



CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Marilynne Beard, Deputy City Manager
Robin Jenkinson, City Attorney

Date: December 12, 2014

Subject: CITY COUNCIL POLICIES AND PROCEDURES

RECOMMENDATION:

City Council adopts the attached resolution approving the consolidated Council Policies and Procedures and provides direction about future policy process and priorities.

BACKGROUND DISCUSSION:

The Finance and Administration Committee has been reviewing a series of proposed updates to the City Council Policies and Procedures. The Policies and Procedures were last updated in 2007 and have since been superseded by individual Council resolutions that addressed specific policy areas (e.g. Board and Commission Appointment Process, City Council Meeting Rules of Procedure). In addition, some of the references and procedures in the 2007 document are out of date and/or inconsistent with current practice. The Finance and Administration Committee preferred to bring a draft updated document that addressed all of the new policy issues referred by the City Council to the Committee (e.g. Social Media, Public Outreach). However, the process is taking longer than anticipated. At the November 25th Finance and Administration Committee meeting, staff recommended an incremental approach so that an updated set of Policies and Procedures could be posted to the City Council's KirkNet site. The Committee asked that the staff recommendation be forwarded to the full Council.

Outstanding Policy Issues

A series of policy issues were referred by the City Council to the Finance and Administration Committee. Some of the policy issues were discussed and the Committee is recommending a proposed approach or wording for the policy or, in some cases, no further action (see discussion below). In other cases, the policy issues have not been fully discussed and the Committee is not prepared to make a recommendation to the City Council at this time. Attachment A is a list of outstanding policy issues and their status. None of the Committee's recommendations were incorporated in the proposed document as they have not been presented to or approved by the full Council.

The Committee believes that more research and discussion are needed for some topics including:

- Clarifying the Role of Council Committees
- Communication Policies for Council (including use of social media)
- Public Outreach and Public Process Expectations
- Proclamations by Individual Councilmembers

These may be appropriate discussion items for the City Council retreat scheduled for February.

The remaining issues can be discussed by Council at the January 6th meeting and incorporated into the next iteration of the Policies and Procedures:

- Council Rules of Procedure
 - Should the City Council adopt less formal procedures based on Roberts Rules of Order that allow for "Small Assemblies"? – The Committee recommends that the Council retain its current formality of the use of motions in order to better document Council actions. Clarifying language could be added to the effect that formal actions can only be taken at regular meetings.
 - Are recusals superseded by the Code of Ethics? – The Committee recommends referencing the Code of Ethics in this section of the Policies and Procedures.
 - Is there a need to clarify how many speakers may comment under a subject during Items from the Audience? – The Committee believes the current language is sufficient.
 - Should minutes of Council Retreats reflect items on which "action is taken?" – The Committee recommends that the Mayor or City Manager summarize actions to be taken at a future regular meeting to formally adopt a policy or action.
 - Include the Legislative Committee under Council Reports in the Order of Business – The Committee recommends making this change.
- Proclamations
 - Who can issue a proclamation and who determines whether or not it is presented at a City Council meeting? – The Committee recommends that a policy should be drafted that reflects current practice. The Mayor and Deputy Mayor are presented with a draft agenda that shows requested proclamations. If a proclamation is new (i.e. one that is not a recurring proclamation), the Mayor and Deputy Mayor will review the proposed proclamation and determine whether it should be added to the meeting agenda as presented.
- Training
 - Open Government Training Requirement – The Committee agrees that a policy should clarify that the requirement applies to all Council-appointed advisory boards and commissions.

Proposed Process

The goal is to have one general reference manual in one document. The proposed process involves adoption of an initial Council Policies and Procedures document that reflects a compilation of all previously-approved resolutions and which is subsequently amended and adopted by resolution as new or amended policies are developed. Attachment B is the proposed Council Policies and Procedures that will serve as the starting point for all future amendments. It is organized in chapters similar to the previous manual:

1. City Council Vision and Goals – Adopted Resolution R-4897, 2011
2. City Council Code of Conduct – Adopted Resolution R-4889, 2011
3. City Council Meetings Rules of Procedures – Last updated Resolution R-5041, 2014
4. Council Communications – Included in R-5041
5. Council Committees – Adopted Resolution R-4960, 2013
6. Board and Commission Appointments – Adopted Resolution R-4911, 2011

Appendices

- A. Council Committee Assignments – Approved by Motion January 2014
- B. List of Boards and Commission – Based on Kirkland Municipal Code, various chapters
- C. Acceptance of Gifts – Adopted Ordinance O-4108, 2011
- D. Limitation on Campaign Contributions, Adopted Ordinance O-4190, 2009
- E. Code of Ethics – Adopted Ordinance O-4348, 2012
- E. City Council Orientation Guide and Links to Pertinent RCW references – Prepared by City Attorney's Office, updated 2014

The order of sections contained in Resolution R-5041 were rearranged for improved flow. An annotated version of the document is provided as Attachment K indicating which sections were moved. Otherwise, the proposed document reflects previously adopted legislation. Copies of the authorizing legislation are included as attachments to this memo for reference.

The following timeline is suggested as one way to establish a working Policies and Procedures document that addresses all of the policy issues identified by the Council.

1. January 2015
 - a. Present updated consolidated manual to City Council and recommend adoption by resolution (consolidates previously-adopted policies)
 - b. Review outstanding policies to be developed and recommended priorities
2. February 2015 (City Council Retreat)
 - a. Prepare and present new policies for discussion
 - b. Discuss selected outstanding policies such as social media

3. March 2015

- a. Present updated policy and procedures for adoption based on direction from retreat

4. 2nd Quarter 2015

- a. Continue Committee discussion of outstanding policies as needed and present updated document for discussion and adoption to the full Council.

Summary and Recommendations

Staff is proposing the following actions for the January 6 meeting:

- Adopt the updated Council Policies and Procedures by resolution
- Consider the recommendations of the Finance and Administration Committee regarding proposed new policies and updates
- Discuss the proposed remaining process and timeline for completion of remaining policies

Council Rules of Procedure	Committee Recommendation
<ul style="list-style-type: none"> • “Small Assemblies” may have less formal procedures under <i>Robert’s Rules of Order Newly Revised</i> (RONR (11th ed.)), for instance: <ul style="list-style-type: none"> ○ Discussion without having a motion (Council Rules, Section 9(4)) ○ Presiding officer may make motion without calling another member to take the chair (Council Rules, Section 20) 	<p>Council should retain current formality with motions and seconds</p> <p>Clarify that formal actions must be taken at a regular meeting and not at study sessions and committee meetings.</p> <p>Clarify Council Retreat meeting protocols</p>
<ul style="list-style-type: none"> • Are recusals in Council Rules superseded by Code of Ethics? (Council Rules, Section 14) 	<p>Reference the Code of Ethics in the section on recusals</p>
<ul style="list-style-type: none"> • Is there a need to clarify how many speakers may comment on a subject during Items from the Audience, if speakers are neither for nor against a particular subject? (Council Rules, Section 5(2)) 	<p>Current language in Council Rules of Procedure is sufficient</p>
<ul style="list-style-type: none"> • Should minutes of Council Retreats reflect items on which “action” is taken? (Council Rules, Section 24) 	<p>At the end of study sessions or Council retreats, the Mayor or City Manager should summarize actions to be taken at a future regular meeting</p>
<ul style="list-style-type: none"> • Add Legislative Committee to order of business 	
Clarifying Role of Committees and Chairs	
<ul style="list-style-type: none"> • Cannot take action on behalf of the Council 	<p>Clarify under “Purpose of Council Committees” – change “recommend” to “report”</p>

<ul style="list-style-type: none"> • Must be noticed when attended by a fourth Councilmember 	<p>If a fourth Councilmember plans to attend a committee meeting, the Councilmember should provide at least 48 hours’ notice to the City Clerks Office to allow adequate to notice the meeting</p>
<ul style="list-style-type: none"> • Chair to report out proceedings of meeting and when new items are added to the committee’s agenda 	<p>Clarify that committee chairs should report out when new items have been added to the committee agenda</p>
<ul style="list-style-type: none"> • Clarify how agenda items are added to Council Committees 	<p>Include as new section in policy New work items should be ratified by the entire Council</p>
<ul style="list-style-type: none"> • Formalize that Council Committee meetings are not subject to the Open Public Meetings Act 	<p>Include as new section in policy – not necessary to clarify</p>
<p>Communication Policies for Council</p>	
<ul style="list-style-type: none"> • When may the Mayor sign on behalf of the Council? 	<p>The Mayor can sign letters that are consistent with established Council policy positions or that are written on the Mayor’s behalf only and not represented as being from the entire Council</p>
<ul style="list-style-type: none"> • Participation of Council on social media sites 	<p>Needs further discussion Need to clarify that participation on social media sites requires screen shots to preserve public record Focus on how to do it rather than “not to do” Add language to posting: “Due to public meeting requirements, City Council members other than the author may not respond to this comment.” See City Clerk’s Email regarding saving social media content Clarify use of public facebook pages versus private Include policy regarding participation on blogs such as Kirkland Views</p>
<ul style="list-style-type: none"> • Councilmember letters to the editor and Councilmember editorials 	<p>Any member may write a letter to the editor under his or her own signature; Council should not submit comments or editorials about</p>

	<p>matters pending before the Council that are scheduled for a public hearing Council letters to the editor, editorials and social media should all be governed by the same principles – take up this matter later Use softer language such as “carefully consider” instead of “should not” comment on a topic prior to a public hearing. Should this be addressed in the code of conduct versus Council Policies?</p>
<p>Proclamations</p>	
<ul style="list-style-type: none"> • Mayor decides whether to issue a proclamation and whether to issue at a meeting 	<p>This should be clarified in policy</p>
<ul style="list-style-type: none"> • New proclamations to be reviewed by Mayor/Deputy Mayor 	<p>The procedure should be clarified in policy</p>
<ul style="list-style-type: none"> • Can individual Councilmembers issue ceremonial proclamations (i.e. those that do not take a position)? 	<p>Needs to be discussed with Council</p>
<p>Email Storage Policies</p>	
<ul style="list-style-type: none"> • Personal use of City email/Use of Personal email for City business • Email archiving 	<p>See existing administrative policy Archiving policy to be updated</p>
<p>Boards and Commissions</p>	
<ul style="list-style-type: none"> • Clarify purpose of alternate 	<p>The alternate is available to fill an unexpired term</p>
<ul style="list-style-type: none"> • Clarify when a recruitment is conducted for a vacancy 	<p>A recruitment will be conducted when a vacancy occurs at the end of term or when a mid-term vacancy occurs and there is no alternate available to complete that term; alternates that fill mid-term vacancies must reapply for the vacancy during the normal recruitment time</p>

<ul style="list-style-type: none"> • Reappointment for second term 	<p>When a regular appointee has completed his or her first term successfully and are interested in serving an additional term, the appointee can notify the Council who can then appoint them for a second term without conducting a recruitment for that position.</p>
<p>Public Outreach and Public Process</p>	
<ul style="list-style-type: none"> • Require public outreach on certain ordinances/resolutions 	<p>When should public outreach be conducted prior to Council reviews of a proposed policy, regulation or KMC change? Would like to have a “no surprises” approach Provide a set of questions staff should explore as a basis for recommending the appropriate level of public outreach (ex: right of way closures; LWSD impact fees; right sized parking When to hold a public hearing) This should be handled administratively with general direction from Council.</p>
<p>Training</p>	
<ul style="list-style-type: none"> • Open Government Training 	<p>Include provision that it is mandatory Also require for all boards and commissions</p>

CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



January 2015

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CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is an attractive, vibrant and inviting place to live, work and visit. Our lakefront community is a destination for residents, employees and visitors. Kirkland is a community with a small-town feel, retaining its sense of history, while adjusting gracefully to changes in the twenty-first century.

1.01 Goals. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.02 In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service and furthers Kirkland's interests beyond the our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – The City of Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative with a focus on outcomes. The City will continue to conduct a statistically valid citizen survey every two years to gather qualitative data about the citizen's level of satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – The City of Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhood identity while supporting the needs and values of the community as a whole.

The City Council Goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect citizen input as well as changes in the external environment and community demographics.

1.03 CITY COUNCIL GOALS

NEIGHBORHOODS

Value Statement: The citizens of Kirkland experience a high quality of life in their neighborhoods.

Goal: Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services and infrastructure.

PUBLIC SAFETY

Value Statement: Ensure that all those who live, work and play in Kirkland are safe.

Goal: Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.

HUMAN SERVICES

Value Statement: Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

Goal: To support a regional coordinated system of human services designed to meet the special needs of our community and remove barriers to opportunity.

BALANCED TRANSPORTATION

Value Statement: Kirkland values an integrated multi-modal system of transportation choices.

Goal: To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.

PARKS, OPEN SPACES AND RECREATIONAL SERVICES

Value Statement: Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

Goal: To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well-being of the community.

DIVERSE HOUSING

Value Statement: The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

Goal: To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.

FINANCIAL STABILITY

Value Statement: Citizens of Kirkland enjoy high-quality services that meet the community's priorities.

Goal: Provide a sustainable level of core services that are funded from predictable revenue.

ENVIRONMENT

Value Statement: We are committed to the protection of the natural environment through an integrated natural resource management system.

Goal: To protect and enhance our natural environment for current residents and future generations.

ECONOMIC DEVELOPMENT

Value Statement: Kirkland has a diverse, business-friendly economy that supports the community's needs.

Goal: To attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for residents.

DEPENDABLE INFRASTRUCTURE

Value Statement: Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

Goal: To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

CHAPTER 2: CITY COUNCIL CODE OF CONDUCT

2.01 Code of Conduct for City Council and Boards and Commissions.

The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the Code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Chapter.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
 - a. Announcements
 - b. Items from the Audience (See Section 3.07 for the three minute limitation.)
 - c. Petitions
7. Special Presentations
8. Consent Calendar
 - a. Approval of Minutes
 - b. Audit of Accounts and Payment of Bills and Payroll
 - c. General Correspondence
 - i. Routine
 - ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
 - d. Claims
 - e. Award of Bids
 - f. Acceptance of Public Improvements and Establishing Lien Periods
 - g. Approval of Agreements
 - h. Other Items of Business
9. Public Hearings
10. Unfinished Business
11. New Business

12. Reports
 - a. City Council Reports
 - (1) Finance and Administration Committee
 - (2) Planning and Economic Development Committee
 - (3) Public Safety Committee
 - (4) Public Works, Parks and Human Services Committee
 - (5) Tourism Development Committee
 - (6) Legislative Committee
 - (7) Regional Issues
 - b. City Manager Reports
 - (1) Calendar Update
13. Items from the Audience
14. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the Consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the Consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience."

2. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

3.08 Committee Reports. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

3.09 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate times.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
 - e. Repeat motions, put motions to a vote and announce the outcome.
 - f. Suggest but not make motions for adjournment.
 - g. Appoint committees when authorized to do so.

3.10 Rules for Councilmember Conduct.

1. No member shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

3.11 Voting. Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and

8. To approve a Consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the Consent calendar, has first been removed.

3.12 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

3.13 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.14 Motions to Reconsider. Except as provided in Sections 3.12 and 3.13, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.15 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.16 Motion for Adjournment. A motion for adjournment shall always be in order.

3.17 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.18 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.19 City Staff Attendance at Meeting. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the City of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

3.20 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.

3.21 Procedure for Considering Process IIA Appeals. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the

Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.22 Procedure for Considering Process IIB Applications. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

CHAPTER 4: COUNCIL COMMUNICATIONS

4.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence - Correspondence that requires policy decision or approval by Council shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the Consent agenda under the item Written Correspondence relating to quasi-judicial matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments – The City Manager will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

CHAPTER 5: COUNCIL COMMITTEES

CITY COUNCIL COMMITTEE APPOINTMENTS

5.01 Purpose and Relationship to City Council.

Committees are advisory and do not take action on behalf of the Council. The purpose of Council Committees is to review matters in detail and to make reports to the full Council for possible Council actions. Council Committees may be standing committees or ad hoc committees are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are five standing Council Committees:

- Finance and Administration
- Public Safety
- Planning and Economic Development
- Public Works, Parks and Human Services
- Legislative

Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, the topics discussed and results of the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City Council's internal web page along with a list of current and future topics being discussed by each committee.

5.02 Appointment Process.

Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interests in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the second City Council meeting in January for Council's consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members that are interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council's consideration to fill this vacancy at that following Council meeting.

5.03 Council Committees

Committee/Topic Areas	Staff
<p>Finance and Administration</p> <ul style="list-style-type: none"> • Finance and budget • Utility rates • Human Resources and Performance Management • Technology • Public Records • Council Policies and Procedures 	<p><i>Director of Finance and Administration</i></p>
<p>Public Safety</p> <ul style="list-style-type: none"> • Police • Fire and Emergency Medical Services • Municipal Court • Emergency Management • Code Enforcement 	<p><i>Deputy City Manager</i></p>
<p>Legislative</p> <ul style="list-style-type: none"> • State and Federal Legislative Agenda and Monitoring • Liaison with State and Federal Elected Officials 	<p><i>Intergovernmental Relations Manager</i></p>
<p>Planning and Economic Development</p> <ul style="list-style-type: none"> • Business Retention and Recruitment • Business Roundtable • Tourism • Events • Development Services (permitting) • Long Range Planning • Housing 	<p><i>Planning and Community Development Director and Economic Development Manager</i></p>
<p>Public Works, Parks and Human Services</p> <ul style="list-style-type: none"> • Public Works operations and CIP • Parks Operations and CIP • Parks planning • Environment • Utilities • Facilities and Fleet • Human Services 	<p><i>Public Works Director and Parks and Community Services Director</i></p>

CHAPTER 6: BOARD AND COMMISSION APPOINTMENTS

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

6.01 Applicability/Definition. For the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission
Design Review Board
Park Board
Human Services Advisory Committee
Planning Commission
Library Board
Tourism Development Committee (Lodging Tax Advisory Committee)
Salary Commission
Transportation Commission

6.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board.

6.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

*City council has made age a qualification for specific seats on certain advisory bodies.

6.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City Boards.

6.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31st of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

6.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

6.07 Attendance. Appointees shall attend 80 percent of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the City Council.

6.08 Appointment/Reappointment. An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the

position(s). All advisory board members completing their term who are interested in and eligible for reappointment will be required to go through the open competitive process.

6.09 Application Process. Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. If an incumbent is eligible to apply for reappointment, this information shall be included in the announcement. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

6.10 Criteria for Reappointment. Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement – has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

6.11 Appointment Process. Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed by lot to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall make its appointments in open session. Following appointment, the appointee, as well as all other candidates, will be notified in writing of the Council's decision.

6.12 Criteria for Removal. Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

APPENDICES:

- A. Council Committee and Regional Committee Assignments
- B. List of Boards and Commissions
- C. Acceptance of Gifts
- D. Code of Ethics
- E. Limits on Campaign Contributions
- F. City Council Orientation Manual and RCW Links

APPENDIX A – COUNCIL COMMITTEE AND REGIONAL COMMITTEE APPOINTMENTS

2014 Council Committee Assignments

CITY COUNCIL COMMITTEES:	CHAIR	MEMBERS	STAFF
City/School District Coordinating	Kloba		Kurt Triplett
Disability Board	Rex Lindquist	Kloba, Nixon	Betsy Reali
Finance & Administration	Marchione	Arnold, Walen	Tracey Dunlap
Legislative (<i>only during Legislative session</i>)	Asher	Marchione, Walen	Lorrie McKay
Planning, Housing & Economic Development	Arnold	Marchione, Sweet	Eric Shields/Ellen Miller-Wolfe
Public Works, Parks & Human Services	Kloba	Asher, Nixon	Kathy Brown/Jenny Schroder
Public Safety	Sweet	Asher, Nixon	Marilynne Beard
Tourism Development Committee (TDC)	Nixon		Ellen Miller-Wolfe

REGIONAL COMMITTEES:	MEMBER	ALTERNATE	STAFF
Cascade Water Alliance	Marchione, Sweet		Juliana Elsom
Eastside Transportation Partnership	Arnold, Asher		
Eastside Human Services Forum Board	Kloba		Leslie Miller
Eastside Rail Corridor (ERC)	Walen	Arnold	Dave Godfrey
King County Solid Waste Advisory Committee (SWAC)	Sweet		John MacGillivray
Water Resource Inventory Area (WRIA 8)	Arnold		Jenny Gaus
Puget Sound Regional Council (PSRC) Transit Oriented Development (TOD)	Arnold		
Puget Sound Regional Council (PSRC) Executive Board	Walen	Sweet	Eric Shields

SOUND CITIES ASSOCIATION (SCA) REGIONAL COMMITTEES:	MEMBER	ALTERNATE	STAFF
Committee to End Homelessness (CEH)	Marchione		Leslie Miller
Domestic Violence Initiative (DVI)	Kloba		Leslie Miller
Economic Development Council (EDC)	Walén		Ellen Miller-Wolfe
Emergency Management Advisory Committee (EMAC)	Sweet		Helen Ahrens-Byington
Growth Management Planning Council (GMPC)	Sweet		Eric Shields
Mental Illness and Drug Dependency (MIDD) Oversight Committee	Asher		Leslie Miller
Public Issues Committee (PIC)	Nixon	Kloba	
Puget Sound Regional Council (PSRC) Transportation Policy Board (TPB)	Walén		Dave Godfrey
Puget Sound Regional Council (PSRC) Growth Management Planning Board (GMPB)		Arnold	Eric Shields
Regional Transit Committee (RTC)	Asher		Dave Godfrey
Regional Policy Committee (RPC)	Walén		Eric Shields
Regional Law, Safety and Justice (RLSJ)	Nixon		Eric Olsen
Regional Water Quality Committee (RWQC)		Sweet	Kathy Brown

APPENDIX B -- Advisory Boards & Commissions --Membership & Qualification Matrix

	Membership	Term Length	Appointing Authority	Residency Requirements	Special Requirements
Civil Service Commission KMC 3.54	3 members	6-year terms	City Manager	Resident of the City of Kirkland for at least three years immediately preceding appointment	Citizen of the United States and an elector of King County
Design Review Board KMC 3.30	7 members	4-year Terms	City Council	Resident of the City of Kirkland and/or whose place of business in City preferred	Shall include design professionals and building/construction experts, and residents capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The Board shall have at all times a majority composition of professionals from architecture, urban design/planning or similar disciplines.
Disability Board KMC 3.56	Membership, Appointing Authority, Term Lengths, Residency Requirements, and Special Requirements 2 members of the City Council to be appointed by the Mayor (2-year term) ; 1 firefighter to be elected as provided by state law (2-year term); 1 law enforcement officer to be elected as provided by state law (2-year term) ; 1 member from the public at large, residing within the Kirkland city limits to be appointed by the other 4 members (2-year term).				
Kirkland Library Board KMC 3.28	5 members	4-year terms	City Council	Resident of the City of Kirkland	None
Park Board KMC 3.66	7 members	4-year terms	City Council	Resident of the City of Kirkland	None
Planning Commission KMC 3.32	7 members	4-year terms	City Council	Resident of the City of Kirkland	None

APPENDIX C – ACCEPTANCE OF GIFTS

3.80.140 Limitations on gifts.

(1) No city officer or city employee may accept gifts, other than those specified in subsection (2) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars in accordance with RCW [42.52.150](#)(1); provided, that if the fifty dollar limit in RCW [42.52.150](#)(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under Section [3.80.030](#)(16). The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) The following items are presumed not to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a city officer or city employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the city officer's or city employee's official duties;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature; and

(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item. (Ord. 4108 § 2, 2007)

APPENDIX D – CODE OF ETHICS

Chapter 3.14 CODE OF ETHICS

Sections:

- [3.14.010](#) Policy.
- [3.14.020](#) Definitions.
- [3.14.030](#) Prohibited conduct.
- [3.14.040](#) Financial disclosure statements.
- [3.14.050](#) Ethical standards.
- [3.14.060](#) Ethics officer.
- [3.14.070](#) Advisory opinions.
- [3.14.080](#) Complaints, investigations, hearings and enforcement.

3.14.010 Policy.

(a) Purpose. The Kirkland city council has adopted a code of ethics for members of the city council and the city's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) Intent. The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) Public officials be independent, impartial and fair in their judgment and actions;
- (3) Public office be used for the public good, not for personal gain; and
- (4) Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.020 Definitions.

(a) "Official" means a member of the city council or a member of council-appointed city boards and commissions and other council-appointed task groups or committees, including youth members.

(b) "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.030 Prohibited conduct.

(a) Conflicts of Interest. In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest: (1) the official, (2) a relative, (3) an individual with whom the official resides, or (4) an entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (1) to decisions regarding taxes or fees, (2) if the financial interest is shared with more than ten percent of the city's population, or (3) if the financial interest exists solely because of the official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

(d) Representation of Third Parties. Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. However, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

(e) Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.

(f) Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Section [3.80.140](#).

(g) Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.040 Financial disclosure statements.

All officials, except members of the city council, shall file a city of Kirkland disclosure statement annually. In accordance with Chapter [42.17](#) RCW, members of the Kirkland city council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable city of Kirkland disclosure statement within ten days of appointment. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.050 Ethical standards.

In addition to Section [3.14.030](#) of the code of ethics, which shall be administered by the ethics officer, officials are also encouraged to comply with the following standards:

(1) Compliance with Other Laws. Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW [42.17.750](#), no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW [42.17.130](#), no official may use or authorize the use of the

facilities of the city for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) Personal Integrity. The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, officials shall not directly or indirectly induce, encourage or aid anyone to violate the code of ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this code of ethics.

(3) Working for the Common Good. Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the city council, boards and commissions. Officials need to be mindful that making special requests of staff—even when the response does not benefit the official personally—puts staff in an awkward position.

(4) Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.

(5) Commitment to Transparency. Transparency, openness, and accountability are fundamental values of the city—and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the city complies with the record retention schedules established under Chapter [40.14](#) RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure

request under the Public Records Act, Chapter [42.56](#) RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) Conduct of Public Meetings. Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) Decisions Based on Merit. Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) Attendance. As provided in RCW [35A.12.060](#), a council member shall forfeit his or her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) Nepotism. The city council will not appoint relatives of city council members to boards or commissions or other appointed positions.

(11) Advocacy. When acting in an official capacity as a city official representing the city, officials shall represent the official policies or positions of the city council, board or commission to the best of their ability when the city council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the city of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. However, this does not preclude

officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) Policy Role of Officials. Officials shall respect and adhere to the council-manager structure of Kirkland city government as outlined by Chapter [35A.13](#) RCW. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.

APPENDIX A

Ch. [9A.72](#) RCW Perjury and interference with official proceedings

RCW [35A.12.060](#) Vacancy for nonattendance

Ch. [35A.13](#) RCW Council-manager plan of government

RCW [35A.13.020](#) Incompatible offices

Ch. [40.14](#) RCW Preservation and destruction of public records

RCW [42.17.130](#) Use of public office or agency facilities in campaigns—
Prohibition—Exceptions

RCW [42.17.750](#) Solicitation of contributions by public officials or
employees

Ch. [42.23](#) RCW Code of ethics for municipal officers—Contract interests

Ch. [42.36](#) RCW Appearance of fairness doctrine—Limitations

Ch. [42.56](#) RCW Public Records Act

KMC [3.80.140](#) Kirkland code on acceptance of gifts

Ch. 3.12 KMC Limitations on campaign contribution

(Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.060 Ethics officer.

(a) The city council creates the position of ethics officer. The city manager will contract with one or more agencies to fill this position. The ethics officer will provide for annual review of the code of ethics, review of training materials provided for education regarding the code of ethics,

and advisory opinions concerning the code of ethics. The ethics officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.070 Advisory opinions.

(a) Upon request of any official, the ethics officer shall render written advisory opinions concerning the applicability of Sections [3.14.030](#) and [3.14.040](#) of this code to hypothetical circumstances and/or situations solely related to the persons making the request. The ethics officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city public records officer, etc.

(b) Upon request of any official, the ethics officer may also render written advisory opinions concerning the applicability of the code of ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The ethics officer will endeavor to respond to requests for advisory opinions within forty-five days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer shall not be found to violate this code of ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the person's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.080 Complaints, investigations, hearings and enforcement.

The ethics officer shall resolve inadvertent and minor violations of the code of ethics informally and may resolve inadvertent or minor violations informally, unless the ethics officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the ethics officer may initiate an action in accordance with this section.

(1) Complaint Process.

(A) Complaint Requirements—Service. Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter [9A.72](#) RCW.

(B) Finding of Sufficiency. The ethics officer shall make a determination of sufficiency within thirty days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section [3.14.030](#) or [3.14.040](#) of this code. The ethics officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the ethics officer shall investigate the complaint as set forth below.

(C) Dismissal. The ethics officer shall dismiss the complaint if the ethics officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) Notice. Notice of action by the ethics officer shall be provided as follows:

(i) Notice of a finding of insufficiency or dismissal of a complaint by the ethics officer shall be sent to the person who made the complaint and the person complained against within seven days of the decision by the ethics officer. A finding of insufficiency or dismissal of a complaint by the ethics officer is final and binding, and no administrative or other legal appeal is available through the ethics officer.

(ii) Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the person complained against, of the ethics officer's determination. If, after investigation, the ethics officer has reason to believe that a material violation of Section [3.14.030](#) or [3.14.040](#) has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty days prior to the date set for the hearing. The person complained

against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) Stipulations. At any time after a complaint has been filed with the ethics officer, the ethics officer may seek and make recommendations that the city council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the city council for action.

(2) Conduct of Hearings.

(A) All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

(3) City Council Action. Final city council action to decide upon stipulations and recommendations from the ethics officer and findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. If the proceeding involves a

member of the city council, deliberations by the council may be in executive session. The member of the council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the council against whom the complaint was made, a public hearing or public meeting before the council will be held on the issue of penalties.

(4) Disposition. In the event the hearing examiner finds that the person against whom the complaint was made has violated the code of ethics, then the city council may take any of the following actions by a majority vote of the council. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (5) of this section.

(A) Dismissal. Dismissal of the complaint without penalties.

(B) Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.

(D) Reprimand. A reprimand shall be administered to the official by a resolution of reprimand by the city council. The resolution shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.

(E) Censure. A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The person shall appear at a city council meeting at a time and place directed by the city council to receive the resolution of censure. Notice shall be given at least twenty calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.

(F) Removal—Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a city board or commission or other task group or committee, appointed by the city council, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) Civil Penalties. The city council may assess a civil penalty of up to one thousand dollars or three times the economic value of anything received in violation of this code of ethics or three times the economic value of any loss to the city, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.

(H) Contract Void. As provided by RCW [42.23.050](#), any contract made in violation of Chapter [42.23](#) RCW, "Code of ethics for municipal officers— contract interests," is void.

(I) Other Penalties. The city council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the city council.

(5) Review of Civil Penalties. If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within thirty days of the city council's order.

(6) Protection Against Retaliation. Neither the city nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the ethics officer.

(7) Public Records. Records filed with the ethics officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW [42.56.230\(2\)](#), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the ethics officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The city shall release copies of any written reports resulting from an investigation of a sustained complaint, any hearing examiner orders, and any written censures or reprimands issued by the city council, in response to public records requests consistent with Chapter [42.56](#) RCW and any other applicable public disclosure laws.

(8) Liberal Construction—Limitation Period—Effective Date.

(A) This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this code of ethics must be commenced within three years from the date of violation.

(C) This code of ethics shall take effect February 18, 2012. (Ord. 4348 § 1 (Exh. A) (part), 2012))

APPENDIX E – LIMITS ON CAMPAIGN CONTRIBUTIONS

LIMITS ON CAMPAIGN CONTRIBUTIONS

Sections:

[3.12.010](#) Definitions.

[3.12.020](#) Application.

[3.12.030](#) Contribution limits.

[3.12.040](#) Adjustment of dollar amounts in chapter—Adherence to Public Disclosure Commission established limits and schedule.

[3.12.050](#) Complaint process.

[3.12.060](#) Appeal from the imposition of a penalty.

[3.12.070](#) Hearing examiner dismissal.

[3.12.080](#) Penalties.

[3.12.010](#) Definitions.

For purposes of this chapter, the definitions found in RCW [42.17.020](#) as currently enacted or as hereafter amended or recodified are hereby adopted by reference. In adopting these definitions by reference, the city also adopts the interpretation of these definitions published in Chapter [390-05](#) WAC or otherwise issued by the Washington State Public Disclosure Commission through declaratory orders, policy statements, and commission interpretations, except that:

(a) "Election cycle" means the combination of the general or special election and the primary election for the office in question and begins on the date an individual becomes a candidate for such office as defined in subsection (e) of this section and ends on the date that candidate files his or her final report pursuant to RCW [42.17.080](#)(2).

(b) To "accept" or "receive" a contribution means the receipt of a contribution, deposit of funds with other campaign funds, and report of the contribution on required Public Disclosure Commission report(s). These terms do not apply to a situation in which a candidate receives a contribution and returns the contribution to the contributor within five business days of the date on which it is received by the candidate or political committee. This definition does not in any way affect the determination of the date a contribution is received, which is defined by Public Disclosure Commission policies.

(c) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(d) "Public Disclosure Commission" means the Washington State Public Disclosure Commission, established under RCW [42.17.350](#), or its successor.

(e) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first: (1) receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; (2) announces publicly or files for office; (3) purchases commercial advertising space or broadcast time to promote his or her candidacy; or (4) gives his or her consent to another person to take on behalf of the individual any of the actions in subsection (e)(1), (2) or (3) of this section. This is the definition of "candidate" in RCW [42.17.020](#) at the time of enactment of the ordinance codified in this chapter. The city also adopts amended or recodified definitions of "candidate" along with interpretations of this definition published in Chapter [390-05](#) WAC or otherwise issued by the Public Disclosure Commission through declaratory orders, policy statements, and commission interpretations. (Ord. 4190 § 2 (part), 2009)

3.12.020 Application.

These limits shall apply to candidates in any primary, general or special election for the Kirkland city council. (Ord. 4190 § 2 (part), 2009)

3.12.030 Contribution limits.

(a) No candidate for city council shall accept or receive during the election cycle campaign contributions totaling more than the contribution limit established by the Public Disclosure Commission for county office candidates in King County in the aggregate from any person.

(b) The per-election contribution limit established by the Public Disclosure Commission for county office candidates in King County shall be the election-cycle contribution limit on candidates for the Kirkland city council.

(c) The limitations in this section shall not apply to:

(1) A candidate's contributions of his/her own resources to his/her own campaign;

(2) The value of volunteer services;

(3) Any publicly donated funds under provisions authorizing public funding of local campaigns;
and

(4) Surplus funds, as defined in RCW [42.17.020](#)(48), from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus funds.

(d) The limitations imposed by this section shall apply to all other contributions. (Ord. 4190 § 2 (part), 2009)

3.12.040 Adjustment of dollar amounts in chapter—Adherence to Public Disclosure Commission established limits and schedule.

The amount of the contribution limit is adjusted to reflect periodic adjustments made by the Public Disclosure Commission for county office candidates in King County. The timing of the limitation changes shall take place as published by the Public Disclosure Commission and shall, from that time forward, form a new limit on contributions. (Ord. 4190 § 2 (part), 2009)

3.12.050 Complaint process.

(a) Any person who has knowledge of a violation of this chapter committed by any candidate or committee may file a complaint, in writing, under oath of the same with the city clerk. "Under oath" means that the complaint includes a statement substantially as follows: "I declare under penalty of perjury of the laws of the State of Washington that the information in this complaint is true and correct," or that the complaint is subscribed and sworn to before a notary public or other official authorized to administer oaths. The complaint must set forth specific facts detailing the alleged violation, including: the amounts of the contributions accepted or received; the name of the candidate or committee receiving the contribution(s); and the name(s) and address(es) of the contributor(s), if known or reported; and the names and telephone numbers

of persons having knowledge of the alleged violation. The complaint must include the name, address, and telephone number of the person submitting the complaint.

(b) The city clerk shall refer the complaint to the hearing examiner. The city clerk shall also send a copy of the complaint to the candidate or committee named in the complaint as the alleged violator. Within five calendar days of receiving the complaint, the hearing examiner shall make a determination that the complaint appears to have merit or is frivolous and without merit and communicate his or her decision in writing to the person who made the complaint, to the candidate or committee named in the complaint as the alleged violator, and to the city clerk.

(1) The hearing examiner shall dismiss the complaint if the hearing examiner determines that all of the alleged facts, if true, do not constitute a violation; or

(2) The hearing examiner determines that there are no reasonable grounds to believe that a violation has occurred; or

(3) The hearing examiner determines that the violation was inadvertent and minor and has been largely corrected to the satisfaction of the hearing examiner.

(c) If the hearing examiner determines the complaint appears to have merit and the complaint relates to conduct during the pending election and is received at least 30 days before the final election for the office, the hearing examiner shall provide expedited review and a public hearing on the complaint shall be set not less than fifteen days of the determination, absent a showing of good cause for a different date or a stipulation of the parties.

(1) In other instances, the public hearing shall be set within thirty days of the determination.

(d) At least fifteen days prior to the date set for hearing, the hearing examiner will notify, in writing, the person who made the complaint and candidate and/or committee complained against of the public hearing which will be held to determine if a violation has occurred. The candidate and/or committee complained against shall have the right to file a written answer to the complaint and to appear at the hearing with or without legal counsel, submit testimony, be fully heard and to examine and cross-examine witnesses.

(e) Hearings conducted by the hearing examiner shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence needed by the parties. To that end, the hearing

examiner shall issue subpoenas and subpoenas duces tecum on his or her own. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing including all testimony, which shall be recorded by mechanical or electronic device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(f) Not more than ten calendar days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records findings of fact, conclusions of law, determination of a recommended disposition, and order shall be forwarded by certified mail, or personal service, to the person who made the initial report, the candidate and/or committee complained against at the addresses as given by these persons to the hearing examiner, and the city clerk. (Ord. 4190 § 2 (part), 2009)

3.12.060 Appeal from the imposition of a penalty.

Any candidate and/or committee found, by final written order of the hearing examiner, to be in violation of this chapter may seek review of the hearing examiner's order and any other decision based upon that order in the following manner:

(1) Civil Penalty Ordered at Least Fifteen Days Before the Final Election for Office. If the hearing examiner orders a candidate and/or a committee to pay a civil penalty at least fifteen days before the final election for office, the candidate and/or committee may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within fourteen days of the date of the hearing examiner's order.

(2) Civil Penalty Ordered in Other Instances. If the hearing examiner orders a candidate and/or a committee to pay a civil penalty in any other instances, the candidate and/or committee may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within thirty days of the hearing examiner's order. (Ord. 4190 § 2 (part), 2009)

3.12.070 Hearing examiner dismissal.

If the hearing examiner dismisses the complaint, the person who filed the complaint may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within fourteen days of the date of the hearing examiner's dismissal. (Ord. 4190 § 2 (part), 2009)

3.12.080 Penalties.

The violation or failure to comply with the provisions of this chapter shall constitute a civil violation for which a monetary fine of up to three times the amount of the illegal contribution in violation of KMC [3.12.030](#)(a) may be imposed on the candidate and/or committee that accepted the contribution. (Ord. 4190 § 2 (part), 2009)

APPENDIX F

COUNCIL MEMBER ORIENTATION

1. INTRODUCTION AND OVERVIEW

1.01 Council-Manager Form of Government

The City of Kirkland is a noncharter code city with a council-manager form of government. A noncharter code city is a city which has not adopted its own local charter, but has substantial "home rule" authority under Title 35A of the Revised Code of Washington (RCW). Under the council-manager form of government, the City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy. The City Manager is responsible to the Council for the proper administration of all affairs of the city government. See Appendix D for the RCW chapter which governs the council-manager form of government.

1.02 Consolidated City

Kirkland is also a consolidated city as it is the successor to the former cities of Kirkland and Houghton. Within the geographic area of the former City of Houghton, the Houghton Community Council retains a limited disapproval power over certain actions or decisions made by the City Council in the areas of land use planning and regulation.

In addition to its disapproval authority, the Houghton Community Council serves as a land use citizens' advisory body to the Kirkland Planning Commission (itself an advisory body to the City Council) and to the City Council.

1.03 Overview of Basic City Documents

A. Kirkland Municipal Code

The Kirkland Municipal Code (KMC) contains local laws and regulations adopted by ordinance. Title 3 of the KMC addresses the role of the City Council, describes the conduct of City Council meetings, responsibilities and appointment process for certain City staff positions and advisory boards and commissions. In addition to these administrative matters, the KMC contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance.

B. Revised Code of Washington

The state law contains many requirements for the operation of city government and the administration of meetings of city councils throughout the state. Kirkland is an "optional code city," which means it operates under the general laws of the state. As an optional code city of the State of Washington, Kirkland is vested with all the powers of

incorporated cities as set forth in the RCW, Constitution of the State of Washington, and KMC.

C. Biennial Budget

The biennial budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the biennial budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

D. Annual Financial Report

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

E. Comprehensive Plan

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

F. Zoning Code

The Zoning Code contains development regulations, regulating how land is used and developed.

G. Six-year Capital Improvement Program

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

H. Comprehensive Emergency Management Plan

The City maintains a Comprehensive Emergency Management Plan that outlines actions to be taken during times of disaster and emergency situations. Under the Plan and Chapter 3.20 of the KMC, the City Manager appoints the Director of Fire and Building Services as the Director of Emergency Services who is then directly responsible to the City Manager for all disaster response activities.

2. KIRKLAND CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES

2.01 City Council Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is the City Manager's responsibility to ensure the policy of the Council is implemented.

RCW 35A.13.120 provides that except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager.

2.02 Role of Mayor

A. Presiding Officer

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists.

B. Ceremonial Representative

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor's absence, the Deputy Mayor assumes this responsibility.

2.03 Election of Officers

Under RCW 35A.13.030, biennially, at the first meeting of the new Council, the Council Members choose a Mayor to serve as the presiding officer. In addition to the powers conferred upon him/her as Mayor, he/she will continue to have all the rights, privileges and immunities of a member of the Council. Following the election of the Mayor, there will be an election for Deputy Mayor. RCW 35A.13.035

2.04 Ordinances and Resolutions

The City Council takes legislative action through ordinances, resolutions, or motions. An ordinance generally prescribes permanent rules of conduct or government and requires the affirmative vote of the majority of the entire membership of the Council. Ordinances are used to add to or amend the Kirkland Municipal Code. Each City Council Member votes individually on an ordinance and the votes are recorded in the minutes.

The Council may also act by resolution or passing a motion. Either of these is usually done by a simple voice vote. With the exception of certain motions identified in the Council Rules of Procedure, when voting on a resolution or motion, a majority of the entire membership of the Council is required for passage. A resolution is less formal than an ordinance and generally is an expression of the opinion or mind of the Council concerning some particular item of business or administrative matter. A resolution usually deals with matters of a special or temporary character. Sometimes a state statute specifies whether an ordinance or a resolution is to be used.

A motion provides authority to do a specified act. A motion is a proposal by a Council Member that the Council take a particular action. The proposed action may be substantive, or it may express a certain view, or direct a particular action be taken. A motion, once approved and entered into the record, is the equivalent of a resolution.

3. FINANCIAL MATTERS

3.01 Council Compensation

As authorized by RCW 35.21.015, Chapter 3.11 of the KMC provides for a Salary Commission to set the compensation of the City Council Members. If the Salary Commission elects to change the compensation of the City Council Members, it files the adjustment with the City Clerk and the adjustment automatically becomes effective. No action of the City Council is required. Any recommended increases in compensation go into effect immediately for the Council Members regardless of their terms. However, decreases in compensation only become effective as to incumbent City Council Members at the commencement of their next term.

3.02 Accepting Gifts

The general rule is to never accept a gift, gratuity, or anything of value if the gift, gratuity, or thing of value could reasonably be expected to influence your vote, judgment, or action. Even if there is no reasonable expectation that a gift would influence a decision, under the City's limitations on gifts provisions in KMC 3.80.140, City officers and employees may only accept certain gifts and in most situations, a \$50.00 gift limit applies. Members of the City Council are subject to the limitations on accepting gifts in KMC 3.80.140 as City officers.

There are certain items that a City officer or employee may receive because they are deemed "exempt" from the definition of gift under KMC 3.80.030(16):

- Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the City or with the recipient in connection with City matters;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials or employees or a social event hosted or sponsored by a City officer or City employee for co-workers;
- Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
- Items a City officer or City employee is authorized by law to accept;
- Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution;
- Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt;
- Campaign contributions reported under Chapter 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

Under the City's limitations on gifts provision, and consistent with state law, a City officer or employee may receive gifts without regard to the \$50.00 limit if the item is one presumed not to influence the recipient. These items are listed in Section 2 of KMC 3.80.140 and include:

- Unsolicited flowers, plants, and floral arrangements;
- Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- Unsolicited tokens or awards of appreciation;

- Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or the acquisition of the item;
- Informational material, publications, or subscriptions related to official duties;
- Food and beverage consumed at hosted receptions related to the officer's or employee's duties;
- Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;
- Unsolicited gifts from dignitaries in another state or foreign country intended to be personal in nature; and
- Food and beverages on infrequent occasions in the ordinary course of City business.

Not accepting gifts is one sure way to know you are in compliance with the limitations on gifts provisions. In the alternative, prohibited gifts may be returned to the sender or donated to charity within 30 days of receipt. If donated to charity, you may want to consider sending a letter to the giver indicating your actions.

3.03 Use of Public Facilities in Campaigns

Generally, state law provides that a person in public office, whether elected or appointed, may not use the facilities of the office for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition. RCW 42.17A.555.

3.04 Gift of Public Funds

Article 8, Section 7 of the Washington State Constitution prohibits the City from giving money or property, or lending money or credit, except for the necessary support of the poor or infirm. Most commonly referred to as "the gift clause," it reads as follows:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

Transactions in which the City pays money, gives property or lends money or credit must be carefully scrutinized in light of the prohibition concerning the gift of public funds.

4. PUBLIC RECORDS ACT

In 1972 the voters of the state of Washington, through the initiative process, enacted the Public Records Act to ensure that citizens have broad access to public records. The Public Records Act contains express provisions as to its purpose and policy, including:

The people of this state do not yield their **sovereignty** to the agencies that serve them. **Mindful** of the right of individuals to **privacy** and of the desirability of the **efficient administration** of government, **full access** to information concerning the conduct of government on every level must be assured as a **fundamental** and **necessary** precondition to the sound governance of a free society.

A. *Public Records Act*

The Public Records Act creates a significant duty for cities.

- RCW 42.56.070(1) "Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within specific exemptions..."
- RCW 42.56.030 ..."This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected..."

According to RCW 42.56.010(3), a public record is:

1. Any writing;
2. Relating to the conduct/performance of any governmental or proprietary function;
3. Prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

In other words, almost **everything** we handle is a public record. "Writing" is defined in RCW 42.56.010(4) as follows:

'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which the information may be obtained or translated.

That means that the following are types of records subject to disclosure:

- Letters
- Contracts
- Resolutions

- Emails
- Word documents
- Spreadsheets
- PDFs
- Calendars
- Evaluations
- Public Comment Forms
- Photographs, videos and MP3s
- Databases
- Voicemails

B. Electronic Communications

- It is important for Council Members to understand that the Public Records Act applies to electronic communications.
- Emails between Council Members, emails between Council Members and staff, and emails between Council Members and the public may be disclosed to the public or news media if a public disclosure request is filed.
- Emails on a Council Member’s private computer pertaining to City business may be considered open to public disclosure.
- Social networking sites, FaceBook, Twitter, blogs, Flickr, and YouTube are creating new Public Records Act challenges.

C. Penalties for Violation of the Public Records Act

Under RCW 42.56.550(4), the court has the discretion to impose penalties for violation of the Public Records Act, even for good faith mistakes. The penalties may be up to \$100 per day, per request. In addition, a person who prevails against an agency for a violation of the Public Records Act is entitled to attorney fees and costs.

5. CONFLICTS OF INTEREST, APPEARANCE OF FAIRNESS, ETHICS, AND CONFIDENTIALITY

5.01 Conflicts of Interest

A. Washington State Law

Washington State statutes contain provisions designed to prevent local official from using elected office for personal benefit. RCW 42.23.070 provides that:

1. No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
2. No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the

employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

3. No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
4. No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

RCW 42.23.030 provides that:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein...

In circumstances where only a "remote interest" (see below) exists, after disclosure of the interest by the Council Member who has the remote interest, and after inclusion of the disclosure in the minutes, the balance of the Council may approve the contract. The Council Member who has the remote interest may not participate in the vote and must refrain from any attempt to influence other Council Members to approve the contract.

B. Definition of Remote Interest

Remote Interests are so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a City official is:

- A non-salaried officer or member of a nonprofit corporation doing business or requesting money from the City.
- The landlord or tenant of a contracting party, i.e., a Council Member may lease office space to a party who has a private interest in a public matter without it resulting in a conflict of interest.
- The owner of less than one percent of the shares of a corporation or a cooperative doing business with the City.
- An employee or agent of a party contracting with the City where the compensation of such employee or agent consists entirely of fixed wages or salary.

RCW 42.23.040

C. Declaration of a Conflict

When a substantial interest exists, the City official must:

1. Refrain from voting or in any way influencing a decision of the City Council; and
2. Declare that a conflict of interest exists and make it known in the official records of the City.

5.02 Appearance of Fairness

Most of the matters coming before the City Council are legislative in nature. Purely legislative actions are not subject to the appearance of fairness doctrine. From time to time, the City Council will act in a quasi-judicial role. For example, an appeal could be made to the Council from the grant or denial of a land use permit by the City's Hearing Examiner. Maintaining a clear appearance of fairness is crucial to maintaining a trusting relationship with the citizens of Kirkland. While elected officials may have communication with interested citizens in matters that could potentially come before them in the form of a quasi-judicial proceeding, RCW 42.36 provides that:

While a quasi-judicial proceeding is pending, Council Members may not engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Council Member:

- Places on the record the substance of such oral or written communications; and
- Provides that a public announcement of the content of the communication and the parties' rights to rebut the substance of the communications shall be made at each hearing where action is taken or considered on that subject.

5.03 Ethics

Council Members are subject to the "Code of Ethics for Municipal Officers" which appears in Chapter 42.23 RCW and is described under "Conflicts of Interest" in Section 5.01. The City also has a separate Code of Ethics which applies to Council Members and members of City Boards and Commissions set forth in Chapter 3.14 of the KMC. See Appendix E.

5.04 Confidentiality

Council Members are to keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Council Members outside of executive sessions when the information is considered to be exempt

from disclosure under exemptions as set forth in the Public Records Act, RCW 42.56, such as attorney-client privileged material.

6. CITY COUNCIL MEETINGS

6.01 Meeting Schedule

Regular meetings are held the first and third Tuesdays of each month at 7:30 p.m. This is set forth in Chapter 3.10 of the KMC. Should these days happen to be designated as a legal holiday; the Council meeting will be held the Wednesday immediately following the legal holiday.

6.02 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by the written request of four Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, by fax or by electronic mail to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

6.03 Study Sessions

The City Council may meet informally in a study session. The study session is the forum used by Council to for the purpose of information study, review, and general discussion. No final action is taken while in a study session unless the requirements of Chapter 42.30 RCW, the Open Public Meetings Act, have been met, including the requirement of public notice for special meetings.

6.04 Placing Items on the Agenda

A. Agenda Planning

The agenda is normally set by the City Manager in consultation with the Mayor and Deputy Mayor. "Calendar updates" are included on all regular Council meeting agendas and provide an opportunity for Council Members to request that items be added for future meetings.

B. City Council

A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or making a request to the Mayor or City Manager.

6.05 Council Rules of Procedure

The Council has adopted Rules of Procedure which are attached as Appendix A.

6.06 Council Attendance Policy

RCW 35A.13.020 (Council-Manager Plan of Government) directs us to RCW 35A.12.060 (Mayor-Council Plan of Government) - Vacancy for Nonattendance. A council position shall become vacant if the Council Member fails to attend three consecutive regular meetings of the Council without being excused by the Council.

6.07 Open Public Meeting Act

A. Applicability

Chapter 42.30 RCW is the Open Public Meetings Act, which applies to the meetings of the governing bodies of all public agencies.

B. Meetings

Basically, the Act requires that "meetings" of the Council be open to the public and that all "action" be taken at meetings that are open to the public. The terms "meetings" and "action" are broadly defined in the Act. A "meeting" "means meeting at which action is taken." "Action" includes "discussion," "deliberations," "considerations," and "evaluations."

C. Virtual or Electronic Meetings

Email intended to be shared among (a least four) Council Members must also be considered in light of the Open Public Meetings Act. If the intended purpose of the email is actually a discussion, the discussion should be held in an open meeting. This is true whether a Council Member is emailing from home, the Council Office, or on the Council dais. The Washington Court of Appeals held in *Battle Ground School District v. Wood*, 107 Wn.2d 550 (2008), that the Open Public Meetings Act could apply to the exchange of emails between governing body members if they intend to transact official business and discuss issues that may or will come before them for a vote.

6.08 Executive Sessions

The Council may hold an executive session before, after, or during a regular or special meeting to consider such matters permitted by the Open Public Meetings Act or other applicable statute. Such matters may include, among others, the price at which real estate may be acquired, collective bargaining, potential or pending litigation, and the evaluation of a public employee. Before the executive session, the Mayor must publicly announce the purpose of the executive session and the time when the executive session will be concluded.

7. LIABILITY AND INDEMNITY

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk and loss control activities which are administered through the Human Resources Department.

For risk management purposes, Council Members are advised to avoid public admissions, opinions, and statements that may harm the future ability of the City to defend against a claim or a lawsuit. The publicly expressed statements, opinions and admissions of an individual Council Member generally do not bind the City because the City Council can only take action as a body by a majority vote. However, such statements, if imprudently made, can make the defense of the city more difficult and can turn a Council Member into an unintended witness in litigation or the associated discovery process.

When a tragic event occurs such as a fire or a traffic accident which results in a fatality, Council Members are encouraged to avoid reaching premature conclusions and making statements about the event. A statement such as "this is the worst intersection in the City" after a fatal accident will only encourage potential legal claims and lawsuits. The statement may not be accurate and the condition of the intersection may have nothing to do with the actual cause of the accident (which may still be under police investigation).

Chapter 3.72 of KMC addresses defense of employees and officers.

8. ADDITIONAL TRAINING AND RESOURCE MATERIALS

8.01 Municipal Research & Services Center of Washington

[(800)933-6772 or (206) 625-1300] www.mrsc.org MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government. MRSC's resources include professional staff members who are local government experts, a comprehensive local government reference library, and an information-packed website. Staff experience includes:

- budgeting and finance
- municipal law
- public management and administration
- planning and growth management
- public works and utilities
- local government policies

The Code City Handbook, Report No. 37, published by MRSC, provides a wealth of general information on the state laws that govern the City of Kirkland. Another useful MRSC publication is *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*. This report discusses basic powers, duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Open Government-Public Records; and, immunities from tort liability.

8.02 Association of Washington Cities

[(800) 562-8981] www.awcnet.org The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington. The Association:

- serves as a resource for information
- provides news, reports, and reminders affecting cities and towns
- acts as liaison to State agencies
- represents the interests of cities before the state legislature
- publishes training and information manuals for municipal leaders

8.03 National League of Cities

[(877) 827-2385] www.nlc.org A non-partisan organization serving municipal governments, the NLC works to establish unified policy positions, advocates those policies forcefully, and shares information that strengthens municipal government throughout the nation. Services include:

- publications and news services
- inquiry, technical assistance, and project services
- awards program
- research programs

8.04 Government Finance Officers Association

[(312) 977-9700] www.gfoa.org GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management, including:

- accounting, auditing, and financial reporting
- budgeting and financial planning
- capital finance and debt administration
- cash management and investments
- retirement administration and finance
- health care and other employee benefits

8.05 Other Reference Materials Available to Council Members

Other reference materials that may be of interest to Council Members and are available on-line or upon request to the City Manager's Office include:

- AWC's Councilmember's Handbook
- AWC's Mayor's Handbook
- MRSC's *Knowing the Territory: Basic Legal Guidelines for Washington Municipal Officials*
- MRSC's *Councilmember's Handbook*
- MRSC's *Mayor's Handbook*
- MRSC's *Public Records Act for Washington Cities, Counties and Special Purpose Districts*
- MRSC's *Code City Handbook*
- MRSC's *The Open Public Meetings Act – How it Applies to Washington Cities, Counties, and Special Purpose Districts*
- GFOA's *An Elected Official's Guide* series
- *Robert's Rules of Order* latest edition
- Washington State Constitution
- Revised Code of Washington
- Washington Administrative Code
- Kirkland Municipal Code
- Kirkland Adopted Biennial Budget
- Kirkland Comprehensive Plan
- Kirkland Zoning Code
- Kirkland Capital Improvement Plan

8.06 Appendices

- A Council Rules of Procedure
- B Basics of Parliamentary Procedure
- C Reference Locator Guide
- D Chapter 35.18 RCW
- E Chapter 35A.13 RCW

APPENDIX A

Council Rules of Procedure
[See Resolution R-4961]

APPENDIX B

Basics of Parliamentary Procedure

By approval of the Resolution of the City Council Setting Forth the Current Rules of Procedure for the Conduct of Kirkland City Council Meetings, the City Council has adopted a modified version of *Robert's Rules of Order*. The following is summary of some of the commonly used rules of order:

Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

Basic Steps to Conducting Business

Business is brought before the Council in the form of a motion. The basic steps to conducting business include:

The Mayor:

1. Introduces the item to be considered as presented on the agenda

A member of the Council:

2. Is recognized by the Mayor
3. Proposes the motion

A second member of the Council:

4. Seconds the motion

The Mayor:

5. States the motion
6. Calls for any further discussion or debate
7. Restates the motion and puts the motion to a vote

The City Clerk:

8. Takes the vote
9. Announces the results

Amendment of the Main Motion

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment *before* it is finally voted upon. Once recognized by the Mayor, a Council Member may make the motion to amend by stating, "I move to amend the motion by..." ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be germane---that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the Mayor puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

Postponement of Business

A. *Postpone to a Time Certain*

Council may delay action on a pending question by making a motion to postpone the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

B. *Postpone Indefinitely*

Council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

C. *Table*

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

Debate

The term "debate" applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, "I move that debate on the motion be closed," or "I move the previous question."

However, Council Members should refrain from using the term, "call the question," as a means to end debate. The audience better understands, "Move that debate on the motion be closed," rather than "calling the question." The motion must be seconded. The presiding officer immediately requests a vote, to which a two thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate effects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

Debate shall not be closed until every Council Member present has had at least one opportunity to speak on the motion.

Voting Procedures

Each Council member shall vote on all questions put to the City Council, unless a conflict of interest under State law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote. However, any member may abstain from voting on any question; provided, at the time of declaring his/her abstention, he/she shall state the reason.

APPENDIX C

Reference Locator Guide

The Washington Constitution, Revised Code of Washington, United States Constitution, United States Code, and United States Code of Federal Regulations are available on the Internet at:

Washington Constitution

<http://www.leg.wa.gov/LawsAndAgencyRules/Pages/constitution.aspx>

Revised Code of Washington

<http://www.leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx>

United States Constitution

<http://www.loc.gov/rr/program/bib/ourdocs/Constitution.html>

United States Code

<http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>

United States Code of Federal Regulations

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

APPENDIX D

Chapter 35A.13 RCW
Chapter 35A.13 RCW
Council-manager plan of government

[Chapter Listing](#)

RCW Sections

- [35A.13.010](#) City officers -- Size of council.
- [35A.13.020](#) Election of councilmembers -- Eligibility -- Terms -- Vacancies -- Forfeiture of office -- Council chair.
- [35A.13.030](#) Mayor -- Election -- Chair to be mayor -- Duties.
- [35A.13.033](#) Election on proposition to designate person elected to position one as chair -- Subsequent holders of position one to be chair.
- [35A.13.035](#) Mayor pro tempore or deputy mayor.
- [35A.13.040](#) Compensation of councilmembers -- Expenses.
- [35A.13.050](#) City manager -- Qualifications.
- [35A.13.060](#) City manager may serve two or more cities.
- [35A.13.070](#) City manager -- Bond and oath.
- [35A.13.080](#) City manager -- Powers and duties.
- [35A.13.090](#) Creation of departments, offices, and employment -- Compensation.
- [35A.13.100](#) City manager -- Department heads -- Authority.
- [35A.13.110](#) City manager -- Appointment of subordinates -- Qualifications -- Terms.
- [35A.13.120](#) City manager -- Interference by councilmembers.
- [35A.13.130](#) City manager -- Removal -- Resolution and notice.
- [35A.13.140](#) City manager -- Removal -- Reply and hearing.
- [35A.13.150](#) City manager -- Substitute.
- [35A.13.160](#) Oath and bond of officers.
- [35A.13.170](#) Council meetings -- Quorum -- Rules -- Voting.
- [35A.13.180](#) Adoption of codes by reference.
- [35A.13.190](#) Ordinances -- Style -- Requisites -- Veto.
- [35A.13.200](#) Authentication, recording and publication of ordinances.
- [35A.13.210](#) Audit and allowance of demands against city.
- [35A.13.220](#) Optional division of city into wards.
- [35A.13.230](#) Powers of council.

35A.13.010
City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW [35A.13.020](#), appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW [35A.12.040](#).

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW [35A.02.130](#), is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.
[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § [35A.13.010](#).]

Notes:

Severability -- 1987 c 3: See note following RCW [3.70.010](#).

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

Population determinations, office of financial management: Chapter [43.62](#) RCW.

35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair. In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW [35A.12.030](#), [35A.12.040](#), [35A.12.050](#), [35A.12.060](#), and [35A.12.065](#) relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW [35A.13.033](#), provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW [35A.13.030](#).

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 § [35A.13.020](#) .]

35A.13.030

Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW [35A.13.033](#). The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § [35A.13.030](#).]

35A.13.033

Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW [35A.13.030](#). If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

35A.13.035

Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

Notes:

Effective date -- 1969 ex.s. c 81: "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

35A.13.040

Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent:

PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an

additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § [35A.13.040](#).]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

35A.13.050

City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 § [35A.13.050](#) .]

35A.13.060

City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § [35A.13.060](#).]

35A.13.070

City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § [35A.13.070](#).]

35A.13.080

City manager — Powers and duties.

The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his or her attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter [35A.33](#) RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution. [2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § [35A.13.080](#).]

Notes:

Severability -- 1987 c 3: See note following RCW [3.70.010](#).

35A.13.090

Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § [35A.13.090](#).]

35A.13.100

City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW [35A.13.080](#) and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § [35A.13.100](#).]

35A.13.110

City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § [35A.13.110](#).]

35A.13.120

City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council,

while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.
[2009 c 549 § 3027; 1967 ex.s. c 119 § [35A.13.120](#).]

35A.13.130

City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § [35A.13.130](#).]

35A.13.140

City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § [35A.13.140](#).]

35A.13.150

City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § [35A.13.150](#).]

35A.13.160

Oath and bond of officers.

All provisions of RCW [35A.12.080](#) relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § [35A.13.160](#).]

35A.13.170

Council meetings — Quorum — Rules — Voting.

All provisions of RCW [35A.12.110](#), as now or hereafter amended, and [35A.12.120](#), relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § [35A.13.170](#).]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

35A.13.180

Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW [35A.12.140](#).
[1967 ex.s. c 119 § [35A.13.180](#).]

35A.13.190

Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.
[1967 ex.s. c 119 § [35A.13.190](#).]

35A.13.200

Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW [35A.12.150](#) and [35A.12.160](#).
[1967 ex.s. c 119 § [35A.13.200](#).]

35A.13.210

Audit and allowance of demands against city.

RCW [35A.12.170](#) shall apply to the audit and allowance of demands against the city.
[1967 ex.s. c 119 § [35A.13.210](#).]

35A.13.220

Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW [35A.12.180](#).
[1967 ex.s. c 119 § [35A.13.220](#).]

35A.13.230

Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter [35A.11](#) RCW, except insofar as such power and authority is vested in the city manager.
[1967 ex.s. c 119 § [35A.13.230](#).]

RESOLUTION R-4897

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO ADOPTION OF THE CITY COUNCIL GOALS.

WHEREAS, the Kirkland City Council established ten value statements and goals to articulate key policy and service priorities for Kirkland; and

WHEREAS, Council Goals guide the allocation of resources through the budget and capital improvement program; and

WHEREAS, the Kirkland City Council Goals are reviewed on an annual basis and updated as needed to reflect citizen input as well as changes in the external environment and community demographics; and

WHEREAS, the Kirkland City Council most recently amended the Goals at the March 21, 2011, Retreat and through subsequent subcommittee review;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Council Goals as shown in Exhibit A to this resolution are hereby adopted.

Section 2. The adopted Goals shall be used to guide resource allocation and policy and service priorities.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of October, 2011.

Signed in authentication thereof this 4th day of October, 2011.


MAYOR

Attest:


City Clerk

City Council Goals

I. Neighborhoods

Value Statement: The citizens of Kirkland experience a high quality of life in their neighborhoods.

Goal: Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services and infrastructure.

II. Public Safety

Value Statement: Ensure that all those who live, work and play in Kirkland are safe.

Goal: Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.

III. Human Services

Value Statement: Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

Goal: To support a regional coordinated system of human services designed to meet the basic needs of our community and remove barriers to opportunity.

IV. Balanced Transportation

Value Statement: Kirkland values an integrated multi-modal system of transportation choices.

Goal: To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health and transportation choices.

V. Parks, Open Spaces and Recreational Services

Value Statement: Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

Goal: To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well being of the community.

VI. Housing

Value Statement: The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

Goal: To ensure the construction and preservation of housing stock that meets a diverse range of incomes and needs.

VII. Financial Stability

Value Statement: Citizens of Kirkland enjoy high quality services that meet the community's priorities.

Goal: Provide a sustainable level of core services that are funded from predictable revenue.

VIII. Environment

Value Statement: We are committed to the protection of the natural environment through an integrated natural resource management system.

Goal: To protect and enhance our natural environment for current residents and future generations.

IX. Economic Development

Value Statement: Kirkland has a diverse, business-friendly economy that supports the community's needs.

Goal: To attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for residents.

X. Dependable Infrastructure

Value Statement: Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

Goal: To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

RESOLUTION R-4889

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
ADOPTING A CODE OF CONDUCT.

WHEREAS, the holding of public office and positions on City
Boards and Commissions is a public trust, and

WHEREAS, the Kirkland City Council desires to ensure the
public's confidence in its elected and appointed representatives;

NOW, THEREFORE, be it resolved by the City Council of the
City of Kirkland as follows:

Section 1. The Code of Conduct attached as Exhibit A is
adopted.

Passed by unanimous vote of the Kirkland City Council in open
meeting this 6th day of September, 2011.

Signed in authentication thereof this 6th day of September,
2011.



MAYOR

Attest:



City Clerk

CITY OF KIRKLAND CODE OF CONDUCT FOR CITY COUNCIL AND BOARDS AND COMMISSIONS

The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a Department or Department Director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

I acknowledge that I have received and read this Code of Conduct

Name

Date

RESOLUTION R-5041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
 SETTING FORTH THE CURRENT RULES OF PROCEDURE FOR THE
 CONDUCT OF KIRKLAND CITY COUNCIL MEETINGS.

Whereas, a predetermined order of business and the adoption of rules of procedure for City Council meetings establish the most expedient means of conducting Council meetings; and

Whereas, such order of business and rules of procedure will avoid confusion and aid in the expeditious handling of business;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The order of procedure contained in this Resolution shall govern deliberations and meetings of the Council of the City of Kirkland, Washington.

Section 2. Regular meetings of the Council shall be held as provided for by ordinance.

Section 3. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

Section 4. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
 - a. Announcements
 - b. Items from the Audience (See Section 5 for the three minute limitation.)
 - c. Petitions
7. Special Presentations
8. Consent Calendar
 - a. Approval of Minutes
 - b. Audit of Accounts and Payment of Bills and Payroll
 - c. General Correspondence
 - i. Routine

- ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
- d. Claims
- e. Award of Bids
- f. Acceptance of Public Improvements and Establishing Lien Periods
- g. Approval of Agreements
- h. Other Items of Business

Any matter, which because of its routine nature, would qualify for placement on the Consent calendar pursuant to this section, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the Consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the Consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent calendar, approval of the calendar shall be by roll call vote.

- 9. Public Hearings
- 10. Unfinished Business
- 11. New Business
- 12. Reports
 - a. City Council Reports
 - (1) Finance and Administration Committee
 - (2) Planning and Economic Development Committee
 - (3) Public Safety Committee
 - ~~(4) Community Planning, Housing and Economic Development Committee~~
 - (4) Public Works, Parks and Human Services Committee
 - (5) Tourism Development Committee
 - (6) Regional Issues
 - b. City Manager Reports
 - (1) Calendar Update
- 13. Items from the Audience
- 14. Adjournment

Section 5. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience."

2. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

Section 6. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

Section 7. Written Correspondence: Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the

Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence - Correspondence that requires policy decision or approval by Council shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the Consent agenda under the item Written Correspondence relating to quasi-judicial matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be

coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments – The City Manager will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

Section 8. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Resolution.

Section 9. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate times.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
6. Repeat motions, put motions to a vote and announce the outcome.
7. Suggest but not make motions for adjournment.
8. Appoint committees when authorized to do so.

Section 10. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 11. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.

Section 12. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.

Section 13. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

Section 14: Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and
8. To approve a Consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on said Consent calendar, has first been removed.

Section 15: A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

Section 16: A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next

succeeding regular meeting at which all seven Councilmembers are present.

Section 17. Except as provided in Sections 15 and 16, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

Section 18. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

Section 19. A motion for adjournment shall always be in order.

Section 20. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

Section 21. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

Section 22. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 23. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the City of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

Section 24. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.

Section 25. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of

the date on which the letter of appeal was filed, pursuant to KZC 150.125.

Section 26. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

Passed by majority vote of the Kirkland City Council in open meeting this 18th day of March, 2014.

Signed in authentication thereof this 18th day of March, 2014.


MAYOR

Attest:


City Clerk

RESOLUTION R-4960

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND REVISING SECTION 3.8 OF THE KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL, "CITY COUNCIL COMMITTEE APPOINTMENTS."

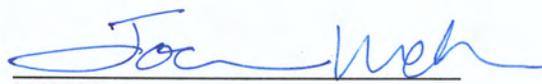
WHEREAS, the City Council desires to revise the Council Committee structure and update the City Council Policies and Procedures Manual to reflect the new Council Committee configuration;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The revised Section 3.8, "City Council Committee Appointments," attached as Exhibit A adopted for inclusion in the Kirkland City Council Policies and Procedure Manual.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of January, 2013.

Signed in authentication thereof this 15th day of January, 2013.


MAYOR

Attest:


City Clerk

3.8 CITY COUNCIL COMMITTEE APPOINTMENTS

Purpose and Relationship to City Council

The purpose of Council Committees is to review matters in detail and to make recommendations to the full Council for possible Council actions. Council Committees may be standing committees or ad hoc committees are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are five standing Council Committees:

- Finance and Administration
- Public Safety
- Community Planning, Housing and Economic Development
- Public Works, Parks and Human Services
- Legislative

Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. All topics referred to Council Committees will have final consideration before the full Council after receiving a recommendation from the Council Committee. The chair of each Council Committee is responsible for reporting to the City Council at a regular meeting the topics discussed and results of the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City Council's internal web page along with a list of current and future topics being discussed by each committee.

Appointment Process

Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interests in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the second City Council meeting in January for Council's consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members that are interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council's consideration to fill this vacancy at that following Council meeting.

COUNCIL COMMITTEES

Committee/Topic Areas	Staff
<p>Finance and Administration</p> <ul style="list-style-type: none"> • Finance and budget • Utility rates • Human Resources and Performance Management • Technology • Public Records • Council Policies and Procedures 	<p><i>Director of Finance and Administration</i></p>
<p>Public Safety</p> <ul style="list-style-type: none"> • Police • Fire and Emergency Medical Services • Municipal Court • Emergency Management • Code Enforcement 	<p><i>Deputy City Manager</i></p>
<p>Legislative</p> <ul style="list-style-type: none"> • State and Federal Legislative Agenda and Monitoring • Liaison with State and Federal Elected Officials 	<p><i>Intergovernmental Relations Manager</i></p>
<p>Community Planning, Housing and Economic Development</p> <ul style="list-style-type: none"> • Business Retention and Recruitment • Business Roundtable • Tourism • Events • Development Services (permitting) • Long Range Planning • Housing 	<p><i>Planning and Community Development Director and Economic Development Manager</i></p>
<p>Public Works, Parks and Human Services</p> <ul style="list-style-type: none"> • Public Works operations and CIP • Parks Operations and CIP • Parks planning • Environment • Utilities • Facilities and Fleet • Human Services 	<p><i>Public Works Director and Parks and Community Services Director</i></p>

RESOLUTION R-4911

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE BOARD AND COMMISSION APPOINTMENT AND REAPPOINTMENT POLICY.

WHEREAS, adoption of a City Council policy for the appointment and reappointment of Kirkland board and commission members will provide guidelines for eligibility, terms, the application and appointment process, and reappointment criteria; and

WHEREAS, providing such guidelines and criteria will aid in expeditiously filling of vacancies for boards and commissions;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Board and Commission Appointment and Reappointment Policy attached as Exhibit A is adopted.

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of March, 2012.

Signed in authentication thereof this 6th day of March, 2012.


MAYOR

Attest:


City Clerk

5.1 APPOINTMENT AND REAPPOINTMENT POLICY

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

Applicability/Definition

For the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Council	Library Board
Design Review Board	Lodging Tax Advisory Council
Disability Board	Park Board
Human Services Advisory Committee	Planning Commission
Kirkland Senior Council	Transportation Commission
Salary Commission	

Eligibility

Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board.

Non-Discrimination

The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

*City council has made age a qualification for specific seats on certain advisory bodies.

Concurrent Offices

At no time shall any person serve concurrently as a member of more than one of the above listed City Boards.

Terms

Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31st of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

Term Limitations

No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

Attendance

Appointees shall attend 80% of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60% of all meetings unless waived by the City Council.

Appointment/Reappointment

An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the position(s). All advisory board members completing their term who are interested in and eligible for reappointment will be required to go through the open competitive process.

Application Process

Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. If an incumbent is eligible to apply for reappointment, this information shall be included in the announcement. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

Criteria for Reappointment

Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement – has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

Appointment Process

Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed by lot to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall make its appointments in open session. Following appointment, the appointee, as well as all other candidates, will be notified in writing of the Council's decision.

Criteria for Removal

Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

ORDINANCE NO. 4190

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LIMITATIONS ON CONTRIBUTIONS FOR CITY COUNCIL CAMPAIGNS AND CREATING A NEW CHAPTER 3.12 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The Kirkland City Council makes the following findings:

Findings in support of time limitation periods in Chapter 3.12 of the Kirkland Municipal Code: Information about complaints filed under this chapter and the resolution of those complaints is information that is relevant to the residents of Kirkland seeking to make informed votes. To help provide voters with this information, the Kirkland City Council finds that, when possible, complaints should be resolved before the final election for office. The time limitations in this chapter have been in some cases shortened to help resolve as many complaints as possible before the final election. The Kirkland City Council finds that this practice is similar to the state's practice, where many of the timelines in the elections statute are shortened. See, e.g., Task force Comments to RAP 5.2(d), available in 2A WASHINGTON PRACTICE, RAP 5.2, Time Allowed to File Notice (2008) (identifying elections statutes that provide for shortened appeal period).

Section 2. A new Chapter 3.12, "Limits on Campaign Contributions," is hereby added to Title 3 of the Kirkland Municipal code, to read as follows:

Chapter 3.12
LIMITS ON CAMPAIGN CONTRIBUTIONS

3.12.010 Definitions.

For purposes of this chapter, the definitions found in RCW 42.17.020 as currently enacted or as hereafter amended or recodified are hereby adopted by reference. In adopting these definitions by reference, the City also adopts the interpretation of these definitions published in Title 390-05 WAC or otherwise issued by the Washington State Public Disclosure Commission through Declaratory Orders, Policy Statements, and Commission Interpretations, except that:

(a) "Election cycle" means the combination of the general or special election and the primary election for the office in question and

begins on the date an individual becomes a candidate for such office as defined in subsection (e) below and ends on the date that candidate files his or her final report pursuant to RCW 42.17.080(2).

(b) To "accept" or "receive" a contribution means the receipt of a contribution, deposit of funds with other campaign funds, and report of the contribution on required Public Disclosure Commission report(s). These terms do not apply to a situation in which a candidate receives a contribution and returns the contribution to the contributor within five business days of the date on which it is received by the candidate or political committee. This definition does not in anyway, affect the determination of the date a contribution is received, which is defined by Public Disclosure Commission policies.

(c) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(d) "Public Disclosure Commission" means the Washington State Public Disclosure Commission, established under RCW 42.17.350, or its successor.

(e) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first: (1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; (2) Announces publicly or files for office; (3) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or (4) Gives his or her consent to another person to take on behalf of the individual any of the actions in (1), (2) or (3) of this subsection. This is the definition of candidate in RCW 42.17.020 at the time of enactment of this ordinance. The City also adopts amended or recodified definitions of candidate along with interpretations of this definition published in Title 390-05 WAC or otherwise issued by the Public Disclosure Commission through Declaratory Orders, Policy Statements, and Commission Interpretations.

3.12.020 Application.

These limits shall apply to candidates in any primary, general or special election for the Kirkland City Council.

3.12.030 Contribution limits.

(a) No candidate for City Council shall accept or receive during the election cycle, campaign contributions totaling more than the contribution limit established by the Public Disclosure Commission for county office candidates in King County in the aggregate from any person.

(b) The per-election contribution limit established by the Public Disclosure Commission for county office candidates in King County shall be the election-cycle contribution limit on candidates for the Kirkland City Council.

(c) The limitations in this section shall not apply to:

(1) A candidate's contributions of his/her own resources to his/her own campaign;

(2) The value of volunteer services;

(3) Any publicly donated funds under provisions authorizing public funding of local campaigns; and

(4) Surplus funds, as defined in RCW 42.17.020(48), from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus funds.

(c) The limitations imposed by this section shall apply to all other contributions.

3.12.040 Adjustment of dollar amounts in chapter – adherence to Public Disclosure Commission established limits and schedule.

The amount of the contribution limit is adjusted to reflect periodic adjustments made by the Public Disclosure Commission for county office candidates in King County. The timing of the limitation changes shall take place as published by the Public Disclosure Commission and shall, from that time forward, form a new limit on contributions.

3.12.050 Complaint process.

(a) Any person who has knowledge of a violation of this chapter committed by any candidate or committee may file a complaint, in writing, under oath of the same with the City Clerk. Under oath means that the complaint includes a statement substantially as follows: "I declare under penalty of perjury of the laws of the State of Washington that the information in this complaint is true and correct," or that the complaint is subscribed and sworn to before a notary public or other official authorized to administer oaths. The complaint must set forth specific facts detailing the alleged violation, including: the amounts of the contributions accepted or received; the name of the candidate or committee receiving the contribution(s); and the name(s) and address(es) of the contributor(s), if known or reported; and the

names and telephone numbers of persons having knowledge of the alleged violation. The complaint must include the name, address, and telephone number of the person submitting the complaint.

(b) The City Clerk shall refer the complaint to the Hearing Examiner. The City Clerk shall also send a copy of the complaint to the candidate or committee named in the complaint as the alleged violator. Within five (5) calendar days of receiving the complaint, the Hearing Examiner shall make a determination that the complaint appears to have merit or is frivolous and without merit pursuant and communicate his or her decision in writing to the person who made the complaint, to the candidate or committee named in the complaint as the alleged violator, and to the City Clerk.

(1) The Hearing Examiner shall dismiss the complaint if the Hearing Examiner determines that all of the alleged facts, if true, do not constitute a violation; or

(2) The Hearing Examiner determines that there are no reasonable grounds to believe that a violation has occurred; or

(3) The Hearing Examiner determines that the violation was inadvertent and minor and has been largely corrected to the satisfaction of the Hearing Examiner.

(c) If the Hearing Examiner determines the complaint appears to have merit and the complaint relates to conduct during the pending election and is received at least 30 days before the final election for the office, the Hearing Examiner shall provide expedited review and a public hearing on the complaint shall be set not less than fifteen (15) days of the determination, absent a showing of good cause for a different date or a stipulation of the parties.

(1) In other instances, the public hearing shall be set within thirty (30) days of the determination.

(d) At least fifteen (15) days prior to the date set for hearing, the Hearing Examiner will notify, in writing, the person who made the complaint and candidate and/or committee complained against, of the public hearing which will be held to determine if a violation has occurred. The candidate and/or committee complained against shall have the right to file a written answer to the complaint and to appear at the hearing with or without legal counsel, submit testimony, be fully heard and to examine and cross-examine witnesses.

(e) Hearings conducted by the Hearing Examiner shall be informal, meaning that the Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Hearing Examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence needed by the parties. To that end, the Hearing Examiner shall issue subpoenas and subpoenas duces tecum on his or her own. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence. The Hearing Examiner shall prepare an official record of the hearing including all testimony, which

shall be recorded by mechanical or electronic device, and exhibits; provided that the Hearing Examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(f) Not more than ten (10) calendar days after the conclusion of the hearing the Hearing Examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, determination of a recommended disposition, and order shall be forwarded by certified mail, or personal service, to the person who made the initial report, the candidate and/or committee complained against at the addresses as given by these persons to the Hearing Examiner, and the City Clerk.

3.12.060 Appeal from the imposition of a penalty.

(a) Any candidate and/or committee found, by final written order of the Hearing Examiner, to be in violation of this chapter may seek review of the Hearing Examiner's order and any other decision based upon that order in the following manner:

(1) Civil penalty ordered at least fifteen (15) days before the final election for office: If the Hearing Examiner orders a candidate and/or a committee to pay a civil penalty at least fifteen (15) days before the final election for office, the candidate and/or committee may seek a writ of review from the Superior Court pursuant to Chapter 7.16 RCW, within fourteen (14) days of the date of the Hearing Examiner's order.

(2) Civil penalty ordered in other instances: If the Hearing Examiner orders a candidate and/or a committee to pay a civil penalty in any other instances, the candidate and/or committee may seek a writ of review from the Superior Court pursuant to Chapter 7.16 RCW, within thirty (30) days of the Hearing Examiner's order.

3.12.070 Hearing Examiner Dismissal.

If the Hearing Examiner dismisses the complaint, the person who filed the complaint may seek a writ of review from the Superior Court pursuant to Chapter 7.16 RCW, within fourteen (14) days of the date of the Hearing Examiner's dismissal.

3.12.080 Penalties.

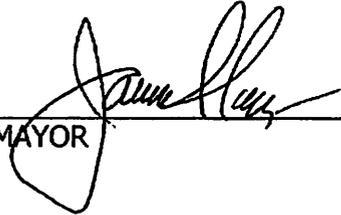
The violation or failure to comply with the provisions of this chapter shall constitute a civil violation for which a monetary fine of up to three (3) times the amount of the illegal contribution in violation KMC 3.12.030(1) may be imposed on the candidate and/or committee that accepted the contribution.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 21st day of April, 2009.

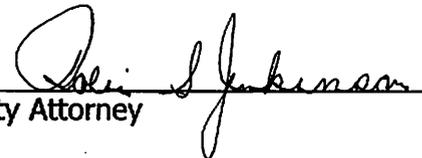
Signed in authentication thereof this 21st day of April, 2009.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4190

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LIMITATIONS ON CONTRIBUTIONS FOR CITY COUNCIL CAMPAIGNS AND CREATING A NEW CHAPTER 3.12 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Makes findings in support of KMC 3.12.060(A)(1).

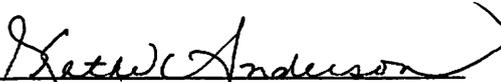
SECTION 2. Establishes a new Chapter 3.12 of the Kirkland Municipal Code relating to Council limits on campaign contributions.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 21st day of April, 2009.

I certify that the foregoing is a summary of Ordinance 4190 approved by the Kirkland City Council for summary publication.


City Clerk

ORDINANCE NO. 4108

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LIMITATIONS ON THE ACCEPTANCE OF GIFTS AND AMENDING SECTIONS 3.80.030 AND 3.80.140 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, Washington State law limits the receipt of gifts by state officers and state employees; and

WHEREAS, the City Council finds that similar provisions should be included in the Kirkland Municipal Code to apply to the officers and employees of the City of Kirkland; and

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

Section 1. Section 3.80.030 of the Kirkland Municipal Code is hereby amended to read as follows:

3.80.030 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them below:

- (1) "City" means the city of Kirkland.
- (2) "Doctor's certificate" means a form provided by the city and signed by a physician stating that the employee has been ill and is now able to return to work.
- (3) "Employee" means a person occupying a position and who is paid a salary or wage by the city. "Employee" shall not include any person retained by the city under a written personal service or consultant contract or agreement.
- (4) "Holiday" means the days designated as holidays with pay by this chapter.
- (5) "Immediate family" means wife, husband, son, daughter, mother, father, grandmother, grandfather, mother-in-law, father-in-law, domestic partner, brother, sister and other relatives as designated by approval of the city manager.
- (6) "Just cause" means cause, supported by evidence, for disciplinary action against an employee.
- (7) "LEOFF" means the Law Enforcement Officers and Firefighters Retirement System.
- (8) "Members of employee's household" means persons who reside in the same home who have reciprocal and natural or moral duties to and/or do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

(9) "Overtime" consists of any work performed by regular full-time or part-time employees required to be compensated as overtime by the Federal Fair Labor Standards Act.

(10) "Probationary employee" means any employee hired for a regular position who has not completed the probationary period.

(11) "Regular full-time employee" means any salaried employee, hired for an indefinite period of time, who works forty or more hours per week on a fixed, regular schedule and is compensated and accrues benefits based on full-time employment.

(12) "Regular part-time employee" means any salaried employee, hired for an indefinite period of time, who works less than forty hours per week on a fixed regular schedule.

(13) "Seasonal employees" means employees hired to work in positions which are cyclic in nature, begin at approximately the same time each year and last for a minimum of three months and a maximum of nine months in any consecutive twelve-month period.

(14) "Temporary employee" means an employee hired for a specific purpose or project and for a specific or definite period of time.

(15) "Uniformed employees" means employees hired as officers of the city's police and fire departments and who are under the LEOFF retirement system.

(16) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the city or with the recipient in connection with city matters;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a city officer or city employee for co-workers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items an official or employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt;

(h) Campaign contributions reported under Chapter 42.17 RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(17) "Officer" means all elected and appointed officers of the city, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a city officer.

Section 2. Section 3.80.140 of the Kirkland Municipal Code is hereby repealed and reenacted to read as follows:

3.80.140 Limitations on gifts.

(1) No city officer or city employee may accept gifts, other than those specified in subsection (2) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars in accordance with RCW 42.52.150(1): PROVIDED, that if the fifty dollar limit in RCW 42.52.150(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under KMC 3.80.030(16). The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) The following items are presumed not to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a city officer or city employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the city officer's or city employee's official duties;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature; and

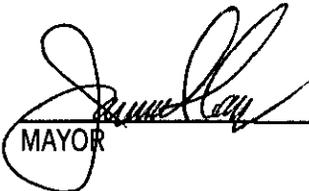
(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

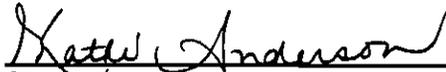
Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of July, 2007.

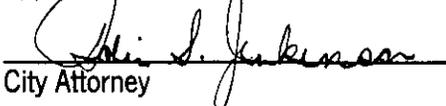
Signed in authentication thereof this 3rd day of July, 2007.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4108

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LIMITATIONS ON THE ACCEPTANCE OF GIFTS AND AMENDING SECTIONS 3.80.030 AND 3.80.140 OF THE KIRKLAND MUNICIPAL CODE.

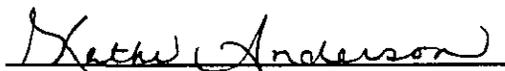
SECTION 1. Amends Section 3.80.030 of the Kirkland Municipal Code by adding definitions for the words "gift" and "officer".

SECTION 2. Repeals and reenacts KMC 3.80.140 relating to limitations on gifts to make the City's rules on the acceptance of gifts by City personnel parallel the limitations in Washington State law on the receipt of gifts by state officers and employees.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 3rd day of July, 2007.

I certify that the foregoing is a summary of Ordinance 4108 approved by the Kirkland City Council for summary publication.



City Clerk

Ord\Limitation on Gifts publsumm

ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

WHEREAS, the citizens and business of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS, adopting a Code of Ethics for members of the City Council and the City's boards and commissions will promote public confidence in the integrity of local government and fair operation; and

WHEREAS, the Code of Ethics will provide the basis for education and training for City officials both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed;

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

Section 1. The Code of Ethics is established as Chapter 3.14 of the Kirkland Municipal Code as set forth in the attached Exhibit "A."

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of February, 2012.

Signed in authentication thereof this 7th day of February, 2012.

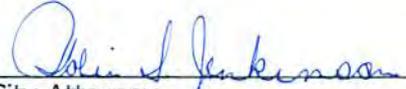

MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney

EXHIBIT A

Chapter 3.14 CODE OF ETHICS

3.14.010 - POLICY

(a) *Purpose.* The Kirkland City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) *Intent.* The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the City of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) public officials be independent, impartial and fair in their judgment and actions;
- (3) public office be used for the public good, not for personal gain; and
- (4) public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

3.14.020 - DEFINITIONS

(a) "**Official**" means a member of the City Council or a member of Council-appointed City boards and commissions and other Council-appointed task groups or committees, including youth members.

(b) "**Relative**" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in law, brother- or sister-in law.

3.14.030 - PROHIBITED CONDUCT

(a) *Conflicts of Interest.* In order to ensure their independence and impartiality on behalf of the common good, Officials shall not participate in government decisions in which any of the following has a financial interest: (i) the Official, (ii) a Relative, (iii) an individual with whom the Official resides, or (iv) an entity that the Official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (i) to decisions regarding taxes or fees, (ii) if the financial interest is shared with more than ten percent of the City's population, or (iii) if the financial interest exists solely because of the Official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) *Appearance of Conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the Official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing paragraph, or (2) a transaction or activity engaged in by the Official, the Official shall make a public, written

disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) *Misuse of Public Position or Resources.* Except for infrequent use at little or no cost to the City, Officials shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for other than a City purpose.

(d) *Representation of Third Parties.* Except in the course of official duties, Officials shall not appear on behalf of the financial interests of third parties before the bodies on which the Officials serve or in interaction with assigned staff. However, the members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

(e) *Solicitations of Charitable Contributions.* No Official may make direct personal solicitations for charitable contributions from City employees.

(f) *Gifts and Favors.* Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the Official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Kirkland Municipal Code 3.80.140.

(g) *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a City purpose. "Confidential Information" means (i) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (ii) information made confidential by law.

3.14.040 – FINANCIAL DISCLOSURE STATEMENTS

All Officials, except members of the City Council, shall file a City of Kirkland Disclosure Statement annually. In accordance with Chapter 42.17 RCW, members of the Kirkland City Council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable City of Kirkland Disclosure Statement within ten days of appointment.

3.14.050 – ETHICAL STANDARDS

In addition to Section 3.14.030 of the Code of Ethics, which shall be administered by the Ethics Officer, Officials are also encouraged to comply with the following standards:

(1) *Compliance with other laws.* Officials shall comply with Federal, State and City laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and City ordinances and policies. See Appendix A. As required by RCW 42.17.750, no Official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any City employee. Except under limited circumstances described in RCW 42.17.130, no Official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any

person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) *Personal integrity.* The professional and personal conduct of Officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, Officials shall not directly or indirectly induce, encourage or aid anyone to violate the Code of Ethics and it is incumbent upon Officials to make a good faith effort to address apparent violations of this Code of Ethics.

(3) *Working for the Common Good.* Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council, boards and commissions. Officials need to be mindful that making special requests of staff – even when the response does not benefit the Official personally, puts staff in an awkward position.

(4) *Respect for Process.* Officials shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

(5) *Commitment to Transparency.* Transparency, openness, and accountability are fundamental values of the City – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of City government that are prepared, possessed, used or retained by any Official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from City staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the City Public Records Officer (the City Clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the Public Records Officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility for the Public Records Officer, together with the City Attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; Officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) *Conduct of Public Meetings.* Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) *Decisions Based on Merit.* Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) *Ex parte Communications.* In quasi-judicial matters, Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) *Attendance.* As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) *Nepotism.* The City Council will not appoint Relatives of City Council Members to boards or commissions or other appointed positions.

(11) *Advocacy.* When acting in an official capacity as a City Official representing the City, Officials shall represent the official policies or positions of the City Council, board or commission to the best of their ability when the City Council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during Council meetings, board/commission meetings, or other official City meetings. However, this does not preclude Officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) *Policy Role of Officials.* Officials shall respect and adhere to the council-manager structure of Kirkland City government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by State law, Officials shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

APPENDIX A

Ch. 9A.72 RCW	Perjury and interference with official proceedings
RCW 35A.12.060	Vacancy for nonattendance
Ch. 35A. 13 RCW	Council-manager plan of government
RCW 35A.13.020	Incompatible offices
Ch. 40.14 RCW	Preservation and destruction of public records
RCW 42.17.130	Use of public office or agency facilities in campaigns – prohibition - exceptions
RCW 42.17.750	Solicitation of contributions by public officials or employees
Ch. 42.23 RCW	Code of ethics for municipal officers – contract interests
Ch. 42.36 RCW	Appearance of fairness doctrine - limitations
Ch. 42.56 RCW	Public records act
KMC 3.80.140	Kirkland code on acceptance of gifts
Ch. 3.12 KMC	Limitations on campaign contribution

3.14.060 – ETHICS OFFICER

(a) The City Council creates the position of Ethics Officer. The City Manager will contract with one or more agencies to fill this position. The Ethics Officer will provide for annual review of the Code of Ethics, review of training materials provided for education regarding the Code of Ethics, and advisory opinions concerning the Code of Ethics. The Ethics Officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The Ethics Officer, in addition to other duties, may recommend changes or additions to this Code of Ethics to the City Council. The Ethics Officer shall provide input into and review the training materials and program developed for this Code of Ethics.

3.14.070 – ADVISORY OPINIONS

(a) Upon request of any Official, the Ethics Officer shall render written advisory opinions concerning the applicability of Sections 3.14.030 and 3.14.040 of this Code to hypothetical circumstances and/or situations solely related to the persons making the request. The Ethics Officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the Public Disclosure Commission, the City Public Records Officer, etc.

(b) Upon request of any Official, the Ethics Officer may also render written advisory opinions concerning the applicability of the Code of Ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The Ethics Officer will endeavor to respond to requests for advisory opinions within forty-five (45) days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the Ethics Officer shall not be found to violate this Code of Ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the Ethics Office issues an advisory opinion that the described conduct would not violate the Code of Ethics, and the person's conduct is consistent with the advisory opinion. The Ethics Officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the Ethics Officer's authority, the remainder of the opinion shall remain intact.

3.14.080 – COMPLAINTS, INVESTIGATIONS, HEARINGS AND ENFORCEMENT

The Ethics Officer shall resolve inadvertent and minor violations of the Code of Ethics informally and may resolve inadvertent or minor violations informally, unless the Ethics Officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the Ethics Officer may initiate an action in accordance with this section.

(1) COMPLAINT PROCESS

(A) *Complaint Requirements – Service.* Any person may submit a written complaint to the Ethics Officer alleging one or more violations of this Code of Ethics by an Official. The complaint must set forth specific facts with enough precision and detail for the Ethics Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

(B) *Finding of Sufficiency.* The Ethics Officer shall make a determination of sufficiency within thirty (30) days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section 3.14.030 or 3.14.040 of this Code. The Ethics Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics Officer shall investigate the complaint as set forth below.

(C) *Dismissal.* The Ethics Officer shall dismiss the complaint if the Ethics Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) *Notice.* Notice of action by the Ethics Officer shall be provided as follows:

1. Notice of a finding of insufficiency or dismissal of a complaint by the Ethics Officer shall be sent to the person who made the complaint and the person complained against within seven (7) days of the decision by the Ethics Officer. A finding of insufficiency or dismissal of a

complaint by the Ethics Officer is final and binding, and no administrative or other legal appeal is available through the Ethics Officer.

2. Within seven (7) days of the Ethics Officer rendering a finding of sufficiency, the City Clerk shall send notice to the person who made the complaint and the person complained against, of the Ethics Officer's determination. If, after investigation, the Ethics Officer has reason to believe that a material violation of Section 3.14.030 or 3.14.040 has occurred, the City Clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty (30) days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) *Stipulations.* At any time after a complaint has been filed with the Ethics Officer, the Ethics Officer may seek and make recommendations that the City Council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics Officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the City Council for action.

(2) CONDUCT OF HEARINGS

(A) All hearings on complaints found to be sufficient by the Ethics Officer shall be conducted by the Hearing Examiner. The hearing shall be informal, meaning that the Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Hearing Examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Hearing Examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Hearing Examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided that the Hearing Examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the Ethics Officer and City Council.

(3) CITY COUNCIL ACTION

Final City Council action to decide upon stipulations and recommendations from the Ethics Officer and findings, conclusions, and recommendations from the Hearing Examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the City Council, deliberations by the Council may be in executive session. The member of the Council against whom the complaint was made, will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the Council against whom the complaint was made, a public hearing or public meeting before the Council will be held on the issue of penalties.

(4) DISPOSITION

In the event the Hearing Examiner finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in Subsection 5 below.

(A) *Dismissal.* Dismissal of the complaint without penalties.

(B) *Referral.* A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) *Admonition.* An admonition shall be an oral non-public statement made by the Mayor, or his/her designee, or if the complaint is against the Mayor, the Deputy Mayor or his/her designee to the Official.

(D) *Reprimand.* A reprimand shall be administered to the Official by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor.

(E) *Censure.* A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or if the complaint is against the Mayor, the Deputy Mayor. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least twenty (20) calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the Official appears as required.

(F) *Removal.* Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a City board or commission or other task group or committee, appointed by the City Council, the City Council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) *Civil Penalties.* The City Council may assess a civil penalty of up to One Thousand Dollar (\$1,000.00) or three (3) times the economic value of anything received in violation of this Code of Ethics or three times (3) the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund.

(H) *Contract void.* As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers – contract interests," is void.

(I) *Other penalties.* The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the City for any regional or multi-jurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.

(5) REVIEW OF CIVIL PENALTIES

If the City Council orders an Official to pay a civil penalty, the Official may seek a writ of review from the superior court pursuant to Ch. 7.16 RCW, within thirty (30) days of the City Council's order.

(6) PROTECTION AGAINST RETALIATION

Neither the City nor any Official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment,

intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the Ethics Officer.

(7) PUBLIC RECORDS

Records filed with the Ethics Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The City shall release copies of any written reports resulting from an investigation of a sustained complaint, any Hearing Examiner orders, and any written censures or reprimands issued by the City Council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) LIBERAL CONSTRUCTION – LIMITATION PERIOD – EFFECTIVE DATE

(A) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this Code of Ethics must be commenced within three years from the date of violation.

(C) This Code of Ethics shall take effect February 18, 2012.

PUBLICATION SUMMARY
OF ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

SECTION 1. Establishes a new Chapter 3.14 entitled "Code of Ethics."

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 7th day of February, 2012.

I certify that the foregoing is a summary of Ordinance O-4348 approved by the Kirkland City Council for summary publication.



City Clerk

Attachment K

CITY OF KIRKLAND
CITY COUNCIL POLICIES AND PROCEDURES



January 2015

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CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is an attractive, vibrant and inviting place to live, work and visit. Our lakefront community is a destination for residents, employees and visitors. Kirkland is a community with a small-town feel, retaining its sense of history, while adjusting gracefully to changes in the twenty-first century.

1.01 Goals. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.02 In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service and furthers Kirkland's interests beyond the our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – The City of Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative with a focus on outcomes. The City will continue to conduct a statistically valid citizen survey every two years to gather qualitative data about the citizen's level of satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – The City of Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhood identity while supporting the needs and values of the community as a whole.

The City Council Goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect citizen input as well as changes in the external environment and community demographics.

1.03 CITY COUNCIL GOALS

NEIGHBORHOODS

Value Statement: The citizens of Kirkland experience a high quality of life in their neighborhoods.

Goal: Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services and infrastructure.

PUBLIC SAFETY

Value Statement: Ensure that all those who live, work and play in Kirkland are safe.

Goal: Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.

HUMAN SERVICES

Value Statement: Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

Goal: To support a regional coordinated system of human services designed to meet the special needs of our community and remove barriers to opportunity.

BALANCED TRANSPORTATION

Value Statement: Kirkland values an integrated multi-modal system of transportation choices.

Goal: To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.

PARKS, OPEN SPACES AND RECREATIONAL SERVICES

Value Statement: Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

Goal: To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well-being of the community.

DIVERSE HOUSING

Value Statement: The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

Goal: To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.

FINANCIAL STABILITY

Value Statement: Citizens of Kirkland enjoy high-quality services that meet the community's priorities.

Goal: Provide a sustainable level of core services that are funded from predictable revenue.

ENVIRONMENT

Value Statement: We are committed to the protection of the natural environment through an integrated natural resource management system.

Goal: To protect and enhance our natural environment for current residents and future generations.

ECONOMIC DEVELOPMENT

Value Statement: Kirkland has a diverse, business-friendly economy that supports the community's needs.

Goal: To attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for residents.

DEPENDABLE INFRASTRUCTURE

Value Statement: Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

Goal: To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

CHAPTER 2: CITY COUNCIL CODE OF CONDUCT

2.01 Code of Conduct for City Council and Boards and Commissions.

The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the Code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

CHAPTER 3: CITY COUNCIL MEETINGS

Commented [MB1]: Based on R-5041 with sections reordered.

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Chapter.

Commented [MB2]: Combines previous section 1 and section 8. No wording c change.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

Commented [MB3]: Previously section 6. No wording change.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
 - a. Announcements
 - b. Items from the Audience (See Section 3.07 for the three minute limitation.)
 - c. Petitions
7. Special Presentations
8. Consent Calendar
 - a. Approval of Minutes
 - b. Audit of Accounts and Payment of Bills and Payroll
 - c. General Correspondence
 - i. Routine
 - ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
 - d. Claims
 - e. Award of Bids
 - f. Acceptance of Public Improvements and Establishing Lien Periods
 - g. Approval of Agreements
 - h. Other Items of Business
9. Public Hearings
10. Unfinished Business
11. New Business

- 12. Reports
 - a. City Council Reports
 - (1) Finance and Administration Committee
 - (2) Planning and Economic Development Committee
 - (3) Public Safety Committee
 - (4) Public Works, Parks and Human Services Committee
 - (5) Tourism Development Committee
 - (6) Legislative Committee
 - (7) Regional Issues
 - b. City Manager Reports
 - (1) Calendar Update
- 13. Items from the Audience
- 14. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the Consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the Consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent calendar, approval of the calendar shall be by roll call vote.

Commented [MB4]: Removed from body of text (order of business) to its own section. No wording change.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience."

2. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

3.08 Committee Reports. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Commented [MB5]: Previously section 22. No wording change.

3.09 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate times.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
 - e. Repeat motions, put motions to a vote and announce the outcome.
 - f. Suggest but not make motions for adjournment.
 - g. Appoint committees when authorized to do so.

3.10 Rules for Councilmember Conduct.

1. No member shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

3.11 Voting. Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and

Commented [MB6]: Previously sections 10, 11, 12 and 13. Consolidated into one section. No wording change.

8. To approve a Consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the Consent calendar, has first been removed.
- 3.12 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.
- 3.13 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.
- 3.14 Motions to Reconsider. Except as provided in Sections 3.12 and 3.13, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.
- 3.15 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.
- 3.16 Motion for Adjournment. A motion for adjournment shall always be in order.
- 3.17 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.
- 3.18 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.
- 3.19 City Staff Attendance at Meeting. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the City of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.
- 3.20 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.
- 3.21 Procedure for Considering Process IIA Appeals. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the

Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.22 Procedure for Considering Process IIB Applications. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

CHAPTER 4: COUNCIL COMMUNICATIONS

4.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence - Correspondence that requires policy decision or approval by Council shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the Consent agenda under the item Written Correspondence relating to quasi-judicial matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments – The City Manager will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

Commented [MB7]: Previously section 7.1 – 7.5 of R-5041. No wording change.

CHAPTER 5: COUNCIL COMMITTEES

CITY COUNCIL COMMITTEE APPOINTMENTS

5.01 Purpose and Relationship to City Council.

Committees are advisory and do not take action on behalf of the Council. The purpose of Council Committees is to review matters in detail and to make reports to the full Council for possible Council actions. Council Committees may be standing committees or ad hoc committees are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are five standing Council Committees:

- Finance and Administration
- Public Safety
- Planning and Economic Development
- Public Works, Parks and Human Services
- Legislative

Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, the topics discussed and results of the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City Council's internal web page along with a list of current and future topics being discussed by each committee.

5.02 Appointment Process.

Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interests in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the second City Council meeting in January for Council's consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members that are interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council's consideration to fill this vacancy at that following Council meeting.

5.03 Council Committees

Committee/Topic Areas	Staff
Finance and Administration <ul style="list-style-type: none"> • Finance and budget • Utility rates • Human Resources and Performance Management • Technology • Public Records • Council Policies and Procedures 	<i>Director of Finance and Administration</i>
Public Safety <ul style="list-style-type: none"> • Police • Fire and Emergency Medical Services • Municipal Court • Emergency Management • Code Enforcement 	<i>Deputy City Manager</i>
Legislative <ul style="list-style-type: none"> • State and Federal Legislative Agenda and Monitoring • Liaison with State and Federal Elected Officials 	<i>Intergovernmental Relations Manager</i>
Planning and Economic Development <ul style="list-style-type: none"> • Business Retention and Recruitment • Business Roundtable • Tourism • Events • Development Services (permitting) • Long Range Planning • Housing 	<i>Planning and Community Development Director and Economic Development Manager</i>
Public Works, Parks and Human Services <ul style="list-style-type: none"> • Public Works operations and CIP • Parks Operations and CIP • Parks planning • Environment • Utilities • Facilities and Fleet • Human Services 	<i>Public Works Director and Parks and Community Services Director</i>

CHAPTER 6: BOARD AND COMMISSION APPOINTMENTS

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

6.01 Applicability/Definition. For the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission
Design Review Board
Park Board
Human Services Advisory Committee
Planning Commission
Library Board
Tourism Development Committee (Lodging Tax Advisory Committee)
Salary Commission
Transportation Commission

6.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board.

6.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

*City council has made age a qualification for specific seats on certain advisory bodies.

6.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City Boards.

6.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31st of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

6.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

6.07 Attendance. Appointees shall attend 80 percent of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the City Council.

6.08 Appointment/Reappointment. An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the

position(s). All advisory board members completing their term who are interested in and eligible for reappointment will be required to go through the open competitive process.

6.09 Application Process. Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. If an incumbent is eligible to apply for reappointment, this information shall be included in the announcement. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

6.10 Criteria for Reappointment. Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement – has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

6.11 Appointment Process. Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed by lot to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall make its appointments in open session. Following appointment, the appointee, as well as all other candidates, will be notified in writing of the Council's decision.

6.12 Criteria for Removal. Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

APPENDICES:

- A. Council Committee and Regional Committee Assignments
- B. List of Boards and Commissions
- C. Acceptance of Gifts
- D. Code of Ethics
- E. Limits on Campaign Contributions
- F. City Council Orientation Manual and RCW Links

APPENDIX A – COUNCIL COMMITTEE AND REGIONAL COMMITTEE APPOINTMENTS

2014 Council Committee Assignments

CITY COUNCIL COMMITTEES:	CHAIR	MEMBERS	STAFF
City/School District Coordinating	Kloba		Kurt Triplett
Disability Board	Rex Lindquist	Kloba, Nixon	Betsy Reali
Finance & Administration	Marchione	Arnold, Walen	Tracey Dunlap
Legislative (<i>only during Legislative session</i>)	Asher	Marchione, Walen	Lorrie McKay
Planning, Housing & Economic Development	Arnold	Marchione, Sweet	Eric Shields/Ellen Miller-Wolfe
Public Works, Parks & Human Services	Kloba	Asher, Nixon	Kathy Brown/Jenny Schroder
Public Safety	Sweet	Asher, Nixon	Marilynne Beard
Tourism Development Committee (TDC)	Nixon		Ellen Miller-Wolfe

REGIONAL COMMITTEES:	MEMBER	ALTERNATE	STAFF
Cascade Water Alliance	Marchione, Sweet		Juliana Elsom
Eastside Transportation Partnership	Arnold, Asher		
Eastside Human Services Forum Board	Kloba		Leslie Miller
Eastside Rail Corridor (ERC)	Walen	Arnold	Dave Godfrey
King County Solid Waste Advisory Committee (SWAC)	Sweet		John MacGillivray
Water Resource Inventory Area (WRIA 8)	Arnold		Jenny Gaus
Puget Sound Regional Council (PSRC) Transit Oriented Development (TOD)	Arnold		
Puget Sound Regional Council (PSRC) Executive Board	Walen	Sweet	Eric Shields

SOUND CITIES ASSOCIATION (SCA) REGIONAL COMMITTEES:	MEMBER	ALTERNATE	STAFF
Committee to End Homelessness (CEH)	Marchione		Leslie Miller
Domestic Violence Initiative (DVI)	Kloba		Leslie Miller
Economic Development Council (EDC)	Walen		Ellen Miller-Wolfe
Emergency Management Advisory Committee (EMAC)	Sweet		Helen Ahrens-Byington
Growth Management Planning Council (GMPC)	Sweet		Eric Shields
Mental Illness and Drug Dependency (MIDD) Oversight Committee	Asher		Leslie Miller
Public Issues Committee (PIC)	Nixon	Kloba	
Puget Sound Regional Council (PSRC) Transportation Policy Board (TPB)	Walen		Dave Godfrey
Puget Sound Regional Council (PSRC) Growth Management Planning Board (GMPB)		Arnold	Eric Shields
Regional Transit Committee (RTC)	Asher		Dave Godfrey
Regional Policy Committee (RPC)	Walen		Eric Shields
Regional Law, Safety and Justice (RLSJ)	Nixon		Eric Olsen
Regional Water Quality Committee (RWQC)		Sweet	Kathy Brown

APPENDIX B -- Advisory Boards & Commissions --Membership & Qualification Matrix

	Membership	Term Length	Appointing Authority	Residency Requirements	Special Requirements
Civil Service Commission KMC 3.54	3 members	6-year terms	City Manager	Resident of the City of Kirkland for at least three years immediately preceding appointment	Citizen of the United States and an elector of King County
Design Review Board KMC 3.30	7 members	4-year Terms	City Council	Resident of the City of Kirkland and/or whose place of business in City preferred	Shall include design professionals and building/construction experts, and residents capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The Board shall have at all times a majority composition of professionals from architecture, urban design/planning or similar disciplines.
Disability Board KMC 3.56	Membership, Appointing Authority, Term Lengths, Residency Requirements, and Special Requirements 2 members of the City Council to be appointed by the Mayor (2-year term) ; 1 firefighter to be elected as provided by state law (2-year term); 1 law enforcement officer to be elected as provided by state law (2-year term) ; 1 member from the public at large, residing within the Kirkland city limits to be appointed by the other 4 members (2-year term).				
Kirkland Library Board KMC 3.28	5 members	4-year terms	City Council	Resident of the City of Kirkland	None
Park Board KMC 3.66	7 members	4-year terms	City Council	Resident of the City of Kirkland	None
Planning Commission KMC 3.32	7 members	4-year terms	City Council	Resident of the City of Kirkland	None

APPENDIX C – ACCEPTANCE OF GIFTS

3.80.140 Limitations on gifts.

(1) No city officer or city employee may accept gifts, other than those specified in subsection (2) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars in accordance with RCW [42.52.150](#)(1); provided, that if the fifty dollar limit in RCW [42.52.150](#)(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under Section [3.80.030](#)(16). The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) The following items are presumed not to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (d) Unsolicited items received by a city officer or city employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item;
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the city officer's or city employee's official duties;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature; and

(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item. (Ord. 4108 § 2, 2007)

APPENDIX D – CODE OF ETHICS

Chapter 3.14 CODE OF ETHICS

Sections:

- [3.14.010](#) Policy.
- [3.14.020](#) Definitions.
- [3.14.030](#) Prohibited conduct.
- [3.14.040](#) Financial disclosure statements.
- [3.14.050](#) Ethical standards.
- [3.14.060](#) Ethics officer.
- [3.14.070](#) Advisory opinions.
- [3.14.080](#) Complaints, investigations, hearings and enforcement.

3.14.010 Policy.

(a) Purpose. The Kirkland city council has adopted a code of ethics for members of the city council and the city's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) Intent. The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) Public officials be independent, impartial and fair in their judgment and actions;
- (3) Public office be used for the public good, not for personal gain; and
- (4) Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.020 Definitions.

(a) "Official" means a member of the city council or a member of council-appointed city boards and commissions and other council-appointed task groups or committees, including youth members.

(b) "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.030 Prohibited conduct.

(a) Conflicts of Interest. In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest: (1) the official, (2) a relative, (3) an individual with whom the official resides, or (4) an entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (1) to decisions regarding taxes or fees, (2) if the financial interest is shared with more than ten percent of the city's population, or (3) if the financial interest exists solely because of the official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

(d) Representation of Third Parties. Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. However, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

(e) Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.

(f) Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Section [3.80.140](#).

(g) Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.040 Financial disclosure statements.

All officials, except members of the city council, shall file a city of Kirkland disclosure statement annually. In accordance with Chapter [42.17](#) RCW, members of the Kirkland city council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable city of Kirkland disclosure statement within ten days of appointment. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.050 Ethical standards.

In addition to Section [3.14.030](#) of the code of ethics, which shall be administered by the ethics officer, officials are also encouraged to comply with the following standards:

(1) Compliance with Other Laws. Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW [42.17.750](#), no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW [42.17.130](#), no official may use or authorize the use of the

facilities of the city for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) Personal Integrity. The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, officials shall not directly or indirectly induce, encourage or aid anyone to violate the code of ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this code of ethics.

(3) Working for the Common Good. Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the city council, boards and commissions. Officials need to be mindful that making special requests of staff—even when the response does not benefit the official personally—puts staff in an awkward position.

(4) Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.

(5) Commitment to Transparency. Transparency, openness, and accountability are fundamental values of the city—and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the city complies with the record retention schedules established under Chapter [40.14](#) RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure

request under the Public Records Act, Chapter [42.56](#) RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) Conduct of Public Meetings. Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) Decisions Based on Merit. Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) Attendance. As provided in RCW [35A.12.060](#), a council member shall forfeit his or her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) Nepotism. The city council will not appoint relatives of city council members to boards or commissions or other appointed positions.

(11) Advocacy. When acting in an official capacity as a city official representing the city, officials shall represent the official policies or positions of the city council, board or commission to the best of their ability when the city council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the city of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. However, this does not preclude

officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) Policy Role of Officials. Officials shall respect and adhere to the council-manager structure of Kirkland city government as outlined by Chapter [35A.13](#) RCW. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.

APPENDIX A

Ch. [9A.72](#) RCW Perjury and interference with official proceedings

RCW [35A.12.060](#) Vacancy for nonattendance

Ch. [35A.13](#) RCW Council-manager plan of government

RCW [35A.13.020](#) Incompatible offices

Ch. [40.14](#) RCW Preservation and destruction of public records

RCW [42.17.130](#) Use of public office or agency facilities in campaigns—
Prohibition—Exceptions

RCW [42.17.750](#) Solicitation of contributions by public officials or
employees

Ch. [42.23](#) RCW Code of ethics for municipal officers—Contract interests

Ch. [42.36](#) RCW Appearance of fairness doctrine—Limitations

Ch. [42.56](#) RCW Public Records Act

KMC [3.80.140](#) Kirkland code on acceptance of gifts

Ch. 3.12 KMC Limitations on campaign contribution

(Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.060 Ethics officer.

(a) The city council creates the position of ethics officer. The city manager will contract with one or more agencies to fill this position. The ethics officer will provide for annual review of the code of ethics, review of training materials provided for education regarding the code of ethics,

and advisory opinions concerning the code of ethics. The ethics officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.070 Advisory opinions.

(a) Upon request of any official, the ethics officer shall render written advisory opinions concerning the applicability of Sections [3.14.030](#) and [3.14.040](#) of this code to hypothetical circumstances and/or situations solely related to the persons making the request. The ethics officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city public records officer, etc.

(b) Upon request of any official, the ethics officer may also render written advisory opinions concerning the applicability of the code of ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The ethics officer will endeavor to respond to requests for advisory opinions within forty-five days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer shall not be found to violate this code of ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the person's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.080 Complaints, investigations, hearings and enforcement.

The ethics officer shall resolve inadvertent and minor violations of the code of ethics informally and may resolve inadvertent or minor violations informally, unless the ethics officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the ethics officer may initiate an action in accordance with this section.

(1) Complaint Process.

(A) Complaint Requirements—Service. Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter [9A.72](#) RCW.

(B) Finding of Sufficiency. The ethics officer shall make a determination of sufficiency within thirty days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section [3.14.030](#) or [3.14.040](#) of this code. The ethics officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the ethics officer shall investigate the complaint as set forth below.

(C) Dismissal. The ethics officer shall dismiss the complaint if the ethics officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) Notice. Notice of action by the ethics officer shall be provided as follows:

(i) Notice of a finding of insufficiency or dismissal of a complaint by the ethics officer shall be sent to the person who made the complaint and the person complained against within seven days of the decision by the ethics officer. A finding of insufficiency or dismissal of a complaint by the ethics officer is final and binding, and no administrative or other legal appeal is available through the ethics officer.

(ii) Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the person complained against, of the ethics officer's determination. If, after investigation, the ethics officer has reason to believe that a material violation of Section [3.14.030](#) or [3.14.040](#) has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty days prior to the date set for the hearing. The person complained

against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) Stipulations. At any time after a complaint has been filed with the ethics officer, the ethics officer may seek and make recommendations that the city council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the city council for action.

(2) Conduct of Hearings.

(A) All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

(3) City Council Action. Final city council action to decide upon stipulations and recommendations from the ethics officer and findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. If the proceeding involves a

member of the city council, deliberations by the council may be in executive session. The member of the council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the council against whom the complaint was made, a public hearing or public meeting before the council will be held on the issue of penalties.

(4) Disposition. In the event the hearing examiner finds that the person against whom the complaint was made has violated the code of ethics, then the city council may take any of the following actions by a majority vote of the council. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (5) of this section.

(A) Dismissal. Dismissal of the complaint without penalties.

(B) Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.

(D) Reprimand. A reprimand shall be administered to the official by a resolution of reprimand by the city council. The resolution shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.

(E) Censure. A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The person shall appear at a city council meeting at a time and place directed by the city council to receive the resolution of censure. Notice shall be given at least twenty calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.

(F) Removal—Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a city board or commission or other task group or committee, appointed by the city council, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) Civil Penalties. The city council may assess a civil penalty of up to one thousand dollars or three times the economic value of anything received in violation of this code of ethics or three times the economic value of any loss to the city, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.

(H) Contract Void. As provided by RCW [42.23.050](#), any contract made in violation of Chapter [42.23](#) RCW, "Code of ethics for municipal officers— contract interests," is void.

(I) Other Penalties. The city council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the city council.

(5) Review of Civil Penalties. If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within thirty days of the city council's order.

(6) Protection Against Retaliation. Neither the city nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the ethics officer.

(7) Public Records. Records filed with the ethics officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW [42.56.230](#)(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the ethics officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The city shall release copies of any written reports resulting from an investigation of a sustained complaint, any hearing examiner orders, and any written censures or reprimands issued by the city council, in response to public records requests consistent with Chapter [42.56](#) RCW and any other applicable public disclosure laws.

(8) Liberal Construction—Limitation Period—Effective Date.

(A) This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this code of ethics must be commenced within three years from the date of violation.

(C) This code of ethics shall take effect February 18, 2012. (Ord. 4348 § 1 (Exh. A) (part), 2012))

APPENDIX E – LIMITS ON CAMPAIGN CONTRIBUTIONS

LIMITS ON CAMPAIGN CONTRIBUTIONS

Sections:

[3.12.010](#) Definitions.

[3.12.020](#) Application.

[3.12.030](#) Contribution limits.

[3.12.040](#) Adjustment of dollar amounts in chapter—Adherence to Public Disclosure Commission established limits and schedule.

[3.12.050](#) Complaint process.

[3.12.060](#) Appeal from the imposition of a penalty.

[3.12.070](#) Hearing examiner dismissal.

[3.12.080](#) Penalties.

[3.12.010](#) Definitions.

For purposes of this chapter, the definitions found in RCW [42.17.020](#) as currently enacted or as hereafter amended or recodified are hereby adopted by reference. In adopting these definitions by reference, the city also adopts the interpretation of these definitions published in Chapter [390-05](#) WAC or otherwise issued by the Washington State Public Disclosure Commission through declaratory orders, policy statements, and commission interpretations, except that:

(a) "Election cycle" means the combination of the general or special election and the primary election for the office in question and begins on the date an individual becomes a candidate for such office as defined in subsection (e) of this section and ends on the date that candidate files his or her final report pursuant to RCW [42.17.080](#)(2).

(b) To "accept" or "receive" a contribution means the receipt of a contribution, deposit of funds with other campaign funds, and report of the contribution on required Public Disclosure Commission report(s). These terms do not apply to a situation in which a candidate receives a contribution and returns the contribution to the contributor within five business days of the date on which it is received by the candidate or political committee. This definition does not in any way affect the determination of the date a contribution is received, which is defined by Public Disclosure Commission policies.

(c) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(d) "Public Disclosure Commission" means the Washington State Public Disclosure Commission, established under RCW [42.17.350](#), or its successor.

(e) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first: (1) receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; (2) announces publicly or files for office; (3) purchases commercial advertising space or broadcast time to promote his or her candidacy; or (4) gives his or her consent to another person to take on behalf of the individual any of the actions in subsection (e)(1), (2) or (3) of this section. This is the definition of "candidate" in RCW [42.17.020](#) at the time of enactment of the ordinance codified in this chapter. The city also adopts amended or recodified definitions of "candidate" along with interpretations of this definition published in Chapter [390-05](#) WAC or otherwise issued by the Public Disclosure Commission through declaratory orders, policy statements, and commission interpretations. (Ord. 4190 § 2 (part), 2009)

3.12.020 Application.

These limits shall apply to candidates in any primary, general or special election for the Kirkland city council. (Ord. 4190 § 2 (part), 2009)

3.12.030 Contribution limits.

(a) No candidate for city council shall accept or receive during the election cycle campaign contributions totaling more than the contribution limit established by the Public Disclosure Commission for county office candidates in King County in the aggregate from any person.

(b) The per-election contribution limit established by the Public Disclosure Commission for county office candidates in King County shall be the election-cycle contribution limit on candidates for the Kirkland city council.

(c) The limitations in this section shall not apply to:

(1) A candidate's contributions of his/her own resources to his/her own campaign;

(2) The value of volunteer services;

(3) Any publicly donated funds under provisions authorizing public funding of local campaigns; and

(4) Surplus funds, as defined in RCW [42.17.020](#)(48), from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus funds.

(d) The limitations imposed by this section shall apply to all other contributions. (Ord. 4190 § 2 (part), 2009)

3.12.040 Adjustment of dollar amounts in chapter—Adherence to Public Disclosure Commission established limits and schedule.

The amount of the contribution limit is adjusted to reflect periodic adjustments made by the Public Disclosure Commission for county office candidates in King County. The timing of the limitation changes shall take place as published by the Public Disclosure Commission and shall, from that time forward, form a new limit on contributions. (Ord. 4190 § 2 (part), 2009)

3.12.050 Complaint process.

(a) Any person who has knowledge of a violation of this chapter committed by any candidate or committee may file a complaint, in writing, under oath of the same with the city clerk. "Under oath" means that the complaint includes a statement substantially as follows: "I declare under penalty of perjury of the laws of the State of Washington that the information in this complaint is true and correct," or that the complaint is subscribed and sworn to before a notary public or other official authorized to administer oaths. The complaint must set forth specific facts detailing the alleged violation, including: the amounts of the contributions accepted or received; the name of the candidate or committee receiving the contribution(s); and the name(s) and address(es) of the contributor(s), if known or reported; and the names and telephone numbers

of persons having knowledge of the alleged violation. The complaint must include the name, address, and telephone number of the person submitting the complaint.

(b) The city clerk shall refer the complaint to the hearing examiner. The city clerk shall also send a copy of the complaint to the candidate or committee named in the complaint as the alleged violator. Within five calendar days of receiving the complaint, the hearing examiner shall make a determination that the complaint appears to have merit or is frivolous and without merit and communicate his or her decision in writing to the person who made the complaint, to the candidate or committee named in the complaint as the alleged violator, and to the city clerk.

(1) The hearing examiner shall dismiss the complaint if the hearing examiner determines that all of the alleged facts, if true, do not constitute a violation; or

(2) The hearing examiner determines that there are no reasonable grounds to believe that a violation has occurred; or

(3) The hearing examiner determines that the violation was inadvertent and minor and has been largely corrected to the satisfaction of the hearing examiner.

(c) If the hearing examiner determines the complaint appears to have merit and the complaint relates to conduct during the pending election and is received at least 30 days before the final election for the office, the hearing examiner shall provide expedited review and a public hearing on the complaint shall be set not less than fifteen days of the determination, absent a showing of good cause for a different date or a stipulation of the parties.

(1) In other instances, the public hearing shall be set within thirty days of the determination.

(d) At least fifteen days prior to the date set for hearing, the hearing examiner will notify, in writing, the person who made the complaint and candidate and/or committee complained against of the public hearing which will be held to determine if a violation has occurred. The candidate and/or committee complained against shall have the right to file a written answer to the complaint and to appear at the hearing with or without legal counsel, submit testimony, be fully heard and to examine and cross-examine witnesses.

(e) Hearings conducted by the hearing examiner shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence needed by the parties. To that end, the hearing

examiner shall issue subpoenas and subpoenas duces tecum on his or her own. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing including all testimony, which shall be recorded by mechanical or electronic device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(f) Not more than ten calendar days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records findings of fact, conclusions of law, determination of a recommended disposition, and order shall be forwarded by certified mail, or personal service, to the person who made the initial report, the candidate and/or committee complained against at the addresses as given by these persons to the hearing examiner, and the city clerk. (Ord. 4190 § 2 (part), 2009)

3.12.060 Appeal from the imposition of a penalty.

Any candidate and/or committee found, by final written order of the hearing examiner, to be in violation of this chapter may seek review of the hearing examiner's order and any other decision based upon that order in the following manner:

(1) Civil Penalty Ordered at Least Fifteen Days Before the Final Election for Office. If the hearing examiner orders a candidate and/or a committee to pay a civil penalty at least fifteen days before the final election for office, the candidate and/or committee may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within fourteen days of the date of the hearing examiner's order.

(2) Civil Penalty Ordered in Other Instances. If the hearing examiner orders a candidate and/or a committee to pay a civil penalty in any other instances, the candidate and/or committee may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within thirty days of the hearing examiner's order. (Ord. 4190 § 2 (part), 2009)

3.12.070 Hearing examiner dismissal.

If the hearing examiner dismisses the complaint, the person who filed the complaint may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within fourteen days of the date of the hearing examiner's dismissal. (Ord. 4190 § 2 (part), 2009)

3.12.080 Penalties.

The violation or failure to comply with the provisions of this chapter shall constitute a civil violation for which a monetary fine of up to three times the amount of the illegal contribution in violation of KMC [3.12.030](#)(a) may be imposed on the candidate and/or committee that accepted the contribution. (Ord. 4190 § 2 (part), 2009)

APPENDIX F

COUNCIL MEMBER ORIENTATION

1. INTRODUCTION AND OVERVIEW

1.01 Council-Manager Form of Government

The City of Kirkland is a noncharter code city with a council-manager form of government. A noncharter code city is a city which has not adopted its own local charter, but has substantial “home rule” authority under Title 35A of the Revised Code of Washington (RCW). Under the council-manager form of government, the City Council’s role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy. The City Manager is responsible to the Council for the proper administration of all affairs of the city government. See Appendix D for the RCW chapter which governs the council-manager form of government.

1.02 Consolidated City

Kirkland is also a consolidated city as it is the successor to the former cities of Kirkland and Houghton. Within the geographic area of the former City of Houghton, the Houghton Community Council retains a limited disapproval power over certain actions or decisions made by the City Council in the areas of land use planning and regulation.

In addition to its disapproval authority, the Houghton Community Council serves as a land use citizens’ advisory body to the Kirkland Planning Commission (itself an advisory body to the City Council) and to the City Council.

1.03 Overview of Basic City Documents

A. Kirkland Municipal Code

The Kirkland Municipal Code (KMC) contains local laws and regulations adopted by ordinance. Title 3 of the KMC addresses the role of the City Council, describes the conduct of City Council meetings, responsibilities and appointment process for certain City staff positions and advisory boards and commissions. In addition to these administrative matters, the KMC contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance.

B. Revised Code of Washington

The state law contains many requirements for the operation of city government and the administration of meetings of city councils throughout the state. Kirkland is an “optional code city,” which means it operates under the general laws of the state. As an optional code city of the State of Washington, Kirkland is vested with all the powers of

incorporated cities as set forth in the RCW, Constitution of the State of Washington, and KMC.

C. Biennial Budget

The biennial budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the biennial budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

D. Annual Financial Report

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

E. Comprehensive Plan

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

F. Zoning Code

The Zoning Code contains development regulations, regulating how land is used and developed.

G. Six-year Capital Improvement Program

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

H. Comprehensive Emergency Management Plan

The City maintains a Comprehensive Emergency Management Plan that outlines actions to be taken during times of disaster and emergency situations. Under the Plan and Chapter 3.20 of the KMC, the City Manager appoints the Director of Fire and Building Services as the Director of Emergency Services who is then directly responsible to the City Manager for all disaster response activities.

2. KIRKLAND CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES

2.01 City Council Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is the City Manager's responsibility to ensure the policy of the Council is implemented.

RCW 35A.13.120 provides that except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager.

2.02 Role of Mayor

A. Presiding Officer

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists.

B. Ceremonial Representative

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor's absence, the Deputy Mayor assumes this responsibility.

2.03 Election of Officers

Under RCW 35A.13.030, biennially, at the first meeting of the new Council, the Council Members choose a Mayor to serve as the presiding officer. In addition to the powers conferred upon him/her as Mayor, he/she will continue to have all the rights, privileges and immunities of a member of the Council. Following the election of the Mayor, there will be an election for Deputy Mayor. RCW 35A.13.035

2.04 Ordinances and Resolutions

The City Council takes legislative action through ordinances, resolutions, or motions. An ordinance generally prescribes permanent rules of conduct or government and requires the affirmative vote of the majority of the entire membership of the Council. Ordinances are used to add to or amend the Kirkland Municipal Code. Each City Council Member votes individually on an ordinance and the votes are recorded in the minutes.

The Council may also act by resolution or passing a motion. Either of these is usually done by a simple voice vote. With the exception of certain motions identified in the Council Rules of Procedure, when voting on a resolution or motion, a majority of the entire membership of the Council is required for passage. A resolution is less formal than an ordinance and generally is an expression of the opinion or mind of the Council concerning some particular item of business or administrative matter. A resolution usually deals with matters of a special or temporary character. Sometimes a state statute specifies whether an ordinance or a resolution is to be used.

A motion provides authority to do a specified act. A motion is a proposal by a Council Member that the Council take a particular action. The proposed action may be substantive, or it may express a certain view, or direct a particular action be taken. A motion, once approved and entered into the record, is the equivalent of a resolution.

3. FINANCIAL MATTERS

3.01 Council Compensation

As authorized by RCW 35.21.015, Chapter 3.11 of the KMC provides for a Salary Commission to set the compensation of the City Council Members. If the Salary Commission elects to change the compensation of the City Council Members, it files the adjustment with the City Clerk and the adjustment automatically becomes effective. No action of the City Council is required. Any recommended increases in compensation go into effect immediately for the Council Members regardless of their terms. However, decreases in compensation only become effective as to incumbent City Council Members at the commencement of their next term.

3.02 Accepting Gifts

The general rule is to never accept a gift, gratuity, or anything of value if the gift, gratuity, or thing of value could reasonably be expected to influence your vote, judgment, or action. Even if there is no reasonable expectation that a gift would influence a decision, under the City's limitations on gifts provisions in KMC 3.80.140, City officers and employees may only accept certain gifts and in most situations, a \$50.00 gift limit applies. Members of the City Council are subject to the limitations on accepting gifts in KMC 3.80.140 as City officers.

There are certain items that a City officer or employee may receive because they are deemed "exempt" from the definition of gift under KMC 3.80.030(16):

- Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the City or with the recipient in connection with City matters;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials or employees or a social event hosted or sponsored by a City officer or City employee for co-workers;
- Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
- Items a City officer or City employee is authorized by law to accept;
- Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution;
- Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt;
- Campaign contributions reported under Chapter 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

Under the City's limitations on gifts provision, and consistent with state law, a City officer or employee may receive gifts without regard to the \$50.00 limit if the item is one presumed not to influence the recipient. These items are listed in Section 2 of KMC 3.80.140 and include:

- Unsolicited flowers, plants, and floral arrangements;
- Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- Unsolicited tokens or awards of appreciation;

- Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or the acquisition of the item;
- Informational material, publications, or subscriptions related to official duties;
- Food and beverage consumed at hosted receptions related to the officer's or employee's duties;
- Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;
- Unsolicited gifts from dignitaries in another state or foreign country intended to be personal in nature; and
- Food and beverages on infrequent occasions in the ordinary course of City business.

Not accepting gifts is one sure way to know you are in compliance with the limitations on gifts provisions. In the alternative, prohibited gifts may be returned to the sender or donated to charity within 30 days of receipt. If donated to charity, you may want to consider sending a letter to the giver indicating your actions.

3.03 Use of Public Facilities in Campaigns

Generally, state law provides that a person in public office, whether elected or appointed, may not use the facilities of the office for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition. RCW 42.17A.555.

3.04 Gift of Public Funds

Article 8, Section 7 of the Washington State Constitution prohibits the City from giving money or property, or lending money or credit, except for the necessary support of the poor or infirm. Most commonly referred to as "the gift clause," it reads as follows:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

Transactions in which the City pays money, gives property or lends money or credit must be carefully scrutinized in light of the prohibition concerning the gift of public funds.

4. PUBLIC RECORDS ACT

In 1972 the voters of the state of Washington, through the initiative process, enacted the Public Records Act to ensure that citizens have broad access to public records. The Public Records Act contains express provisions as to its purpose and policy, including:

The people of this state do not yield their **sovereignty** to the agencies that serve them. **Mindful** of the right of individuals to **privacy** and of the desirability of the **efficient administration** of government, **full access** to information concerning the conduct of government on every level must be assured as a **fundamental** and **necessary** precondition to the sound governance of a free society.

A. *Public Records Act*

The Public Records Act creates a significant duty for cities.

- RCW 42.56.070(1) "Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within specific exemptions..."
- RCW 42.56.030 ..."This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected..."

According to RCW 42.56.010(3), a public record is:

1. Any writing;
2. Relating to the conduct/performance of any governmental or proprietary function;
3. Prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

In other words, almost **everything** we handle is a public record. "Writing" is defined in RCW 42.56.010(4) as follows:

'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which the information may be obtained or translated.

That means that the following are types of records subject to disclosure:

- Letters
- Contracts
- Resolutions

- Emails
- Word documents
- Spreadsheets
- PDFs
- Calendars
- Evaluations
- Public Comment Forms
- Photographs, videos and MP3s
- Databases
- Voicemails

B. Electronic Communications

- It is important for Council Members to understand that the Public Records Act applies to electronic communications.
- Emails between Council Members, emails between Council Members and staff, and emails between Council Members and the public may be disclosed to the public or news media if a public disclosure request is filed.
- Emails on a Council Member’s private computer pertaining to City business may be considered open to public disclosure.
- Social networking sites, FaceBook, Twitter, blogs, Flickr, and YouTube are creating new Public Records Act challenges.

C. Penalties for Violation of the Public Records Act

Under RCW 42.56.550(4), the court has the discretion to impose penalties for violation of the Public Records Act, even for good faith mistakes. The penalties may be up to \$100 per day, per request. In addition, a person who prevails against an agency for a violation of the Public Records Act is entitled to attorney fees and costs.

5. CONFLICTS OF INTEREST, APPEARANCE OF FAIRNESS, ETHICS, AND CONFIDENTIALITY

5.01 Conflicts of Interest

A. Washington State Law

Washington State statutes contain provisions designed to prevent local official from using elected office for personal benefit. RCW 42.23.070 provides that:

1. No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
2. No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the

employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

3. No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
4. No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

RCW 42.23.030 provides that:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein...

In circumstances where only a "remote interest" (see below) exists, after disclosure of the interest by the Council Member who has the remote interest, and after inclusion of the disclosure in the minutes, the balance of the Council may approve the contract. The Council Member who has the remote interest may not participate in the vote and must refrain from any attempt to influence other Council Members to approve the contract.

B. Definition of Remote Interest

Remote Interests are so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a City official is:

- A non-salaried officer or member of a nonprofit corporation doing business or requesting money from the City.
- The landlord or tenant of a contracting party, i.e., a Council Member may lease office space to a party who has a private interest in a public matter without it resulting in a conflict of interest.
- The owner of less than one percent of the shares of a corporation or a cooperative doing business with the City.
- An employee or agent of a party contracting with the City where the compensation of such employee or agent consists entirely of fixed wages or salary.

RCW 42.23.040

C. Declaration of a Conflict

When a substantial interest exists, the City official must:

1. Refrain from voting or in any way influencing a decision of the City Council; and
2. Declare that a conflict of interest exists and make it known in the official records of the City.

5.02 Appearance of Fairness

Most of the matters coming before the City Council are legislative in nature. Purely legislative actions are not subject to the appearance of fairness doctrine. From time to time, the City Council will act in a quasi-judicial role. For example, an appeal could be made to the Council from the grant or denial of a land use permit by the City's Hearing Examiner. Maintaining a clear appearance of fairness is crucial to maintaining a trusting relationship with the citizens of Kirkland. While elected officials may have communication with interested citizens in matters that could potentially come before them in the form of a quasi-judicial proceeding, RCW 42.36 provides that:

While a quasi-judicial proceeding is pending, Council Members may not engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Council Member:

- Places on the record the substance of such oral or written communications; and
- Provides that a public announcement of the content of the communication and the parties' rights to rebut the substance of the communications shall be made at each hearing where action is taken or considered on that subject.

5.03 Ethics

Council Members are subject to the "Code of Ethics for Municipal Officers" which appears in Chapter 42.23 RCW and is described under "Conflicts of Interest" in Section 5.01. The City also has a separate Code of Ethics which applies to Council Members and members of City Boards and Commissions set forth in Chapter 3.14 of the KMC. See Appendix E.

5.04 Confidentiality

Council Members are to keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Council Members outside of executive sessions when the information is considered to be exempt

from disclosure under exemptions as set forth in the Public Records Act, RCW 42.56, such as attorney-client privileged material.

6. CITY COUNCIL MEETINGS

6.01 Meeting Schedule

Regular meetings are held the first and third Tuesdays of each month at 7:30 p.m. This is set forth in Chapter 3.10 of the KMC. Should these days happen to be designated as a legal holiday; the Council meeting will be held the Wednesday immediately following the legal holiday.

6.02 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by the written request of four Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, by fax or by electronic mail to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

6.03 Study Sessions

The City Council may meet informally in a study session. The study session is the forum used by Council to for the purpose of information study, review, and general discussion. No final action is taken while in a study session unless the requirements of Chapter 42.30 RCW, the Open Public Meetings Act, have been met, including the requirement of public notice for special meetings.

6.04 Placing Items on the Agenda

A. Agenda Planning

The agenda is normally set by the City Manager in consultation with the Mayor and Deputy Mayor. "Calendar updates" are included on all regular Council meeting agendas and provide an opportunity for Council Members to request that items be added for future meetings.

B. City Council

A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or making a request to the Mayor or City Manager.

6.05 Council Rules of Procedure

The Council has adopted Rules of Procedure which are attached as Appendix A.

6.06 Council Attendance Policy

RCW 35A.13.020 (Council-Manager Plan of Government) directs us to RCW 35A.12.060 (Mayor-Council Plan of Government) - Vacancy for Nonattendance. A council position shall become vacant if the Council Member fails to attend three consecutive regular meetings of the Council without being excused by the Council.

6.07 Open Public Meeting Act

A. *Applicability*

Chapter 42.30 RCW is the Open Public Meetings Act, which applies to the meetings of the governing bodies of all public agencies.

B. *Meetings*

Basically, the Act requires that "meetings" of the Council be open to the public and that all "action" be taken at meetings that are open to the public. The terms "meetings" and "action" are broadly defined in the Act. A "meeting" "means meeting at which action is taken." "Action" includes "discussion," "deliberations," "considerations," and "evaluations."

C. *Virtual or Electronic Meetings*

Email intended to be shared among (a least four) Council Members must also be considered in light of the Open Public Meetings Act. If the intended purpose of the email is actually a discussion, the discussion should be held in an open meeting. This is true whether a Council Member is emailing from home, the Council Office, or on the Council dais. The Washington Court of Appeals held in *Battle Ground School District v. Wood*, 107 Wn.2d 550 (2008), that the Open Public Meetings Act could apply to the exchange of emails between governing body members if they intend to transact official business and discuss issues that may or will come before them for a vote.

6.08 Executive Sessions

The Council may hold an executive session before, after, or during a regular or special meeting to consider such matters permitted by the Open Public Meetings Act or other applicable statute. Such matters may include, among others, the price at which real estate may be acquired, collective bargaining, potential or pending litigation, and the evaluation of a public employee. Before the executive session, the Mayor must publicly announce the purpose of the executive session and the time when the executive session will be concluded.

7. LIABILITY AND INDEMNITY

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk and loss control activities which are administered through the Human Resources Department.

For risk management purposes, Council Members are advised to avoid public admissions, opinions, and statements that may harm the future ability of the City to defend against a claim or a lawsuit. The publicly expressed statements, opinions and admissions of an individual Council Member generally do not bind the City because the City Council can only take action as a body by a majority vote. However, such statements, if imprudently made, can make the defense of the city more difficult and can turn a Council Member into an unintended witness in litigation or the associated discovery process.

When a tragic event occurs such as a fire or a traffic accident which results in a fatality, Council Members are encouraged to avoid reaching premature conclusions and making statements about the event. A statement such as "this is the worst intersection in the City" after a fatal accident will only encourage potential legal claims and lawsuits. The statement may not be accurate and the condition of the intersection may have nothing to do with the actual cause of the accident (which may still be under police investigation).

Chapter 3.72 of KMC addresses defense of employees and officers.

8. ADDITIONAL TRAINING AND RESOURCE MATERIALS

8.01 Municipal Research & Services Center of Washington

[(800)933-6772 or (206) 625-1300] www.mrsc.org MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government. MRSC's resources include professional staff members who are local government experts, a comprehensive local government reference library, and an information-packed website. Staff experience includes:

- budgeting and finance
- municipal law
- public management and administration
- planning and growth management
- public works and utilities
- local government policies

The Code City Handbook, Report No. 37, published by MRSC, provides a wealth of general information on the state laws that govern the City of Kirkland. Another useful MRSC publication is *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*. This report discusses basic powers, duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Open Government-Public Records; and, immunities from tort liability.

8.02 Association of Washington Cities

[(800) 562-8981] www.awcnet.org The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington. The Association:

- serves as a resource for information
- provides news, reports, and reminders affecting cities and towns
- acts as liaison to State agencies
- represents the interests of cities before the state legislature
- publishes training and information manuals for municipal leaders

8.03 National League of Cities

[(877) 827-2385] www.nlc.org A non-partisan organization serving municipal governments, the NLC works to establish unified policy positions, advocates those policies forcefully, and shares information that strengthens municipal government throughout the nation. Services include:

- publications and news services
- inquiry, technical assistance, and project services
- awards program
- research programs

8.04 Government Finance Officers Association

[(312) 977-9700] www.gfoa.org GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management, including:

- accounting, auditing, and financial reporting
- budgeting and financial planning
- capital finance and debt administration
- cash management and investments
- retirement administration and finance
- health care and other employee benefits

8.05 Other Reference Materials Available to Council Members

Other reference materials that may be of interest to Council Members and are available on-line or upon request to the City Manager's Office include:

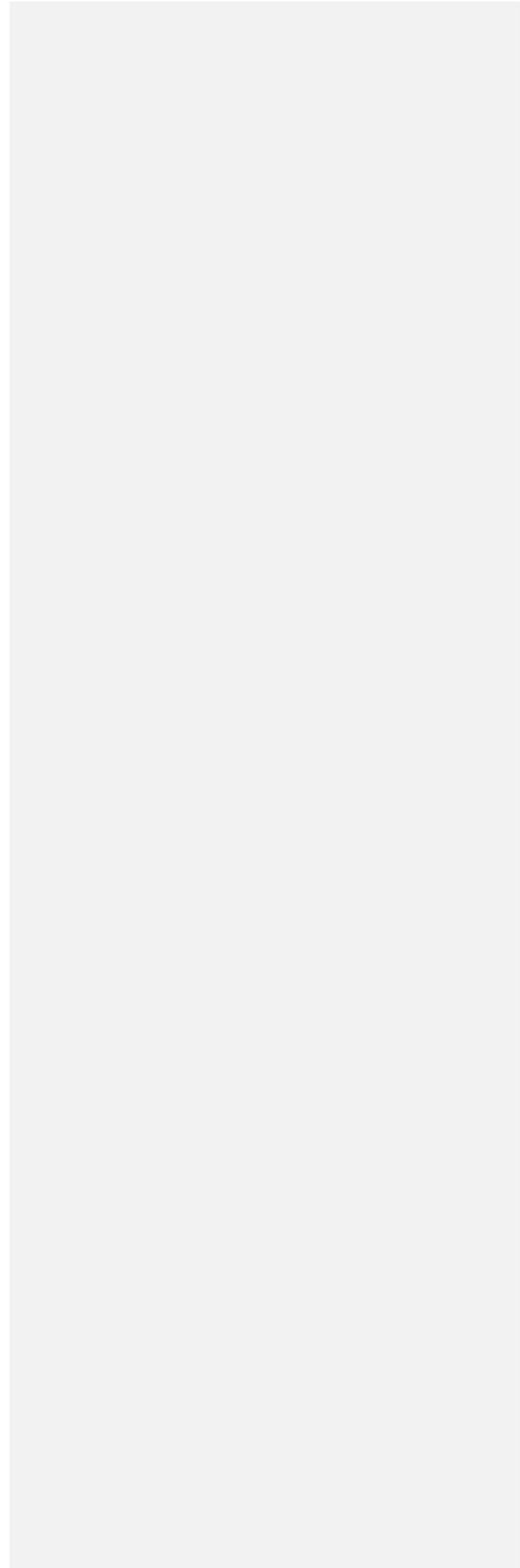
- AWC's Councilmember's Handbook
- AWC's Mayor's Handbook
- MRSC's *Knowing the Territory: Basic Legal Guidelines for Washington Municipal Officials*
- MRSC's *Councilmember's Handbook*
- MRSC's *Mayor's Handbook*
- MRSC's *Public Records Act for Washington Cities, Counties and Special Purpose Districts*
- MRSC's *Code City Handbook*
- MRSC's *The Open Public Meetings Act – How it Applies to Washington Cities, Counties, and Special Purpose Districts*
- GFOA's *An Elected Official's Guide* series
- *Robert's Rules of Order* latest edition
- Washington State Constitution
- Revised Code of Washington
- Washington Administrative Code
- Kirkland Municipal Code
- Kirkland Adopted Biennial Budget
- Kirkland Comprehensive Plan
- Kirkland Zoning Code
- Kirkland Capital Improvement Plan

8.06 Appendices

- A Council Rules of Procedure
- B Basics of Parliamentary Procedure
- C Reference Locator Guide
- D Chapter 35.18 RCW
- E Chapter 35A.13 RCW

APPENDIX A

Council Rules of Procedure
[See Resolution R-4961]



APPENDIX B

Basics of Parliamentary Procedure

By approval of the Resolution of the City Council Setting Forth the Current Rules of Procedure for the Conduct of Kirkland City Council Meetings, the City Council has adopted a modified version of *Robert's Rules of Order*. The following is summary of some of the commonly used rules of order:

Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

Basic Steps to Conducting Business

Business is brought before the Council in the form of a motion. The basic steps to conducting business include:

The Mayor:

1. Introduces the item to be considered as presented on the agenda

A member of the Council:

2. Is recognized by the Mayor
3. Proposes the motion

A second member of the Council:

4. Seconds the motion

The Mayor:

5. States the motion
6. Calls for any further discussion or debate
7. Restates the motion and puts the motion to a vote

The City Clerk:

8. Takes the vote
9. Announces the results

Amendment of the Main Motion

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment *before* it is finally voted upon. Once recognized by the Mayor, a Council Member may make the motion to amend by stating, "I move to amend the motion by..." ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be germane---that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the Mayor puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

Postponement of Business

A. Postpone to a Time Certain

Council may delay action on a pending question by making a motion to postpone the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

B. Postpone Indefinitely

Council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

C. Table

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

Debate

The term "debate" applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, "I move that debate on the motion be closed," or "I move the previous question."

However, Council Members should refrain from using the term, "call the question," as a means to end debate. The audience better understands, "Move that debate on the motion be closed," rather than "calling the question." The motion must be seconded. The presiding officer immediately requests a vote, to which a two thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate effects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

Debate shall not be closed until every Council Member present has had at least one opportunity to speak on the motion.

Voting Procedures

Each Council member shall vote on all questions put to the City Council, unless a conflict of interest under State law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote. However, any member may abstain from voting on any question; provided, at the time of declaring his/her abstention, he/she shall state the reason.

APPENDIX C

Reference Locator Guide

The Washington Constitution, Revised Code of Washington, United States Constitution, United States Code, and United States Code of Federal Regulations are available on the Internet at:

Washington Constitution

<http://www.leg.wa.gov/LawsAndAgencyRules/Pages/constitution.aspx>

Revised Code of Washington

<http://www.leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx>

United States Constitution

<http://www.loc.gov/rr/program/bib/ourdocs/Constitution.html>

United States Code

<http://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE>

United States Code of Federal Regulations

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

APPENDIX D

Chapter 35A.13 RCW
Chapter 35A.13 RCW
Council-manager plan of government

[Chapter Listing](#)

RCW Sections

- [35A.13.010](#) City officers -- Size of council.
- [35A.13.020](#) Election of councilmembers -- Eligibility -- Terms -- Vacancies -- Forfeiture of office -- Council chair.
- [35A.13.030](#) Mayor -- Election -- Chair to be mayor -- Duties.
- [35A.13.033](#) Election on proposition to designate person elected to position one as chair -- Subsequent holders of position one to be chair.
- [35A.13.035](#) Mayor pro tempore or deputy mayor.
- [35A.13.040](#) Compensation of councilmembers -- Expenses.
- [35A.13.050](#) City manager -- Qualifications.
- [35A.13.060](#) City manager may serve two or more cities.
- [35A.13.070](#) City manager -- Bond and oath.
- [35A.13.080](#) City manager -- Powers and duties.
- [35A.13.090](#) Creation of departments, offices, and employment -- Compensation.
- [35A.13.100](#) City manager -- Department heads -- Authority.
- [35A.13.110](#) City manager -- Appointment of subordinates -- Qualifications -- Terms.
- [35A.13.120](#) City manager -- Interference by councilmembers.
- [35A.13.130](#) City manager -- Removal -- Resolution and notice.
- [35A.13.140](#) City manager -- Removal -- Reply and hearing.
- [35A.13.150](#) City manager -- Substitute.
- [35A.13.160](#) Oath and bond of officers.
- [35A.13.170](#) Council meetings -- Quorum -- Rules -- Voting.
- [35A.13.180](#) Adoption of codes by reference.
- [35A.13.190](#) Ordinances -- Style -- Requisites -- Veto.
- [35A.13.200](#) Authentication, recording and publication of ordinances.
- [35A.13.210](#) Audit and allowance of demands against city.
- [35A.13.220](#) Optional division of city into wards.
- [35A.13.230](#) Powers of council.

35A.13.010
City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW [35A.13.020](#), appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW [35A.12.040](#).

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW [35A.02.130](#), is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.
[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § [35A.13.010](#).]

Notes:

Severability -- 1987 c 3: See note following RCW [3.70.010](#).

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

Population determinations, office of financial management: Chapter [43.62](#) RCW.

35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair. In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW [35A.12.030](#), [35A.12.040](#), [35A.12.050](#), [35A.12.060](#), and [35A.12.065](#) relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW [35A.13.033](#), provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW [35A.13.030](#).

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 §[35A.13.020](#) .]

35A.13.030

Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW [35A.13.033](#). The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § [35A.13.030](#).]

35A.13.033

Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW [35A.13.030](#). If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

35A.13.035

Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

Notes:

Effective date -- 1969 ex.s. c 81: "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

35A.13.040

Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent:

PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an

additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § [35A.13.040](#).]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

35A.13.050

City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 § [35A.13.050](#) .]

35A.13.060

City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § [35A.13.060](#).]

35A.13.070

City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § [35A.13.070](#).]

35A.13.080

City manager — Powers and duties.

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter [35A.33](#) RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution.
[2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § [35A.13.080](#).]

Notes:

Severability -- 1987 c 3: See note following RCW [3.70.010](#).

35A.13.090

Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § [35A.13.090](#).]

35A.13.100

City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW [35A.13.080](#) and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § [35A.13.100](#).]

35A.13.110

City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § [35A.13.110](#).]

35A.13.120

City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council,

while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.
[2009 c 549 § 3027; 1967 ex.s. c 119 § [35A.13.120.](#)]

35A.13.130

City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § [35A.13.130.](#)]

35A.13.140

City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § [35A.13.140.](#)]

35A.13.150

City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § [35A.13.150.](#)]

35A.13.160

Oath and bond of officers.

All provisions of RCW [35A.12.080](#) relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § [35A.13.160.](#)]

35A.13.170

Council meetings — Quorum — Rules — Voting.

All provisions of RCW [35A.12.110](#), as now or hereafter amended, and [35A.12.120](#), relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § [35A.13.170.](#)]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070.](#)

35A.13.180

Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW [35A.12.140](#).
[1967 ex.s. c 119 § [35A.13.180](#).]

35A.13.190
Ordinances — Style — Requisites — Veto.
The enacting clause of all ordinances shall be as follows: "The city council of the city of do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.
[1967 ex.s. c 119 § [35A.13.190](#).]

35A.13.200
Authentication, recording and publication of ordinances.
Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW [35A.12.150](#) and [35A.12.160](#).
[1967 ex.s. c 119 § [35A.13.200](#).]

35A.13.210
Audit and allowance of demands against city.
RCW [35A.12.170](#) shall apply to the audit and allowance of demands against the city.
[1967 ex.s. c 119 § [35A.13.210](#).]

35A.13.220
Optional division of city into wards.
A code city organized under this chapter may be divided into wards as provided in RCW [35A.12.180](#).
[1967 ex.s. c 119 § [35A.13.220](#).]

35A.13.230
Powers of council.
The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter [35A.11](#) RCW, except insofar as such power and authority is vested in the city manager.
[1967 ex.s. c 119 § [35A.13.230](#).]

RESOLUTION R-5094

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES.

1 WHEREAS, the Finance and Administration Committee has
2 recommended to the full City Council the approval of updated and
3 consolidated City Council Policies and Procedures; and
4

5 WHEREAS, the City Council desires that City government be
6 transparent and accountable to the public; and
7

8 WHEREAS, the City Council seeks to govern in a manner that is
9 responsive to the community, in collaboration with City management,
10 and in a business-like and professional manner; and
11

12 WHEREAS, written principles, policies and procedures best
13 assure an atmosphere conducive to principled, accountable and
14 transparent governance.
15

16 NOW, THEREFORE, be it resolved by the City Council of the
17 City of Kirkland as follows:
18

19 Section 1. The "City of Kirkland City Council Policies and
20 Procedures" dated January 2015, attached as Exhibit A and
21 incorporated by this reference are approved.
22

23 Passed by majority vote of the Kirkland City Council in open
24 meeting this ____ day of _____, 2015.
25

26 Signed in authentication thereof this ____ day of _____,
27 2015.

MAYOR

Attest:

City Clerk

CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



January 2015

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CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is an attractive, vibrant and inviting place to live, work and visit. Our lakefront community is a destination for residents, employees and visitors. Kirkland is a community with a small-town feel, retaining its sense of history, while adjusting gracefully to changes in the twenty-first century.

1.01 Goals. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.02 In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service and furthers Kirkland's interests beyond the our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – The City of Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative with a focus on outcomes. The City will continue to conduct a statistically valid citizen survey every two years to gather qualitative data about the citizen's level of satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – The City of Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhood identity while supporting the needs and values of the community as a whole.

The City Council Goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect citizen input as well as changes in the external environment and community demographics.

1.03 CITY COUNCIL GOALS

NEIGHBORHOODS

Value Statement: The citizens of Kirkland experience a high quality of life in their neighborhoods.

Goal: Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services and infrastructure.

PUBLIC SAFETY

Value Statement: Ensure that all those who live, work and play in Kirkland are safe.

Goal: Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.

HUMAN SERVICES

Value Statement: Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

Goal: To support a regional coordinated system of human services designed to meet the special needs of our community and remove barriers to opportunity.

BALANCED TRANSPORTATION

Value Statement: Kirkland values an integrated multi-modal system of transportation choices.

Goal: To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.

PARKS, OPEN SPACES AND RECREATIONAL SERVICES

Value Statement: Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

Goal: To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well-being of the community.

DIVERSE HOUSING

Value Statement: The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

Goal: To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.

FINANCIAL STABILITY

Value Statement: Citizens of Kirkland enjoy high-quality services that meet the community's priorities.

Goal: Provide a sustainable level of core services that are funded from predictable revenue.

ENVIRONMENT

Value Statement: We are committed to the protection of the natural environment through an integrated natural resource management system.

Goal: To protect and enhance our natural environment for current residents and future generations.

ECONOMIC DEVELOPMENT

Value Statement: Kirkland has a diverse, business-friendly economy that supports the community's needs.

Goal: To attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for residents.

DEPENDABLE INFRASTRUCTURE

Value Statement: Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

Goal: To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

CHAPTER 2: CITY COUNCIL CODE OF CONDUCT

2.01 Code of Conduct for City Council and Boards and Commissions.

The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the Code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Chapter.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
 - a. Announcements
 - b. Items from the Audience (See Section 3.07 for the three minute limitation.)
 - c. Petitions
7. Special Presentations
8. Consent Calendar
 - a. Approval of Minutes
 - b. Audit of Accounts and Payment of Bills and Payroll
 - c. General Correspondence
 - i. Routine
 - ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
 - d. Claims
 - e. Award of Bids
 - f. Acceptance of Public Improvements and Establishing Lien Periods
 - g. Approval of Agreements
 - h. Other Items of Business
9. Public Hearings
10. Unfinished Business
11. New Business

12. Reports
 - a. City Council Reports
 - (1) Finance and Administration Committee
 - (2) Planning and Economic Development Committee
 - (3) Public Safety Committee
 - (4) Public Works, Parks and Human Services Committee
 - (5) Tourism Development Committee
 - (6) Legislative Committee
 - (7) Regional Issues
 - b. City Manager Reports
 - (1) Calendar Update
13. Items from the Audience
14. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the Consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the Consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience."

2. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

3.08 Committee Reports. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

3.09 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate times.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
 - e. Repeat motions, put motions to a vote and announce the outcome.
 - f. Suggest but not make motions for adjournment.
 - g. Appoint committees when authorized to do so.

3.10 Rules for Councilmember Conduct.

1. No member shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

3.11 Voting. Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and

8. To approve a Consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the Consent calendar, has first been removed.

3.12 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

3.13 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.14 Motions to Reconsider. Except as provided in Sections 3.12 and 3.13, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.15 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.16 Motion for Adjournment. A motion for adjournment shall always be in order.

3.17 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.18 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.19 City Staff Attendance at Meeting. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the City of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

3.20 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.

3.21 Procedure for Considering Process IIA Appeals. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the

Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.22 Procedure for Considering Process IIB Applications. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

CHAPTER 4: COUNCIL COMMUNICATIONS

4.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence - Correspondence that requires policy decision or approval by Council shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the Consent agenda under the item Written Correspondence relating to quasi-judicial matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments – The City Manager will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

CHAPTER 5: COUNCIL COMMITTEES

CITY COUNCIL COMMITTEE APPOINTMENTS

5.01 Purpose and Relationship to City Council.

Committees are advisory and do not take action on behalf of the Council. The purpose of Council Committees is to review matters in detail and to make reports to the full Council for possible Council actions. Council Committees may be standing committees or ad hoc committees are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are five standing Council Committees:

- Finance and Administration
- Public Safety
- Planning and Economic Development
- Public Works, Parks and Human Services
- Legislative

Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, the topics discussed and results of the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City Council's internal web page along with a list of current and future topics being discussed by each committee.

5.02 Appointment Process.

Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interests in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the second City Council meeting in January for Council's consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members that are interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council's consideration to fill this vacancy at that following Council meeting.

5.03 Council Committees

Committee/Topic Areas	Staff
<p>Finance and Administration</p> <ul style="list-style-type: none"> • Finance and budget • Utility rates • Human Resources and Performance Management • Technology • Public Records • Council Policies and Procedures 	<p><i>Director of Finance and Administration</i></p>
<p>Public Safety</p> <ul style="list-style-type: none"> • Police • Fire and Emergency Medical Services • Municipal Court • Emergency Management • Code Enforcement 	<p><i>Deputy City Manager</i></p>
<p>Legislative</p> <ul style="list-style-type: none"> • State and Federal Legislative Agenda and Monitoring • Liaison with State and Federal Elected Officials 	<p><i>Intergovernmental Relations Manager</i></p>
<p>Planning and Economic Development</p> <ul style="list-style-type: none"> • Business Retention and Recruitment • Business Roundtable • Tourism • Events • Development Services (permitting) • Long Range Planning • Housing 	<p><i>Planning and Community Development Director and Economic Development Manager</i></p>
<p>Public Works, Parks and Human Services</p> <ul style="list-style-type: none"> • Public Works operations and CIP • Parks Operations and CIP • Parks planning • Environment • Utilities • Facilities and Fleet • Human Services 	<p><i>Public Works Director and Parks and Community Services Director</i></p>

CHAPTER 6: BOARD AND COMMISSION APPOINTMENTS

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

6.01 Applicability/Definition. For the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission
Design Review Board
Park Board
Human Services Advisory Committee
Planning Commission
Library Board
Tourism Development Committee (Lodging Tax Advisory Committee)
Salary Commission
Transportation Commission

6.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board.

6.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

*City council has made age a qualification for specific seats on certain advisory bodies.

6.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City Boards.

6.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31st of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

6.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

6.07 Attendance. Appointees shall attend 80 percent of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the City Council.

6.08 Appointment/Reappointment. An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the

position(s). All advisory board members completing their term who are interested in and eligible for reappointment will be required to go through the open competitive process.

6.09 Application Process. Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. If an incumbent is eligible to apply for reappointment, this information shall be included in the announcement. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

6.10 Criteria for Reappointment. Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement – has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

6.11 Appointment Process. Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed by lot to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall make its appointments in open session. Following appointment, the appointee, as well as all other candidates, will be notified in writing of the Council's decision.

6.12 Criteria for Removal. Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

APPENDICES:

- A. Council Committee and Regional Committee Assignments
- B. List of Boards and Commissions
- C. Acceptance of Gifts
- D. Code of Ethics
- E. Limits on Campaign Contributions
- F. City Council Orientation Manual and RCW Links

APPENDIX A – COUNCIL COMMITTEE AND REGIONAL COMMITTEE APPOINTMENTS

2014 Council Committee Assignments

CITY COUNCIL COMMITTEES:	CHAIR	MEMBERS	STAFF
City/School District Coordinating	Kloba		Kurt Triplett
Disability Board	Rex Lindquist	Kloba, Nixon	Betsy Reali
Finance & Administration	Marchione	Arnold, Walen	Tracey Dunlap
Legislative (<i>only during Legislative session</i>)	Asher	Marchione, Walen	Lorrie McKay
Planning, Housing & Economic Development	Arnold	Marchione, Sweet	Eric Shields/Ellen Miller-Wolfe
Public Works, Parks & Human Services	Kloba	Asher, Nixon	Kathy Brown/Jenny Schroder
Public Safety	Sweet	Asher, Nixon	Marilynne Beard
Tourism Development Committee (TDC)	Nixon		Ellen Miller-Wolfe

REGIONAL COMMITTEES:	MEMBER	ALTERNATE	STAFF
Cascade Water Alliance	Marchione, Sweet		Juliana Elsom
Eastside Transportation Partnership	Arnold, Asher		
Eastside Human Services Forum Board	Kloba		Leslie Miller
Eastside Rail Corridor (ERC)	Walen	Arnold	Dave Godfrey
King County Solid Waste Advisory Committee (SWAC)	Sweet		John MacGillivray
Water Resource Inventory Area (WRIA 8)	Arnold		Jenny Gaus
Puget Sound Regional Council (PSRC) Transit Oriented Development (TOD)	Arnold		
Puget Sound Regional Council (PSRC) Executive Board	Walen	Sweet	Eric Shields

SOUND CITIES ASSOCIATION (SCA) REGIONAL COMMITTEES:	MEMBER	ALTERNATE	STAFF
Committee to End Homelessness (CEH)	Marchione		Leslie Miller
Domestic Violence Initiative (DVI)	Kloba		Leslie Miller
Economic Development Council (EDC)	Walén		Ellen Miller-Wolfe
Emergency Management Advisory Committee (EMAC)	Sweet		Helen Ahrens-Byington
Growth Management Planning Council (GMPC)	Sweet		Eric Shields
Mental Illness and Drug Dependency (MIDD) Oversight Committee	Asher		Leslie Miller
Public Issues Committee (PIC)	Nixon	Kloba	
Puget Sound Regional Council (PSRC) Transportation Policy Board (TPB)	Walén		Dave Godfrey
Puget Sound Regional Council (PSRC) Growth Management Planning Board (GMPB)		Arnold	Eric Shields
Regional Transit Committee (RTC)	Asher		Dave Godfrey
Regional Policy Committee (RPC)	Walén		Eric Shields
Regional Law, Safety and Justice (RLSJ)	Nixon		Eric Olsen
Regional Water Quality Committee (RWQC)		Sweet	Kathy Brown

APPENDIX B -- Advisory Boards & Commissions --Membership & Qualification Matrix

	Membership	Term Length	Appointing Authority	Residency Requirements	Special Requirements
Civil Service Commission KMC 3.54	3 members	6-year terms	City Manager	Resident of the City of Kirkland for at least three years immediately preceding appointment	Citizen of the United States and an elector of King County
Design Review Board KMC 3.30	7 members	4-year Terms	City Council	Resident of the City of Kirkland and/or whose place of business in City preferred	Shall include design professionals and building/construction experts, and residents capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The Board shall have at all times a majority composition of professionals from architecture, urban design/planning or similar disciplines.
Disability Board KMC 3.56	Membership, Appointing Authority, Term Lengths, Residency Requirements, and Special Requirements 2 members of the City Council to be appointed by the Mayor (2-year term) ; 1 firefighter to be elected as provided by state law (2-year term); 1 law enforcement officer to be elected as provided by state law (2-year term) ; 1 member from the public at large, residing within the Kirkland city limits to be appointed by the other 4 members (2-year term).				
Kirkland Library Board KMC 3.28	5 members	4-year terms	City Council	Resident of the City of Kirkland	None
Park Board KMC 3.66	7 members	4-year terms	City Council	Resident of the City of Kirkland	None
Planning Commission KMC 3.32	7 members	4-year terms	City Council	Resident of the City of Kirkland	None

APPENDIX C – ACCEPTANCE OF GIFTS

3.80.140 Limitations on gifts.

(1) No city officer or city employee may accept gifts, other than those specified in subsection (2) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars in accordance with RCW [42.52.150](#)(1); provided, that if the fifty dollar limit in RCW [42.52.150](#)(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under Section [3.80.030](#)(16). The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) The following items are presumed not to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a city officer or city employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the city officer's or city employee's official duties;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature; and

(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item. (Ord. 4108 § 2, 2007)

APPENDIX D – CODE OF ETHICS

Chapter 3.14 CODE OF ETHICS

Sections:

- [3.14.010](#) Policy.
- [3.14.020](#) Definitions.
- [3.14.030](#) Prohibited conduct.
- [3.14.040](#) Financial disclosure statements.
- [3.14.050](#) Ethical standards.
- [3.14.060](#) Ethics officer.
- [3.14.070](#) Advisory opinions.
- [3.14.080](#) Complaints, investigations, hearings and enforcement.

3.14.010 Policy.

(a) Purpose. The Kirkland city council has adopted a code of ethics for members of the city council and the city's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) Intent. The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) Public officials be independent, impartial and fair in their judgment and actions;
- (3) Public office be used for the public good, not for personal gain; and
- (4) Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.020 Definitions.

(a) "Official" means a member of the city council or a member of council-appointed city boards and commissions and other council-appointed task groups or committees, including youth members.

(b) "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.030 Prohibited conduct.

(a) Conflicts of Interest. In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest: (1) the official, (2) a relative, (3) an individual with whom the official resides, or (4) an entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (1) to decisions regarding taxes or fees, (2) if the financial interest is shared with more than ten percent of the city's population, or (3) if the financial interest exists solely because of the official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

(d) Representation of Third Parties. Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. However, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

(e) Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.

(f) Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Section [3.80.140](#).

(g) Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.040 Financial disclosure statements.

All officials, except members of the city council, shall file a city of Kirkland disclosure statement annually. In accordance with Chapter [42.17](#) RCW, members of the Kirkland city council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable city of Kirkland disclosure statement within ten days of appointment. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.050 Ethical standards.

In addition to Section [3.14.030](#) of the code of ethics, which shall be administered by the ethics officer, officials are also encouraged to comply with the following standards:

(1) Compliance with Other Laws. Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW [42.17.750](#), no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW [42.17.130](#), no official may use or authorize the use of the

facilities of the city for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) Personal Integrity. The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, officials shall not directly or indirectly induce, encourage or aid anyone to violate the code of ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this code of ethics.

(3) Working for the Common Good. Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the city council, boards and commissions. Officials need to be mindful that making special requests of staff—even when the response does not benefit the official personally—puts staff in an awkward position.

(4) Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.

(5) Commitment to Transparency. Transparency, openness, and accountability are fundamental values of the city—and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the city complies with the record retention schedules established under Chapter [40.14](#) RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure

request under the Public Records Act, Chapter [42.56](#) RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) Conduct of Public Meetings. Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) Decisions Based on Merit. Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) Attendance. As provided in RCW [35A.12.060](#), a council member shall forfeit his or her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) Nepotism. The city council will not appoint relatives of city council members to boards or commissions or other appointed positions.

(11) Advocacy. When acting in an official capacity as a city official representing the city, officials shall represent the official policies or positions of the city council, board or commission to the best of their ability when the city council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the city of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. However, this does not preclude

officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) Policy Role of Officials. Officials shall respect and adhere to the council-manager structure of Kirkland city government as outlined by Chapter [35A.13](#) RCW. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.

APPENDIX A

Ch. [9A.72](#) RCW Perjury and interference with official proceedings

RCW [35A.12.060](#) Vacancy for nonattendance

Ch. [35A.13](#) RCW Council-manager plan of government

RCW [35A.13.020](#) Incompatible offices

Ch. [40.14](#) RCW Preservation and destruction of public records

RCW [42.17.130](#) Use of public office or agency facilities in campaigns—
Prohibition—Exceptions

RCW [42.17.750](#) Solicitation of contributions by public officials or
employees

Ch. [42.23](#) RCW Code of ethics for municipal officers—Contract interests

Ch. [42.36](#) RCW Appearance of fairness doctrine—Limitations

Ch. [42.56](#) RCW Public Records Act

KMC [3.80.140](#) Kirkland code on acceptance of gifts

Ch. 3.12 KMC Limitations on campaign contribution

(Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.060 Ethics officer.

(a) The city council creates the position of ethics officer. The city manager will contract with one or more agencies to fill this position. The ethics officer will provide for annual review of the code of ethics, review of training materials provided for education regarding the code of ethics,

and advisory opinions concerning the code of ethics. The ethics officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.070 Advisory opinions.

(a) Upon request of any official, the ethics officer shall render written advisory opinions concerning the applicability of Sections [3.14.030](#) and [3.14.040](#) of this code to hypothetical circumstances and/or situations solely related to the persons making the request. The ethics officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city public records officer, etc.

(b) Upon request of any official, the ethics officer may also render written advisory opinions concerning the applicability of the code of ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The ethics officer will endeavor to respond to requests for advisory opinions within forty-five days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer shall not be found to violate this code of ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the person's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.080 Complaints, investigations, hearings and enforcement.

The ethics officer shall resolve inadvertent and minor violations of the code of ethics informally and may resolve inadvertent or minor violations informally, unless the ethics officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the ethics officer may initiate an action in accordance with this section.

(1) Complaint Process.

(A) Complaint Requirements—Service. Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter [9A.72](#) RCW.

(B) Finding of Sufficiency. The ethics officer shall make a determination of sufficiency within thirty days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section [3.14.030](#) or [3.14.040](#) of this code. The ethics officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the ethics officer shall investigate the complaint as set forth below.

(C) Dismissal. The ethics officer shall dismiss the complaint if the ethics officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) Notice. Notice of action by the ethics officer shall be provided as follows:

(i) Notice of a finding of insufficiency or dismissal of a complaint by the ethics officer shall be sent to the person who made the complaint and the person complained against within seven days of the decision by the ethics officer. A finding of insufficiency or dismissal of a complaint by the ethics officer is final and binding, and no administrative or other legal appeal is available through the ethics officer.

(ii) Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the person complained against, of the ethics officer's determination. If, after investigation, the ethics officer has reason to believe that a material violation of Section [3.14.030](#) or [3.14.040](#) has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty days prior to the date set for the hearing. The person complained

against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) Stipulations. At any time after a complaint has been filed with the ethics officer, the ethics officer may seek and make recommendations that the city council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the city council for action.

(2) Conduct of Hearings.

(A) All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

(3) City Council Action. Final city council action to decide upon stipulations and recommendations from the ethics officer and findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. If the proceeding involves a

member of the city council, deliberations by the council may be in executive session. The member of the council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the council against whom the complaint was made, a public hearing or public meeting before the council will be held on the issue of penalties.

(4) Disposition. In the event the hearing examiner finds that the person against whom the complaint was made has violated the code of ethics, then the city council may take any of the following actions by a majority vote of the council. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (5) of this section.

(A) Dismissal. Dismissal of the complaint without penalties.

(B) Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.

(D) Reprimand. A reprimand shall be administered to the official by a resolution of reprimand by the city council. The resolution shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.

(E) Censure. A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The person shall appear at a city council meeting at a time and place directed by the city council to receive the resolution of censure. Notice shall be given at least twenty calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.

(F) Removal—Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a city board or commission or other task group or committee, appointed by the city council, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) Civil Penalties. The city council may assess a civil penalty of up to one thousand dollars or three times the economic value of anything received in violation of this code of ethics or three times the economic value of any loss to the city, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.

(H) Contract Void. As provided by RCW [42.23.050](#), any contract made in violation of Chapter [42.23](#) RCW, "Code of ethics for municipal officers— contract interests," is void.

(I) Other Penalties. The city council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the city council.

(5) Review of Civil Penalties. If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within thirty days of the city council's order.

(6) Protection Against Retaliation. Neither the city nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the ethics officer.

(7) Public Records. Records filed with the ethics officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW [42.56.230](#)(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the ethics officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The city shall release copies of any written reports resulting from an investigation of a sustained complaint, any hearing examiner orders, and any written censures or reprimands issued by the city council, in response to public records requests consistent with Chapter [42.56](#) RCW and any other applicable public disclosure laws.

(8) Liberal Construction—Limitation Period—Effective Date.

(A) This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this code of ethics must be commenced within three years from the date of violation.

(C) This code of ethics shall take effect February 18, 2012. (Ord. 4348 § 1 (Exh. A) (part), 2012))

APPENDIX E – LIMITS ON CAMPAIGN CONTRIBUTIONS

LIMITS ON CAMPAIGN CONTRIBUTIONS

Sections:

[3.12.010](#) Definitions.

[3.12.020](#) Application.

[3.12.030](#) Contribution limits.

[3.12.040](#) Adjustment of dollar amounts in chapter—Adherence to Public Disclosure Commission established limits and schedule.

[3.12.050](#) Complaint process.

[3.12.060](#) Appeal from the imposition of a penalty.

[3.12.070](#) Hearing examiner dismissal.

[3.12.080](#) Penalties.

[3.12.010](#) Definitions.

For purposes of this chapter, the definitions found in RCW [42.17.020](#) as currently enacted or as hereafter amended or recodified are hereby adopted by reference. In adopting these definitions by reference, the city also adopts the interpretation of these definitions published in Chapter [390-05](#) WAC or otherwise issued by the Washington State Public Disclosure Commission through declaratory orders, policy statements, and commission interpretations, except that:

(a) "Election cycle" means the combination of the general or special election and the primary election for the office in question and begins on the date an individual becomes a candidate for such office as defined in subsection (e) of this section and ends on the date that candidate files his or her final report pursuant to RCW [42.17.080](#)(2).

(b) To "accept" or "receive" a contribution means the receipt of a contribution, deposit of funds with other campaign funds, and report of the contribution on required Public Disclosure Commission report(s). These terms do not apply to a situation in which a candidate receives a contribution and returns the contribution to the contributor within five business days of the date on which it is received by the candidate or political committee. This definition does not in any way affect the determination of the date a contribution is received, which is defined by Public Disclosure Commission policies.

(c) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(d) "Public Disclosure Commission" means the Washington State Public Disclosure Commission, established under RCW [42.17.350](#), or its successor.

(e) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first: (1) receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; (2) announces publicly or files for office; (3) purchases commercial advertising space or broadcast time to promote his or her candidacy; or (4) gives his or her consent to another person to take on behalf of the individual any of the actions in subsection (e)(1), (2) or (3) of this section. This is the definition of "candidate" in RCW [42.17.020](#) at the time of enactment of the ordinance codified in this chapter. The city also adopts amended or recodified definitions of "candidate" along with interpretations of this definition published in Chapter [390-05](#) WAC or otherwise issued by the Public Disclosure Commission through declaratory orders, policy statements, and commission interpretations. (Ord. 4190 § 2 (part), 2009)

3.12.020 Application.

These limits shall apply to candidates in any primary, general or special election for the Kirkland city council. (Ord. 4190 § 2 (part), 2009)

3.12.030 Contribution limits.

(a) No candidate for city council shall accept or receive during the election cycle campaign contributions totaling more than the contribution limit established by the Public Disclosure Commission for county office candidates in King County in the aggregate from any person.

(b) The per-election contribution limit established by the Public Disclosure Commission for county office candidates in King County shall be the election-cycle contribution limit on candidates for the Kirkland city council.

(c) The limitations in this section shall not apply to:

(1) A candidate's contributions of his/her own resources to his/her own campaign;

(2) The value of volunteer services;

(3) Any publicly donated funds under provisions authorizing public funding of local campaigns;
and

(4) Surplus funds, as defined in RCW [42.17.020](#)(48), from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus funds.

(d) The limitations imposed by this section shall apply to all other contributions. (Ord. 4190 § 2 (part), 2009)

3.12.040 Adjustment of dollar amounts in chapter—Adherence to Public Disclosure Commission established limits and schedule.

The amount of the contribution limit is adjusted to reflect periodic adjustments made by the Public Disclosure Commission for county office candidates in King County. The timing of the limitation changes shall take place as published by the Public Disclosure Commission and shall, from that time forward, form a new limit on contributions. (Ord. 4190 § 2 (part), 2009)

3.12.050 Complaint process.

(a) Any person who has knowledge of a violation of this chapter committed by any candidate or committee may file a complaint, in writing, under oath of the same with the city clerk. "Under oath" means that the complaint includes a statement substantially as follows: "I declare under penalty of perjury of the laws of the State of Washington that the information in this complaint is true and correct," or that the complaint is subscribed and sworn to before a notary public or other official authorized to administer oaths. The complaint must set forth specific facts detailing the alleged violation, including: the amounts of the contributions accepted or received; the name of the candidate or committee receiving the contribution(s); and the name(s) and address(es) of the contributor(s), if known or reported; and the names and telephone numbers

of persons having knowledge of the alleged violation. The complaint must include the name, address, and telephone number of the person submitting the complaint.

(b) The city clerk shall refer the complaint to the hearing examiner. The city clerk shall also send a copy of the complaint to the candidate or committee named in the complaint as the alleged violator. Within five calendar days of receiving the complaint, the hearing examiner shall make a determination that the complaint appears to have merit or is frivolous and without merit and communicate his or her decision in writing to the person who made the complaint, to the candidate or committee named in the complaint as the alleged violator, and to the city clerk.

(1) The hearing examiner shall dismiss the complaint if the hearing examiner determines that all of the alleged facts, if true, do not constitute a violation; or

(2) The hearing examiner determines that there are no reasonable grounds to believe that a violation has occurred; or

(3) The hearing examiner determines that the violation was inadvertent and minor and has been largely corrected to the satisfaction of the hearing examiner.

(c) If the hearing examiner determines the complaint appears to have merit and the complaint relates to conduct during the pending election and is received at least 30 days before the final election for the office, the hearing examiner shall provide expedited review and a public hearing on the complaint shall be set not less than fifteen days of the determination, absent a showing of good cause for a different date or a stipulation of the parties.

(1) In other instances, the public hearing shall be set within thirty days of the determination.

(d) At least fifteen days prior to the date set for hearing, the hearing examiner will notify, in writing, the person who made the complaint and candidate and/or committee complained against of the public hearing which will be held to determine if a violation has occurred. The candidate and/or committee complained against shall have the right to file a written answer to the complaint and to appear at the hearing with or without legal counsel, submit testimony, be fully heard and to examine and cross-examine witnesses.

(e) Hearings conducted by the hearing examiner shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence needed by the parties. To that end, the hearing

examiner shall issue subpoenas and subpoenas duces tecum on his or her own. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing including all testimony, which shall be recorded by mechanical or electronic device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(f) Not more than ten calendar days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records findings of fact, conclusions of law, determination of a recommended disposition, and order shall be forwarded by certified mail, or personal service, to the person who made the initial report, the candidate and/or committee complained against at the addresses as given by these persons to the hearing examiner, and the city clerk. (Ord. 4190 § 2 (part), 2009)

3.12.060 Appeal from the imposition of a penalty.

Any candidate and/or committee found, by final written order of the hearing examiner, to be in violation of this chapter may seek review of the hearing examiner's order and any other decision based upon that order in the following manner:

(1) Civil Penalty Ordered at Least Fifteen Days Before the Final Election for Office. If the hearing examiner orders a candidate and/or a committee to pay a civil penalty at least fifteen days before the final election for office, the candidate and/or committee may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within fourteen days of the date of the hearing examiner's order.

(2) Civil Penalty Ordered in Other Instances. If the hearing examiner orders a candidate and/or a committee to pay a civil penalty in any other instances, the candidate and/or committee may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within thirty days of the hearing examiner's order. (Ord. 4190 § 2 (part), 2009)

3.12.070 Hearing examiner dismissal.

If the hearing examiner dismisses the complaint, the person who filed the complaint may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within fourteen days of the date of the hearing examiner's dismissal. (Ord. 4190 § 2 (part), 2009)

3.12.080 Penalties.

The violation or failure to comply with the provisions of this chapter shall constitute a civil violation for which a monetary fine of up to three times the amount of the illegal contribution in violation of KMC [3.12.030](#)(a) may be imposed on the candidate and/or committee that accepted the contribution. (Ord. 4190 § 2 (part), 2009)

APPENDIX F

COUNCIL MEMBER ORIENTATION

1. INTRODUCTION AND OVERVIEW

1.01 Council-Manager Form of Government

The City of Kirkland is a noncharter code city with a council-manager form of government. A noncharter code city is a city which has not adopted its own local charter, but has substantial "home rule" authority under Title 35A of the Revised Code of Washington (RCW). Under the council-manager form of government, the City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy. The City Manager is responsible to the Council for the proper administration of all affairs of the city government. See Appendix D for the RCW chapter which governs the council-manager form of government.

1.02 Consolidated City

Kirkland is also a consolidated city as it is the successor to the former cities of Kirkland and Houghton. Within the geographic area of the former City of Houghton, the Houghton Community Council retains a limited disapproval power over certain actions or decisions made by the City Council in the areas of land use planning and regulation.

In addition to its disapproval authority, the Houghton Community Council serves as a land use citizens' advisory body to the Kirkland Planning Commission (itself an advisory body to the City Council) and to the City Council.

1.03 Overview of Basic City Documents

A. Kirkland Municipal Code

The Kirkland Municipal Code (KMC) contains local laws and regulations adopted by ordinance. Title 3 of the KMC addresses the role of the City Council, describes the conduct of City Council meetings, responsibilities and appointment process for certain City staff positions and advisory boards and commissions. In addition to these administrative matters, the KMC contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance.

B. Revised Code of Washington

The state law contains many requirements for the operation of city government and the administration of meetings of city councils throughout the state. Kirkland is an "optional code city," which means it operates under the general laws of the state. As an optional code city of the State of Washington, Kirkland is vested with all the powers of

incorporated cities as set forth in the RCW, Constitution of the State of Washington, and KMC.

C. Biennial Budget

The biennial budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the biennial budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

D. Annual Financial Report

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

E. Comprehensive Plan

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

F. Zoning Code

The Zoning Code contains development regulations, regulating how land is used and developed.

G. Six-year Capital Improvement Program

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

H. Comprehensive Emergency Management Plan

The City maintains a Comprehensive Emergency Management Plan that outlines actions to be taken during times of disaster and emergency situations. Under the Plan and Chapter 3.20 of the KMC, the City Manager appoints the Director of Fire and Building Services as the Director of Emergency Services who is then directly responsible to the City Manager for all disaster response activities.

2. KIRKLAND CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES

2.01 City Council Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is the City Manager's responsibility to ensure the policy of the Council is implemented.

RCW 35A.13.120 provides that except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager.

2.02 Role of Mayor

A. Presiding Officer

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists.

B. Ceremonial Representative

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor's absence, the Deputy Mayor assumes this responsibility.

2.03 Election of Officers

Under RCW 35A.13.030, biennially, at the first meeting of the new Council, the Council Members choose a Mayor to serve as the presiding officer. In addition to the powers conferred upon him/her as Mayor, he/she will continue to have all the rights, privileges and immunities of a member of the Council. Following the election of the Mayor, there will be an election for Deputy Mayor. RCW 35A.13.035

2.04 Ordinances and Resolutions

The City Council takes legislative action through ordinances, resolutions, or motions. An ordinance generally prescribes permanent rules of conduct or government and requires the affirmative vote of the majority of the entire membership of the Council. Ordinances are used to add to or amend the Kirkland Municipal Code. Each City Council Member votes individually on an ordinance and the votes are recorded in the minutes.

The Council may also act by resolution or passing a motion. Either of these is usually done by a simple voice vote. With the exception of certain motions identified in the Council Rules of Procedure, when voting on a resolution or motion, a majority of the entire membership of the Council is required for passage. A resolution is less formal than an ordinance and generally is an expression of the opinion or mind of the Council concerning some particular item of business or administrative matter. A resolution usually deals with matters of a special or temporary character. Sometimes a state statute specifies whether an ordinance or a resolution is to be used.

A motion provides authority to do a specified act. A motion is a proposal by a Council Member that the Council take a particular action. The proposed action may be substantive, or it may express a certain view, or direct a particular action be taken. A motion, once approved and entered into the record, is the equivalent of a resolution.

3. FINANCIAL MATTERS

3.01 Council Compensation

As authorized by RCW 35.21.015, Chapter 3.11 of the KMC provides for a Salary Commission to set the compensation of the City Council Members. If the Salary Commission elects to change the compensation of the City Council Members, it files the adjustment with the City Clerk and the adjustment automatically becomes effective. No action of the City Council is required. Any recommended increases in compensation go into effect immediately for the Council Members regardless of their terms. However, decreases in compensation only become effective as to incumbent City Council Members at the commencement of their next term.

3.02 Accepting Gifts

The general rule is to never accept a gift, gratuity, or anything of value if the gift, gratuity, or thing of value could reasonably be expected to influence your vote, judgment, or action. Even if there is no reasonable expectation that a gift would influence a decision, under the City's limitations on gifts provisions in KMC 3.80.140, City officers and employees may only accept certain gifts and in most situations, a \$50.00 gift limit applies. Members of the City Council are subject to the limitations on accepting gifts in KMC 3.80.140 as City officers.

There are certain items that a City officer or employee may receive because they are deemed "exempt" from the definition of gift under KMC 3.80.030(16):

- Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the City or with the recipient in connection with City matters;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials or employees or a social event hosted or sponsored by a City officer or City employee for co-workers;
- Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
- Items a City officer or City employee is authorized by law to accept;
- Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution;
- Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt;
- Campaign contributions reported under Chapter 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

Under the City's limitations on gifts provision, and consistent with state law, a City officer or employee may receive gifts without regard to the \$50.00 limit if the item is one presumed not to influence the recipient. These items are listed in Section 2 of KMC 3.80.140 and include:

- Unsolicited flowers, plants, and floral arrangements;
- Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- Unsolicited tokens or awards of appreciation;

- Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or the acquisition of the item;
- Informational material, publications, or subscriptions related to official duties;
- Food and beverage consumed at hosted receptions related to the officer's or employee's duties;
- Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;
- Unsolicited gifts from dignitaries in another state or foreign country intended to be personal in nature; and
- Food and beverages on infrequent occasions in the ordinary course of City business.

Not accepting gifts is one sure way to know you are in compliance with the limitations on gifts provisions. In the alternative, prohibited gifts may be returned to the sender or donated to charity within 30 days of receipt. If donated to charity, you may want to consider sending a letter to the giver indicating your actions.

3.03 Use of Public Facilities in Campaigns

Generally, state law provides that a person in public office, whether elected or appointed, may not use the facilities of the office for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition. RCW 42.17A.555.

3.04 Gift of Public Funds

Article 8, Section 7 of the Washington State Constitution prohibits the City from giving money or property, or lending money or credit, except for the necessary support of the poor or infirm. Most commonly referred to as "the gift clause," it reads as follows:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

Transactions in which the City pays money, gives property or lends money or credit must be carefully scrutinized in light of the prohibition concerning the gift of public funds.

4. PUBLIC RECORDS ACT

In 1972 the voters of the state of Washington, through the initiative process, enacted the Public Records Act to ensure that citizens have broad access to public records. The Public Records Act contains express provisions as to its purpose and policy, including:

The people of this state do not yield their **sovereignty** to the agencies that serve them. **Mindful** of the right of individuals to **privacy** and of the desirability of the **efficient administration** of government, **full access** to information concerning the conduct of government on every level must be assured as a **fundamental** and **necessary** precondition to the sound governance of a free society.

A. *Public Records Act*

The Public Records Act creates a significant duty for cities.

- RCW 42.56.070(1) "Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within specific exemptions..."
- RCW 42.56.030 ..."This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected..."

According to RCW 42.56.010(3), a public record is:

1. Any writing;
2. Relating to the conduct/performance of any governmental or proprietary function;
3. Prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

In other words, almost **everything** we handle is a public record. "Writing" is defined in RCW 42.56.010(4) as follows:

'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which the information may be obtained or translated.

That means that the following are types of records subject to disclosure:

- Letters
- Contracts
- Resolutions

- Emails
- Word documents
- Spreadsheets
- PDFs
- Calendars
- Evaluations
- Public Comment Forms
- Photographs, videos and MP3s
- Databases
- Voicemails

B. Electronic Communications

- It is important for Council Members to understand that the Public Records Act applies to electronic communications.
- Emails between Council Members, emails between Council Members and staff, and emails between Council Members and the public may be disclosed to the public or news media if a public disclosure request is filed.
- Emails on a Council Member's private computer pertaining to City business may be considered open to public disclosure.
- Social networking sites, FaceBook, Twitter, blogs, Flickr, and YouTube are creating new Public Records Act challenges.

C. Penalties for Violation of the Public Records Act

Under RCW 42.56.550(4), the court has the discretion to impose penalties for violation of the Public Records Act, even for good faith mistakes. The penalties may be up to \$100 per day, per request. In addition, a person who prevails against an agency for a violation of the Public Records Act is entitled to attorney fees and costs.

5. CONFLICTS OF INTEREST, APPEARANCE OF FAIRNESS, ETHICS, AND CONFIDENTIALITY

5.01 Conflicts of Interest

A. Washington State Law

Washington State statutes contain provisions designed to prevent local official from using elected office for personal benefit. RCW 42.23.070 provides that:

1. No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
2. No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the

employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

3. No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
4. No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

RCW 42.23.030 provides that:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein...

In circumstances where only a "remote interest" (see below) exists, after disclosure of the interest by the Council Member who has the remote interest, and after inclusion of the disclosure in the minutes, the balance of the Council may approve the contract. The Council Member who has the remote interest may not participate in the vote and must refrain from any attempt to influence other Council Members to approve the contract.

B. Definition of Remote Interest

Remote Interests are so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a City official is:

- A non-salaried officer or member of a nonprofit corporation doing business or requesting money from the City.
- The landlord or tenant of a contracting party, i.e., a Council Member may lease office space to a party who has a private interest in a public matter without it resulting in a conflict of interest.
- The owner of less than one percent of the shares of a corporation or a cooperative doing business with the City.
- An employee or agent of a party contracting with the City where the compensation of such employee or agent consists entirely of fixed wages or salary.

RCW 42.23.040

C. Declaration of a Conflict

When a substantial interest exists, the City official must:

1. Refrain from voting or in any way influencing a decision of the City Council;
and
2. Declare that a conflict of interest exists and make it known in the official records of the City.

5.02 Appearance of Fairness

Most of the matters coming before the City Council are legislative in nature. Purely legislative actions are not subject to the appearance of fairness doctrine. From time to time, the City Council will act in a quasi-judicial role. For example, an appeal could be made to the Council from the grant or denial of a land use permit by the City's Hearing Examiner. Maintaining a clear appearance of fairness is crucial to maintaining a trusting relationship with the citizens of Kirkland. While elected officials may have communication with interested citizens in matters that could potentially come before them in the form of a quasi-judicial proceeding, RCW 42.36 provides that:

While a quasi-judicial proceeding is pending, Council Members may not engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Council Member:

- Places on the record the substance of such oral or written communications;
and
- Provides that a public announcement of the content of the communication and the parties' rights to rebut the substance of the communications shall be made at each hearing where action is taken or considered on that subject.

5.03 Ethics

Council Members are subject to the "Code of Ethics for Municipal Officers" which appears in Chapter 42.23 RCW and is described under "Conflicts of Interest" in Section 5.01. The City also has a separate Code of Ethics which applies to Council Members and members of City Boards and Commissions set forth in Chapter 3.14 of the KMC. See Appendix E.

5.04 Confidentiality

Council Members are to keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Council Members outside of executive sessions when the information is considered to be exempt

from disclosure under exemptions as set forth in the Public Records Act, RCW 42.56, such as attorney-client privileged material.

6. CITY COUNCIL MEETINGS

6.01 Meeting Schedule

Regular meetings are held the first and third Tuesdays of each month at 7:30 p.m. This is set forth in Chapter 3.10 of the KMC. Should these days happen to be designated as a legal holiday; the Council meeting will be held the Wednesday immediately following the legal holiday.

6.02 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by the written request of four Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, by fax or by electronic mail to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

6.03 Study Sessions

The City Council may meet informally in a study session. The study session is the forum used by Council to for the purpose of information study, review, and general discussion. No final action is taken while in a study session unless the requirements of Chapter 42.30 RCW, the Open Public Meetings Act, have been met, including the requirement of public notice for special meetings.

6.04 Placing Items on the Agenda

A. Agenda Planning

The agenda is normally set by the City Manager in consultation with the Mayor and Deputy Mayor. "Calendar updates" are included on all regular Council meeting agendas and provide an opportunity for Council Members to request that items be added for future meetings.

B. City Council

A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or making a request to the Mayor or City Manager.

6.05 Council Rules of Procedure

The Council has adopted Rules of Procedure which are attached as Appendix A.

6.06 Council Attendance Policy

RCW 35A.13.020 (Council-Manager Plan of Government) directs us to RCW 35A.12.060 (Mayor-Council Plan of Government) - Vacancy for Nonattendance. A council position shall become vacant if the Council Member fails to attend three consecutive regular meetings of the Council without being excused by the Council.

6.07 Open Public Meeting Act

A. Applicability

Chapter 42.30 RCW is the Open Public Meetings Act, which applies to the meetings of the governing bodies of all public agencies.

B. Meetings

Basically, the Act requires that "meetings" of the Council be open to the public and that all "action" be taken at meetings that are open to the public. The terms "meetings" and "action" are broadly defined in the Act. A "meeting" "means meeting at which action is taken." "Action" includes "discussion," "deliberations," "considerations," and "evaluations."

C. Virtual or Electronic Meetings

Email intended to be shared among (a least four) Council Members must also be considered in light of the Open Public Meetings Act. If the intended purpose of the email is actually a discussion, the discussion should be held in an open meeting. This is true whether a Council Member is emailing from home, the Council Office, or on the Council dais. The Washington Court of Appeals held in *Battle Ground School District v. Wood*, 107 Wn.2d 550 (2008), that the Open Public Meetings Act could apply to the exchange of emails between governing body members if they intend to transact official business and discuss issues that may or will come before them for a vote.

6.08 Executive Sessions

The Council may hold an executive session before, after, or during a regular or special meeting to consider such matters permitted by the Open Public Meetings Act or other applicable statute. Such matters may include, among others, the price at which real estate may be acquired, collective bargaining, potential or pending litigation, and the evaluation of a public employee. Before the executive session, the Mayor must publicly announce the purpose of the executive session and the time when the executive session will be concluded.

7. LIABILITY AND INDEMNITY

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk and loss control activities which are administered through the Human Resources Department.

For risk management purposes, Council Members are advised to avoid public admissions, opinions, and statements that may harm the future ability of the City to defend against a claim or a lawsuit. The publicly expressed statements, opinions and admissions of an individual Council Member generally do not bind the City because the City Council can only take action as a body by a majority vote. However, such statements, if imprudently made, can make the defense of the city more difficult and can turn a Council Member into an unintended witness in litigation or the associated discovery process.

When a tragic event occurs such as a fire or a traffic accident which results in a fatality, Council Members are encouraged to avoid reaching premature conclusions and making statements about the event. A statement such as “this is the worst intersection in the City” after a fatal accident will only encourage potential legal claims and lawsuits. The statement may not be accurate and the condition of the intersection may have nothing to do with the actual cause of the accident (which may still be under police investigation).

Chapter 3.72 of KMC addresses defense of employees and officers.

8. ADDITIONAL TRAINING AND RESOURCE MATERIALS

8.01 Municipal Research & Services Center of Washington

[(800)933-6772 or (206) 625-1300] www.mrsc.org MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government. MRSC’s resources include professional staff members who are local government experts, a comprehensive local government reference library, and an information-packed website. Staff experience includes:

- budgeting and finance
- municipal law
- public management and administration
- planning and growth management
- public works and utilities
- local government policies

The Code City Handbook, Report No. 37, published by MRSC, provides a wealth of general information on the state laws that govern the City of Kirkland. Another useful MRSC publication is *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*. This report discusses basic powers, duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Open Government-Public Records; and, immunities from tort liability.

8.02 Association of Washington Cities

[(800) 562-8981] www.awcnet.org The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington. The Association:

- serves as a resource for information
- provides news, reports, and reminders affecting cities and towns
- acts as liaison to State agencies
- represents the interests of cities before the state legislature
- publishes training and information manuals for municipal leaders

8.03 National League of Cities

[(877) 827-2385] www.nlc.org A non-partisan organization serving municipal governments, the NLC works to establish unified policy positions, advocates those policies forcefully, and shares information that strengthens municipal government throughout the nation. Services include:

- publications and news services
- inquiry, technical assistance, and project services
- awards program
- research programs

8.04 Government Finance Officers Association

[(312) 977-9700] www.gfoa.org GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management, including:

- accounting, auditing, and financial reporting
- budgeting and financial planning
- capital finance and debt administration
- cash management and investments
- retirement administration and finance
- health care and other employee benefits

8.05 Other Reference Materials Available to Council Members

Other reference materials that may be of interest to Council Members and are available on-line or upon request to the City Manager's Office include:

- AWC's Councilmember's Handbook
- AWC's Mayor's Handbook
- MRSC's *Knowing the Territory: Basic Legal Guidelines for Washington Municipal Officials*
- MRSC's *Councilmember's Handbook*
- MRSC's *Mayor's Handbook*
- MRSC's *Public Records Act for Washington Cities, Counties and Special Purpose Districts*
- MRSC's *Code City Handbook*
- MRSC's *The Open Public Meetings Act – How it Applies to Washington Cities, Counties, and Special Purpose Districts*
- GFOA's *An Elected Official's Guide* series
- *Robert's Rules of Order* latest edition
- Washington State Constitution
- Revised Code of Washington
- Washington Administrative Code
- Kirkland Municipal Code
- Kirkland Adopted Biennial Budget
- Kirkland Comprehensive Plan
- Kirkland Zoning Code
- Kirkland Capital Improvement Plan

8.06 Appendices

- A Council Rules of Procedure
- B Basics of Parliamentary Procedure
- C Reference Locator Guide
- D Chapter 35.18 RCW
- E Chapter 35A.13 RCW

APPENDIX A

Council Rules of Procedure
[See Resolution R-4961]

APPENDIX B

Basics of Parliamentary Procedure

By approval of the Resolution of the City Council Setting Forth the Current Rules of Procedure for the Conduct of Kirkland City Council Meetings, the City Council has adopted a modified version of *Robert's Rules of Order*. The following is summary of some of the commonly used rules of order:

Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

Basic Steps to Conducting Business

Business is brought before the Council in the form of a motion. The basic steps to conducting business include:

The Mayor:

1. Introduces the item to be considered as presented on the agenda

A member of the Council:

2. Is recognized by the Mayor
3. Proposes the motion

A second member of the Council:

4. Seconds the motion

The Mayor:

5. States the motion
6. Calls for any further discussion or debate
7. Restates the motion and puts the motion to a vote

The City Clerk:

8. Takes the vote
9. Announces the results

Amendment of the Main Motion

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment *before* it is finally voted upon. Once recognized by the Mayor, a Council Member may make the motion to amend by stating, "I move to amend the motion by..." ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be germane---that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the Mayor puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

Postponement of Business

A. *Postpone to a Time Certain*

Council may delay action on a pending question by making a motion to postpone the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

B. *Postpone Indefinitely*

Council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

C. *Table*

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

Debate

The term "debate" applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, "I move that debate on the motion be closed," or "I move the previous question."

However, Council Members should refrain from using the term, "call the question," as a means to end debate. The audience better understands, "Move that debate on the motion be closed," rather than "calling the question." The motion must be seconded. The presiding officer immediately requests a vote, to which a two thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate effects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

Debate shall not be closed until every Council Member present has had at least one opportunity to speak on the motion.

Voting Procedures

Each Council member shall vote on all questions put to the City Council, unless a conflict of interest under State law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote. However, any member may abstain from voting on any question; provided, at the time of declaring his/her abstention, he/she shall state the reason.

APPENDIX C

Reference Locator Guide

The Washington Constitution, Revised Code of Washington, United States Constitution, United States Code, and United States Code of Federal Regulations are available on the Internet at:

Washington Constitution

<http://www.leg.wa.gov/LawsAndAgencyRules/Pages/constitution.aspx>

Revised Code of Washington

<http://www.leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx>

United States Constitution

<http://www.loc.gov/rr/program/bib/ourdocs/Constitution.html>

United States Code

<http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>

United States Code of Federal Regulations

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

APPENDIX D

Chapter 35A.13 RCW
Chapter 35A.13 RCW
Council-manager plan of government

[Chapter Listing](#)

RCW Sections

- [35A.13.010](#) City officers -- Size of council.
- [35A.13.020](#) Election of councilmembers -- Eligibility -- Terms -- Vacancies -- Forfeiture of office -- Council chair.
- [35A.13.030](#) Mayor -- Election -- Chair to be mayor -- Duties.
- [35A.13.033](#) Election on proposition to designate person elected to position one as chair -- Subsequent holders of position one to be chair.
- [35A.13.035](#) Mayor pro tempore or deputy mayor.
- [35A.13.040](#) Compensation of councilmembers -- Expenses.
- [35A.13.050](#) City manager -- Qualifications.
- [35A.13.060](#) City manager may serve two or more cities.
- [35A.13.070](#) City manager -- Bond and oath.
- [35A.13.080](#) City manager -- Powers and duties.
- [35A.13.090](#) Creation of departments, offices, and employment -- Compensation.
- [35A.13.100](#) City manager -- Department heads -- Authority.
- [35A.13.110](#) City manager -- Appointment of subordinates -- Qualifications -- Terms.
- [35A.13.120](#) City manager -- Interference by councilmembers.
- [35A.13.130](#) City manager -- Removal -- Resolution and notice.
- [35A.13.140](#) City manager -- Removal -- Reply and hearing.
- [35A.13.150](#) City manager -- Substitute.
- [35A.13.160](#) Oath and bond of officers.
- [35A.13.170](#) Council meetings -- Quorum -- Rules -- Voting.
- [35A.13.180](#) Adoption of codes by reference.
- [35A.13.190](#) Ordinances -- Style -- Requisites -- Veto.
- [35A.13.200](#) Authentication, recording and publication of ordinances.
- [35A.13.210](#) Audit and allowance of demands against city.
- [35A.13.220](#) Optional division of city into wards.
- [35A.13.230](#) Powers of council.

35A.13.010
City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW [35A.13.020](#), appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW [35A.12.040](#).

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW [35A.02.130](#), is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.
[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § [35A.13.010](#).]

Notes:

Severability -- 1987 c 3: See note following RCW [3.70.010](#).

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

Population determinations, office of financial management: Chapter [43.62](#) RCW.

35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair. In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW [35A.12.030](#), [35A.12.040](#), [35A.12.050](#), [35A.12.060](#), and [35A.12.065](#) relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW [35A.13.033](#), provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW [35A.13.030](#).

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 § [35A.13.020](#) .]

35A.13.030

Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW [35A.13.033](#). The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § [35A.13.030](#).]

35A.13.033

Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW [35A.13.030](#). If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

35A.13.035

Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

Notes:

Effective date -- 1969 ex.s. c 81: "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

35A.13.040

Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent:

PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an

additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § [35A.13.040](#).]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

35A.13.050

City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 § [35A.13.050](#) .]

35A.13.060

City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § [35A.13.060](#).]

35A.13.070

City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § [35A.13.070](#).]

35A.13.080

City manager — Powers and duties.

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter [35A.33](#) RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution. [2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § [35A.13.080](#).]

Notes:

Severability -- 1987 c 3: See note following RCW [3.70.010](#).

35A.13.090

Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § [35A.13.090](#).]

35A.13.100

City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW [35A.13.080](#) and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § [35A.13.100](#).]

35A.13.110

City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § [35A.13.110](#).]

35A.13.120

City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council,

while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.
[2009 c 549 § 3027; 1967 ex.s. c 119 § [35A.13.120](#).]

35A.13.130

City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § [35A.13.130](#).]

35A.13.140

City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § [35A.13.140](#).]

35A.13.150

City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § [35A.13.150](#).]

35A.13.160

Oath and bond of officers.

All provisions of RCW [35A.12.080](#) relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § [35A.13.160](#).]

35A.13.170

Council meetings — Quorum — Rules — Voting.

All provisions of RCW [35A.12.110](#), as now or hereafter amended, and [35A.12.120](#), relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § [35A.13.170](#).]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

35A.13.180

Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW [35A.12.140](#).
[1967 ex.s. c 119 § [35A.13.180](#).]

35A.13.190

Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.
[1967 ex.s. c 119 § [35A.13.190](#).]

35A.13.200

Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW [35A.12.150](#) and [35A.12.160](#).
[1967 ex.s. c 119 § [35A.13.200](#).]

35A.13.210

Audit and allowance of demands against city.

RCW [35A.12.170](#) shall apply to the audit and allowance of demands against the city.
[1967 ex.s. c 119 § [35A.13.210](#).]

35A.13.220

Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW [35A.12.180](#).
[1967 ex.s. c 119 § [35A.13.220](#).]

35A.13.230

Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter [35A.11](#) RCW, except insofar as such power and authority is vested in the city manager.
[1967 ex.s. c 119 § [35A.13.230](#).]