen (Candidate A) by majority consensus, no further motion of appointment necessary.

Scenario #3: 3 or more Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Councilmembers on their preferred candidates.
2. Nominee A gets 4 votes
3. Nominee B gets 2 votes
4. Nominee C gets 1 vote
5. Deputy Mayor is chosen (Nominee/Candidate A) by majority consensus, no further motion of appointment necessary.

8. The goals of this procedure are, above all: public transparency, consensus, respect, and fairness.

(E) When filling Council vacancies, see section 8.

(F) An appointment committee consisting of the Deputy Mayor, one (1) Councilmember, and the Mayor shall recommend assignments for the

Council Committee Chair and Vice-Chair positions in accordance with the following procedure:

- a) The appointment committee shall provide recommendations for Council Committee assignments to the full Council for its approval no later than the first regular meeting in February.
- b) Each Council member shall be assigned to at least one (1) Council Committee, with the exception of the Deputy Mayor who shall chair the study session and shall not be assigned a role in a Council Committee.
- c) Chairperson selection shall be based on seniority, balance of experience, knowledge and interest prior to assignment.
- d) The appointment committee shall give weighted consideration for those working on long range project.

3.10 Councilmember - Powers:

Any Councilmember may bring forth an item, resolution or ordinance by submitting a timely request to the City Clerk for inclusion on a Council Committee's Agenda or Study Session Agenda. At the request of the Councilmember(s) sponsoring the proposed legislation, their name(s) shall appear on the agenda indicating such sponsorship.

3.11 Councilmember – Duties:

Councilmembers are individually responsible for gathering additional information on issues, calling staff with questions or requesting information to be included in Council Meeting Packets. Councilmembers who attend meetings of another jurisdiction or regional meetings should provide a report.

4. Order of Business and Agenda

4.1 Order of Business:

The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

- 1. Call to Order:** The Mayor calls the meeting to order.
- 2. Pledge of Allegiance**
- 3. Roll Call:** The Mayor requests a roll call of Councilmembers and indicates whether an absent Councilmember has requested an excused absence.

Excused absences will be handled as stated in Section 1.3 of this document. After roll call any additions or deletions to the agenda should be addressed.

4. **Public Comments:** Members of the audience may comment on items relating to any matter not on the agenda. Comments are limited to three minutes, or for a person speaking on behalf of a group or organization, comments are limited to five minutes. No speaker may convey or donate his or her time for speaking to another speaker. Persons addressing the Council will be requested to step to the podium and give their name and address for the record.
 5. **Awards, Confirmations & Presentations:** The Mayor makes announcements of upcoming meetings and events. Other special presentations may also be scheduled at this time.
 6. **Public Hearings:** See Section 6.
 7. **Consent Agenda:** The Consent Agenda contains items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, and claims. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember.
 8. **Commission Reports & Committee Reports on Titles of Agenda Bills Moving To Study Session From Committee.**
 9. **Old Business**
 10. **New Business**
 11. **Executive Session**
 12. **Adjournment**
- 4.2 **Council Agenda:**

4.2.1 Regular Council Meetings. The Mayor, City Administrator and the City Clerk shall prepare the agenda for Council meetings. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare). An item may be placed on a Council regular meeting agenda by any of the following:

- (A) The Deputy Mayor or a majority of the Council (after consideration of the item at a study session);
- (B) The Mayor

- (C) The City Administrator or a Department Director, with the approval of the City Administrator.

Agenda items shall be submitted in final form to the City Clerk no later than 12:00 pm on the Thursday prior to the meeting.

4.2.2 Regular Study Sessions. An item may be placed on a Council study session agenda by any of the following:

- (A) A Councilmember;
- (B) A Council Committee, per Rule 2.3;
- (B) The Mayor; or
- (D) The City Administrator, or a Department Director with the approval of the City Administrator.

Agenda items shall be submitted in final form to the City Clerk no later than 12:00pm on the Thursday prior to the meeting.

Items reviewed by Committee will be scheduled for Council review at a study session, per committee recommendation (see Rule 2.3). Committee Chairs will notify the City Clerk of any upcoming Council agenda items or hearings, so that proper notification may be made.

An item may be delayed if the Mayor and/or City Administrator know it is of particular importance to an absent Councilmember.

4.3 Ordinances:

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after publication in the City's official newspaper. Ordinances may be passed under any of the agenda sections.

The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance prior to placing it before the City Council for their consideration.

Upon enactment of the ordinance, the City Clerk shall obtain the signature of the City Attorney and the Mayor. The City Clerk is responsible for notifying Sterling Publisher of new ordinances, so that they will be codified, and Ordinance titles or summaries shall be published in the official newspaper as a legal publication in the first publication following enactment.

4.4 Resolutions:

Resolutions are adopted to express Council policy or to direct certain types of administrative action by the Mayor. A resolution may be changed by adoption of a subsequent resolution. Resolutions may be passed under any of the agenda sections.

The City Clerk shall assign a permanent resolution number prior to placing the resolution on the agenda. The City Attorney shall review the resolution prior to placing it before the City Council for their consideration.

Upon enactment of the resolution, the City Clerk shall obtain the signature of the City Attorney and the Mayor. After the Mayor's signature, the City Clerk shall sign the resolution.

4.5 Council Packets:

Agendas and packets will be provided to the City Council by 5 pm the Friday prior to the meeting. The City Clerk will post the Agenda Packet on the City's Website. Agendas and packet materials will be available at the Council meeting and may be requested at City Hall from the City Clerk by the public.

4.6 Council Confirmation of Mayoral Appointments:

In addition to select Councilmember participation in any Mayoral-defined hiring process, the Council will, per Ordinance 961, confirm the appointment of certain mayoral appointments prior to final hiring actions.

Currently the appointment of the City Administrator, City Treasurer, City Clerk, Police Chief, City Attorney, Public Works Director, Building Inspector/Official, and Parks and Recreation Director are subject to Council confirmation. The confirmation of the Municipal Judge is provided pursuant to OMC Chapter 1-10.

The confirmation process, if circumstances allow, should be scheduled for televised meetings. These meetings should be broadly advertised via the official publication, reader boards, City website, social media pages, etc. to allow maximum public notification. The Mayor may request a Special Meeting if pressing and extenuating hiring circumstances exist.

The confirmation process is as follows:

- (A) Prior to the meeting, the Council will be provided a copy of the Employment Application and/or resume (with personal information redacted) for review in the Council Packet. Staff may provide other pertinent information as appropriate.

- (B) During the Confirmation agenda item of the Council meeting the:

1. Mayor or City Administrator will introduce the nominated applicant and briefly recap the process that resulted in the nominee being selected for the position,
 2. The applicant (if available to attend) will provide a brief background and description of their qualifications to the Council.
 3. Council will have a question and answer opportunity with the applicant and/or staff to last up to 30 minutes (time may be extended upon majority Council consent), and
 4. Public Testimony will be taken with each speaker given a maximum of three minutes to provide comments. All comments must be directed toward the Chair and limited to the confirmation discussion. Two-way discussions are discouraged.
- (C) An executive session in accordance with RCW 42.30.110(g) may be requested by any Councilmember to “evaluate the qualifications of an applicant for public employment or to review the performance of a public employee” if questions or concerns arise that should not be discussed in a public forum. Final actions must take place in an open meeting.
- (D) After the question and answer session, upon resumption of the regular meeting after an Executive Session (if requested), and upon a motion, the Council will vote to confirm the hire/ nomination on a simple majority vote of the present Council quorum.

5. Consensus, Motions and Decorum

5.1 Consensus Votes:

When a formal motion is not required on a Council action or opinion, a consensus voice vote may be taken. The Chair will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

5.2 Motions:

- (A) Making a Motion.** Motions shall be clear and concise and not include arguments for or against the motion within the motion. No motion shall be entertained or debated until duly seconded and announced by the Chair. A motion that does not receive a second dies. After a motion and second, the Mayor will indicate the names of the Councilmembers making the motion and second. After a motion has been made and seconded, the Councilmember making the motion may speak to the motion and then the Council may discuss their opinions on the issue prior to the vote. Motions that do not

need a second include nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.

- (B) Audience Comment.** Audience comment on a motion may be taken after the briefing on the motion occurs and before the motion is voted on by the Council.
- (C) Restatement of Motions.** The City Council votes on motion as restated by the Chair if the motion is amended.
- (D) Votes on Motions.** Each member present shall vote on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify himself or herself prior to any discussion of the matter. If a majority of Council arrives at a consensus to put up an issue for vote and a Councilmember is not there when the vote takes place, the Councilmember cannot bring the item back.
- (E) Failure to Vote on a Motion.** Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- (F) Unanimous Vote.** If the vote is unanimous, the Mayor shall state that the motion has passed unanimously according to the number of Councilmembers present such as “7-0” or “6-0”.
- (G) Roll Call Vote.** If a vote is not unanimous, and the Mayor or a Councilmember requests it, each Councilmember shall state his/her vote and the City Clerk shall record it. The City Clerk then restates the outcome of the vote. For example, the outcome may be restated as, “Councilmembers A, B, C and D vote ‘yes’. Councilmembers E, F and G vote ‘no’. The vote is 4-3 to adopt Ordinance No_____. The motion carries.”
- (H) Tie Vote.** A motion that receives a tie vote is deemed to have failed.
- (I) Topic Closed.** Once a vote on a motion has been taken, the topic of motion is closed for the remainder of that meeting.
- (J) Withdrawal of Motion.** A motion may be withdrawn by the maker of the motion at any time before a vote is taken without the consent of the Council. If the motion had received a second, the Councilmember making the second must also agree to withdraw or the motion remains on the table for discussion, debate and disposition.
- (K) Motions to Reconsider.** A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. No motion to reconsider an

adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

- (L) Motion to Lay on the Table.** A motion to table shall preclude all amendments or debates of the issue under consideration. It requires a second, is not debatable, is not amendable, and requires a majority vote. The purpose of the motion to lay on the table is to temporarily set aside the motion in order to conduct other more urgent business. A motion not taken from the table by the close of that meeting or the next regular meeting dies on the table. If the motion to table prevails, the matter may be “taken from the table” by motion which requires a second, is not debatable and requires a majority vote. When a motion is taken from the table, everything is in the same condition as it was when laid on the table, including any amendments to the original motion that received an affirmative vote prior to the motion to table.
- (M) Motion to Postpone to Date Certain.** A motion to postpone to a time certain requires a second, is debatable, is amendable, requires a majority vote and may be reconsidered at the same meeting. The original motion being postponed must be considered at a time certain at a future regular or special Council meeting.
- (N) Motion to Postpone Indefinitely.** A motion to postpone indefinitely requires a second, is debatable, is not amendable, and takes precedence over the main motion and requires a majority vote. This motion assists in disposing of the main motion. Its purpose is to reject a main motion without a vote on the main motion. Postponed indefinitely is an indirect or polite motion by which a main motion may be disposed of.
- (O) Motion to Call for the Question.** A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.
- (P) Motion to Amend.** A motion to amend is defined as amending a motion that is on the floor and has been seconded by inserting or adding, striking out, striking out and inserting, or substituting. Motions that cannot be amended include a motion to adjourn, to amend the agenda order, lay on the table, for a roll call vote, for a point of order, for reconsideration and take from the table. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- (Q) Interpretation.** The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature that may arise at a Council meeting.

- (R) Order of Precedence.** All cases not provided for in these rules shall be governed by the most current version of Robert's Rules of Order Newly Revised. In the event of a conflict between Robert's Rules of Order and these Council rules, these Council rules shall prevail.

5.3 Council Relations with City Staff:

The following guidelines should be adhered to:

- (A) There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- (B) City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge the City staff as administering the Council's policies.
- (C) Councilmembers with particular interest in an item or topic should be given a courtesy call if that item is rescheduled.
- (D) Councilmembers shall not attempt to direct City staff in performing their regular daily functions.
- (E) No Councilmember shall direct the City staff to initiate any action or prepare any report, or initiate any project or study without the consent of the Mayor. New initiatives having policy implementation shall be directed to a Council Committee for consideration.
- (F) Individual requests for information can be made directly to any staff member. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator.
- (G) To provide staff the necessary preparation time, Councilmembers will provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

5.4 Council Representation to any Media and other Organizations:

Councilmembers shall use the following guidelines when speaking with the media:

- (A) If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be

expressed if the Councilmember clarifies that these statements do not represent the Council's position.

(B) Councilmembers need to have other Councilmembers' concurrence before representing: (1) another Councilmember's view or position, or (2) the majority of Council's view or position with the media, another governmental agency or community organization.

(C) As a matter of courtesy, letters to the editor, interviews or other communication by a Councilmember of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council and Mayor prior to publication so that the Councilmembers may be made aware of the pending publication.

6. Public Hearing Procedures

6.1 Definition of Public Hearing:

There are two types of public hearings: legislative and quasi-judicial. Legislative hearings focus on broad policy with general application. Quasi-judicial hearings focus on the rights of specific parties and decisions must be based on a formal record. The Mayor will state the public hearing procedures before each public hearing, staff and/or consultants will introduce the topic. Citizens may comment on public hearing items.

6.2 Speaker Sign-In:

Prior to the start of a public hearing the Mayor may require that all persons wishing to be heard sign in with the City Clerk, giving their name and whether they wish to speak as a proponent, opponent or from a neutral position. Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Mayor will establish time limits and otherwise control presentations. (The speaking time limit is three minutes per speaker or five minutes when presenting the official position of an organization or group). The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

6.3 Conflict of Interest/Appearance of Fairness:

Prior to the start of a public hearing, the Chair will ask if any Councilmember has or may have an interest or may have engaged in an ex-parte communication which could, pursuant to Ch. 42.23 RCW or Ch. 42.36 RCW, prohibit or disqualify the Councilmember from participating in the public hearing process.

A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down, is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision

nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest. The appearance of fairness doctrine applies only during quasi-judicial hearings. The conflict of interest provisions, however, apply anytime there will be a vote by the council on a contract. Normally, an announcement would not be required for a vote in which a conflict would occur and it is up to the elected official to bring up the conflict. The City Attorney may prompt the Councilmember to remove him or herself or not participate in the vote. However, if there is a conflict, this must be announced on the record before the vote. The Councilmember is not required to leave during the vote or discussion, but may not participate in the vote.

6.4 The Public Hearing Process:

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right to free speech.

- (A) All comments by proponents, opponents or other members of the public shall be made from the podium; individuals making comments shall first give their name and address.
- (B) No comments shall be made from any other location, unless is it is impractical to make comment from the podium. Anyone making “out of order” comments shall be subject to removal from the meeting. If a citizen is disabled and requires accommodation, the citizen is required to advise the City Clerk.
- (C) There will be no demonstrations during or at the conclusion of a public hearing.
- (D) The order for a public hearing shall be as follows:
 - 1. The Chair calls upon City Staff to describe the matter under consideration.
 - 2. The Chair calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration.
 - 3. The Chair inquires as to whether any Council-member has questions to ask the proponents, opponents, speakers or staff. If any Council-member has questions, the appropriate individual will be recalled to the podium.

4. The Chair continues the public hearing to a specific time or closes the public hearing.

7. Duties and Privileges of Media and Citizens

7.1 Media Representation:

Seating space shall be provided for the media at each public meeting. The media shall also be provided with a packet containing the background information provided to the Council.

7.2 Meeting Participation:

Citizens are welcome at and encouraged to attend all Council meetings. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Cell phones will be silenced and not used for phone calls during council meetings.

7.3 Subjects Not on the Current Agenda:

Under agenda item "Comments from Citizens" citizens may address any item not already on the agenda. They shall first obtain recognition by the Chair, stand at the podium, state their name, address and subject of their comments. The Chair shall then allow the comments, subject to a three-minute limitation per speaker and five-minute limitation per speaker representing a group or organization, or other limitations as the Chair may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

7.4 Public Comments and Suggestions to Council:

When citizen comments or suggestions unrelated to the agenda are brought before the City Council, the Chair shall first determine whether the issue is legislative or administrative in nature and then:

- (A) If the issue is legislative, and comments on the letter or intent of a legislative act or is a suggestion for changes to such an act, and if any Councilmember suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, City Administration, City Attorney or the Council as a whole for study and recommendation.

- (B) If the issue is administrative and comments on administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Administrator, the Chair should then refer the complaint directly to the City Administrator for his/her review if the complaint has not yet been reviewed. The City Council may direct that the City Administrator report to the Council his/her response and resolution.

7.5 Personal and Slanderous Remarks:

Any person making personal, offensive, impertinent or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience participation before the Council during that Council meeting by the Mayor.

Any councilmember making personal, offensive, impertinent or slanderous remarks to a member of the audience, city staff member or another councilmember will be asked to refrain. If the remarks continue he/she may be asked to leave the meeting.

7.6 Written Communications:

Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council had control at any time. The written communication may be submitted by direct mail, e-mail, text message or by addressing the communication to the City Clerk who will distribute copies to the Mayor and Councilmembers. The communication will be entered into the record without the necessity for reading as long as sufficient copies are available to members of the audience/public.

7.7 Video Recording of Public Meetings:

All public meetings of the City of Orting, including but not limited to regular and special meetings of the City Council, committee meetings and commission and board meetings may be recorded by members of the public, including members of the media. The City reserves its right to place restrictions on the location of all recording equipment, so as to ensure the recording equipment does not pose a safety hazard, and that the recording does not hinder the public's attendance or disrupt the decorum of the meeting. Failure to comply with the City's request to move recording equipment may result in expulsion from the meeting.

In order to preserve the decorum of the regular and special meetings of the City Council, all recording equipment shall be placed south of the kitchen door at the Multipurpose Center, in a location that does not pose a safety hazard or otherwise interfere with the public's access to attend and view the meeting.

At Committee meetings located at the Public Safety Building, all recording equipment shall be placed at the end of the first row on the west side of the meeting space in a location that does not pose a safety hazard or otherwise interfere with the public's

access to attend and view the meeting, and shall be placed at the northwest corner of the room at the Multipurpose Center Conference Room. The Committee Chair (or his or her designee) may proscribe an alternative location for placement of recording equipment, so long as the location does not pose a safety hazard, does not hinder the public's attendance and does not disrupt the decorum of the meeting.

8. Filling Council Vacancies and Selecting Deputy Mayor

8.1 Notice of Vacancy:

If a Council vacancy occurs, the Deputy Mayor will take the lead with the assistance of two councilmembers and guide the Council through the procedures as outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available, until an election is held, the Council will widely distribute and publish a notice of the vacancy, procedure, deadline for applying for the position and the date of the interview.

8.2 Application Procedure:

Each applicant will submit a written request to the City Clerk prior to the posted deadline.

8.3 Interview Process:

All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting. The order of the interviews will be determined by a drawing of names. Applicants will be asked to answer questions posed by each Councilmember during the interview process. Each candidate will be allowed two minutes for opening and closing comments. Candidates may not make comments or responses about other applicants.

8.4 Selection of Councilmember:

The Council may recess into executive session to discuss the qualifications of all candidates. Nominations via a motion, voting and selection of a person to fill the vacancy will be conducted during an open public meeting. If no motion is made, none of the candidates shall be selected.

The City Clerk will prepare the Oath of Office and the Mayor, The City Administrator or the City Clerk may swear in any newly-appointed Councilmember. The new Councilmember will immediately take his/her seat with the Council.

8.5 Selecting Deputy Mayor:

The Deputy Mayor will be selected by a majority of the Councilmembers annually at the first Council meeting in January.

9. Committees and Commissions

9.1 Citizen Committees, Boards and Commissions:

The Council will create committees and commissions to assist in the conduct and operation of city government with such duties as are consistent with the Orting Municipal Code.

9.2 Types of Committees:

There shall be four types of committees in the City of Orting.

- (A) Standing Committees. Such committees will be established to conduct business by the Deputy Mayor plus one council member and the mayor when delegated to the legislative body and approved by the council.
- (B) Ad Hoc Committees. Such Council Advisory Committees are to investigate a specific subject and report back to the City Council. Such a group may be chaired by a council-member. Typically such a Committee would focus on a policy issue or legislative matter.
- (C) Citizen Advisory Commissions. Such groups are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject to the Council, for example Parks and Planning Commissions.
- (D) Mayor's Committee. Such Committees are formed to investigate a specific operational issue and report back to the Mayor and City Council. It may be chaired by a councilmember or the Mayor.

9.3 Membership and Selection:

Membership and selection of members shall be as provided by the Mayor or designee and confirmed by the Council. Any committee or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. Committees so appointed shall have advisory powers to the Council except as otherwise specified in the Orting Municipal Code (OMC).

9.4 Committee Meetings:

Committees shall establish a regular time, date location for their meetings. The City Clerk will maintain a list of committee meeting times, dates and locations. Committees may make recommendations for action to the Council as a whole. Councilmembers who do not serve on a committee with questions or concerns about an agenda item, are responsible to contact staff or a committee member prior to the meeting to express their concern or need for additional information.

9.5 Committee Records:

Draft summaries of each meeting will be prepared by a committee member or the staff assigned to the committee by the City Administrator and distributed to each Councilmember. Verbal reports may be given at Regular and Special Council meetings as requested by a committee member, the committee chair, the Mayor or any member of the Council.

9.6 Open Public Meetings Act:

The City Council Committees shall comply with the state's "Open Public Meetings Act."

9.7 Removal of Members of Boards and Commissions:

The Mayor may remove any member of any commission based upon the following criteria.

- (1) Parks Advisory Board: Three consecutive unexcused absences will result in automatic removal. (OMC 2-5-2)
- (2) Planning Commission: The mayor may remove after a public hearing and with approval by the council. (OMC 2-1-3)
- (3) Civil Service Commission: Any member of the commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause. (RCW 41.12.030)

10. Public Records

10.1 Public Records:

Records created or received by the Mayor or any Councilmember should be transferred to the City Clerk for retention by the City in accordance with the Public Records Act, Chapter 42.56 RCW. Public records that are duplicates of those received by, or in the possession of the city, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained; should be referred to the City Attorney.

10.2 Electronic Mail:

Electronic communications that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute public records.

10.3 Open Public Meetings Act Regarding Electronic Mail:

E-mails between elected officials of a governing body can implicate the Open Public Meetings Act. If discussing city business with a fellow Councilmember via e-mail, it can constitute a meeting and all the requirements for a public meeting would have to be met or a violation of the Act could occur.

11. Council Travel Policy

11.1 Applications:

The provisions of Chapter 42.24 RCW and the Budgeting, Accounting, and Reporting Systems (BARS) manual prescribed by the Washington State Auditor's Office apply. The City of Orting reimburses its elected or appointed officials for reasonable travel, subsistence and related expenses incurred conducting City business provided the expenses are prudent and directly related to the individual's service on behalf of the City.

11.2 Administration:

The City Treasure administers the travel and expense reimbursement program, designs and distributes forms and instruction and carries responsibility for review of claims. Claims will not be allowed without a detailed account of monies spent certified by the individual making the claim as required by the Division of Municipal Corporations in the Office of the State Auditor.

11.3 Documentation:

Claims for personal reimbursement must be made on official forms, be accompanied by the vendor's original receipt or bankcard charge slip showing the date, vendor imprinted name, amount paid and the items/services received, and must be certified correct and signed by the individual seeking reimbursement.

In addition to the documentation above, claims for business related meals require the following documentation:

- (A) The names of the individuals participating.
- (B) Their official title or capacity as it relates to city business.
- (C) The nature of the topics discussed, nature of the occasion, what public purpose or policy was being served (and/or copy of agenda).

11.4 Council Retreats/Executive Team Retreats:

The reasonable cost of necessary food and beverages while conducting a City retreat is authorized for reimbursement.

11.5 Service Awards Ceremonies:

Expenditures for reasonable refreshments served and awards given are eligible for reimbursement.

11.6. Transportation Expenses:

Public officials are to exercise prudent judgment in incurring travel expenses on official City business. Excessive or unnecessary expenses will not be reimbursed or paid for by the City.

Authorization of travel is to be exercised through the use of the current budget. Reasonable transportation expenses for approved travel will be reimbursed. The most direct and cost effective mode of transportation will be the basis for the reimbursement. Out-of-state travel must be approved by the City Council. In-state travel means travel within the state of Washington. In special or unusual circumstances, arrangements will be made to accommodate unique transportation requirements.

11.7 Meals:

Based on recommendations from the State Auditor's Office, the City uses the following guidelines in determining the use of public funds for expenditures for food and beverages:

- (A) Name of the consumer.
- (B) Nature of the occasion for the consumption.
- (C) Public purpose or policy objective was served.
- (D) The expenses are consistent with the policy authorizing reimbursement.

11.8 Local Business Meals:

Meals (including snacks) between City public officials/employees will not normally be reimbursed. It is expected that City business between City public officials/employees can, for the most part, be conducted on City premises during normal work hours.

11.9 Meetings through Mealtimes:

The City recognizes that there are occasions when it may be necessary for a group of public officials and/or employees to work through a meal in order to meet a deadline or to keep a group convened in order to accomplish the task. To be considered for reimbursement as a working meal, the meeting must span over a three-hour period, which includes the group's normal mealtime.

11.10 Business Meals between City Employees and Non-City Employees:

The practice of the City providing meals to non-city employees is discouraged. However, for directors and above, the City recognizes that there are situations where non-city employees provide an unpaid service to the City during a mealtime. The costs of meals while conducting City business with persons other than City employees either locally or out of town are authorized for reimbursement subject to the limitations described in this document.

11.11 Meals While On Authorized Travel Status:

Per Diem shall be used for meals while out of town on city business. Out of town means the one-way travel distance is greater than 40 miles from the city and overnight stay is required. Per Diem for meals shall be at the rate in effect at the time of travel for the specific area or locality. The maximum allowable rate shall be those in effect by the State of Washington, Office of Financial Management.

11.12 Non-Reimbursable Expenditures:

Unauthorized expenditures include, but are not limited to, liquor, expenses of spouse, guests or other persons not authorized to receive reimbursement under this policy or state regulations. Situations not specifically addressed above will be reviewed by the City Administrator for propriety.

11.13 Lodging:

Hotel/motel accommodations for public officials/ employees attending out-of-town functions on city business are acceptable. Lodging expenses shall be reimbursed at actual costs, as evidenced by a receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. The maximum allowable lodging rates shall be those in effect by the State of Washington, Office of Financial Management.

The cost of accommodations should be requested by purchase order and billed directly to the City by the vendor whenever possible. If advance payment is required, a purchase order will be prepared and the lodging registration will serve as supporting documentation for the claims check issued to the vendor. A vendor's receipt for these expenditures is required in all cases. In some situations, the maximum allowable lodging amount may not be adequate and the City Administrator may approve payment of lodging not to exceed 150% of the applicable maximum per diem amount.

11.14 Non-Allowable Expenses:

Certain travel expenses are considered personal and not essential to the transaction of official city business and therefore not reimbursable. Such non-reimbursable expenses include, but are not limited to: Baggage checking, valet services, laundry

services, entertainment expenses, radio or television rental, transportation to or from places of entertainment, costs of personal trip insurance, medical and hospital services, personal toiletry articles, barber or hairdresser, personal postage or reading materials, expenses of a spouse or other family member, mileage allowance for commuting to regular, special, and committee meetings of the City Council, expenses on a personal car, meal expenses for formal meetings of City Council committees, fines for violation of motor vehicle laws.

12. Suspension and Amendment of These Rules

12.1 Suspension of These Rules:

Any provision of these rules not governed by state law or the Orting Municipal Code may be temporarily suspended by a vote of a majority of the Council.

12.2 Amendment of These Rules:

These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

12.3 Conflict:

In the event of a conflict between the City Council Rules of Procedure and other rules adopted by resolution of the Council, these City Council Rules of Procedure shall prevail to the extent of the conflict. In the event of a conflict between these City Council Rules and state law, state law shall prevail to the extent of the conflict.



**City of Orting
Council Agenda Summary Sheet**

	Agenda Bill #	Recommending Committee	Study Session Dates	Regular Meeting Dates
Subject: Hearing Examiner Appointment.	AB24-04			
				1.10.2024
	Department:	City Attorney		
	Date Submitted:	1.5.2024		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:	ASAP			
Submitted By:	Charlotte Archer			
Fiscal Note: The city averages approximately 3 hearings per year related to land use, code enforcement, animal control and business licensing. Appellants pay a fee which offsets a portion of the hearing costs.				
Attachments: Qualifications and Draft Contract				
SUMMARY STATEMENT:				
<p>Orting Municipal Code 1-12-2 requires the Hearing examiner “to be named by the mayor with the advice and consent of the council and shall serve an indeterminate term at the pleasure of the mayor. Compensation shall be fixed by the city council.”</p> <p>The City’s code requires a Hearing Examiner to hear matters related to land use, code enforcement, animal control and business licensing. The existing Hearing Examiner Contract was on a continuance. At the end of 2023 staff advertised publicly for Hearing Examiner services and received no responses. Due to no responses, staff reached out to Mr. Olbrichts who provides Hearing Examiner services to a number of other local jurisdictions. Mr. Olbrichts has experience as a City Attorney and City Planning Director, and has taught land use law in the University of Washington graduate school of planning. Mr. Olbrichts has also held over 1,000 land use hearings since 1997.</p>				
RECOMMENDED ACTION: <u>Action:</u>				
To Confirm the Mayor’s appointment of Phil Olbrichts as Hearing Examiner.				
RECOMMENDED MOTION: <u>Motion:</u>				
To confirm Phil Olbrichts as the City of Orting Hearing Examiner, and authorize the Mayor to negotiate a consultant contract in a form approved by the City Attorney. Total compensation over the contract period shall not exceed \$75,000.				

PROFESSIONAL SERVICES AGREEMENT
for
CONSULTANT SERVICES

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2024, by and between the City of Orting (“City”) and Olbrechts & Associates, PLLC, organized under the laws of the state of Washington (“Consultant”).

RECITALS:

WHEREAS, the City maintains the role of Hearing Examiner to oversee code enforcement appeals and certain land use decision making; and

WHEREAS, the City desires to contract for the services of Hearing Examiner to provide additional coverage to meet the volume of work;

WHEREAS, Consultant has the qualifications to serve as Hearing Examiner for the City;

NOW, THEREFORE, the Parties hereby agree as follows:

AGREEMENT:

1. **Scope of Work.** The Consultant shall perform all work and provide all materials described in the Scope of Work set out in **Exhibit A** attached hereto and incorporated herein by this reference. Such work shall be performed using facilities, equipment and staff provided by Consultant, unless otherwise agreed to as part of this agreement, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations.
2. **Ownership of Work Product.** Documents, presentations and any other work product produced by the Consultant in performance of work under this Agreement shall be tendered to the City upon completion of the work, and all such product shall become and remain the property of the City and may be used by the City without restriction; *provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.
3. **Payment.** The Consultant shall be paid by the City for completed work and services rendered under this Agreement pursuant to the rates and charges set out in Exhibit A, attached hereto and incorporated herein by this reference, with a total not-to-exceed cap of \$75,000 for the term of this Agreement. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement shall list actual time and dates during which the work was performed and the compensation shall be figured using the rates set out in **Exhibit B**.

Acceptance of final payment by the Consultant shall constitute a release of all claims, related to payment under this Agreement, which the Consultant may have against the City unless such claims are specifically reserved in writing and transmitted to the City by the Consultant prior to acceptance of final payment. Final payment shall not, however, be a bar to any claims that the City may have against the Consultant or to any remedies the City may pursue with respect to such claims.

The Consultant and its sub consultants shall keep available for inspection, by the City, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, such records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The three-year retention period shall commence when the Consultant receives final payment.

4. **Changes in Work.** The Consultant shall make all revisions and changes in the work completed under the specified scope of work as are necessary to correct errors, when required to do so by the City, without additional compensation.

5. **Extra Work.** The City may desire to have the Consultant perform work or render services in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the City. Any dispute as to whether work is Extra Work or work already covered by this Agreement shall be resolved before the work is undertaken. Performance of the work by the Consultant prior to resolution of any such dispute shall waive any claim by the Consultant for compensation as Extra Work.

6. **Employment.** Any and all employees of Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of said employees, while so engaged; any and all taxes arising out of Consultant's or Consultant's employees' work under this Agreement; and any and all claims made by a third party as a consequence of any acts, errors, or omissions on the part of the Consultant's employees, while so engaged, shall be the sole obligation and responsibility of the Consultant, except as provided in Section 12 of this agreement. The Consultant's relation to the City shall at all times be as an independent contractor.

7. **Nondiscrimination and Legal Compliance.** Consultant agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and rendition of services. The consultant represents and warrants that it is in compliance with and agrees that it will remain in compliance with the provisions of the Immigration Reform and Control Act of 1986, including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens and

requiring verification and record keeping with respect to the status of each of its employees' eligibility for employment. The consultant shall include a provision substantially the same as this section in any and all contracts with sub consultants performing work required of the contractor under this contract. The consultant agrees to indemnify and hold the City harmless from any and all liability, including liability for interest and penalties, the City may incur as a result of the consultant failing to comply with any provisions of the Immigration Reform and Control Act of 1986. Consultant understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Consultant shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

8. **Term.** This Agreement shall become effective upon the day of its execution by both parties, and shall terminate after one (1) year of the effective date of this Agreement, provided the Agreement may be extended for three (3), one (1) year additional terms without additional action by the City Council.

9. **Termination by City.** The City may terminate this Agreement at any time upon not less than ten (10) days written notice to Consultant, subject to the City's obligation to pay Consultant in accordance with subsections A and B below.

- A. In the event this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for actual cost of work complete at the time of termination of the Agreement. In addition, the Consultant shall be paid on the same basis as above for any authorized Extra Work completed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the termination notice. If the accumulated payment(s) made to the Consultant prior to the termination notice exceeds the total amount that would be due as set forth in this subsection, then no final payment shall be due and the Consultant shall immediately reimburse the City for any excess paid.
- B. In the event the services of the Consultant are terminated by the City for fault on the part of the Consultant, subsection A of this section shall not apply. In such event the amount to be paid shall be determined by the City with consideration given to the actual costs incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the City at the time of termination, the cost to the City of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the City of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if subsection A of this section applied.
- C. In the event this Agreement is terminated prior to completion of the work, the original copies of all work products prepared by the Consultant prior to termination shall become the property of the City for its use without restriction; *provided*, that any such use by the

City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.

10. **Termination by Consultant.** Consultant may terminate this Agreement only in response to material breach of this Agreement by the City, or upon completion of the work set out in the Scope of Work and any Extra Work agreed upon by the parties.

11. **Applicable Law; Venue.** The law of the State of Washington shall apply in interpreting this Agreement. Venue for any lawsuit arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Pierce County.

12. **Indemnification / Hold Harmless**

Consultant shall indemnify and hold the City, its officers, officials, and employees harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees arising out of or resulting from the negligent acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, and employees, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

13. **Insurance**

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles (as applicable). Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage. The Consultant affirms that each of its Independent Contractors serving the City will maintain appropriate individual automobile insurance coverage throughout the course of the contract term between the Parties. Both Parties acknowledge that the work the Consultant performs under this contract does not involve driving or the operation of a vehicle on behalf of, or for, the City..

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions

1. In the event the insurance required hereunder is cancelled for any reason, the Consultant shall provide the City with notice of cancellation and failure to maintain adequate coverage may be grounds for immediate termination of this Agreement.
2. The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance: the Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

14. **Subletting or Assigning.** The Consultant shall not sublet or assign any of the work covered by this Agreement without the express written consent of the City.

15. **Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.

16. **Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.

17. **Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.

18. **Execution and Acceptance.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant hereby ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

19. **Employment of State Retirees.** The City is a "DRS-covered employer" which is an organization that employs one or more members of any retirement system administered by the Washington State Department of Retirement Systems (DRS). Pursuant to RCW 41.50.139(1) and WAC 415-02-325(1), the City is required to elicit on a written form if any of the Contractor's employees providing services to the City retired using the 2008 Early Retirement Factors (ERFs), or if the Contractor is owned by an individual who retired using the 2008 ERFs, and whether the nature of the service and compensation would result in a retirement benefit being suspended. Failure to make this determination exposes the City to significant liability for pension overpayments. As a result, before commencing work under this Agreement, Contractor shall determine whether any of its employees providing services to the City or any of the Contractor's owners retired using the 2008 ERFs, and shall immediately notify the City and shall promptly complete the form provided by the City after this notification is made. This notification to DRS could impact the payment of retirement benefits to employees and owners of Contractor. Contractor shall indemnify, defend, and hold harmless the City from any and all claims, damages, or other liability, including attorneys' fees and costs, relating to a claim by DRS of a pension overpayment caused by or resulting from Contractor's failure to comply with the terms of this provision. This provision shall survive termination of this Agreement.

20. **Written Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

Notices should be sent to:

Appellate Hearing Examiner:

Olbrechts & Associates, PLLC
Attn. Phil Olbrechts
720 N. 10th St. A #297
Renton, WA 98057

City of Orting:

City Clerk
City of Orting
PO Box 489
Orting, WA 98360

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF ORTING

CONSULTANT

By: _____
Joshua Penner, Mayor

By: _____
Phil Olbrechts, Managing Attorney
Olbrechts & Associates, PLLC

Attachments:

Exhibit A: Scope of Work
Exhibit B: Rates

EXHIBIT A SCOPE OF WORK

1. General

Hearing Examiner

The Consultant is appointed as a Hearing Examiner for the City of Orting. As such, the Consultant's work and duties shall be guided by Chapter 13 Title 1 of the Orting Municipal Code (OMC), Section 5 Chapter 3 Title 15 of the OMC. The Hearing Examiner will also have the responsibility to hear appeals of our the City's Business License Code at Chapter 2 Title 3 and, Chapter 6 Title 4.

Rules

The Consultant will rules for the good conduct of hearing in conformance with the City's Code. A copy of the rules shall be provided to the Clerk for publication on the City's website.

Hearings

Hearings may be held in-person or virtually as mutually agreed to by the City and the Consultant. The Consultant shall provide adequate technology and equipment required for successful audio and video connection capabilities. The Consultant shall set hearings promptly as required. The Consultant shall timely issue written work-product (e.g., findings, decisions, etc.) as required by the OMC and applicable state laws.

Electronic Documents

The Consultant shall have adequate technology and equipment to receive large volumes of records in digital format. No paper copies of permit files, hearing records, staff reports, or submitted exhibits will be provided to the Consultant by the City.

2. Alternative Coverage.

In the event of a conflict or disqualification, scheduling difficulties, or in any situation in which the use of Consultant Phil Olbrechts is required, Mr. Olbrechts must inform the City Administrator of such need as soon as reasonably possible in advance of any hearing in which an absence may occur. The City retains the right to select a Pro Tem, and/or request that the hearing be rescheduled to a time that would allow Mr. Olbrechts' attendance. Alternatively, City may decide to authorize the use of another Hearing Examiner Pro Tem by separate contract.

EXHIBIT B

RATES

The hourly rate is for the Hearing Examiner Mr. Olbrechts is \$210 per hour with a one hour minimum per day of in person hearings (no minimum time for virtual hearings). Subcontractor attorneys, if ever needed, would have a rate set at 90% of Mr. Olbrechts' rate (\$189/hour), and subcontractor planners would be 75% of Mr. Olbrechts' rate (\$157.50). Other subcontract writers are \$75/hr. The City will reimburse for hearing transcription costs. The Appellate Examiner currently uses Rev.com, which charges \$1.50/minute of hearing for edited transcripts and \$0.25/minute for unedited transcripts. One hour of travel may be assessed for in-person hearings (none for virtual) and IRS mileage from Renton.



January 2, 2024

Scott Larson
City Administrator
City of Orting
104 Bridge St. S.
Orting, WA 98360

Re: Hearing Examiner Proposal of Phil Olbrechts

Dear Mr. Larson:

Thank you for considering my proposal for hearing examiner services for the City of Orting. In summary, I have conducted over 2,000 land use hearings as a hearing examiner since the 1990s. I serve as Hearing Examiner for twenty-six municipalities and as alternate Hearing Examiner for four others. As detailed in my proposal below, I am regularly requested to conduct hearings on the most complex and controversial hearings in Washington State.

I am also very fortunate to have an excellent alternate examiner to help me write decisions and pinch hit in times of scheduling conflicts. Rick Sepler has decades of experience as planning director, planning consultant and hearing examiner. Rick also serves on the adjunct faculty at the University of Washington to teach graduate courses on site design. Through our combined contacts amongst planning professionals, we are also able to hire on other planners and attorneys as necessary to address projects of any size. For the billion dollar Black Diamond master plan developments, I had eight planners on staff helping to meet the ten day decision deadline for a 40 hour hearing and 3,000 pages of exhibits.

As I've demonstrated repeatedly in the last three decades, I have the resources, personnel and expertise to take on any project. My rate would be \$210/hour. I'm immediately available to conduct virtual or in-person hearings on any day of the week you prefer.

Thank you again for your consideration.

Phil Olbrechts

Phil Olbrechts
Olbrechts and Associates, PLLC Managing Member



HEARING EXAMINER PROPOSAL

Please accept this as my proposal to provide hearing examiner services for the City of Orting as managing member of Olbrechts and Associates, PLLC. Based upon historical performance, I would probably conduct over 97% of the hearings assigned to me by the City. In very rare circumstances I would seek permission from the City for Mr. Sepler or other subcontractors to fill in if I have an unexpected conflict with a previously scheduled hearing. In addition to filling in during conflicts, Mr. Sepler also sometimes help me write decisions to ensure they are timely. The qualifications of Mr. Sepler are included below.

Statement of Experience

A. Overview:

I have represented cities as a City Attorney since 1989 and have held hearing examiner contracts since 1997. I currently serve as Hearing Examiner for Auburn, Federal Way, Fife, Mason County, Monroe, Mount Vernon, Langley, Newcastle, Tukwila, Blaine, Port Townsend, Port Orchard, Mountlake Terrace, Mill Creek, Algona, Fircrest, Edmonds, Renton, Lake Stevens, Puyallup, Dupont, Roy, Ruston, Kirkland, Bonney Lake and Burien and as an alternate examiner for Seattle, Seattle Public Schools, Snohomish County and Bellingham. I have conducted well over 1,500 hearings (more likely more than 2,000) in the past twenty-six years. I also serve as City Attorney for Buckley and Index. Working with the planning staff of these cities daily gives me a unique understanding of how hearing examiner decisions are implemented by staff.

As a hearing examiner I have held hearings on every type of land use issue and permit imaginable, with projects ranging in size from removal of utility easements from Mason County subdivisions to the Villages and Lawson Hills Master Plan Developments in Black Diamond. I have the resources to handle cases of any size and complexity. As one example, the Villages and Lawson Hills Master Plans involved the construction of over 6,250 dwelling units, mostly composed of single-family homes, and over a million square feet in commercial space. Valued at over a billion dollars, the master planned communities were the largest residential development ever reviewed in King County. The hearings took over 40 hours and involved more than 3,000 pages of exhibits. The decision (EIS adequacy) and recommendations (master plan and development agreement) were issued in the requisite ten days from the close of the hearing without extensions. I've also held hearings or served as City Attorney for master plans in Mount Vernon, Renton, Jefferson County, Poulsbo and Milton. I held a multi-day hearing on a 500-acre motorsports facility for Snohomish County involving over 600 public comment letters, an all-day hearing in Mason County for an auto racetrack and a hearing on the PSE Energize Eastside project. Some of my more recent contentious hearings include the redevelopment of the Weyerhaeuser campus for Federal Way, a Sequim regional methadone clinic and a proposed 60-acre gravel pit in Belfair.

In years past as a land use attorney, I have represented neighborhood groups and developers on land use issues. I've represented parties in all levels of the courts, including the United States Supreme Court, the Growth Management Hearing Board, and the Shoreline Hearings Board.

B. Career Development:

I received a B.S. in molecular biology from the University of Washington in 1986 and a J.D. with honors from the University of Puget Sound School of Law in 1989, the year I was admitted into practice. After stints as City Attorney and Planning Director of Forks, Washington (1991-94), and Planning Director of Sequim (1994), Washington, I became an associate at Ogden Murphy Wallace, P.L.L.C. (“OMW”) in 1994. I left OMW for three years in 1997 to teach land use law in the graduate planning program at the University of Washington and to work on other projects. During that time, I developed my hearing examiner practice, working for Mount Vernon, McCleary, and Shelton. I passed those clients on to my alternate examiner and returned to OMW in 2000 as *of counsel*, where I subsequently became a partner in 2004. In my time at OMW I served as City Attorney for Monroe, Buckley, Milton, Gold Bar, Index and Carnation. OMW has over forty attorneys and I worked in the firm’s municipal department, where I had the privilege of collaborating with the state’s best municipal attorneys on land use issues. I was elected to OMW’s executive board, where I managed the firm as the partner representing the firm’s municipal department.

I established Olbrechts and Associates, PLLC (“OA”) on November 1, 2010 to maintain competitive rates for my clients. Hearing examiner compensation rates are not feasible with the overhead expenses of major Seattle law firms. Over 80% of my practice is devoted to examiner services. The remaining portion of my practice is primarily composed of providing land use services to city attorney clients. As a hearing examiner, I currently conduct five to fifteen hearings per month.

C. Expertise:

Land Use Law. I’ve held well over 1,000 land use hearings since 1997 for the municipalities listed in the Overview above. I’m fully up to date on the leading edge of developing land use law due to the numerous land use seminars and courses I teach each year. I present two land use case law update webinars every year for the Municipal Research Services Center for an audience of a couple hundred planners, attorneys and municipal officials. I moderate, organize and present at land use “boot camps” for the Planning Association of Washington, which involves a day long program of legal presentations on topical land use issues and “bread and butter” training on recurring land use issues. I do several land use case law presentations every year at professional conferences throughout the state. I’ve written several land use articles for organizations such as the Municipal Research Services Center and the Washington State Bar Association (“WSBA”). I have co-chaired the yearly conference of the Environmental and Land Use Law Section of the WSBA. I’ve also taught several credits of land use law in the graduate program at the University of Washington Department of Urban Design and Planning, covering both constitutional law and Washington’s land use statutory framework. I’ve presented a couple hundred “short courses” for planners and local officials across the state on behalf of the Washington State Department of Commerce to educate local officials on planning and open government laws. Because of this extensive involvement in developing case law, my land use decisions are always consistent with developing judicial and legislative requirements.

Over the years I’ve worked with dozens of local land use codes. As a city attorney I’ve been responsible for the legal review of major code updates, including the land use codes of Edmonds, Monroe, Milton,

Buckley, Index, Gold Bar, Poulsbo and Carnation. As a Hearing Examiner for multiple jurisdictions, I've become familiar with those codes as well. For twenty years I have also advised on local code compliance issues to my city attorney clients. As a City Attorney I've also defended new land use regulations before the Growth Management Hearings Boards.

Through my extensive involvement in public education on land use law, I've developed a focus upon my favorite topics – constitutional takings and vesting law. Through my work I've been asked to testify at the state legislature on vesting legislation and I've made numerous presentations on how to write and implement "reasonable use" standards for critical area ordinances.

Environmental Law. My science education enables me to critically assess the scientific evidence that is often disputed in environmental proceedings. I have ruled upon and participated in dozens of SEPA appeals (threshold determinations and EIS adequacy), critical area ordinance reasonable use hearings and compliance issues with the National Environmental Policy Act.

Shoreline Management Act. I have issued hundreds of shoreline decisions for Mason County, San Juan County, Auburn and the City of Edmonds. Some of my decisions have been appealed to the Shoreline Hearings Board. All decisions have been sustained. Through this work I've accumulated a significant amount of knowledge on shoreline issues, such as aesthetic impacts, shading impacts and protection of endangered fish and eelgrass and kelp.

Code Enforcement. I've been involved in dozens of code enforcement hearings, either as a hearing examiner, city attorney or prosecutor. The code enforcement hearings I've held include dangerous building appeals, zoning code violations, building code violations, stormwater violations and health department violations, including solid waste violations and junk vehicle abatement. I've also written or updated several code enforcement ordinances as a city attorney.

Other Hearings. As a hearing examiner, I've conducted hearings and issued decisions on dangerous dog appeals, street vacations, vehicle impounds, drug property and sex crime forfeitures, rental housing violations, local improvement district formation, building code appeals and business license revocations. As a city attorney, I've been involved in the full spectrum of hearings held by city councils.

Compensation

My hourly rate is \$210/hour. Mr. Sepler, my alternate examiner, helps me write decisions when I have too many decisions due at once to meet the ten-day issuance deadline. He also substitutes for me in the very rare occasions when an unexpected conflict or illness prevents me from doing a hearing. His rate is 75% of my rate. In the absence of Ms. Sepler, I would hire other subcontractor planners at Mr. Sepler's rate. Subcontractor attorneys, if ever needed, would have a rate set at 90% of my rate. Other contract decision writers would be billed at up to \$75 per hour. I would also seek reimbursement for hearing transcription costs. I currently use Rev.com, which charges \$1.50/minute of hearing for edited transcriptions and \$0.25/minute for unedited transcriptions (the latter used most often). I also request reimbursement for City business license fees. One hour of travel would be assessed for in-person hearings (none for virtual) and IRS mileage from Renton.

Alternate Examiner

Richard Sepler, Mr. Sepler has recently retired from serving as the Community Development Director for the City of Bellingham. He still currently teaches in the graduate program at the University of Washington College of Architecture and Urban Planning. For a few years, Mr. Sepler also served as the hearing examiner for the City of Mount Vernon and McCleary.

Professional References

Vanessa Dolbee
Planning Manager
City of Renton
1055 S. Grady Way
Renton, WA 98057
Phone (425) 430-6580
VDolbee@Rentonwa.gov

Kell Rowan
Administrator, Community Development
Mason County
615 Alder St.
Shelton, WA 98585
Phone (360) 427-9670, ext. 286
KRowen@masoncountywa.gov



**City of Orting
Council Agenda Summary Sheet**

	Agenda Bill #	Recommending Committee	Study Session Dates	Regular Meeting Dates
Subject: Murrey's Franchise Agreement - Annual Rate Adjustment	AB23-91	CGA		
		12.6.2023 1.3.2024	TBD	1.10.2024
	Department: Administration			
	Date Submitted: 12.28.2023			
	Cost of Item: N/A			
Amount Budgeted: N/A				
Unexpended Balance: N/A				
Bars #: N/A				
Timeline: January 2024 Passage				
Submitted By: Scott Larson				
Fiscal Note: None				
Attachments: Hopkins Letter				
SUMMARY STATEMENT:				
<p>The City has a Franchise Agreement (Agreement) with Murrey's Disposal for garbage and recycling services. Section 8.2.1 of the Agreement allows for an annual rate adjustment based on 80% of the CPI, in this case that amount would be 3.83% for 2024. Section 8.3.1 of the Agreement allows for a fee adjustment to be made based on the change in rates for the Pierce County landfill. Pierce county is increasing their fee from \$171.23 per ton to \$174.84 per ton. Attached is Murray's rate sheet along with a sheet staff prepared showing how rates changed from 2023.</p> <p>Murrey's is also requesting a new fee pursuant to section 8.3.4 of the Agreement to help offset increased diesel costs due to the state's carbon tax on fuel. Section 8.3.4 of the Agreement states that "Changes in federal, state or local laws, taxes or regulations... that results in a detrimental change in operating circumstances or a material hardship upon the Franchisee at any time in performing this Franchise may be the subject of a request by the Franchisee for a rate adjustment, subject to review and approval by the City, which approval shall not be unreasonably withheld.</p> <p>For this increase in taxes, Murrey's is proposing a \$0.19/month increase in rates for residential customers and a \$0.28 to \$2.84/month increase for commercial customers. Staff are recommending that this request be denied for the following reasons:</p> <ol style="list-style-type: none"> Excise taxes are factored into the CPI, and approving a supplemental rate adjustment for this tax may be a double counting of this expense. 				

2. While Murrey's is impacted by the tax like all consumers, this is an indirect tax, meaning Murrey's isn't directly responsible for paying it to the state, as it is a component of the price they pay for diesel.
3. Requests made under Section 8.3.4 of the Agreement should be for "laws, taxes or regulations... that result in a detrimental change in operating circumstances or a material hardship." Based on publicly available financial statements for the past three quarters, it doesn't appear this tax is creating a hardship or creating a situation that is detrimental to Murrey's operating circumstances.
4. Section 8.3.5 of the agreement allows for Murrey's to request a rate adjustment for significant increases in fuel prices, and shall provide the city documentation of its fuel costs as well as market information for Tacoma "Rack Rate Pricing" for analysis of this type of request. "Rack Rate Pricing" is inclusive of excise taxes like the carbon tax. Staff have requested fuel cost information to try to understand if this request would be more appropriate under this section of the contract, and this information has not been provided.
5. Murrey's and the city are currently negotiating a successor franchise agreement. Staff believe that a request for a higher monthly fee is more appropriate to present at the bargaining table rather than at the annual rate adjustment.

Murrey's must notify the city 60 days before the increase which is effective March 1, 2024, and notify their customers 45 days before the increase. The City received notice of this increase on November 22, 2023.

RECOMMENDED ACTION: Action:

CGA recommends that Council approve the annual increase in in rates per Section 8.2.1 of the agreement and the increase in disposal fees per Section 8.3.1 of the agreement

RECOMMENDED MOTION: Motion:

To Approve Murrey's Rates As shown in Exhibit A, effective March 1st, 2024.

November 22, 2023

City of Orting
Scott Larson, City Administrator
110 Train St. SE
Orting, WA 98360

Re: Notice of Rate Adjustment under Section 8.2.1, 8.3.1, and 8.3.4 of the Franchise Agreement between the City of Orting and Murrey's Disposal

Dear Mr. Larson:

Section 8.2.1 of the Franchise Agreement between the City of Orting and Murrey's Disposal, effective April 1st, 2012, provides for an annual CPI adjustment equal to 80% of the change in the 1st half semi-annual percentage change in the Consumer Price Index for All Urban Consumers, U.S. Department of Labor, Seattle-Tacoma-Bellevue area for the year preceding the rate adjustment. Eighty percent of the CPI change for this period is 3.83%

Section 8.3.1 of the Franchise Agreement provides for disposal fee adjustments to be made to collection rates to reflect changes to Pierce County disposal fees. We have been notified that on March 1, 2024, the landfill rate in Pierce County will increase from \$171.23 per ton to \$174.84 per ton.

Section 8.3.4 of the Agreement allows for the Contractor to apply to the City for temporary rate adjustments to reflect unforeseen costs arising during the term of this Agreement. As a result of the implementation of Washington's Climate Commitment Act, Murrey's has begun incurring a carbon fee on all fuel purchases. The current impact of passing through the carbon fee for residential customers is \$0.19/month. The impact for commercial customers ranges from \$0.28/month to \$2.84/month depending on the customer's level of requested service.



WASTE CONNECTIONS

Connect with the Future®

Rates reflecting the disposal fee increase, and changes in the CPI are detailed by level of service in the attached exhibit.

We take pride in providing you with comprehensive waste collection, disposal, and recycling services. If I can answer any questions, please contact me by phone at (541) 335-1351 or by email at stevenh@wcnx.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Hopkins", is written over a light blue circular stamp.

Steven Hopkins
District Manager
Murrey's Disposal

Cc: David-Patrick Dare, Murrey's Disposal
Rachel Reynolds, Murrey's Disposal

City of Orting
PO Box 489
Orting WA 98360

EXHIBIT - A - 3/1/2024

Can Service:	3/1/2024
10gallon Cart	17.36
20gallon Cart	23.68
32gallon Cart	29.23
64gallon Cart	46.46
96gallon Cart	63.61
Recycle Plus	18.00
Packout/Drive-in	11.80
Occasional extra	7.79
Return trip	9.02
Bulky Item Per Yard	30.14
Return Check Fee	28.52
Container Service:	
1 yard once a week	129.74
1 yard twice a week	251.72
1.5 yard once a week	178.06
1.5 yard twice a week	352.34
2 yard once a week	229.36
2 yard twice a week	451.53
2 yard three times a week	680.86
4 yard once a week	433.07
4 yard twice a week	866.09
4 yard three times a week	1,273.00
6 yard once a week	613.46
6 yard twice a week	1,226.88
6 yard three times a week	1,840.37
6 yard Five times a week	3,010.28
4 yard compactor once a week 5:1	1,861.21
1 yard extra on regular route	30.57
1.5 yard extra on regular route	45.50
2 yard extra on regular route	53.54
4 yard extra on regular route	100.94
6 yard extra on regular route	142.92
4 yard compactor extra regular route 5:1	430.21
Extra Yardage	18.94
Lock/Unlock	5.57
Connect/Reconnect	14.30
Yard Waste 90-gal toter	6.53
Occasional extra yard waste	3.13
MF-Recycling	5.44
Redeliver Cart	19.47
Additional Recycling Cart	8.30
Restart Fee	31.66
Time Change	119.39

DM DISPOPSAL 2023 RATES

Effective March 1, 2024

<u>Can Service:</u>	<u>2023</u>		<u>Increase</u>	
10 gallon weekly w/ recycle	\$ 16.60	\$ 17.36	\$ 0.76	per month
20 gallon weekly w/ recycle	\$ 22.61	\$ 23.68	\$ 1.07	per month
32 gallon weekly w/ recycle	\$ 27.87	\$ 29.23	\$ 1.36	per month
64 gallon weekly w/ recycle	\$ 44.21	\$ 46.46	\$ 2.25	per month
96 gallon weekly w/recycle	\$ 60.47	\$ 63.61	\$ 3.14	per month
Recycle Plus	\$ 18.00	\$ 18.00	\$ -	per month
Packout/Drive-in	\$ 11.34	\$ 11.80	\$ 0.46	per month
Occasional extra	\$ 7.44	\$ 7.79	\$ 0.35	per month
Return Trip	\$ 8.67	\$ 9.02	\$ 0.35	per month
Bulky Item Per Yard	\$ 28.92	\$ 30.14	\$ 1.22	per month
Return Check Fee	\$ 27.42	\$ 28.52	\$ 1.10	per month

<u>Container Service:</u>				
1 yard once a week	\$ 123.48	\$ 129.74	\$ 6.26	per month
1 yard twice a week	\$ 239.51	\$ 251.72	\$ 12.21	per month
1.5 yard once a week	\$ 169.31	\$ 178.06	\$ 8.75	per month
1.5 yard twice a week	\$ 334.99	\$ 352.34	\$ 17.35	per month
2 yard once a week	\$ 218.16	\$ 229.36	\$ 11.20	per month
2 yard twice a week	\$ 429.42	\$ 451.53	\$ 22.11	per month
2 yard three times a week	\$ 647.55	\$ 680.86	\$ 33.31	per month
4 yard once a week	\$ 411.82	\$ 433.07	\$ 21.25	per month
4 yard twice a week	\$ 823.59	\$ 866.09	\$ 42.50	per month
4 yard three times a week	\$ 1,210.27	\$ 1,273.00	\$ 62.73	per month
6 yard once a week	\$ 583.80	\$ 613.46	\$ 29.66	per month
6 yard twice a week	\$ 1,167.13	\$ 1,226.88	\$ 59.75	per month
6 yard three times a week	\$ 1,750.74	\$ 1,840.37	\$ 89.63	per month
6 yard five times a week	\$ 2,863.10	\$ 3,010.28	\$ 147.18	per pickup
4 yard compactor once a week 5:1	\$ 1,766.72	\$ 1,861.21	\$ 94.49	per pickup
1 yard extra on regular route	\$ 29.10	\$ 30.57	\$ 1.47	per pickup
1.5 yard extra on regular route	\$ 43.74	\$ 45.50	\$ 1.76	per pickup
2 yard extra on regular route	\$ 50.93	\$ 53.54	\$ 2.61	per pickup
4 yard extra on regular route	\$ 96.00	\$ 100.94	\$ 4.94	per pickup
6 yard extra on regular route	\$ 135.97	\$ 142.92	\$ 6.95	per pickup
4 yard compactor extra regular route 5:1	\$ 408.38	\$ 430.21	\$ 21.83	per pickup
Extra Yardage	\$ 17.92	\$ 18.94	\$ 1.02	per pickup
Lock/Unlock	\$ 5.36	\$ 5.57	\$ 0.21	per incident

Connect/Reconnect	\$ 13.75	\$ 14.30	\$ 0.55	per unit
Yard Waste 90-gal toter	\$ 6.28	\$ 6.53	\$ 0.25	per month
Occasional extra yard waste	\$ 3.01	\$ 3.13	\$ 0.12	per pickup
MF-Recycling	\$ 5.23	\$ 5.44	\$ 0.21	per month
Redeliver Cart	\$ 18.72	\$ 19.47	\$ 0.75	per delivery
Additional Recycling Cart	\$ 7.98	\$ 8.30	\$ 0.32	per month
Restart Fee	\$ 30.44	\$ 31.66	\$ 1.22	per incident
Time Change	\$ 114.77	\$ 119.39	\$ 4.62	per incident

What is CPI and how is it calculated

Consumer Price Index for All Urban Consumers (CPI-U): U. S. city average, by expenditure category

Relative Importance and Weight Information

Relative importance ratios represent an estimate of how consumers would distribute their expenditures

All items	100.000
Food	13.420
Food at home	8.580
Cereals and bakery products	1.158
Meats, poultry, fish, and eggs	1.794
Dairy and related products	0.780
Fruits and vegetables	1.470
Nonalcoholic beverages and beverage materials	1.034
Other food at home	2.343
Food away from home(1)	4.840
Energy	6.963
Energy commodities	3.724
Fuel oil(1)	0.135
Motor fuel	3.531
Gasoline (all types)	3.438
Energy services	3.239
Electricity	2.524
Utility (piped) gas service	0.715
All items less food and energy	79.617
Commodities less food and energy commodities	20.914
Apparel	2.549
New vehicles	4.231
Used cars and trucks	2.521

All items less food and energy	79.617
Commodities less food and energy commodities	20.914
Apparel	2.549
New vehicles	4.231
Used cars and trucks	2.521
Medical care commodities(1)	1.465
Alcoholic beverages	0.837
Tobacco and smoking products(1)	0.508
Services less energy services	58.703
Shelter	34.967
Rent of primary residence	7.658
Owners' equivalent rent of residences(2)	25.825
Medical care services	6.339
Physicians' services(1)	1.764
Hospital services(1)(3)	1.962
Transportation services	6.050
Motor vehicle maintenance and repair(1)	1.140
Motor vehicle insurance	2.836
Airline fares	0.538

- Fuel is 11% of Murrey's operating Cost
- Murrey's uses ~3,000 gallons of fuel a day
- \$0.58 per gallon on average was imposed as a carbon fee due to the Climate Commitment Act
- On average Murrey's pays between \$35,000 and \$40,000 per month in carbon fee

- Orting's contract allows for an annual increase of 80% of the change in CPI.
 - 2020-2021 increase of 1.46%
 - 2020-2022 increase of 2.37%
 - 2020-2023 increase of 7.15%
- Orting's CPI increase from 2020-2023 has been 11.2%
- 2020-2023 Cold rolled steel sheet & strips (Containers and Container repair) increased = 65%
- 2020-2023 Murrey's truck parts on average increased = 48%
- 2020-2023 Murrey's tires on average increased = 23%
- 2020-2023 Murrey's new trucks on average increased = 24%

8.3.4 Change in Law. Changes in federal, state or local laws, taxes or regulations or a continuing Force Majeure event that results in a detrimental change in operating circumstances or a material hardship upon the Franchisee at any time in performing this Franchise may be the subject of a request by the Franchisee for a rate adjustment, subject to review and approval by the City, which approval shall not be unreasonably withheld. If, in considering changes in law, taxes or regulations, the City reasonably requires audit of the Franchisee's financial or other proprietary information in conducting its rate review, at the request of the Franchisee, the City may retain a third party acceptable to the Franchisee to review such information at the Franchisee's reasonable expense. The City shall take other steps appropriate to protect the confidential nature of the Franchisee's documents in preserving the Franchisee's ability to continue to provide competitive service in the marketplace.



**City of Orting
Council Agenda Summary Sheet**

Subject: Selection of Deputy Mayor, 2024.		Committee	Study Session	Council
	Agenda Item #:	N/A		
	AB24-05			1.10.2024
	Department:	Executive/Council		
Date Submitted:	1.5.2024			
Cost of Item:	<u>N/A</u>			
Amount Budgeted:	<u>N/A</u>			
Unexpended Balance:	<u>N/A</u>			
Bars #:	N/A			
Timeline:	First Meeting in January			
Submitted By:	City Clerk			
Fiscal Note: None				
Attachments: Council Rule 8.5 and 3.9				
SUMMARY STATEMENT:				
Per the City Council Rules of Procedure:				
8.5 Selecting Deputy Mayor:				
The Deputy Mayor will be selected by a majority of the Councilmembers annually at the first Council meeting in January				
3.9				
Term of the Deputy Mayor shall be one year. (February 1st, to January 31st.)				
(B) Election of Deputy Mayor. At the first meeting of January, the Council shall elect a Deputy Mayor (DM) for a term of one year, term beginning February 1st, and ending the last day of January.				
RECOMMENDED Motion: <u>Motion:</u>				
To Appoint _____ as Deputy Mayor for the year 2024 effective February 1 st , 2024.				

DEPUTY MAYOR APPOINTMENT PROCESS – PAGE 9-11 COUNCIL RULES

3.9 Deputy Mayor -- Duties:

- (A) Term of the Deputy Mayor shall be one year. (February 1st, to January 31st.)
- (B) Election of Deputy Mayor. At the first meeting of January, the Council shall elect a Deputy Mayor (DM) for a term of one year, beginning February 1st, and ending the last day of January.
- (C) The election process shall be as follows:
 1. The Deputy Mayor shall serve as the Chair for the nomination process for the position of DM, unless they are a nominee in the process, at which time it will be turned over to the Mayor as Chair. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.
 2. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Second nominations will then be accepted.
 3. Nominations may be made by another Councilmember, or by self.
 4. Nominations may include brief supporting comments by the Councilmember.
 5. A Councilmember may withdraw their nomination from consideration.
 6. Nominations do not require a second.
 7. After nominations have been closed (see #2 above for second nominations), each nominee will have an opportunity to speak, either at their seat or at the podium. If the nominee chooses to speak, it may not be for longer than three minutes, with a fifteen second wrap-up period. Then voting for DM will precede:
 - a. Voting will be according to alphabetic order, A-Z of nominations made. Any second vote will be by reverse order, Z-A; continuing to reverse as necessary for subsequent votes. This is done to be as fair as possible to all nominees.
 - b. If there is **only one nominee** for the position, the Chair will open the floor

for a motion and appointment.

c. If there are **two nominees**, the following scenario will be followed:

Scenario #1: 2 Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Councilmembers on their preferred candidates
2. Nominee A receives 3 votes
3. Nominee B receives 4 votes
4. Deputy Mayor is chosen (Nominee/Candidate B) by majority consensus, no further motion of appointment necessary.

d. If there are **three or more nominees**, the following scenarios will be followed:

Scenario #1: 3 or more Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Council-members on their preferred candidates
2. Nominee A gets 3 votes
3. Nominee B gets 2 votes
4. Nominee C gets 2 votes
5. Nominee A is chosen as Candidate A. Chair sets a second ballot for Nominees B & C to determine second candidate.
6. Clerk does a roll call for Councilmembers on their preferred candidate
7. Nominee B gets 3 votes
8. Nominee C gets 4 votes
9. Nominee C is chosen as Candidate B.
10. Clerk does a roll call for Councilmembers on the two final candidates
11. Candidate A gets 2 votes
12. Candidate B gets 5 votes
13. Deputy Mayor is chosen (Candidate B) by majority consensus, no further motion of appointment necessary.

Scenario #2: 3 or more Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Councilmembers on their preferred candidates
2. Nominee A gets 3 votes
3. Nominee B gets 3 votes
4. Nominee C gets 1 vote
5. Chair need not set a second ballot as there is a top-two

6. Clerk does a roll call for Councilmembers on their preferred candidate from A & B
7. Candidate A gets 5 votes
8. Candidate B gets 2 votes
9. Deputy Mayor is chosen (Candidate A) by majority consensus, no further motion of appointment necessary.

Scenario #3: 3 or more Nominees, 7 standing Councilmembers

1. Clerk does a roll call for Councilmembers on their preferred candidates.
 2. Nominee A gets 4 votes
 3. Nominee B gets 2 votes
 4. Nominee C gets 1 vote
 5. Deputy Mayor is chosen (Nominee/Candidate A) by majority consensus, no further motion of appointment necessary.
8. The goals of this procedure are, above all: public transparency, consensus, respect, and fairness.

THREE NOMINEES

1. _____ 2. _____ 3. _____

VOTES

	1	2	3
GUNTHER			
MOORE			
TRACY			
SPROUL			
HOLLAND			
HOGAN			
KOENIG			
TOTAL			

TOP 2 GET VOTED ON NEXT

	1	2
GUNTHER		
MOORE		
TRACY		
SPROUL		
HOLLAND		
HOGAN		
KOENIG		
TOTAL		

1 NOMINATED ONLY

SIMPLE ROLL CALL VOTE

1ST ROUND OF NOMINEES- 2 NOMINATED ROLL CALL VOTE IS EITHER A OR B

1ST A-Z ORDER OF ROLL CALL

A. NAME:

B. NAME:

AFTER NOMINATIONS EACH NOMINEE HAS 3 MINUTES TO SPEAK WITH A 15 SECOND WRAP UP. THEN THE VOTE

_____ #2 _____ #1 _____ 2 _____

2 NOMINEES	NOMINEE		A-Z	NOMINEE	
Pos. 1 – Gunther	1	2	Gunther	1	2
Pos. 2 –Moore			Hogan	1	2
Pos. 3 – Tracy			Holland	1	2
Pos. 4 – Sproul			Koenig	1	2
Pos. 5 Holland			Moore	1	2
Pos. 6 Hogan			Sproul	1	2
Pos. 7-Koenig			Tracy	1	2
TOTAL			TOTAL		



**City of Orting
Council Agenda Summary Sheet**

	Agenda Bill #	Recommending Committee	Study Session Dates	Meeting Date
Subject:	AB24-06			1.10.2024
Council Committee Selection for the Year 2024.				
	Department:	Executive/Deputy Mayor		
	Date Submitted:	1.5.2024		
Cost of Item:	<u>N/A</u>			
Amount Budgeted:	<u>N/A</u>			
Unexpended Balance:	<u>N/A</u>			
Bars #:	N/A			
Timeline:	By the 1 st Meeting in February			
Submitted By:	City Clerk			
Fiscal Note: None				
Attachments: Current Council Assignments – Committee Scopes				
SUMMARY STATEMENT:				
Council Rule 3.9 (E) Deputy Mayor -- Duties:				
(A) An appointment committee consisting of the Deputy Mayor, one (1) Councilmember, and the Mayor shall recommend assignments for the Council Committee Chair and Vice-Chair positions in accordance with the following procedure:				
(B) The appointment committee shall provide recommendations for Council Committee assignments to the full Council for its approval no later than the first regular meeting in February.				
(C) Each Council member shall be assigned to at least one (1) Council Committee, with the exception of the Deputy Mayor who shall chair the study session and shall not be assigned a role in a Council Committee.				
(D) Chairperson selection shall be based on seniority, balance of experience, knowledge and interest prior to assignment.				
(E) The appointment committee shall give weighted consideration for those working on long range project.				
RECOMMENDED ACTION: <u>ACTION:</u>				
Move to Regular City Council Meeting on January 31 st , 2024 for Council Consideration.				
RECOMMENDED MOTION: <u>MOTION:</u>				
To approve the Committee assignments, CGA – CM _____, Chair, CM _____, Vice-Chair. PW- CM _____, Chair, and CM _____, Vice-Chair. PS- CM _____, Chair, and _____, Vice –Chair.				

2024 Recommended Council Committee Assignments

Public Works: _____ Chair, & _____, Vice Chair- **First week of the month.**

Goal: Ongoing issues, develop briefing for Council meeting #1 and details for Study Session

Attendance: 2-3 council, PW staff, admin.

- Utilities, Technology, Streets/Transportation, Emergency Bridge.
* Facilities related to Public Works.

Responsibility of Chairs- Identify/prepare/provide items to City Clerk for Council Study Sessions.

Public Safety: _____, Chair & Vice Chair, _____) - **First week of the month.**

Goal: Ongoing issues, develop briefing for Council meeting #1 and details for Study Session

Attendance: 2-3 council, PS staff, admin

- Public Safety, Emergency Preparedness.
*Facilities related to Public Safety

Responsibility of Chairs- Identify/prepare/provide items to City Clerk for Council Study Sessions.

Community and Governmental Affairs: _____ Chair, & _____, Vice Chair - **First week of the month.**

Goal: Ongoing issues, develop briefing for Council meeting #1 and details for Study Session

Attendance: 2-3 council, Parks staff, admin

- Economic Development, Grants, Sponsorship, Lodging Tax, Cemetery, Parks Advisory Board.
*Facilities related to Administration.

Responsibility of Chairs- Identify/prepare/provide items to City Clerk for Council Study Sessions.

Study Session: Deputy Mayor _____, Chair

Third Wednesday of each month at 6:00pm- Orting City Hall

Goal: Introduction & first pass at ordinances and resolutions. Deep dive into committee matters. Legal review and staff discussion.

Attendance: Full Council, as necessary (admin, legal, and others)

- General, Finance, Leg Priorities, Government relations.

Responsibility of Chairs- Identify/prepare/provide items to City Clerk for Regular Meeting/Consent Agenda.

Regular Council Meeting #1 & 2- 2nd and last Wednesday of each month at 7:00pm.

Goal: Business of the council (appointments, public hearings, public input, presentations, proclamations, etc.), assignment of topics to committees. Passing/debating consent agenda from study session.

2024 Council Standing Committees

Scopes of Authorities

1. COMMUNITY AND GOVERNMENT AFFAIRS COMMITTEE:

The CGA Committee, considers matters related to **Council training, procedures and communication** and makes **recommendations designed to improve and expedite the business and procedure of Council, and its committees**, proposes to Council any **amendments to the rules** deemed necessary regarding the organization of the Council, **including parliamentary procedure**, it may consider **any matter of a general nature**.

The CGA also considers the following:

A. Social issues

B. Economic development

C. Grants- Reviews grant applications and makes recommendations to Council.

D. Sponsorship- Review's applications and makes recommendations to Council

E. Parks- In conjunction with City Staff, considers matters related to Parks, Parks Board and Orting Recreation programs.

F. Cemetery - In conjunction with City Staff, review the policies, procedures as well as financial health of the cemetery.

G. Lodging -Lodging tax is discussed on a quarterly basis with a community business owner.

*** Facility Issues directly related to Administrative staff**

2. PUBLIC SAFETY COMMITTEE:

Public Safety Committee, in conjunction with City Staff, may consider issues related to the **public health, safety and welfare of the citizens** of Orting including but not limited to, **law enforcement, fire safety, court, animal control, and emergency services**.

The Public Safety Committee also considers issues relating to the following:

A. Emergency Preparedness- In conjunction with City Staff, considers matters related to Emergency Management, and will continuously analyze all risks which expose the city to potential disruption and oversee the development of emergency preparedness and response and evacuation plans.

***Facility Issues related to Public Safety**

3. **PUBLIC WORKS COMMITTEE:**

The Public Works Committee, in conjunction with City Staff, considers matters related to **water, sewer, solid waste, recycling, utility franchises, and storm water management**. The Committee **tracks capital projects** and **makes recommendations to the Council for capital improvements**. They also address matters relating to the following:

- A. **Transportation matters**
- B. **Capital improvement programs**
- C. **Transit**
- D. **Streets, street lighting**
- E. **Signalization**
- F. **Pedestrian safety.**
- G. **Annual chip seal program making recommendations to Council for street and sidewalk improvements.**
- H. **Technology**
- I. **Emergency Evacuation Bridge**

***Facility Issues Related to Public Works**

4. **STUDY SESSION**

Finance -Considers matters related to the financial issues of the City including the budget, general fiscal and financial health, rates and fees, and the state financial audit. The Treasurer compiles periodic budget and financial reports and shares them with the Council.

Goal: Introduction & first pass at ordinances and resolutions. Deep dive into committee matters. Legal review and staff discussion. Attendance: Full Council, as necessary (admin, legal, and others)