



CITY OF KIRKLAND
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MEMORANDUM

To: Dave Ramsay, City Manager

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

Date: December 15, 2008

Subject: CITY COUNCIL POLICIES AND PROCEDURES

RECOMMENDATION:

City Council approve the scope and timeline for update of the City Council Policies and Procedures and consider updates to the section on conduct of City Council meetings.

BACKGROUND:

Earlier this year, staff began reviewing the current Council Policies and Procedures Manual to determine which sections needed to be updated. The existing document was first developed a number of years ago and is largely composed of excerpts from the Revised Code of Washington (RCW) and the Kirkland Municipal Code (KMC) related to the City Council's conduct of business. Many of the laws have since been amended and so the manual is out-of-date. Other sections do not reflect current practice. In addition, several Council members asked that certain sections be discussed and updated such as the conduct of Council meetings and the board and commission appointment process.

After reviewing the existing document (see Attachment A), staff is recommending that the current Policies and Procedures Manual be replaced with a new resource – one that is partially an on-line reference with links to current laws supplemented by new text that will be developed over a series of meetings in 2009. Staff has already begun developing content for the CouncilNet page with links to relevant RCW and KMC sections. There are a number of examples of city council policies and procedures available on-line at the Municipal Research and Services Center website. After reviewing other cities' manuals, staff is recommending a general "table of contents" for material to be included in the revised manual. Attachment B is a draft table of contents for consideration by the Council and Attachment D is a sample of one section of the revised manual.

Staff recommends that Council work on updating the manual over a series of meetings. As a first step, Council would review the proposed table of contents to determine whether the content addresses all of the appropriate items. Based on Council priorities, a section or sections of the policies would be brought back to Council for discussion. In preparation for the discussion, Council could identify questions, issues or changes they would like to see addressed in that section. Staff would then research the topic, describe

current practice, find samples (where appropriate) of other cities' practices and then draft language along with a list of policy issues or questions to be discussed by Council.

To illustrate how this process would work, staff has prepared a draft table of contents and sample text for the proposed chapter on Council meetings. The text that appears in the sample reflects current practice with the exception of new wording options for the subsection relating to attendance by speaker phone. Some sections marked as "reserved" still need content.

Based on previous Council and staff input, various policy issues were identified for discussion regarding conduct of Council meetings.

Conduct of Council Meetings

Conduct of Council meetings is governed by Resolution 4665 which was updated in 2007 (see Attachment C). The resolution outlines the order of business as well as rules of conduct, roles and voting. Current provisions that are being recommended for Council discussion include:

- **Order of Business** – There was a suggestion from several Council members to move "Council Reports" to the end of the meeting so that guests and individuals wishing to address the Council under "Items from the Audience" or at a scheduled public hearing would have less time to wait.

Recommendation: Council discuss whether they want to change the current order of business.

- **Council Discussion** – Current practice does not follow the rules set forth in sections 10 and 14. Section 10 limits individual Council member comments on any agenda item to two except with approval of the Mayor. Current practice does not limit the number of comments an individual Council member can offer on an agenda item.

Recommendation: Rules of Council debate should be addressed under the section on parliamentary procedures (Revised Roberts Rules of Order) which staff recommends as an appendix to the policies and procedures. Council may want to discuss whether to amend these sections to reflect current practice. Staff will return with language reflecting Council discussion.

- **Items from the Audience** – Council rules currently require individuals to state their name and address when speaking to the Council. Staff has received numerous requests from individuals to eliminate the requirement for stating their address, especially for minors addressing the Council, to protect the privacy of individuals. Staff has also heard concerns expressed from individuals who did not realize their addresses would be posted on the internet. There is no requirement in law for providing one's address. It does provide a means of contacting individuals for follow-up if so directed by Council.

In addition, the rule regarding the number of speakers allowed on any one topic should be clarified. It has become a more common practice for multiple individuals to speak under one three-minute segment on a topic. It is not clear whether this constitutes one or multiple speakers "for" or "against" a topic.

Recommendation: Eliminate the requirement for individuals to state their address when addressing the Council. Continue to ask individuals to provide contact information on the sign-in sheet for potential follow-up.

Discuss rules for “Items from the Audience” to provide clearer guidelines regarding the purpose and the rules for addressing the Council.

SUMMARY

At the January 6 Council meeting, staff recommends that Council address the following topics:

1. Review the proposed table of contents and determine if it will address all needed policies.
2. Discuss policy issues regarding conduct of meetings and provide further input to staff for completion of this section.
3. Identify priorities for future sections to be discussed. Identify the next section and any related questions or policy issues Council would like addressed.

CITY OF KIRKLAND CITY COUNCIL

POLICIES AND PROCEDURES MANUAL

REVISED SEPTEMBER 2007

How To Use This Document

This procedures manual is designed to be navigated using the Table of Contents.

Click on the subject you wish to view, and you will be taken to the appropriate page.

To go back to the Table of Contents, click on the

[Return to TOC](#)

icon in the upper right hand corner of any page.

How to use the **search** feature in Adobe Acrobat:
From the menu Edit -->Find
or click CTRL + F keys

This document will be updated periodically. Please reference this intranet page for current versions.

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KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 1: CITY MISSIONS AND VALUES

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1.1 CITY MISSION AND VALUES

We are committed to the enhancement of Kirkland as a community for living, working, and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities.

Basic Values

Integrity
 Excellence
 Respect for the Individual
 Responsiveness

City Profile

Located on the eastern shore of Lake Washington, off Interstate 405 in northern King County, Kirkland is 10 miles east of downtown Seattle, west of Redmond, and just north of Bellevue.

Founded	1888
Incorporated	1905
Consolidated with Town of Houghton	1968
Population (2002) (15th in the state, 7th in King County)	45,790
Elevation	14 to 500 ft.
Land Area	11 sq. mi.
Lake Washington Shoreline	5.75 mi.
Average Temperature	53.3 degrees F
Average Annual Precipitation	33.6 in.
Miles of City Streets	145
Miles of City Sewers	101
Residential Dwellings	21,315
Miles of Water Lines	162
City Retail Sales Tax	8.8%
Fire Department Rating	4
Total City Budget (2003)	\$157,678,443
Operating Budget (including utilities)	\$89,362,093
Full-Time Equivalent City Employees	402
General Obligation Bond Rating: Moody's Standard and Poors	Aa2 AA

2.1 OPEN PUBLIC MEETINGS ACT

[REFERENCE RCW 42.30](#)

Legislative declaration

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of [RCW 42.30](#) that their actions be taken openly and that their deliberations be conducted openly.

“Public agency” includes any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington.

Meetings declared open and public

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in [RCW 42.30](#).

Interruptions -- Procedure

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

Secret voting prohibited

No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of [RCW 42.30](#). Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an “action” under [RCW 42.30](#).

CHAPTER
2**Times and places for meetings -- Emergencies -- Exception**

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, that they take no action as defined in this chapter.

Special meetings

A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four 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. Final disposition shall not be taken on any other matter at such meetings by the governing body.

Executive sessions

Executive sessions are not open to the public and may be held by the City Council during a regular or special meeting:

- (a) To consider matters affecting national security;
- (b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- (c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;
- (d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
- (e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;
- (f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

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CHAPTER 2: MEETINGS

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- (g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to [RCW 42.30.140\(4\)](#), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
- (h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
- (i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.
- (j) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
- (k) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
- (l) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;
- (m) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;
- (n) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information.

Before convening in executive session, the Mayor shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

2.2 APPEARANCE OF FAIRNESS (QUASI-JUDICIAL MATTERS) [REFERENCE RCW 42.36](#)

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct quasi-judicial hearings and make quasi-judicial decisions in a way that is both fair in appearance and in fact. A matter is quasi-judicial when the legal rights, duties, or privileges of specific parties are decided in a contested case proceeding by non-judicial decision-makers, such as city or county councils, planning commissions, boards of adjustment, and hearing examiners. The doctrine has been applied primarily to quasi-judicial land use decisions, and its purpose is to bolster public confidence in the fairness of such decisions by

the elimination of actual bias, prejudice, improper influence or favoritism, but also in the curbing of conditions which, by their very existence, tend to create suspicion, generate misinterpretation, and cast a pall of partiality, impropriety, conflict of interest or prejudgment over the proceedings to which they relate.

Chrobuck v. Snohomish County, 78 Wn.2d 858, 868 (1971).

In practice, the doctrine should work to disqualify from the quasi-judicial decision-making process those decision-makers who have prejudged the issues, who have a bias in favor of one side in the proceeding, who have a conflict of interest, or who cannot otherwise be impartial. Also, it prohibits "ex parte" communications between a decision-maker and a proponent or opponent of the matter being decided. [RCW 42.36.060](#). Nevertheless, it does not apply to statements made while campaigning for elective office and it is not implicated by the receipt of campaign contributions. [RCW 42.36.040](#), [.050](#).

If a decision-maker's participation in a quasi-judicial decision violates the appearance of fairness doctrine and that participation was challenged in a timely manner, a court can invalidate the decision. A new hearing and decision will then need to be made without the disqualified decision-maker.

As a quick summary, the Appearance of Fairness Doctrine can be described as having four prongs:

1. No contact or communication for the purpose of lobbying members of the hearing body except at the public hearing;
2. The conduct of the hearing must be fair and open with regard to all of those in attendance;
3. The procedures used during the course of the hearing process must appear to be fair; and
4. No member of the hearing body should either gain or lose or appear to gain or lose financially from the outcome of the hearing.

There are two key guidelines to follow to maintain the appearance of fairness with respect to matters which may come before the City Council. First, City Councilmembers should not have communication or contact with an applicant or other participants concerning that quasi-judicial decision outside of official meetings of the City Council. Secondly, City Councilmembers should not announce their positions regarding quasi-judicial matters in advance of hearing the matter.

2.3 CITY COUNCIL CONSIDERATION OF LAND DEVELOPMENT APPLICATIONS

[REFERENCE ZONING CODE CHAPTERS 150 AND 152](#)

The City Council makes quasi-judicial land use decisions on land development applications processed under Process IIA and Process IIB, which have different procedures.

Process IIA

On a Process IIA application, the Hearing Examiner conducts an open record (fact finding) hearing and enters a written decision. A person who submitted written or oral testimony or comments to the Hearing Examiner may appeal the decision to the City Council by filing a letter of appeal, stating the specific factual findings and conclusions that are disputed. In making a decision, the City Council considers the record before the Hearing Examiner, together with:

1. A staff report prepared for the appeal, which contains the staff report for the Hearing Examiner, the Hearing Examiner's decision, written testimony before and comments submitted to the Hearing Examiner, a summary of the testimony, comments and discussion at the hearing, and the letter of appeal;
2. Written arguments of the appellants that are submitted before or at the City Council meeting where the appeal is considered; and
3. Oral arguments of the appellants at the City Council meeting where the appeal is considered (the City Council can reasonably limit the extent of oral arguments).

The electronic sound recording of the hearing is available to the City Council prior to the City Council meeting.

The appellant has the burden of convincing the City Council that the Hearing Examiner made an incorrect decision because of erroneous findings of fact or conclusions. This means that the City Council may over turn the Hearing Examiner decision only if (1) there is an error in a material finding of fact that is essential to a conclusion, or (2) there is an error in a conclusion, whether under case authority, state statutes or city code.

Process IIB

On a Process IIB application, the Hearing Examiner also conducts an open record (fact finding) hearing, but enters a recommendation. A person who submitted written or oral testimony or comments to the Hearing Examiner may file a written challenge to the recommendation, stating the factual findings and conclusions that are contested. The person filing the challenge must mail or deliver a copy of the challenge to the applicant and every person who is qualified to submit a challenge. A person receiving a copy of the challenge may then file a written response to the challenge. In making a decision, the City Council considers the record before the Hearing Examiner, together with:

1. The Hearing Examiner's recommendation;
2. The challenges and the responses to the challenges; and
3. A draft resolution or ordinance that embodies the Hearing Examiner's recommendation.

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Again, the electronic sound recording of the hearing is available to the City Council prior to the City Council meeting.

The City Council shall determine whether the application is consistent with all applicable development regulations and with the comprehensive plan where there is no applicable development regulation, and is consistent with the public health, safety and welfare.

If the land covered by the application is located with the jurisdiction of the Houghton Community Municipal Corporation, which is a municipality separate from the City, then the application also is considered by the Houghton Community Council after the City Council decision approving the application. The application is deemed approved unless the Houghton Community Council disapproves it within 60 calendar days after the City Council decision.

Procedure at Meeting

At the beginning of the City Council's consideration of the appeal or recommendation, the Mayor will give or ask staff to provide a short introduction, and will explain any special procedures that may apply to the matter, such as limitation of oral argument in the case of an appeal.

If the City Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate to make a decision, the City Council can remand the matter to the Hearing Examiner for further proceedings.

The City Council decision must be by a majority of the total membership of the City Council, which is four members.

Appearance of Fairness Doctrine

The City Council decision may be appealed to the King County Superior Court, and subsequently to the appellate courts. Until all court proceedings are completed, the ex parte communication prohibition of the appearance of fairness doctrine continues to apply to the City Council. Councilmembers should refrain from ex parte communications regarding a decision for 30 days after the decision (the appeal period to Superior Court is 30 days or less). If a decision was appealed to Superior Court, Councilmembers should check with City staff to determine whether the appeal has been completed.

2.4 VOTING RULES

[REFERENCE RESOLUTION R-3792](#)

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
- quasi-judicial matters where a Councilmember has an appearance of fairness problem.

A majority of the entire Council is required for the passage of any ordinance, resolution or motion.

A simple majority of the members present are sufficient for motions to:

- Adjourn, to table or continue a matter
- Go into or out of Executive Session
- Add or remove items on a Council meeting agenda
- 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 Councilmembership
- To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution
- Authorize call for bids or requests for proposals
- Approve a consent calendar unless there is an ordinance, a grant or revocation of franchise or license, a resolution for payment of money included on the consent calendar

A tie vote, on a matter requiring four affirmative votes for passage, shall table 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.

A non-tie vote which fails for a lack of four affirmative votes defeats the matter. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

Except as provided above, 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.

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2.5 COUNCIL RULES OF CONDUCT

[REFERENCE RESOLUTION R-3792](#)**Regular Meetings**

Regular meetings of the City Council are held the 1st and 3rd Tuesday of each month. If holidays fall on the Council's regular meeting date, the Council meeting will be held on the day immediately following.

Quorum

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.

Order of Business

The order of business at City Council Meetings shall be:

1. Call to order
2. Roll Call
3. Special Presentations
4. Reports
 - a. City Council
 - b. City Manager
5. Communications
 - a. Items from the Audience
 - b. Petitions
6. Consent Calendar
 - a. Approval of Minutes
 - b. Audit of Accounts (payment of bills and payroll)
 - c. Correspondence
 - d. Authorization to Call for Bids
 - e. Award of Bids
 - f. Acceptance of Public Improvements and Establishing Lien Periods
 - g. Approval of Agreements
 - h. Resolutions and Ordinances
 - i. Other Routine Items of Business
7. Public Hearings
8. Unfinished Business
9. New Business
10. Announcements
11. Adjournment

CHAPTER
2**Consent Calendar**

Any matter of a routine nature would qualify for placement on the consent calendar. Items may be removed from the consent calendar 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.

Items from the Audience

Speakers may not comment on matters which are scheduled for a public hearing or quasi-judicial matters. Items on the agenda will be marked with an asterisk when the Council cannot receive comments.

During the time of "Items from the Audience," speakers will be limited to 3 minutes each. No more than 6 speakers may address the Council on any one subject. If there are both proponents and opponents of the matter who wish to speak, only the first 3 persons speaking in favor of the matter and the first 3 persons speaking in opposition to the matter may address the Council.

Other Procedures

- No member of the City Council shall speak more than twice on the same subject without acknowledgement of the presiding officer.
- No person, including members of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
- All questions on order shall be decided by the presiding officer of the Council with the right of any member to appeal to the Council.
- Motions shall be reduced to writing when required by the presiding officer or any member of the Council. All resolutions and ordinances shall be in writing.
- The presiding officer of the Council may, at his/her discretion, call any member to take the Chair, to allow the presiding officer to address the Council, make a motion, or discuss any other matter at issue.
- 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 (4) affirmative votes be cast.
- The chair of each respective committee, or the Councilmember acting in another members place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

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2.6 NEIGHBORHOOD MEETING FORMAT

In preparation for a neighborhood meeting, staff will contact the Chair of the Neighborhood Association. The purpose is to develop a list of key topics that the neighborhood would like the City Council to address. This is to be done one month in advance of the meeting. The topics will then be forwarded to the City Council.

The Mayor will work with the City Council to determine which Councilmembers will handle each topic. Once this has been determined, the City Manager assigns various staff members to work with Councilmembers in assisting them with background information on their topics.

Cards notifying residents in that neighborhood of the upcoming meeting are mailed out one month in advance of the meeting. The card will also have a place for residents to ask questions that they want addressed. They are asked to return these cards to the City by a specific date (e.g. two weeks before the meeting). Staff prepares written responses to all questions received by that date. These answers are available at the neighborhood meeting and posted on the City's web page. All cards received after that date will have the answer posted on the web page.

The actual neighborhood meeting begins with introductions, opening comments by the Mayor and welcoming comments from the chair of the neighborhood association. Councilmembers then begin addressing the selected topics. These topics may be handled by an individual Councilmember or by several depending on the number of topics selected. After each topic has been presented, the Mayor will ask if other Councilmembers would like to make any comments on this topic and if there are further questions from the audience. If there is time remaining after all the presentations, other questions from the audience can be addressed.

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2.7 PUTTING TOPICS ON COUNCIL AGENDA

The agenda is normally set by the City Manager in consultation with the Mayor and Deputy Mayor. Council agenda calendars are included with all agenda packets and provide an opportunity for Council to request that items be added for future meetings. Requests to add items to the current/upcoming Council agenda can be made to either the Mayor or City Manager. However the preference is for the request to be made at the Council meeting.

2.8 SPECIAL MEETINGS OF THE COUNCIL

Efforts should be made to avoid having to schedule special meetings. Requests for such meetings should be made to either the Mayor or City Manager. At least six weeks notice should be given for these special meetings.

2.9 STAFF PRESENTATIONS AT COUNCIL MEETINGS

The City Manager works with the Mayor to determine which agenda items need a staff presentation. Presentations should not exceed five minutes. The format of the presentations includes background on the issue, requested Council action and summary of the issues and options.

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CHAPTER 2: MEETINGS

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2.10 ROBERTS RULES OF ORDER IN BRIEF
BASIC INFORMATION ON MOTIONS

When a motion is made, the presiding officer should identify the maker of the motion and the person who seconds the motion.

Prior to voting on a motion, the motion should be restated by the presiding officer.

Following a vote, the presiding officer should state whether the motion passed or failed and who voted on the opposing side.

RANKING MOTIONS

PRINCIPAL CHARACTERISTICS

These motions are listed in order of rank. When any one of these motions is immediately pending, those above it are in order and those below it are not in order.	Second Required	Can Be Debated	Can Be Amended	Vote Required	Can Be Reconsidered	Can Interrupt
Privileged Motions						
13. Fix time to Which to Adjourn	yes	no	yes	maj	yes	no
12. Adjourn	yes	no	no	maj	no	no
11. Recess	yes	no	yes	maj	no	no
10. Raise a Question of Privilege	no	no	no	X*	no	yes
9. Call for the Orders of the Day	no	no	no	X*	no	yes
Subsidiary Motions						
8. Lay on the Table	yes	no	no	maj	no	no
7. Previous Question (to close debate)	yes	no	no	2/3	yes*	no
6. Limit or Extend Limits of Debate	yes	no	yes	2/3	yes*	no
5. Postpone to a Certain Time	yes	yes	yes	maj	yes	no
4. Commit (or Refer)	yes	yes	yes	maj	yes*	no
3. Amend	yes	=	yes*	maj	yes	no
2. Postpone Indefinitely	yes	yes	no	maj	+	no
1. Main Motion	yes	yes	yes	maj*	yes	no

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 2: MEETINGS

CHAPTER
2

NON-RANKING MOTIONS

PRINCIPAL CHARACTERISTICS

Whether these motions are in order depends upon the business already under consideration and what purpose they may serve when introduced.	Second Required	Can Be Debated	Can Be Amended	Vote Required	Can Be Reconsidered	Can Interrupt
Incidental Motions						
Appeal	yes	*	no	maj	yes	yes
Close Nominations or the Polls	yes	no	yes	2/3	no	no
Consider by Paragraph or Seriatim	yes	no	yes	maj	no	no
Division of the Assembly	no	no	no	no	no	yes
Division of a Question	yes	no	yes	maj	no	no
Objection to Consideration of a Question	no	no	no	2/3	#	yes*
Parliamentary Inquiry	no	no	no	Chair	no	yes
Point of Order	no	no	no	Chair	no	yes
Reopen Nominations or the Polls	yes	no	yes	maj	#	no
Suspend the Rules*	yes	no	no	2/3*	no	no
Withdraw a Motion	no*	no	no	maj*	#	yes*
Motions that Bring a Question Again Before the Assembly						
Reconsider	yes	=	no	maj	no	no
Rescind	yes	yes	yes	*	#	no
Take from the Table	yes	no	no	maj	no	no

Key to Markings

- * See *Robert's Rules of Order Newly Revised* for special rules.
- X Usually no vote taken. Chair responds.
- + Only an affirmative vote may be reconsidered.
- # Only a negative vote may be reconsidered.
- = Debatable when applied to a debatable motion. See *Robert's Rules of Order Newly Revised*.

CHAPTER
3

3.1 CITY OFFICERS

[REFERENCE RCW 35A.13](#)

The council of a non-charter code city with more than twenty-five hundred inhabitants shall consist of seven members.

The Councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by [RCW 35A](#), 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.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his removal from, office by the city manager or any of his 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.

3.2 SELECTION OF MAYOR AND DEPUTY MAYOR

[REFERENCE RCW 35A.13](#)

Mayor Pro Tempore or Deputy Mayor

Biennially at the first meeting of the new council, the members thereof, by majority vote, shall choose a mayor and mayor pro tempore or deputy mayor to serve for a two year period or for such period as the council may specify.

3.3 ROLE OF MAYOR AND DEPUTY MAYOR

[REFERENCE RCW 35A.13](#)

The chairman 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/her as mayor, he/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/she shall have no regular administrative duties.

Council Rule

Ceremonial event opportunities should be shared with the Deputy Mayor. Efforts should be made to give other Councilmembers as much advance notice as possible.

The Deputy Mayor will be a mentor for new Councilmembers including participating in the orientation.

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 3: COUNCIL RELATIONS

CHAPTER
3

3.4 RESIGNATION OR VACANCIES

REFERENCE [RCW 35A](#) & [RCW 42.12](#)**Vacancies**

The office of a mayor or councilmember shall become vacant:

- (1) if the person who is elected or appointed to that position fails to qualify as provided by law;
- (2) fails to enter upon the duties of that office at the time fixed by law without a justifiable reason;
- (3) councilmember fails to attend three consecutive regular meetings of the council without being excused by the council;
- (4) upon death of the incumbent;
- (5) upon his or her resignation (A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation);
- (6) upon his or her removal;
- (7) upon his or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (8) or as otherwise specified in [RCW 42.12.010](#).

Filling nonpartisan vacancies

A vacancy shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

- (1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.
- (2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.
- (3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.
- (4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

- (5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.
- (6) As provided in [RCW 29.15.190](#) and [RCW 29.21.410](#), each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy...

CHAPTER
3

3.5 POWERS AND DUTIES OF THE CITY MANAGER

[REFERENCE RCW 35A.13.080](#)

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 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 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 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 [RCW 35A.33](#), and to be responsible for its administration upon adoption;
- (9) To perform such other duties as the council may determine by ordinance or resolution.

An annual performance evaluation of the city manager will be conducted by the City Council.

CHAPTER
3

3.6 COUNCIL REQUESTS OF STAFF

A Councilmember's request for staff work should be made to the City Manager's Office. If a considerable amount of staff work will be involved, this request will be brought to the entire Council for direction.

Requests for information should be made to either the City Manager's Office or the Department Director. Exceptions to this procedure can be made where there is an existing working relationship (e.g. staff support for a regional committee or City task force).

3.7 COUNCIL DIRECTION ON NON-AGENDA ITEMS

The Mayor should clarify with Council what action Council wishes to take on items that were not included on the agenda. Staff should ask for clarification, if needed, and provide input on timing for bringing a report back to Council.

CHAPTER
3

3.8 CITY COUNCIL COMMITTEE APPOINTMENTS

Committee Appointments Procedure

Prior to the end of each year, City Councilmembers 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 first City Council meeting in January for Council's consideration at which time the committee appointments will be made.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Councilmembers 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.

City Council Committee assignments are noted in Appendix A.1 (page 49).

4.1 COUNCIL E-MAIL

All e-mail messages, files down-loaded from outside sources, and other electronic files (e.g. memos, reports, etc. in computer files) are considered official city business records and are subject to the Washington State Public Disclosure Act and the laws governing the retention and destruction of public records. Informational messages such as meeting notices, reminders, informal notes and telephone messages should be deleted once the administrative purpose of the message is served. Substantive electronic communications that are to be kept should be filed in hard copy form. The hard copy should be retained in accordance with the records retention schedule applicable to content of the hard copy. As provided under traditional rules of legal discovery and the Public Disclosure Act, certain e-mail messages and files are exempt from public disclosure, including privileged work product and attorney-client communications. Questions regarding records retention or public disclosure should be directed to the Office of the City Clerk.

Caution should be used when downloading files due to computer viruses. A virus checking software should scan any files downloaded from the Internet.

All uses of e-mail and the Internet must conform to all city policies and guidelines regarding standards of conduct, discrimination, equal employment, sexual harassment, unlawful activities, and interpersonal interactions.

CHAPTER 4

CHAPTER
4

4.2 CORRESPONDENCE PROCEDURES

Correspondence written on behalf of the City Council shall have a signature block of the following:

Kirkland City Council

By _____, Mayor

Letters on regional issues should be signed by the appropriate City Council representative.

A Councilmember writing a letter or email as an individual (as compared to correspondence signed by the Mayor on behalf the entire Council) should clarify that he/she is writing the letter or email as an individual and not speaking on behalf of the Council as a whole. Councilmembers may use Council letterhead and envelopes regardless of whether writing as an individual or on behalf of the entire body.

4.3 DISTRIBUTION OF INFORMATION AND CORRESPONDENCE

City Manager's Office Staff generally copies and distributes all information and correspondence to all Councilmembers. This includes emails sent to citycouncil@ci.kirkland.wa.us. Exceptions to this practice include personal correspondence arriving via the city, correspondence and information addressed to only one Councilmember with no cc's, and items addressed to the Mayor only. In the case of non-personal items addressed to the Mayor, the City Manager's Office determines the distribution, always erring on the side of providing copies to all Councilmembers.

City business-related correspondence is also copied to the affected Department Director responsible for drafting a response for Council review and the Mayor's signature.

CHAPTER
5

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

Eligibility

Relatives or family members 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. 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.

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.

CHAPTER
5**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 and who are interested in 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.

CHAPTER
5**Appointment Process**

Upon receipt of applications, the Council may choose to interview all applicants or in the event of a large number of applicants, use a screening process to reduce the number of candidates for interview. The Council may establish criteria for screening. Preliminary screening may be performed by the Council serving as a committee of-the-whole, or by a Council subcommittee appointed by the Mayor for this purpose. In the event a subcommittee is utilized to screen applicants, non-subcommittee Councilmembers will be invited to convey their comments and questions regarding the qualifications of the applicants to the screening committee.

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 will convene in executive session to discuss the qualifications of candidates, as provided for by law. The Council shall make its appointment in open session. Following appointment, the appointee, as well as all other candidates, will be notified in writing of the Council's decision.

CHAPTER
5

5.2 BOARDS AND COMMISSIONS SUMMARY

Cultural Council[REFERENCE RESOLUTION R-4353](#)Purpose

The Cultural Council is to promote strategic planning and development for arts, culture and heritage in the community. The City Council would like advice from the Cultural Council regarding public art acquisitions. The Cultural Council shall advise the City Council, City Manager and City staff regarding those issues referred to it by the City Council. After consultation with the City Manager, the Cultural Council may serve as the City's official representative on an arts, culture or heritage matter. The Cultural Council may submit to the City through the City Manager recommendations for other issues to be submitted to the Cultural Council as it feels is advisable.

Membership

There will be no less than 7 members and no more than 15 members of the Cultural Council. A member will serve in an individual capacity even if he or she works for an organization that may make a proposal to the Cultural Council. The membership of the Cultural Council is intended to reflect balance, taking into account such elements as the diversity of the community and connection to various geographic areas of the City.

Five members are appointed by the City Council. Cultural Council working with the city staff that will assist with the process, will appoint the remaining members. Members serve without compensation for a two or three-year term.

Qualifications

All members shall reside or own a business within the City of Kirkland or its potential annexation area. The youth member of the Cultural Council must be at least 16 but not yet 18 years of age. All members must have an interest in the arts.

Design Review Board[REFERENCE KMC 3.30](#)Purpose

To review and make decisions upon proposed development projects for compliance with City of Kirkland design regulations and guidelines in the downtown and Juanita business districts (range may potentially expand to other areas); and to critique existing design policies.

Membership & Terms

A five member board appointed by a majority vote of the City Council. The Director of Planning and Community Development shall sit on the board as a nonvoting member for the purpose of advising the board on regulatory and urban design issues. Members serve without compensation and are appointed for a four-year term.

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 5: BOARDS AND COMMISSIONS

CHAPTER
5Qualifications

Members of the design review board shall include design professionals and building/construction experts, and residents of Kirkland capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The board shall at all times have a majority composition of professionals from architecture, landscape architecture, urban design/planning, or similar disciplines. In selecting members, professionals who are residents and/or whose place of business is within Kirkland will be preferred.

Disability Board

[REFERENCE KMC 3.56](#)

Purpose

The board shall perform all functions, exercise all powers, and make all determinations as specified in [RCW Chapter 41.26](#) for disability boards. The board may adopt reasonable rules and regulations to carry out its authority and to govern the manner and form of filing, presentations, and hearings before the board.

Membership and Terms

The board shall be composed of two members of the City Council, one firefighter, one law enforcement officer, and one at-large member. Said two Councilmembers will be appointed by the mayor and approved by the City Council. Said firefighter and law enforcement officer are to be elected as provided under state law. Said at-large member shall be a city resident who is appointed by majority vote of the other members. All members of the disability board shall serve for a two-year term. Vacancies shall be filled for the unexpired term of a member whose death, resignation, or removal creates a vacancy. Each member shall hold office until a successor is appointed or elected.

Human Services Advisory Committee

[REFERENCE R-3315](#)

Purpose

The Committee is to review annual funding requests from human service provider agencies and to prepare recommendations to the City Council in accordance with the priorities and criteria established in the human services policy and program.

Membership & Terms

The membership of the Human Services Advisory Committee shall be composed of the City Manager, the Director of Parks and Community Development and the Human Services Coordinator together with one (1) youth representative and four (4) residents of the City of Kirkland to be appointed by the City Council. Terms are for a two-year period.

Qualifications

Each shall be a resident of the City of Kirkland; and have no financial or proprietary interest in a human service provider organization, either as staff, boardmember or otherwise.

CHAPTER
5**Kirkland Library Board**[REFERENCE KMC 3.28](#)Purpose

Established in 1951, the board is to serve as an advisory body to the Kirkland City Council and the Kirkland City Manager, and also serves as liaison to the King County rural library district and its designated librarian regarding library service issues and community interest.

Membership & Terms

Composed of five (5) members plus one (1) youth who shall be residents of the City. The members are appointed by the City Council each for a four-year term.

Qualifications

Appointees must reside within the city limits of Kirkland.

Kirkland Senior Council (KSC)[REFERENCE R-4347](#)Purpose

The purpose of the KSC shall be to participate in the advocacy, education and creation of programs that meet their needs. Advise the City Council and the City Manager regarding issues affecting seniors in Kirkland and make recommendations to the City Council and City Manager on senior issues of interest or associated with Council-directed items.

Membership and Terms

The KSC shall consist of no less than 11 members and no more than 21 members. At least 51% of the members shall be over the age of 50 and shall live, work or serve a population in the City of Kirkland. The terms of office shall be three years each, with one-third of the Council selected each year.

Kirkland Youth CouncilMission Statement

The Mission of the Kirkland Youth Council is to provide a vital link between the youth of Kirkland, the greater community, and the government. This alliance will promote mutual respect, ensure that the voice of youth is heard, and create and encourage opportunities for youth to give back to the community.

History

In 1994 the Community Youth Taskforce recommended the formation of a Youth Council to, "Provide the decisive community mechanism necessary to ensure that the needs of young people will receive the prominence and attention they require. It would serve as a focal point for community energy, able to forge new alliances and partnerships. Significantly, a youth board and council would enable Kirkland's youth to actively participate in the process of creating community programs and services to meet needs and interests."

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 5: BOARDS AND COMMISSIONS

CHAPTER
5Initial Recruitment

The initial recruitment and selection of Youth Council members was conducted by Jenny Wrenn, former Youth Services Coordinator, and members of the Community Youth Taskforce. The first group consisted of 5 Juanita High School students, 5 Lake Washington High School students, 2 BEST High School students, 1 Ottoson High School student, 2 students from each of the four Junior High schools, 1 student from Northstar Junior high, 1 Homeschool student, and one Private School student.

Current Recruitment

Current Kirkland Youth Council members recruit potential new members to fill existing vacancies. Applicants must complete an application and interview process. Youth Council Leadership makes the final selections.

Make Up of Membership

Kirkland Youth Council members have set their own meeting and project requirements. As long as members fulfill these requirements, they remain on the Council until graduation from high school, not to exceed 6 years.

Current membership is about 40 teens. Make up is as follows, 9-10 students from both high schools, 2 students from each Junior High, 1 student from each "choice school", 2 private school students, 1 BEST High School student, 1 Homeschool student, and 1 non-schooled student. The number of representatives from each school is based upon a percentage of each school building's population.

Leadership

The Kirkland Youth Council is governed by a group of six peer elected members who serve as the Leadership group, 2 Co-Chairs, 2 Community Representatives, and 2 City Council Representatives. Each of these positions are held for one calendar year, June – June. Members can be selected for more than one term.

Lodging Tax Advisory Committee

[REFERENCE KMC 5.19](#)

Purpose

The Lodging Tax Advisory Committee ("LTAC") is to perform the functions of a lodging tax advisory committee under [RCW 67.28.1817](#) and also to be an ongoing advisory committee to the Kirkland City Council, with duties as described in [Chapter 5.19 of the Kirkland Municipal Code](#).

Membership & Terms

The LTAC shall be comprised of seven voting members, each appointed by the Kirkland City Council. The Kirkland City Council may appoint nonvoting members to the LTAC. Members of the LTAC are not required to be residents of the City of Kirkland.

Voting members shall be as follows:

- (1) One member shall be a Kirkland City Councilmember, who shall serve as chair;
- (2) Three members shall be representatives of businesses required to collect tax under this chapter;

CHAPTER
5

- (3) Three members shall be persons involved in activities authorized to be funded by revenue received under this chapter.

The term of membership shall be through June 30th of the year following appointment; provided, that a member's term shall not expire until the appointment of a new member is effective. By statute, eligibility for appointment under subsections (2) or (3) of this section is mutually exclusive. The City Council shall review the membership of the advisory committee annually and make changes as appropriate. Each year, organizations representing businesses required to collect the lodging tax, organizations involved in activities authorized to be funded by lodging tax revenue, and local agencies involved in tourism promotion may submit recommendations for membership on the LTAC.

Park Board

[REFERENCE KMC 3.36](#)

Purpose

The board shall advise the City Council, the City Manager, and the Parks and Recreation Department, regarding the general supervision and control of all parks and recreational facilities and programs of the city. The board shall have the power to advise regarding conduct of any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner, and shall advise regarding control and supervision of all parks belonging to the city, and advise regarding planning, promotion, management and acquisition, construction, development, maintenance, and operation, including restrictions on, and compensation to be paid for, concessions or privileges in parks and/or playgrounds, either within or without the city limits, of parks, squares, parkways and boulevards, play and recreation grounds, and/or other municipally owned recreational facilities, including school grounds, community buildings, and improvement and ornamentation of the same; make recommendations regarding entering into written contracts with the United States, the State of Washington, any county, city or town, park district, school district, or any such public organizations for the purpose of conducting a recreational program or exercising any other power granted by this chapter.

The board shall submit to the City Council through the City Manager each year recommendations for the development of the park and recreation program and facilities as it may deem advisable, for the information and guidance of the city council in preparing the budget, for the operation and maintenance of the city parks, the recreational program and the necessary facilities, and the acquisition of land, structures, or facilities needed therefore. The board may recommend rules and regulations for the management, supervision and control of City parks and recreational facilities and programs.

Membership and Terms

There are seven members to this advisory board of park commissioners. Appointments are made by majority vote of the City Council. There is no compensation for service.

Qualifications

Reside with the city limits of Kirkland.

CHAPTER
5**Planning Commission**[REFERENCE KMC 3.32](#)Purpose

The Planning Commission shall be the principal planning advisory board for all matters relating to land use, comprehensive planning and zoning. Unless the city council assigns otherwise, all public hearings required by [Chapter 35A.63 RCW](#) to be held in the course of the adoption or amendment of the text of the zoning code, adoption or amendment of the zoning map, or adoption or amendment of regulations for the subdivision of land, shall be held by the Planning Commission.

The Planning Commission shall perform such other advisory functions (including hearings on certain land use permit applications) as shall be assigned to it by the provisions of Ordinance 2740 (the zoning code) or as may be from time to time directed by resolution or motion of the City Council.

Membership & Terms

The planning commission of the city shall be composed of seven members, appointed by majority vote of the City Council, without regard to political affiliation from among the residents of the city. The members of the planning commission shall serve without compensation. A commissioner shall be appointed to a four-year term. A commissioner will be expected to attend no less than eighty percent of all meetings in any twelve-month period for which there is no prearranged absence. City Council may waive the eighty percent attendance requirement; however, no less than sixty percent of all meetings shall be attended. A commissioner may be removed by majority vote of the City Council. Vacancies shall be filled for the remainder of the unexpired terms.

Qualifications

Reside within the city limits of Kirkland.

Transportation Commission[REFERENCE RESOLUTION R-4265](#)Purpose

Advise the City Council, City Manager and the Public Works Department regarding those transportation issues referred to them by the City Council. The commission shall have the power to advise regarding planning and development of those transportation issues given them by the City Council. The commission shall submit to the City Council through the City Manager recommendations for other transportation issues of interest to the Commission or associated with Council-directed items as the Commission feels is advisable.

Membership & Terms

Kirkland Transportation Commission consisting of eight commissioners, who shall be appointed by majority vote of the City Council. One member shall be a youth who, at the time of appointment, is at least 16 but not yet 18 years of age. The terms of office will be two years and no member will receive compensation.

Qualifications

Appointees must be City of Kirkland residents and residents within the annexation planning borders of the City. At least four of the seven members should have some background in transportation related issues.

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 6: REGIONAL MATTERS

6.1 REGIONAL POLICY STATEMENTS

A draft of all proposed multi-city or regional policy statements will be placed on the Council agenda for review. Any proposed changes will follow the same procedure. An annual review of all these statements will be conducted by Council.

6.2 REGIONAL COMMITTEE SUPPORT

Staff will work with Councilmembers who are serving on regional committees. An effective way of providing staff support will be for the Councilmember(s) and staff to meet (or discuss by phone or email) prior to the committee meeting.

Regional committees are listed in Appendix A.1 (page 49).

CHAPTER 6

6.3 APPOINTMENTS TO REGIONAL COMMITTEES -
SUBURBAN CITIES ASSOCIATION

CHAPTER
6

GROWTH MANAGEMENT PLANNING COUNCIL	
	<p>Interlocal contract:</p> <ol style="list-style-type: none"> 1. <u>Definitions.</u> <ol style="list-style-type: none"> a. <u>Suburban Cities:</u> Cities and towns in King County other than the City of Seattle. 2. <u>Establishment of the Growth Management Planning Council and staff.</u> ... the parties shall designate the following elected officials members and staff. To the extent possible, the parties' designees shall have a broad geographic representation. <ol style="list-style-type: none"> a. <u>Membership for the Growth Management Planning Council (GMPC)</u> <ol style="list-style-type: none"> 1) Seattle shall designate three members to exercise three votes; 2) Suburban Cities shall designate six members to exercise three votes; 3) King County shall designate six members, one of whom will be the King County Executive, to exercise six votes.

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 6: REGIONAL MATTERS

CHAPTER
6

GROWTH MANAGEMENT PLANNING COUNCIL	
Operations Committee	
Staff Committee	<p>PSRC Memorandum Mar 11, '98: doc identified as: EXEC/EXECOMM/RSC/OTHER/RSCPURP</p> <p>The Regional Staff Committee is composed of high-level staff from Regional Council constituents (city and county planning and public works departments, and executive and council offices, port, and transit, air quality and state agencies). The Committee has a leadership role, advising Regional Council staff and boards. ... This non-voting committee seeks to identify all sides of key issues. Regional Staff Committee representatives serve as non-voting members on the Transportation Policy Board and Growth Management Policy Board. Working subcommittees with additional members are created as needed by the Regional Staff Committee. Subcommittees are assigned specific tasks and dissolved when the work is completed. Exceptions are the Regional Project Evaluation Committee (RPEC), Transportation Operations Committee (TOC), and the Regional Technical Forum. RPEC and TOC are standing committees. RPEC recommends projects for ISTEA funding to the Transportation Policy Board ... The Regional Staff Committee membership reflect the need for a committee that is a workable size and also representative of the Regional Council's members. City and county representation generally reflects the composition of the Executive Board. ... Alternates need to be selected to serve in the members' absence.</p>

GROWTH MANAGEMENT PLANNING COUNCIL	
Growth Management Policy Board	Executive Board approves individual seat for Bellevue, among others.

GROWTH MANAGEMENT PLANNING COUNCIL	
Transportation Policy Board	Executive Board approves individual seat for Bellevue, among others.

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CHAPTER 6: REGIONAL MATTERS

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<p>CHARTER COMMITTEES - WATER QUALITY, POLICY AND TRANSIT</p>	
<p>Regional Policy Committee Regional Transit Committee</p>	<p>MKC Charter: Section 270.20 – Each regional committee shall consist of twelve voting members. Six members shall be Metropolitan County Councilmembers appointed by the chair of the council The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: (1) the city with the largest population in the county and (ii) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of such cities and towns, provided, however, that such cities and towns may appoint two representatives for each allocated committee membership, each with fractional (1/2) voting rights.</p>

<p>CHARTER COMMITTEES - WATER QUALITY, POLICY AND TRANSIT</p>	
<p>Regional Water Quality Committee</p>	<p>The special purpose districts providing sewer service in the county shall appoint two members to serve on the water quality committee in a manner agreed to by districts representing a majority of the population within the county served by such districts. The remaining four local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. Allocation of membership of each committee's members who are city and town representatives shall be adjusted January 1 of each even-numbered year beginning in 1996 based upon current census information or, if more recent, official state office of financial management population statistics.</p> <p>In the event any areas are annexed pursuant to powers granted to metropolitan municipal corporations under state law, the populations of any cities and towns in such annexed areas shall be considered as if they were within the county for purposes in this section with regard to regional committee participation on policies and plans which would be effective in such annexed areas, (Ord. 10530, 8/24/92).</p>

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OTHER COMMITTEES AND BOARDS	
Boundary Review Board	<p>RCW 36.93.051 The boundary review board in each county with a population of one million or more shall consist of eleven members chosen as follows:</p> <ol style="list-style-type: none"> (1) Three persons shall be appointed by the governor; (2) Three persons shall be appointed by the county appointing authority; (3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and (4) Two persons shall be appointed by the board from nominees of special districts in the county. <p>RCW 36.93.063 ... The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.</p>

OTHER COMMITTEES AND BOARDS	
LEOFF I Disability Board	<p>RCW 41.26.110(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, ...</p>

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OTHER COMMITTEES AND BOARDS	
Regional Law Safety and Justice	N/A

OTHER COMMITTEES AND BOARDS	
JRD-CDBG (housing funds)	Interlocal contract

OTHER COMMITTEES AND BOARDS	
Jail Advisory Committee	<p>Interlocal contract: (Exhibit V)</p> <p><u>Committee Size and Composition</u></p> <p>The Committee shall be composed of eight persons including the following: County Executive Office Representative; City of Seattle Representative; Director, Department of Adult Detention; Suburban City Mayor Representative (3); Suburban City Police Representative (2) ... Further the representatives from the suburban cities should include representation from: cities with either correction or detention facilities; cities with "holding" facilities; and cities with <u>no</u> jail facilities. ... The suburban members should also, to the extent feasible, represent cities from each of the major geographical areas of the County.</p> <p><u>Appointment of Members:</u></p> <p>The City of Seattle Representative will be appointed by the Mayor of Seattle. The suburban city representatives will be appointed through a process defined by the Suburban Cities Association in conjunction with the Police Chief's Association. At a minimum this process will include final identification of Committee members by the President of the Suburban Cities Association on an annual basis.</p> <p><u>Terms of Committee Membership:</u></p> <p>The composition of the Committee shall be reviewed annually in January during which time consideration will be given to changing and/or continuing specific members of the Committee.</p>

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OTHER COMMITTEES AND BOARDS	
AFIS Advisory Committee	N/A

OTHER COMMITTEES AND BOARDS	
EMAS Emergency Management Advisory Committee	County Appoints

OTHER COMMITTEES AND BOARDS	
Local Hazardous Waste Management Plan	

OTHER COMMITTEES AND BOARDS	
Seattle King County Economic Development Council	

EXECUTIVE APPOINTMENT FOR WHICH SCA MAY BE ASKED FOR NOMINEES	
Board of Health	State statute gives authority to county legislative body; MKCC ordinance: MKCC Ord. 13872, June 17, 2000). Two elected officials from cities of King County other than Seattle to be appointed by the executive from nominations submitted by those cities, individually or jointly.

EXECUTIVE APPOINTMENT FOR WHICH SCA MAY BE ASKED FOR NOMINEES	
Sound Transit	State law

EXECUTIVE APPOINTMENT FOR WHICH SCA MAY BE ASKED FOR NOMINEES	
Workforce Development	Federal law, State law

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7.1 OPTIONAL CODE CITY

[REFERENCE KMC 3.04 & RCW 35A.11](#)

City classification.

Notwithstanding anything contained in the existing ordinances of the city to the contrary, the city adopts the classification of a non-charter code city operating under the council-manager plan of government as set forth in [RCW Chapter 35A.13](#), endowed with all the applicable rights, powers, privileges, duties, and obligations of non-charter code cities as set forth in [RCW Title 35A](#) as the same now exists, including, but not by way of limitation, those set forth in [RCW Chapter 35A.11](#) of that title, and further including any and all supplements, amendments or other modifications of that title hereafter at any time enacted. (Ord. 2079 § 1, 1969)

Rights, powers and privileges.

Each city governed under this optional municipal code, whether charter or non-charter, shall be entitled "City of" (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and proceedings; use a corporate seal approved by its legislative body; and, by and through its legislative body, such municipality may contract and be contracted with; may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit.

Applicability of general law.

Powers of eminent domain, borrowing, taxation, and the granting of franchises may be exercised by the legislative bodies of code cities in the manner provided in this title or by the general law of the state where not inconsistent with this title; and the duties to be performed and the procedure to be followed by such cities in regard to the keeping of accounts and records, official bonds, health and safety and other matters not specifically provided for in this title, shall be governed by the general law. For the purposes of this title, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the passage of this title which is by its terms applicable or available to all cities or towns.

7.2 CODE OF ETHICS

REFERENCE RCS 42.23

Prohibited acts.

No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.

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.

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.

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.

Interest in contracts prohibited -- Exceptions.

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. This section shall not apply in the following cases:

- (1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;
- (2) The designation of public depositaries for municipal funds;
- (3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even through one of the exemptions allowing awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.

CHAPTER
7**Remote interests.**

A municipal officer is not interested in a contract, within the meaning of [RCW 42.23.030](#), if the officer has only a remote interest in the contract and the extent of the interest is disclosed to the governing body of the municipality of which the officer is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

- (1) That of a non-salaried officer of a nonprofit corporation;
- (2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
- (3) That of a landlord or tenant of a contracting party;
- (4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section are applicable to any officer interested in a contract, even if the officer's interest is only remote, if the officer influences or attempts to influence any other officer of the municipality of which he or she is an officer to enter into the contract.

Prohibited contracts void -- Penalties for violation of chapter.

Any contract made in violation of the provisions of this chapter is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office.

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7.3 STATE PROHIBITION ON CAMPAIGNING

[REFERENCE RCW 42.17.130](#)

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

- (1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;
- (2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
- (3) Activities which are part of the normal and regular conduct of the office or agency.

7.4. LIMITATIONS ON THE ACCEPTANCE OF GIFTS.

On July 3, 2007, the City Council passed Ordinance 4108 which is modeled after provisions in state law and allows City officers and employees to accept gifts up to \$50 in a calendar year, with certain specified limitations. The Ordinance, to be codified in Kirkland Municipal Code (KMC) Sections 3.80.030 and 3.80.140, is summarized below.

Limitations of 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, City officers and employees may only accept certain gifts and in most situations, a \$50.00 gift limit applies.

CHAPTER
7**KMC 3.80.030 - Definitions**

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.

KMC 3.80.140 - Limitations on Gifts

- Under the City's limitations on gifts provisions, 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 which is presumed not to influence the recipient. These items are listed in Section 2 of KMC 3.80.140 and include:
 - (1) Unsolicited flowers, plants, and floral arrangements
 - (2) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
 - (3) Unsolicited tokens or awards of appreciation;
 - (4) Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or acquisition of the item;

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- (5) Informational material, publications, or subscriptions related to official duties;
- (6) Food and beverages consumed at hosted receptions related to the officer's or employee's duties;
- (7) 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;
- (8) Unsolicited gifts from dignitaries in another state or a foreign country intended to be personal in nature; and
- (9) Food and beverages on infrequent occasions in the ordinary course of City business.

Remedy

Not accepting any gift 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

LIMITATIONS ON ACCEPTANCE OF GIFTS Q & A

Below are some questions and answers intended to help the City officers and employees in understanding Ordinance 4108 relating to limitations on the acceptance of gifts and codified as Kirkland Municipal Code (KMC) Sections 3.80.030 and 3.80.140.

Are there times when acceptance of a gift might appear to be allowed under KMC 3.80140, but still pose a problem?

- Yes. Acceptance of a particular gift must be considered in light of the circumstances surrounding the giving. There is no substitute for asking oneself if acceptance of a particular gift is prudent, good public policy, or will create appearance problems. If the City has contractual relations with or is in the process of negotiating a contract with the person, organization, or entity offering the gift, the better course may be to refuse or return the gift.

Is there a problem under KMC 3.80.140(1) when a person gives a City officer or employee a ticket to a sporting event, concert or other performance and the officer or employee and the face price of the ticket is \$50.00 or less?

- There may be if the event is sold out or the ticket entitles the officer or employee to special accommodations, such as entrance to a private suite, which is not reflected in the price of the ticket. The value of a ticket to a sold out event may exceed the face price of ticket. Access to a private suite at sports or performing art venues may include better seating or complementary food and beverages that are not available to regular ticket holders. The event tickets provided to the suite holder normally have a face value that is tied to the price of a publicly available seat. In this case, the value of access to the private suite is greater than the face value of the ticket.

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One exception to the fifty dollar limitation is set forth in KMC 3.80.140(2)(f) which provides that a City officer or employee may accept food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization. Would a sit-down dinner at an Association of Washington Cities conference qualify?

- Yes. The Association of Washington Cities which is comprised of Washington cities and towns meets the governmental exception under KMC 3.80.140(2)(f).

I have been offered a complementary ticket to a fundraising gala being sponsored by a civic organization? Under the proposed ordinance, may I accept the ticket even though the value of the ticket exceeds \$50.00?

- Yes. Under KMC 3.80.140(2)(g), the \$50.00 limitation does not apply to 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.

What if the same organization wants to provide me with a complementary ticket for my guest?

- Under KMC 3.80.140(1) the value of gifts given to an officer's or employee's family member or guest is attributed to the official or employee for the purpose of determining whether the \$50.00 limit has been exceeded. If you want to take a guest, you or the guest should pay for the ticket.

I am unclear on the distinction between a gift from a "single source" and a "single gift" from multiple sources which has a value in excess of \$50.00. What is the real limitation?

- There are two parts to the limitation. No officer may accept gifts:
 - (1) with an aggregate value in excess of \$50.00 from a single source in a calendar year, nor
 - (2) a single gift from multiple sources with a value in excess of \$50.00.

May I accept an unsolicited gift, of a personal nature, which has a value in excess of \$50.00 from a dignitary from a foreign country?

- Yes. KMC 3.80.140(h) specifically exempts such gifts.

If I can accept a gift from a foreign dignitary, may the City make a gift in return?

- No. The making of gifts from the City to private parties is prohibited by the state Constitution, Article VIII, § 7, which provides, in pertinent part, that:

No county, city or town, 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, . . .

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What are some examples of unsolicited promotional items of nominal value that an employee could accept from a vendor?

- An employee may keep items such as pens, note pads, refrigerator magnets and the like.

May we keep flowers, chocolates, or other gifts or treats delivered to our office from a customer or vendor?

- Unsolicited flowers, plants, and floral arrangements may be accepted, but you need to look at the relationship of the giver. Again, if the gift was given by someone who is being regulated by the City or seeks to provide goods and services to the City, you may not want to keep it. The context within which a gift is offered or the way the acceptance of the gift might be perceived must always be taken into consideration.

ORDINANCE 4108

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO 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 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.

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- (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

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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

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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.

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- (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

/s/James L. Lauinger
Mayor

Attest:

/s/Kathi Anderson
City Clerk

Approved as to Form:

/s/Robin S. Jenkinson
City Attorney

CHAPTER
8

8.1 FREQUENTLY ASKED QUESTIONS

Office Supplies

If I purchase an office supply, will I get reimbursed?

Yes, keeping within the annual budget for that account number. For future needs, the City Manager's Office administrative staff will make that purchase on your behalf. An original cash or credit card receipt is necessary for reimbursement.

Expenses

Do I need to fill out a form for expense reimbursements?

Yes, the claim for expenses is designed to be used for travel meals, bus or taxi receipts, personal vehicle mileage, parking, lodging, and incidental expenses. In addition, for purchases of supplies under \$50, you can get reimbursed via a petty cash slip. The administrative staff in the City Manager's Office will obtain a petty cash slip from the City Hall cashier on your behalf. Again, an original cash or credit card receipt is required for reimbursement.

Access to City Hall

How do I get into City Hall when it's closed? What about the inside doors?

City Councilmembers and all employees have a key card to use for entering the building before and after business hours, as well as an access code for the punch button locks on the inside doors. The administrative staff in the City Manager's Office will provide the key card and access code.

Transportation Program

Some employees have Metro flexpass cards. Are those available for Councilmembers too?

City Councilmembers and all employees are given the flexpass cards annually in August. The administrative staff in the City Manager's Office will coordinate this for the City Council usually during the last week of August. Because the cards are numbered and nontransferable, all employees must sign a form acknowledging this provision at the time the cards are issued.

Long Distance Calls

I need to return a long distance telephone call from a Councilmember in another city. Can I make that call from City Hall? If I call from home, can I get reimbursed?

City Councilmembers and all employees have a long distance access code for making business-related telephone calls from any City facility. The Information Technology Department will issue that access number with instructions on how to place those telephone calls.

If you place a business-related call from home, attach the original invoice from the telephone company to a claim for expenses and give that form to the administrative staff in the City Manager's Office to process your reimbursement.

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 8: ADMINISTRATIVE

CHAPTER
8**Council Study**

Do I need to reserve the Council Study?

No, the Council Study is considered the Council Office at City Hall and therefore available to Councilmembers at all times.

If another Councilmember is using the Council Study, how do I reserve another conference room for my meeting?

All conference rooms are available at City Hall to all employees to use for meetings. You may make a reservation in the Outlook public folders file using the computer in the Council Study or the administrative staff in the City Manager's Office will make that reservation on your behalf.

Reference Materials

Are reference books available for my use?

Two sets of reference manuals are available in the Council Study for Councilmember to borrow and return at their convenience.

Directories

Is there a directory of telephone numbers for other cities?

Municipal Research & Services Center of Washington publishes the [Directory of Washington City and Town Officials](#). The publication lists telephone numbers, addresses, and names of elected officials and staff. A copy is in the reference library in the Council Study. The information is also available on the MRSC Web Page at www.mrsc.org/ city and county profile.

A.1 CITY COUNCIL COMMITTEE ASSIGNMENTS**City Committees:**

Finance
Public Safety
Long Term Capital Improvement Program
Senior Action
Lodging Tax
Disability
Economic Development

Regional Committees:

Law & Justice
WRIA 8
Cascade Water Alliance
Regional Water Quality
I-405
TransLake
Eastside Transportation Partnership
Growth Management Planning
Human Services Forum
KCTC
Suburban Cities Association
Policy Board
Management Board
District Courts
King County Parks Transfer

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RESOLUTION R-4665

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 will be 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 herein contained 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 less 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. Special presentations
4. Reports
 - a. Council Reports
 - b. City Manager reports
5. Communications
 - a. Items from the audience (3 minute limitation. See Section 5)
 - b. Petitions
6. Consent calendar
 - a. Approval of minutes
 - b. Audit of accounts and payment of bills and payroll
 - c. Written Correspondence

- i. Routine
- ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
- d. Award of bids
- e. Acceptance of public improvements and establishing lien periods
- f. Approval of agreements
- g. Resolutions and Ordinances
- h. Other routine 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 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.

- 7. Public hearings
- 8. Unfinished business
- 9. New business
- 10. Announcements
- 11. 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:

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 otherwise 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 time for "Items from the audience", speakers will be limited to 3 minutes apiece. No more than 3 speakers may address the Council on any one subject. However, if both proponents

and opponents wish to speak, then up to 3 proponents and up to 3 opponents of the matter may address the Council.

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. Emergency items arising after the regular agenda has been prepared shall be referred to the City Manager for inclusion, as an Addendum to the agenda.

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, citizens 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 their weekly informational packet.
2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be placed by the Clerk on the agenda under the Written Correspondence - Routine Section of the consent calendar. A brief staff memorandum should accompany each letter explaining the request and recommending a course of action.
3. Significant Correspondence - Written correspondence which obviously requires some Council discussion, is of a policy nature

or for which a non-routine official action or response is required, 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.

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.

Section 8. ROBERTS RULES OF ORDER, 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. State each motion and to require a second to that motion before permitting discussion.
4. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate time.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
5. Put motions to a vote and announce the outcome.
6. Suggest but not make motions for adjournment.
7. 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 council member has a financial interest in the question or, in quasi-judicial matters, where a council member 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:

To adjourn, to table or continue a matter,

To go into or out of executive session,

To schedule a special meeting of the City Council,

To add or remove items on a Council meeting agenda,

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,

To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution,

To authorize call for bids or requests for proposals, and

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 therefrom.

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 14 and 15, 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 of the Council may, at his discretion, call any member to take the Chair, to allow the presiding officer to address the Council, make a motion, or discuss any other matter at issue.

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 (4) 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 shall be recorded in the minutes. At the request of any member, the ayes and nays shall be taken on any other question and 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 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 KZC150.125.

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 ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk

Chapter 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 Kirkland Municipal Code. 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 Public Notice of Meetings and Hearings

Pursuant to Kirkland Municipal Code 3.10.010, notice of a public hearing shall be by inclusion of the hearing in the agenda, unless publication of notice of hearing is specifically required.

6.03 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by the 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.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

6.04 Neighborhood Council Meetings

[Reserved]

6.05 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 RCW Chapter 42.30 have been met, including the requirement of public notice for special meetings.

6.06 Executive Session

[Reserved]

6.07 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 and agendas are included on all regular Council meeting agendas and provide an opportunity for Council Members to request that items be added for future meetings. City Council packets are available electronically no later than the Friday prior to the scheduled regular meeting.

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

6.08 Order of Business

The City Council, by adoption of its Rules of Procedure for the Conduct of Kirkland City Council Meetings establishes the general order of meetings. This section summarizes each meeting component.

A. Call to Order

The Mayor, or in the Mayor's absence the Deputy Mayor, presides over all meetings of the City Council, and after determining that a quorum is present, calls the meeting to order.

B. Roll Call

The Mayor or City Clerk, or designee, takes roll and announces the presence or absence of individual Council Members.

C. Special Presentation

The City Council may receive or present awards or create days for special recognition during this segment of the meeting. The Council may also take the opportunity to acknowledge outstanding achievements or give special recognition through proclamations. As described in Section 4.03 of the Manual, the Mayor has the authority to initiate and execute proclamations.

D. Reports

1. During this portion of the agenda, Council Members will share current activities on regional, state, and federal committees, boards, or commissions on which they serve.

2. Provides an opportunity for the City Manager to share current information and for members of the Council to advise the City Manager of changes to the projected Council calendar.

E. Items from the Audience

During this portion of the meeting, the Mayor will invite citizens to talk with the Council about topics that are not quasi-judicial or scheduled for public hearing on the evening's agenda. Speaker's presentations are limited to three minutes. In the Council Rules, the Council has limited the number of persons who can speak for or against a particular issue, to three on each side. Speakers are asked to sign a "Sign-in Sheet" and provide their name and address at the time they speak.

F. Consent Agenda

Those matters of business that require action by the Council which are considered to be of a routine nature are placed on the consent agenda. The individual items on the consent agenda shall be approved, adopted, or enacted by one motion of the Council. Whenever an ordinance is included on the Consent Calendar approval of the calendar shall be by roll call vote.

Council Members may request to withdraw (or pull) any item and take action separately on that item.

G. Public Hearings

H. Unfinished Business

Items and topics which have been previously brought before the Council.

I. New Business

Items or topics that are new to the Council shall be scheduled for consideration under this section of the agenda.

J. Announcements

K. Adjournment

6.09 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.

6.10 Open Meeting Law

A. Applicability

The open meeting law applies to the City Council and all advisory boards and commissions appointed by the City Council.

B. Meetings

All meetings of the Council shall be open to the public, except in the special instances as provided in RCW 42.30.110, as hereafter amended. A meeting takes place when a quorum (a majority of the total number of Council Members currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon.

6.11 Attendance via Speakerphone

From time to time, a Council Member will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting via speakerphone are as follows:

A. The Rare Occasion

Attendance via speakerphone (AVS) should be the rare exception, not the rule, and AVS is limited to two times per year per Council Member. Examples of situations where AVS would be appropriate include, but are not limited to:

- An agenda item is time sensitive, and AVS is needed for a quorum;
- An agenda item is of very high importance to the Council Member that cannot be physically present;
- It is important for **all** Council Members to be involved in a decision, but one Council Member is unable to be physically present.
- AVS should be limited to one agenda item, not the entire Council meeting. (Bothell)

or

A. Teleconference participation by Council members may be allowed under the following circumstances, subject to reasonable technical availability at the meeting location:

- (1) Requests to use **Teleconference participation for voting purposes** shall be limited to extraordinary circumstances and must be ruled upon by the Council of the whole by specific motion before the Council main agenda begins. In such case, a microphone pickup must allow the Teleconference participant to engage in Council discussion and be heard. Telephone charges are to be at the Councilmember's own expense, unless waived in the Council motion. Adequate notice must be given to allow hookup in time for the main agenda

- (2) Requests to participate by **Teleconference in a nonvoting capacity** shall be granted provided technical capability exists and adequate notice is given, and shall be at the Councilmember's own expense, unless waived in the Council motion.
- (3) No teleconference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.

Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc. (Battle Ground)

or

A. Teleconference participation by Council members may be allowed under the following circumstances, subject to reasonable technical availability at the meeting location:

1. Requests to use **teleconference participation for voting purposes** shall be limited to extraordinary circumstances and must be ruled upon by the Council-of-the-Whole by specific motion before the Council main agenda begins. Adequate notice for these requests must be conveyed to the Presiding Officer to permit installation of the required equipment prior to the specified Council meeting or meetings. In such case, a microphone pickup must allow the teleconference participant to engage in Council discussion and be heard. Teleconferencing charges are to be at the Council Member's own expense, unless waived in the Council motion.
2. Requests to participate by **teleconference in a nonvoting capacity** shall be granted provided technical capability exists and adequate notice is given, and shall be at the Council member's own expense, unless waived in the Council motion.
3. No teleconference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.
4. Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc.

B. *Attendance - Procedure*

1. The Council Member attending via speakerphone
 - a. must be able to hear the discussion on the agenda item taking place in the Council chambers, and
 - b. must be able to be heard by all present in Council Chambers.
2. When the particular agenda item is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:

- a. Let the record reflect that Council Member _____ is attending via speakerphone for Agenda Item No. _____, relating to _____.
 - b. Council Member _____, can you hear me? [There must then be a clearly audible response in the affirmative.]
 - c. Let the record reflect that Council Member _____, who is attending via speakerphone, can be heard by all present in Council chambers.
3. Upon conclusion of the particular agenda item, the Mayor (or presiding officer, if the Mayor is not physically present) should state:
- a. Council Member _____, discussion on Agenda Item No. ____ has concluded. Thank you for your attendance via speakerphone. The telephone connection will now be terminated. [Connection should be terminated at this time.]
 - b. Let the record reflect Council Member _____'s attendance via speakerphone has been terminated. Next on the agenda is ...

C. *Notification*

If a Council Member wishes to attend a Council meeting via speakerphone for an agenda item, the Council Member should notify Council of his or her intent at the Council meeting prior to the meeting for which they wish to attend via speakerphone. This notification should be made during the Council's review of the projected agenda.

If that is not possible, the Council Member should notify the City Manager of his or her wish to attend a Council meeting via speakerphone for an agenda item not later than the business day prior to the Council meeting for which he or she wishes to attend via speakerphone. With less notice, it may not be possible to make the necessary arrangements to allow attendance via speakerphone. (Port Townsend)