



**CITY OF BURIEN, WASHINGTON**

**CITY COUNCIL  
MEETING GUIDELINES**

**2017**

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## **SECTION 1. AUTHORITY**

- 1.1** The Burien City Council hereby establishes the following Council Meeting Guidelines. These Guidelines shall be in effect upon adoption by the Council and until such time as they are amended or new procedures adopted in the manner provided by these Guidelines. Council-Manager Plan of Government, RCW 35A.13, is attached as Exhibit A.
- 1.2** These Guidelines will be reviewed following any change in Council composition or at the request of at least three Councilmembers, but not more frequently than annually.

## **SECTION 2. COUNCIL MEETINGS**

### **2.1 REGULAR BUSINESS MEETINGS AND REGULAR STUDY SESSIONS.**

- A. Regular Business meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first and third Monday of each month at the building designated as Burien City Hall, currently located at 400 SW 152<sup>nd</sup> Street, Burien, Washington, or at another location the City Council may deem appropriate. (Resolution No. 3 and amended by Resolution Nos. 19, 35, 71, 97, 101, 290 and 329)
- B. A Regular Business Meeting is defined as a meeting used to conduct all ordinary and routine business of the city.
- C. Regular Study Sessions of the City Council of the City of Burien shall be held at 7:00 p.m. on the fourth Monday of each month (except as noted in “G” below).
- D. A Regular Study Session is defined as a meeting used to review and discuss pertinent business of the city and to prepare matters for action at a Regular Business Meeting.
- E. The City Council may take official action at either a Regular Business Meeting or at a Regular Study Session. Only business items requiring action that are time sensitive shall be scheduled at a Regular Study Session. Both Regular Business Meetings and Regular Study Sessions will be broadcast live on the City’s government cable T.V. channel, TBC21.
- F. City Council workshops may be held from time to time at a location designated by the City Council.
- G. During the months of June, July, and August, Regular Business meetings will be held on the first and third Mondays of the month. The Regular Study Session on the fourth Monday will be canceled during these months.

- 2.2 Should any Council Regular Business Meeting or Regular Study Session fall upon a date designated as a legal holiday, then that meeting shall be canceled.
- 2.3 Public comment and public hearing sign-up sheets will be available at each Regular Business Meeting for the use of the public wishing to address the Council.
- 2.4 The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.5 TYPES OF MEETINGS

- A. Regular Meetings are defined by RCW 42.30.075 as “recurring meetings held in accordance with a periodic schedule declared by statute or rule.” The periodic schedule for City of Burien Regular Meetings is set forth in Resolution 329, and occur on the first, third, and fourth Mondays of each month at 7:00 p.m.. Regular Meetings include Regular Business Meetings, occurring on the first and third Mondays of the month, and Regular Study Sessions, occurring on the fourth Monday of each month.
- B. Regular Business Meetings: used to conduct all ordinary and routine business of the city.
- C. Regular Study Sessions: used to review and discuss pertinent business and policy issues of the City and to prepare matters for action at a Regular Business Meeting.
- D. Special/Workshop: any Council meeting other than a Regular Business Meeting or Regular Study Session which has been called for the purpose of conducting official action or studying an issue. Notice shall be given at least 24 hours in advance. A Special Council meeting or Workshop may be scheduled by the Mayor and three additional Councilmembers, or at the request of a majority of the Councilmembers.
- E. Emergency: a Council meeting called without 24-hour notice. Pursuant to RCW 42.30.070, an Emergency Meeting may be called 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. In such an 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 RCW 42.30, the Open Public Meetings Act, shall be suspended during such emergency. The minutes will indicate the reason for the emergency.

- F. Executive Session: An executive session is a portion of a Regular Business Meeting, Regular Study Session or Special Meeting that is closed except to the Council, City Manager, and authorized staff members and/or consultants authorized by the Mayor or a majority of Councilmembers. The public is restricted from attendance. Executive Sessions may be held during any Regular Business Meeting, Regular Study Session or Special Meeting, and will be announced by the Mayor. Executive Session subjects are limited to considering matters authorized by state law, pursuant to RCW 42.30.110.

Immediately before convening an Executive Session, the Mayor shall announce to those attending the public meeting the following: 1) That Council will be recessing to Executive Session; 2) the purpose for excluding the public from the Executive Session; and, 3) the time that the Executive Session will end.

Executive Sessions will begin and end in accordance with State law. At the conclusion of the Executive Session, if the potential for taking action was previously announced, the public meeting will reconvene.

## **2.6 ORDER OF REGULAR COUNCIL BUSINESS MEETING AGENDA**

### **Call to Order**

The Mayor calls the Regular Council Meeting to order.

### **Pledge of Allegiance**

The Mayor, and at times, invited guests lead the flag salute.

### **Roll Call**

The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence.

### **Agenda Confirmation**

Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.

### **Proclamations and Presentations**

The Mayor presents proclamations. A proclamation is defined as an official declaration made by the City Council. The Mayor and Councilmembers may each request the preparation of two proclamations a year to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda to be read and presented or mailed to the honored individual or organization as appropriate.

Presentations are limited to two (2) per Regular Council Meeting with a time limit of 10 minutes for each.

### **City Manager's Report on Emerging Issues**

#### **Public Comments**

Members of the audience may comment in writing or verbally on items relating to any matter.

See Section 5 of these Guidelines for details.

#### **Correspondence to the Council**

##### **A. Correspondence to the Council**

The purpose of Correspondence to the Council is to encourage respectful, civilized, and relevant communication to the Council regarding matters of public interest and concern where the Council has taken action in the past or may take action in the future.

##### **B. Procedures for Publication of Correspondence Consistent with Policy**

Correspondence consistent with this Policy that are received by noon on the Wednesday prior to a Regular Business Meeting or Regular Study Session will be published in the agenda packet for the following Council meeting and on the City's website at its Agenda Center.

#### **Consent Agenda**

Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters discussed at a previous City Council Regular Business Meeting or Regular Study Session. A Councilmember may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent Agenda has been considered, each item which was removed is considered during the Business Agenda in the order determined by the Council.

#### **Business Agenda**

#### **Public Hearings and Discussion**

Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances.

See Section 12.1 of these Guidelines for details on governing the public hearing process.



### **Ordinances and Resolutions**

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

Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

Ordinances and resolutions may be passed under any of the agenda sections.

### **Council Reports**

Councilmembers may report on meetings and activities in which they have participated and represented the City. Councilmembers are encouraged to submit written reports.

### **City Manager's Report**

### **Executive Session**

See Section 2.5.F of these Guidelines for details.

### **Adjournment**

With no further business to come before the Council, the Mayor shall entertain a motion to adjourn. Councilmembers will vote on the motion to adjourn in the same manner as other motions.

### **Breaks**

Generally, a formal 10-minute break during the Regular Business Meeting will be called at 9 p.m.

## **2.7 ORDER OF REGULAR STUDY SESSION AGENDA**

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Correspondence to the Council**

### **Discussion Items**

These are business items the full Council wishes to discuss and study in preparation for action at a future Council Regular Business Meeting. As noted in Section 2.1 E, action may be taken at a Study Session.

Members of the audience may comment on the item being discussed.

### **Council Reports**

### **Breaks**

Generally, a formal 10-minute break during the Regular Study Session will be called at 9 p.m.

### **Adjournment**

## **SECTION 3. AGENDA PREPARATION**

- 3.1** The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council Regular Business Meeting, Regular Study Session or Special Meeting specifying the time and place of the meeting. Councilmembers will be asked to review the draft agenda before it is finalized.
- 3.2** The proposed agenda schedule will be reviewed during each Council Regular Business Meeting or Regular Study Session. The City Manager and City Clerk will maintain a list entitled “Future Agenda Items” of all known or requested items for future Council agendas at the end of the schedule. Changes in the proposed schedule from the previous meeting will be highlighted in bold with the reason for the change noted in italics below the item. This will be provided with each agenda and be the basis of the Council’s review discussion.
- 3.3** The Mayor and/or City Manager may place items on a Council Regular Business Meeting or Regular Study Session agenda, according to the Proposed Council Agenda Schedule. Agenda items may be proposed with agreement from three Councilmembers on a future agenda.
- 3.4** An item may be delayed if the Mayor and/or the City Manager, know it is of particular importance to an absent Councilmember.
- 3.5** Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items, which have been scheduled by convenience rather than for statutory or other legal reasons.
- 3.6** Agenda items that are continued from one Regular Business Meeting or Regular Study Session to another will have preference on the next agenda to the extent possible.
- 3.7** Agendas with supporting materials will be provided to the City Council at 5 pm the Thursday prior to the Regular Business Meeting, Regular Study Session or Special Meeting. Agenda and materials will be available at City Hall, on the City’s website and at the Burien Library for City staff, media and the public at 4:00 pm on the Friday prior to the said meeting.
- 3.8** The Council may use the “Recommended Motion” language on the agenda bill for making a motion.

## **SECTION 4. COUNCIL DISCUSSION AND DECISION MAKING PROCESS**

- 4.1** The Council will take action at a following Regular Business Meeting or Regular Study Session unless Council agrees that action can be taken immediately (except Consent Agenda and emergency items).
- 4.2** The Mayor will facilitate the discussion in a timely manner.
- 4.3** The Mayor will state the public hearing procedures before each public hearing.
- 4.4** Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.
- 4.5** Councilmembers are individually responsible for gathering additional information on issues and for calling staff with questions not covered during the formal Regular Business Meeting or Regular Study Session process.
- 4.6** To the extent not otherwise governed by these Guidelines, Council discussion will be governed by ROBERT'S RULES OF ORDER, NEWLY REVISED.

## **SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL**

- 5.1** Persons addressing the Council who sign up in advance of the comment period shall be requested to step up to the podium, give their name and address for the record, and limit their remarks to two (2) minutes. Concerns will be referred to staff for a response as appropriate. The Council will take comments for a maximum of 20 minutes unless modified by the Council. Attendees who are unable to do so by themselves may ask the City Clerk for assistance to read their comments.

All remarks will be addressed to the Council as a Whole. Any person who becomes disruptive while addressing the Council, may be requested to leave the Regular Business Meeting, Regular Study Session or Special Meeting.

- 5.2** The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for being disruptive and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

## **SECTION 6. MOTIONS**

- 6.1** Prior to discussion, generally the Deputy Mayor will make the motion, and the senior member of the Council will make the second. If the Deputy Mayor is absent, the senior Councilmember will make the motion and the second most senior member may make the second.

After the motion is made and seconded, the applicable staff member will give a short presentation on the subject to be discussed.

- 6.2** If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 6.3** A motion that receives a tie vote is deemed to have failed.
- 6.4** Motions shall be clear and concise and not include arguments for the motion within the motion.
- 6.5** After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote and may state why they will vote for or against a motion, if they wish to do so.
- 6.6** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 6.7** Once a motion has been made, seconded and stated by the chair, the body must consent to its withdrawal.
- 6.8** A motion to table is undebatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular Business Meeting or Special Meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
- 6.9** A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a time certain at a future Regular Business Meeting or Special Meeting.
- 6.10** A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to postpone indefinitely passed.
- 6.11** A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.
- 6.12** A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

- 6.13** Whenever possible, proposed substantive amendments should be written out with all Councilmembers receiving copies in advance of the meeting.
- 6.14** Discussion of the motion only occurs after the motion has been moved and seconded.
- 6.15** When the discussion is concluded, the motion maker, Mayor, City Clerk, or City Attorney shall repeat the motion prior to voting.
- 6.16** The City Council votes on the motion as restated. The Mayor will announce the results of the vote.
- 6.17** Once the vote has been taken, the topic of discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If Councilmembers wish to make their positions known, this should be stated during the discussion *preceding* the vote.
- 6.18** When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.
- 6.19** An ordinance requires a majority vote of the entire Council per RCW 35A.12.120.
- 6.20** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council's consensus at the conclusion of the discussion.
- 6.21** The City Attorney shall decide all questions of interpretations of these meeting guidelines and other questions of a parliamentary nature which may arise at a Regular Business Meeting, Regular Study Session or Special Meeting. All questions not provided for in these meeting guidelines shall be governed by Robert's Rules of Order, Newly Revised.

*Motions to rescind or amend something previously adopted:* Unless "Previous Notice" is provided of the intent to bring a motion to rescind or amend something previously adopted, such a motion requires either a two-thirds vote of the members voting, or a vote of the majority of the entire membership of the Council to pass. "Previous Notice" is provided by (1) a Councilmember announcing his/her intent to make a motion to rescind or amend something previously adopted by the Council at a following Regular Business Meeting, Regular Study Session or Special Meeting; or (2) having the City Clerk include a notice of the Councilmember's intent to make such a motion in the notice of the next meeting.

In the event of a conflict, these Council meeting guidelines shall prevail.

## **SECTION 7. ORDINANCES**

- 7.1** All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, the City Manager, or the City Attorney.
- 7.2** Ordinances shall be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance and sign it prior to placing it before the City Council for its consideration.
- 7.3** Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 7.4** Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 7.5** An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified in the ordinance.

## **SECTION 8. PRESIDING OFFICER OF THE COUNCIL**

The Mayor shall:

- A. Be the official spokesperson for the City.
- B. Act as the official head of the City for all ceremonial purposes.
- C. Sign documents as appropriate on behalf of the Council.
- D. Observe and enforce the City Council Meeting Guidelines.
- E. Act as presiding officer at all meetings of the Council.
- F. Preserve order and decorum in the Council Chambers.
- G. Decide all questions on order, in accordance with the Guidelines, subject to appeal by any Councilmember.
- H. Recognize Councilmembers in the order in which they request the floor using the polling/queuing system. When called upon by the Chair, each Councilmember shall have five minutes for debate, comments, and questions until next recognized by the Chair using the polling/queuing system. Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

- I. Endeavor to facilitate the discussion in a timely manner.
- J. Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.
- K. Appoint Councilmembers to serve on ad-hoc committees if necessary.
- L. Serve as the Council's delegate to the National League of Cities, Association of Washington Cities, and other events and conferences.
- M. In the absence of the Mayor, the Deputy Mayor shall carry out the above responsibilities.
- N. In the absence of the Mayor and Deputy Mayor, the member with the most continuous tenure on the Council shall be the presiding officer.
- O. In the event the Mayor and Deputy Mayor are unavailable to serve, the senior member of the Council shall serve as the Mayor to convene and preside over a Special Meeting of the Council for the purpose of naming an acting mayor and deputy mayor.
- P. The acting mayor and deputy mayor shall serve until such time as new members are appointed to fill any vacancies on the Council.
- Q. When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

## **SECTION 9. COUNCIL RELATIONS**

### **9.1 ANTI-HARASSMENT POLICY**

- A. It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by elected officials toward fellow Councilmembers, City Staff or members of the public. Elected officials are expected to show respect for one another and the public at all times, despite individual differences.
- B. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability. In some circumstances, it can be deemed unlawful

discrimination that violates federal laws and/or state laws. The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures or other physical conduct, based on the above-referenced protected classes, toward employees, Councilmembers or members of the public are prohibited. Councilmembers are strongly urged to report all incidents of harassment.

C. Sexual harassment is a form of unlawful discrimination.

## **9.2** REPORTING DISCRIMINATION OR HARASSMENT

- A. If the incident involves a city employee, the incident should be reported as soon as possible to the City Manager.
- B. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the incident should be reported as soon as possible to the Mayor.
- C. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the Mayor may ask the City Manager to assist the Council by providing a list of qualified experts to investigate the incident and advise the council on a response to the complaint.
- D. All complaints will be investigated promptly. Upon receiving a complaint, the mayor shall initiate an investigation within 24 hours, or by the end of the next business day.
- E. All complaints will be kept confidential to the fullest extent possible, and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.
- F. If the incident involves the Mayor, then the Mayor's responsibilities described in (B), (C) & (D) above will be performed by the City Attorney.
- G. Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated.
- H. The City will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.
- I. Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will



normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

### **9.3 COUNCIL RELATIONS WITH STAFF**

- A. There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- B. City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.
- C. Councilmembers with a particular interest in an item or topic should be given a courtesy call if that item is rescheduled by staff.
- D. All written informational material requested by individual Councilmembers shall be submitted by City staff to the City Manager who after his/her review, will submit it to all Councilmembers with a notation indicating which Councilmember requested the information.
- E. Councilmembers shall not attempt to influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- F. The Council shall not attempt to change or interfere with the operating rules and practices of any City department.
- G. To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers.
- H. No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council.
- I. Individual requests for information may be made directly to the Department Director unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

**SECTION 10. COUNCIL REGULAR BUSINESS MEETING, REGULAR STUDY SESSION AND SPECIAL MEETING STAFFING**

- 10.1** The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.
- 10.2** The City Attorney shall attend all meetings of the Council unless excused, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The City Manager or City Attorney may raise a Point of Order to support the presiding officer and Council in ensuring compliance with the City Council Meeting Guidelines and parliamentary procedures.
- 10.3** The City Clerk, or designee, shall attend Regular (Business and Study Session), and Special meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

**SECTION 11. COUNCILMEMBER ATTENDANCE AT REGULAR BUSINESS MEETING, REGULAR STUDY SESSION AND SPECIAL MEETINGS**

- 11.1** Councilmembers will inform the Mayor, a Councilmember, the City Manager or City Clerk if they are unable to attend any Council Regular Business Meeting, Regular Study Session and Special Meetings, or if they knowingly will be late to any said meeting. The minutes will show the Councilmember as having an excused absence.
- 11.2** The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Business Meetings, Regular Study Sessions and Special Meetings after roll-call is taken.
- 11.3** Councilmembers should report on meetings and activities in which they have participated and represented the City. Councilmembers are encouraged to submit written reports to be included in a future Council Packet under Council Reports.
- 11.4** Councilmembers attending Advisory Board Meetings shall attend as observers and not as participants. If an Advisory Board Meeting involves a quasi-judicial hearing, Councilmembers shall not attend such meeting.
- 11.5** Councilmembers will let the Executive Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.

## **SECTION 12. PUBLIC HEARINGS**

### **12.1 TYPES**

There are two types of public hearings: legislative and quasi-judicial. The Mayor will state the public hearing procedures before each public hearing. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. Time limits for public testimony in quasi-judicial public hearings may be set by the presiding officer and be subject to appeal. After all persons have spoken, the hearing is closed to public comment. See Section 5 of these Guidelines for details.

The Council may then proceed with deliberation. For legislative public hearings, Council's decision will occur at the next Regular Business Meeting, Regular Study Session or Special Meeting.

### **12.2 LEGISLATIVE PUBLIC HEARINGS**

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its comprehensive land use plan or the biennial budget.

### **12.3 QUASI-JUDICIAL PUBLIC HEARINGS/APPEARANCE OF FAIRNESS**

- A. The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site specific rezones, preliminary plats, and variances. Quasi-judicial public hearings coming before the City Council are closed record hearings. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at a prior open record hearing and all documents and exhibits that have been submitted. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the Appearance of Fairness Doctrine per RCW 42.36.
- B. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose the facts to the City Manager who will seek the opinion of the City Attorney, which will be communicated to the Councilmember and the Mayor.
- C. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or immediate

family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents and/or opponents, announced predispositions, and the like. Challenges to Councilmembers' participation in quasi-judicial hearings shall be governed by RCW 42.36.080 - .110.

### **SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS**

**13.1** All public Regular Business Meeting, Regular Study Session or Special Meeting of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the Regular Business Meeting, Regular Study Session or Special Meeting. Seating space shall be provided for the media at each said public meeting.

### **SECTION 14. COUNCIL REPRESENTATION**

**14.1** The Mayor and the City Manager are the official spokespersons for the City. Councilmembers are encouraged to direct inquiries about City positions to them.

**14.2** If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clearly states these statements do not represent the Council's position.

**14.3** A Councilmember shall obtain the other Councilmember's concurrence before representing that Councilmember's view or position with the media, another governmental agency or community organization. If the subject is controversial, Councilmembers shall avoid speaking for each other.

**14.4** Letters, written statements, newspaper guest opinions, and so on, which state a Council opinion or policy shall be submitted to the full Council for review, comment and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council at the time of communication.

### **SECTION 15. CONFIDENTIALITY**

**15.1** Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's

position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act).

- 15.2** If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney, or City staff designated by the City Manager, Councilmembers should review such potential discussion with the City Manager. Any Councilmember having any such contact or discussion shall make full disclosure to the City Manager and/or the City Council in a timely manner.

## **SECTION 16. COUNCIL BUSINESS POLICIES**

### **16.1 LITIGATION POLICIES AND REPORTING**

The City Attorney will provide a quarterly report to the City Council on new litigation and ongoing litigation.

## **SECTION 17. PUBLIC RECORDS**

- 17.1** Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law (RCW 42.56). Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained per Washington State Archives Retention Schedule. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

## **SECTION 18. MAYOR/DEPUTY MAYOR SELECTION PROCESS**

- 18.1** The Mayor and Deputy Mayor shall be elected from the ranks of the Councilmembers according to the Council/Manager form of government.
- 18.2** The Mayor shall be elected to a two-year term according to RCW 35A.13.030.
- 18.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Business Meeting or Regular Study Session of the year.
- 18.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

## **SECTION 19. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS**

Council may appoint Councilmember(s) to ad-hoc committees during a Regular Business Meeting, Regular Study Session or Special Meeting. Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.

- 19.1** Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.
- 19.2** When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment.
- 19.3** When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Councilmember receiving a majority vote will represent the City on that regional body.
- 19.4** Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.
- 19.5** Councilmembers shall report on meetings and activities in which they have participated and represented the City. Councilmembers are encouraged to submit written reports to be included in a future Council Packet under Council Reports.

## **SECTION 20. PROCEDURE FOR FILLING COUNCIL VACANCIES**

- 20.1** If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020 (1), which requires the remaining Council members to appoint a qualified person to fill the vacant position within ninety (90) days of the effective date of the vacancy.
- 20.2** The City Councilmember who is resigning from office will submit a letter of resignation to be accepted by the City Council at its next Regular Business Meeting.
- 20.3** The City Council shall review and make any revisions they wish to the Council Vacancy Application form (Exhibit B).

- 20.4** The legal announcement shall appear at least two times in the legal section of the City's official newspaper and in any other publication or on any internet site deemed appropriate by the City Council.
- 20.5** The City Clerk shall receive all applications for the specified period of time.
- 20.6** The City Council shall submit questions for an interview process to the City Clerk.
- 20.7** The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk shall prepare the final list of interview questions as agreed upon by the Council.
- 20.8** The City Clerk shall prepare a notice of the meeting to interview candidates.
- 20.9** The Council in a Regular Business Meeting, Regular Study Session or Special Meeting open to the public will interview all candidates who have submitted an application. Councilmembers will ask the same questions of all candidates. Each candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.
- 20.10** The Council may recess into Executive Session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during a Regular Business Meeting, Regular Study Session or Special Meeting.
- 20.11** The City Attorney will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Business Meeting, Regular Study Session or Special Meeting.
- 20.12** Upon appointment, the City Clerk shall send a letter to the Department of Elections notifying it of the new appointment.
- 20.13** The vacancy that was filled by appointment must be filled by election to that position in the next regularly scheduled municipal election.
- 20.14** The Councilmember elected in the next regular municipal election to the office that had been vacated prior to the expiration of the term, will take office immediately following the certification of the election.

## **SECTION 21. MISCELLANEOUS**

- 21.1** When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a Regular Business Meeting, Regular Study Session or

Special Meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

- 21.2** Council attendance at conferences and/or trainings that require out-of-state or overnight travel will be so noted in the City Manager's Report.
- 21.3** Seating arrangements during a Regular Business Meeting, Regular Study Session or Special Meeting may be varied.
- 21.4** Use of social media by Councilmembers – Standards of Conduct

Councilmembers may post to social media and participate in online forums, but Councilmembers should refrain from the following:

1. Posting to social media and online forums while a Council Regular Business Meeting, Regular Study Session or Special Meeting is in session (during a break in the said Council meeting, this Item No. 1 of these Standards of Conduct will not apply);
2. Engaging in communications via social media or online forums with other Councilmembers in violation of the Open Public Meetings Act;
3. Posting, sending or reading communications regarding quasi- judicial issues via or to social media, where the Council acts in a manner similar to a judge; and
4. Posting or sending communications via or to social media that discuss matters that are attorney-client privileged or that are still confidential Executive Session matters.

Items 1 through 4 are intended to apply to social media sites or tools used in the Councilmember's official capacity or his/her personal capacity.

5. Also, when using social media sites or tools in the Councilmember's official capacity, Councilmembers should refrain from posting or sending comments or links to any content that endorses or opposes candidates for elected office or ballot measures, including links to a campaign site. Item 4 is intended to apply to sites where the title of Councilmember, Mayor, or Deputy Mayor is used in conjunction with the name of an individual and sites that indicate the posts or communications may originate from or be associated with the City of Burien, for example, having a Burien City Hall address or phone, or showing the City logo.

These guidelines are standards, not regulations. Unless otherwise required by law, a state or federal agency with authority, or a court of competent jurisdiction, the Council will not act to impose any penalty for the failure to meet these standards other than to censure a Councilmember for failure to meet a standard of conduct – and only upon a motion and a second and a vote of the majority of the Council.”



## **SECTION 22. SUSPENSION AND AMENDMENT OF GUIDELINES**

- 22.1** Any provision of these guidelines not governed by state law or ordinance may be temporarily suspended by a majority vote of the Council.
  
- 22.2** These guidelines may be amended or new rules adopted, by a majority vote of the Council.

Adopted by the Burien City Council  
July 25, 1994  
Revised February 13, 1995  
Revised November 20, 1995 by Resolution 072  
Revised December 18, 1995 by Resolution 071  
Revised January 26, 1998 by Resolution 095, 097, & 100  
Revised June 1, 1998 by Motion  
Revised September 21, 1998 by Resolution No. 103  
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229  
Revised June 7, 1999 by Ordinance No. 258  
Revised October 4, 1999 by Motion  
Revised February 26, 2001 by Motion  
Revised February 4, 2002 by Motion  
Revised February 3, 2003 by Motion  
Revised November 1, 2004 by Motion  
Revised June 6, 2005 by Motion and Resolution No. 215  
Revised May 6, 2013 by Motion  
Revised September 21, 2015 by Motion  
Revised October 8, 2015, by staff in error  
Corrected December 21, 2015 (wording verified to correspond to July 6, 2015 Council  
direction)  
Revised October 2, 2017, by Motion

**Exhibit A**

RCW 35A.13.010

City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW [35A.13.020](#), appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven. A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW [35A.12.040](#). However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW [35A.02.130](#), is subject to the laws applicable to that old plan of government. For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.

[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § [35A.13.010](#).]

Notes:

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

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

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

RCW 35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair.

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

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

RCW 35A.13.030

Mayor — Election — Chair to be mayor — Duties.

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

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

RCW 35A.13.033

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

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

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

RCW 35A.13.035

Mayor pro tempore or deputy mayor.

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

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

Notes:

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

RCW 35A.13.040

Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council. Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan. Until a salary ordinance can be passed

and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

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

Notes:

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

RCW 35A.13.050

City manager — Qualifications.

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

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

RCW 35A.13.060

City manager may serve two or more cities.

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

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

RCW 35A.13.070

City manager — Bond and oath.

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

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

RCW 35A.13.080

City manager — Powers and duties.

The powers and duties of the city manager shall be: (1) To have general supervision over the administrative affairs of the code city; (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager; (3) To attend all meetings of the council at which his or her attendance may be required by that body; (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency; (5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient; (6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit; (7) To keep the council fully advised of the financial condition of the code city and its future needs; (8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter [35A.33](#) RCW, and to be responsible for its administration upon adoption; (9) To perform such other duties as the council may determine by ordinance or resolution.

[2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § [35A.13.080](#).]

Notes:

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

RCW 35A.13.090

Creation of departments, offices, and employment — Compensation.

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

[1967 ex.s. c 119 § [35A.13.090.](#)]

#### RCW 35A.13.100

City manager — Department heads — Authority.

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

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

#### RCW 35A.13.110

City manager — Appointment of subordinates — Qualifications — Terms.

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

[1967 ex.s. c 119 § [35A.13.110.](#)]

#### RCW 35A.13.120

City manager — Interference by councilmembers.



Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[2009 c 549 § 3027; 1967 ex.s. c 119 § [35A.13.120.](#)]

#### RCW 35A.13.130

City manager — Removal — Resolution and notice.

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

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

#### RCW 35A.13.140

City manager — Removal — Reply and hearing.

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

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

#### RCW 35A.13.150

City manager — Substitute.

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

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § [35A.13.150.](#)]

RCW 35A.13.160  
Oath and bond of officers.

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

[1967 ex.s. c 119 § [35A.13.160.](#)]

RCW 35A.13.170  
Council meetings — Quorum — Rules — Voting.

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

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

Notes:

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

RCW 35A.13.180  
Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW [35A.12.140.](#)

[1967 ex.s. c 119 § [35A.13.180.](#)]

RCW 35A.13.190  
Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title. No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length. No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[1967 ex.s. c 119 § [35A.13.190.](#)]

RCW 35A.13.200  
Authentication, recording and publication of ordinances.

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

[1967 ex.s. c 119 § [35A.13.200.](#)]

RCW 35A.13.210  
Audit and allowance of demands against city.

RCW [35A.12.170](#) shall apply to the audit and allowance of demands against the city.

[1967 ex.s. c 119 § [35A.13.210](#)]

RCW 35A.13.220  
Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW [35A.12.180](#).

[1967 ex.s. c 119 § [35A.13.220.](#)]

RCW 35A.13.230  
Powers of council.

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

[1967 ex.s. c 119 § [35A.13.230](#).]

**Exhibit B**



**APPLICATION FOR APPOINTMENT TO BURIEN CITY COUNCIL**

Thank you for your interest in serving on the Burien City Council. Please fill out this form and attach a cover letter and resume if you wish. Submit the form to the City Clerk's Office, 400 SW 152<sup>nd</sup> Street, Suite 300, Burien, Washington, 98166, by 5 p.m. Should you have any questions, feel free to contact Monica Lusk, City Clerk, at (206) 248-5517.

The vacancy is for Council Position No.\_\_\_\_, which is an At Large position representing all Burien residents. The term for this position expires December 31\_\_\_\_. Applicants must have lived in the city of Burien for 12 consecutive months prior to being appointed to office and be a registered voter to qualify for a position on the Burien City Council per RCW 35A.12.030.

PLEASE PRINT:

NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

PHONE NUMBER - HOME: \_\_\_\_\_ WORK \_\_\_\_\_

EMAIL: \_\_\_\_\_

YEARS OF RESIDENCE IN BURIEN: \_\_\_\_\_

CURRENT OCCUPATION: \_\_\_\_\_

PRIOR WORK EXPERIENCE: \_\_\_\_\_

COMMUNITY INVOLVEMENT (Past and present) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AVAILABILITY FOR LATE AFTERNOON AND EVENING MEETINGS

\_\_\_\_\_

