



CITY OF SHELTON

CITY COUNCIL PROTOCOL MANUAL

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Foreword

In the course of serving as a public official, there are myriad issues with which you will become involved. This Protocol Manual attempts to centralize information on common issues related to local government and your role as a Member of the Shelton City Council.

The issues that are addressed in this publication are often complex and subjective. This manual is intended to be a guide and is not a substitute for the counsel, guidance, or opinion of the City Manager or City Attorney.

The protocols included in this reference document have been formally adopted by the City Council. Provisions contained herein will be reviewed as needed to respond to changes in the law and the will of the Council.

Chapter 1

Introduction and Overview

As a City Councilmember, you not only establish important and often critical policies for the community, you are also a Board Member of a public corporation with a sizeable annual budget. The scope of services and issues addressed by the city organization are very significant.

1.01 Council-Manager Form of Government

The City of Shelton is a Council-Manager form of government. As described in the Shelton Municipal Code and Revised Code of Washington, a City Council's role is that of a legislative policy-making body which determines the local laws that regulate community life. Also, the City Council determines public policy and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

1.02 Association of Washington Cities and Municipal Research & Services Center of Washington

The *Code City Handbook*, published by the Municipal Research & Services Center (MRSC), provides a wealth of general information on the major functions of a Councilmember's job as a locally elected official. Another publication that goes hand in hand with the handbook is *Knowing the Territory, Basic Legal Guidelines for Washington Municipal Officials*, published by MRSC. This report discusses basic powers; basic duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Public Records Act; and immunities from tort liability. These documents should be reviewed and considered an integral part of procedures utilized within the City.

1.03 Purpose of City Council Protocol Manual

This Protocol Manual is to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to abide by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

1.04 Overview of Basic City Documents

This Protocol Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the

City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

Shelton Municipal Code

The municipal code contains local laws and regulations adopted by ordinances. Title 1 of the code contains general provisions including City Classification. Title 2 of the Code addresses Administration and Personnel. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

Personnel Policies and Procedures Handbook

The City has a series of Personnel Policies and Procedures that govern hiring, firing, and conditions of City employment. Under the oversight of the City Manager, these Policies are updated as needed to reflect changes in federal and state law and City policy.

Revised Code of Washington

The Revised Code of Washington (RCW) contains many requirements for the operation of city government and administration of meetings of city councils throughout the state. Shelton is an “optional code city,” which means it operates under Title 35A of the RCW and the “general laws” of the state. As an optional code city of the State of Washington, Shelton is vested with all the powers of incorporated cities as set forth in the RCW, Constitution of the State of Washington, and Shelton Municipal Code. As a Council/Manager Code city, Shelton is specifically governed by Chap. 35A.13 of the RCW.

Budget

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

Annual Financial Report

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

Comprehensive Plan

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

Six-year Capital Improvement Program

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

Disaster Preparedness Plan

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is vested by City Resolution with the authority detailed under 35A.13.030 RCW in times of emergency. The City Council may be called upon during an emergency to establish policies related to a specific incident.

1.05 Orientation of New Councilmembers

It is important for Councilmembers to gain an understanding of the full range of services and programs provided by the City. As new Members join the City Council, the City Manager and City Clerk will host an orientation program that provides an opportunity for Members to tour municipal facilities and meet with key staff. Another training opportunity for new Members is the Association of Washington Cities-sponsored newly elected officials' orientation. At any time, if there are facilities or programs about which you would like more information, inform the City Manager and arrangements will be made to increase your awareness of these operations.

Chapter 2

Shelton City Council: General Powers and Responsibilities

2.01 City Council Generally

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

It is important to note that the Council acts as a body and speaks with one “corporate voice”. No one Member has any extraordinary powers beyond those of other Members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all Members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual Members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is staff’s responsibility to ensure the policy of the Council is upheld.

Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Councilmembers who held a minority opinion on an issue.

In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, Councilmembers shall refrain from becoming directly involved in the administrative affairs of the City. RCW 35A.13.120 specifically prohibits interference by Councilmembers in the city’s administrative service, including the hiring, firing, and work of city staff, with the exception of the City Manager.

2.02 Role of Councilmembers

The following outline is a brief description of the primary duties of Councilmembers.

Establish Policy

- a. Adopt goals and objectives
- b. Establish priorities for public services
- c. Approve/amend the operating and capital budgets
- d. Approve contracts in excess of the dollar threshold signing authorities the Council has delegated to the City Manager and other City employees
- e. Adopt resolutions
- f. Amend the Comprehensive Plan

Enact Local Laws

- a. Adopt ordinances
- b. Amend the Shelton Municipal Code

Supervise Appointed Officials

- a. Appoint City Manager
- b. Evaluate performance of City Manager
- c. Establish advisory boards and commissions
- d. Make or confirm appointments to advisory bodies
- e. Provide direction to advisory bodies
- f. Confirm the appointment of the municipal court judge

Provide Public Leadership

- a. Represent the City's interest at regional, county, state, and federal levels
- b. Communicate the City's vision and goals to constituents
- c. Call special elections as necessary
- d. Relate wishes of constituents to promote representative governance

2.03 Role of Mayor

Presiding Officer

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor is vested with duties defined under RCW 35A.13.030. The Mayor may participate in all deliberations of the Council in the same manner as any other Members and is expected to vote in all proceedings, except in case of excused absence or if a conflict of interest precludes voting. The Mayor does not possess any power of veto. The Mayor may not move an action but may second a motion.

Ceremonial Representative

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

2.04 Absence of Mayor and Councilmembers

In the absence of the Mayor, the Deputy Mayor shall perform the duties of the Mayor. When both the Mayor and Deputy Mayor are absent, the Council may choose from among its Members a person to serve as acting mayor, who shall, for the term of such absence, have the powers of the Mayor.

2.05 Election of Mayor and Deputy Mayor

Biennially, at the first meeting of the new Council, the Members shall choose a Mayor from their number. If a permanent vacancy occurs in the Office of Mayor, the Members of the Council at their next regular meeting will select a Mayor from their number for the unexpired term.

Biennially at the first meeting of the new Council, the Council shall decide by majority of those present whether to appoint a Deputy Mayor, as provided in RCW 35A.13.035. If the Council chooses to appoint a Deputy Mayor, he or she shall be selected using the same process for selecting the Mayor.

The City Clerk will conduct the election for Mayor. The City Clerk will call for nominations. Each Councilmember will be permitted to nominate one (1) person, and nominations will not require a second. Any Councilmember may nominate him or herself, and Councilmembers may decline their nominations. After all nominations are received, the City Clerk shall ask each Councilmember one-by-one to state his or her vote via voice. The first nominee to receive a majority vote of members present shall be appointed the Mayor. If the Council has determined to appoint a Deputy Mayor, the Mayor-elect will conduct the election for Deputy Mayor in the same manner described for the election of the Mayor.

If, on the first voice vote, no Member garners a majority vote of members present, the nominee receiving the lowest vote total shall be dropped and a revote conducted. In the event of a tie, run-off elections shall be held.

2.06 Appointment of City Manager

The City Council is responsible for appointing the City Manager and shall do so 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, the duties of the office. The City Manager serves at the pleasure of the Council. The City Manager is responsible for the hiring, firing, and supervision of all personnel within the city. The City Manager’s appointment of the Municipal Court Judge is subject to confirmation by the City Council.

2.07 Advisory Bodies and Council Participation on Outside Boards

Creation of Boards and Commissions

The City Council is specifically empowered to create or dissolve all advisory boards and commissions pursuant to the provisions of Title 35A RCW, or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, the City Council may act to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate desire to serve on such boards or commissions. Such policy may be established in the Shelton Municipal Code or as a supplement to this Council Protocol.

B. Councilmembers on Outside Boards

The City Council is often requested to appoint Councilmembers to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Membership appointment to these groups shall be made by consensus of the Council. If more than one Councilmember desires to serve as a member of a particular outside group, the member for that group will be appointed by a majority vote of the Council. Council may appoint an alternate to attend outside boards, councils, commissions, or committees, if the main delegate to such group is unable to attend a meeting of the group.

Councilmembers participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

C. Councilmembers' Role and Relationship with City Advisory Bodies

Council members shall not be appointed to City advisory bodies concurrent with their term of office as Councilmember.

Unless specifically authorized by majority vote of the full Council, no Councilmember shall state or testify to the policy or position of the Council before any advisory board or commission of the City.

Councilmembers shall police their own conduct before the City's advisory boards and commissions in order to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following minimum standards should be observed:

Council members shall not testify in quasi-judicial matters pending before any advisory board or commission that will receive, or could potentially receive, future appeal or review before the City Council.

Councilmembers shall refrain from providing testimony in legislative or administrative matters pending before any advisory board that will receive, or could potentially receive, future review or other action before the Council, unless the Councilmember declares on the record that the Councilmember is present in his or her private capacity as an interested citizen and not speaking on behalf of the Council.

Councilmembers are expected to attend all meetings except in the cases of excused absences. A council position on appointed advisory bodies shall become vacant if the Councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

At the following regular meeting of the City Council following a vacancy on an advisory board Council shall appoint a different representative from their members to fill the vacancy.

2.08 Dual Office Holding

State law prohibits Councilmembers from holding more than one office at a time, if those offices are considered to be “incompatible.” Questions concerning dual office holding or compatibility of offices shall be addressed to the City Manager or City Attorney on case-by-case basis.

Chapter 3

Support Provided to City Council

3.01 Staff/Clerical Support

Staff and administrative support to Councilmembers is provided through the City Manager’s Office, via the City Clerk’s Office. Secretarial services, including scheduling of appointments, receipt of telephone messages, and word processing, are available as needed. Sensitivity to the workload of support staff members in the City Clerk’s Office is appreciated. Please note that individuals may have work assignments with high priority. Should requested tasks require significant time commitments, the City Manager may modify or reject Councilmember requests for administrative support.

3.02 Office Equipment

To enhance Councilmembers’ service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business.

The Information Technology Department (IT) will provide a laptop or tablet, at the request of Councilmembers, for official City use. Information Technology will ensure that all appropriate software is installed and will also provide an orientation in the use of computers and related software. Personal media and programs cannot be stored on City computers. Councilmembers shall agree to follow the City of Shelton Acceptable Use of Information Technology when utilizing City-owned computers and electronic devices.

3.03 Meeting Rooms

Use of the conference room located at the Civic Center may be scheduled with the City Manager or City Clerk.

3.04 Mail and Deliveries

Members of the City Council receive a large volume of mail and other materials that are delivered to the Civic Center and distributed to individual mailboxes for each Councilmember. Councilmembers are encouraged to check mailboxes often. In addition, City staff will email or personally deliver materials that are time-sensitive to a Councilmember’s home or office, if appropriate.

Chapter 4

Financial Matters

4.01 Council Compensation

The municipal code provides for payment of a salary to members of the City Council. A seated City Council may not increase or decrease its own compensation. Councils may only pass an ordinance to adjust the compensation of incoming Council members (Constitutional Article 2, Section 25 and Article 30, Section 1). However, the Council may establish a Salary Commission as provided in RCW 35.21.015, which may adjust salaries mid-term. Also see City Ordinance 1913-1217 as it pertains to the salary of elected officials either in office or elected prior to January 1, 2018.

4.02 Expenses

The City budget may include appropriations for expenses necessary for members to undertake official City business. Funding provided may include membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies. Councilmembers are responsible for training and travel expenses within their budget allocation, subject to review by the City Manager.

4.03 Travel Policy

Members of the City Council, City boards and commissions are subject to the City's policies regarding travel and meal allowances:

Travel Involving an Overnight Stay

Reasonable transportation expenses for approved travel (as defined in City policies related to Travel and Meal Allowances) will be reimbursed if within budgeted allocations and in accordance with City policies. Councilmembers are responsible for managing their respective travel expenses within the approved budget allocations, subject to review by the City Manager.

Elected and appointed officials should endeavor to attend training and conferences within the state of Washington whenever possible, if such training or conference is of comparable value to that offered out of state.

Pre-authorization of Travel Involving an Overnight Stay

Anyone traveling on City business on a trip that involves an overnight stay shall submit a travel authorization form to the Finance Department. The travel authorization form will include a complete estimate of the costs of the trip, including conference registration, transportation, lodging, meals, vehicle rentals, and incidentals. The travel authorization form will also include the purpose of the trip, the dates of travel, and other pertinent details.

The completed travel authorization form, including the appropriate authorizing signatures, must be submitted to the Finance Department before departure. The City Manager will authorize travel expenses within the legislative budget approved by the Council. The City Manager must authorize in advance:

- a. Overnight travel by elected or appointed officials
- b. Use of a rental vehicle by elected or appointed officials
- c. Out-of-state travel by elected or appointed officials
- d. Any interpretations to the policies stated herein

Reimbursement of Travel Expenses

A fully itemized claim for expense reimbursement must be submitted to the Finance Department within 10 days of the close of the authorized travel period.

Transportation Costs

Reimbursement costs for transportation will be at the cost of the most reasonable means of transport. For example, airline costs will be reimbursed at a coach rate. If an elected or appointed official chooses to fly first class, the City will reimburse only at the coach rate and the official must pay for the difference. Efforts should be made to book air travel at least two weeks or more in advance to take advantage of lower rates. Frequent flyer miles earned accrue to the individual and not the City, but should not be the criteria for selecting a flight if lower-cost alternatives are available.

Hotel/Motel Accommodations

Reasonable expenses will be reimbursed at the rate of the single-room rate per person. Government or discount rates should be obtained wherever possible.

Individual Meals - Same Day Travel

Reasonable costs of necessary meals while conducting City business are reimbursable, in accordance with City policies and current State Per Diem rates amounts, including tip:

- a. Receipts are not required for per diem reimbursements.
- b. Reimbursement requests must specify the function attended, date and place for purposes of auditing.

- c. The cost of meals for official functions (political or professional organizations - usually include speaker and/or room rental) will be paid at full actual cost, even if the cost exceeds the rates above.
- d. Tips are allowable up to 20% and should be considered as a part of the maximum allowable amount.
- e. Reimbursement will not be paid for alcoholic beverages.
- f. Reimbursement will not be paid for expenses for spouses, guests, non-employees, or other persons not authorized to receive reimbursement under this policy or State regulations.
- g. Reimbursement may be claimed by one person for several employees or officials eating together, as long as all the names are listed on the reimbursement claim.

Per Diem for Out-of-Town, Overnight Meals

When traveling out of town overnight, officials will receive a per diem allowance for meals rather than submitting a request for individual meal reimbursements. No receipts are required for meals reimbursed under this section. The daily per diem rates for meals shall be the maximum amount as stated in paragraph 3 above. If meals are provided as part of the registration fee, no per diem will be paid for those meals. Officials can claim the daily per diem rates only for those meals they pay for directly.

Incidental Expenses

Reasonable costs for parking, taxis, buses, rental cars (if necessary), etc., will be paid if itemized on the claim form and accompanied by a receipt. Use of rental cars must have prior approval via the travel authorization form.

Personal Vehicles

Mileage for the use of personal vehicles will be reimbursed at the IRS allowable mileage rate. Officials using their personal vehicles for City business are advised to review their personal auto insurance for coverage of such use.

Reporting of Actual Expenses

All actual eligible expenses should be reported on an expense reimbursement request form to be filled out by the official within 10 days after completion of travel. Receipts must be attached for all expenses claimed, with the exception of per diem for meals. Expense reimbursement requests should be signed by the same party originally approving the travel and filed with the Finance Department for processing.

Chapter 5

Communications

5.01 Overview

Perhaps the most fundamental role of a Councilmember is communication:

- Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents;
- Communication with staff regarding policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when Members are expressing personal views and not those of the Council, the public should be so advised.

5.02 Correspondence from Councilmembers

Members of the City Council will often be called upon to write correspondence to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. The City Clerk is available to support the Council and Councilmembers in preparing written correspondence. In the event a Councilmember self-prepares correspondence related in any way to City business, a copy of the document shall be provided to the City Clerk for Public Records purposes and for distribution to other Councilmembers.

On occasion, Councilmembers may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, Members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one Member of Council. A copy of any correspondence produced should be provided to the City Clerk for Public Records purposes and for distribution to other Councilmembers.

5.03 Local Ballot Measures

State statutes prohibit the City and any elected official from using its personnel, equipment, materials, buildings, or other resources to support or oppose a candidate for office or a ballot measure. What the City can do is distribute neutral and factual information for the purpose of informing the public of the facts of an issue.

The City Council may also vote as a body to issue an official resolution supporting or opposing a ballot measure, as long as the number and title of the ballot measure is listed on the meeting agenda and

any citizens who are supporters or opponents are given an equal chance for public comment.

5.04 Proclamations

Proclamations may be issued as a ceremonial commemoration of an event or issue (e.g., National Night Out). Proclamations are not statements of policy; they are a manner in which the City can make special recognition of an individual, event, or issue.

Procedure

1. The person(s) or organization making the request should be a Shelton community member.
2. The request should be made at least four weeks in advance of a regularly scheduled Council meeting.
3. The person(s) or organization representative should be in attendance to accept the proclamation.
4. The City retains the right to modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs, or policy determinations.
5. The City retains the right to decide if the proclamation will be issued or not.
6. The person(s) making the request must submit a completed Application Requesting a City Proclamation found on the City's website at https://www.sheltonwa.gov/government/city_manager/city_clerk/index.php
7. The agenda planning committee will determine if the proposed proclamation meets City policy.
8. The proclamation will be added to the Council looking ahead agenda.
9. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.

5.05 State Public Records Act

To ensure that business communications submitted to and by elected and appointed officials comply with the State Public Records Act, Chap. 42.56 RCW, and the State Open Public Meetings Act, Chap. 42.30 RCW, the following is set forth:

Records – Generally

Any documents, including letters, email, social media postings, and text messages, which are received, sent, or created by City Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, are public records.

Councilmembers must ensure that all public records are kept in City custody to enable the City to satisfy public records requirements. Councilmembers should minimize use of personal electronic devices and email accounts to create, send, receive, or modify any document that meets the definition of a public record. Any communications or records created, sent, or received by the Councilmember on a personal device or account are to be

immediately transferred to City custody for retention and disclosure. Councilmembers may accomplish this by forwarding records and communications to their City-issued email accounts, with a subject line that will allow the record to be found in the event of a search.

Written Communications

Written letters and memoranda received by the City, addressed to a Councilmember or the Council as a body, will be provided to all City Councilmembers, and a copy kept according to the City's Records Retention Schedule.

Serial communications

Councilmembers should use care when communicating amongst each other via email or text message concerning any substantive issues of City business. E-mail or text communications shared among four or more Councilmembers, whether concurrently or serially, may constitute a "meeting" in violation of the Open Public Meetings Act. If the e-mail or text includes or lead to deliberations, discussions, considerations, reviews, evaluations, or taking a collective positive or negative decision, such communications must be held at an open meeting rather than via electronic communication.

Chapter 6

Conflicts of Interest and Liability of Elected Officials

6.01 Conflicts of Interest

The Washington State Code of Ethics for Municipal Officers, Chap. 42.23 RCW, is intended to ensure that the judgment of public officers is not compromised or affected by inappropriate conflicts of interest, and that confidential matters are appropriately safeguarded. The Code of Ethics has provisions that prohibit:

- Using one’s official position to obtain a special privileges or exemptions.
- Receiving compensation or gifts for the officer’s services.
- Accepting employment or engaging in activities that could require or induce an officer to disclose confidential information.
- Disclosing confidential information or using such information for the officer’s personal benefit.
- Being beneficially interested in a contract with the City.

The consequences of violating the Ethics Code may include: (1) a determination that an action taken by the Council is void, (2) financial penalties; (3) consequences assessed by the Council including censure; and (4) forfeiture of office through recall.

The application of the Ethics Code must be addressed on a case-by-case basis. The Ethics Code is not generally intended to preclude Council members from voting on legislation with City-wide impact, such as land use, police power, and taxation ordinances. In addition, a Council member might be found only to have a “remote interest” in a contract, such that the Council may still approve a contract if the interested Council member abstains from the vote.

Councilmembers are encouraged to consider whether public perception and trust would be best served by disclosure of individual interests or relationships that are relevant to a policy matter under consideration. To understand the effect of the Ethics Code and its applicability to any particular situation, Council members should contact the City Manager and City Attorney as questions arise.

6.02 Liability and indemnification

Chapter 2.82 of the Shelton Municipal Code addresses indemnification of employees and officers, including Councilmembers. It is important to note that violations of certain laws and regulations by an individual Member of the City Council may result in the Member being personally liable for damages which would not be covered by the City’s insurance. Elected and appointed officials are to participate in risk management training to reduce liability due to actions taken.

Chapter 7

Interaction with City Staff/Officials

7.01 Council-Manager Plan of Government

Shelton has a Council-Manager plan of government. The City Council's role is to establish city policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Councilmembers, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors (with confirmation of appointment of Municipal Court Judge to be provided by the City Council). The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments. The City Manager appoints members to the Civil Service Commission.

The Council-Manager plan of government is outlined in RCW 35A.13. The powers and duties of the City Manager include those defined under RCW 35A.13.080, as now existing or subsequently amended, and generally include:

- a. General supervision over the administrative affairs of the city
- b. Appoint and remove at any time all department directors and employees
- c. Attend all meetings of the Council at which the manager's attendance may be required by that body
- d. See that all laws and ordinances are faithfully executed
- e. Recommend for adoption by the Council such measures as the manager may deem necessary or expedient
- f. Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to submit
- g. Keep the Council fully advised of the financial condition of the City and its future needs
- h. Prepare and submit to the Council a proposed budget for the fiscal year, and to be responsible for its administration upon adoption
- i. Perform such other duties as the Council may determine by ordinance or resolution
- j. Implement and administer City Council policy

7.02 City Council Non-interference

The City Council is to work through the City Manager when dealing with administrative services of the City. In no manner, either directly or indirectly, shall a Councilmember become involved in,

or attempt to influence, personnel matters that are under the direction of the City Manager. Except for the purpose of inquiry, the Council and its Members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall direct any subordinate of the City Manager. When requesting information from staff, Councilmembers shall be careful not to create new work, nor direct staff performance.

7.03 City Manager Performance evaluation

Subject to any applicable employment agreement terms, the City Council shall evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives.

7.04 City Council/City Staff Relationship

City Councilmember contact with City staff members, exclusive of the City Manager, will generally be during regular business hours, except in the case of an emergency.

7.05 City Council/City Attorney Relationship

The City Attorney, similar to other Department Director positions, is appointed by the City Manager. Legal professional services performed under contract or agreement shall be consistent with the City's adopted Procurement Policy. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

- a. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- b. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
- c. Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
- d. Keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

Under Washington law, the municipality as an entity is the City Attorney's client. Therefore, the City Attorney cannot represent one individual Councilmember's interest in a manner adverse to the municipality as an entity, or in a manner adverse to the majority of the Council.

Because of the complexities and difficulties in precisely defining the identity of the client and prescribing the resulting obligations of the City Attorney, a general rule is that the City Attorney serves at the direction of the officer who has a power to decide. Generally, this means service at the direction of the City Manager. However, in the event of conflict between the majority of the Council and the

City Manager, the City Attorney is to represent the interests of the majority of the Council, and the City Manager may need to obtain independent legal counsel.

7.06 Roles and Information Flow

A. *Council Roles*

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Councilmembers must avoid intrusion into those areas that are the responsibility of staff. Individual Councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Councilmembers, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that Member must prevail upon the Council to do so as a matter of Council policy.

B. *Access to Information*

The City Manager is the information liaison between Council and City staff. Requests for information from Councilmembers are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all Members of Council so that each Member may be equally informed. The sharing of information with City Council is one of the City Manager's highest priorities.

7.07 Council Attendance Policy

Councilmembers are expected to attend all meetings except in the cases of excused absences. A council position shall become vacant if the Councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

Councilmembers may excuse any absent members by majority vote of those present. Councilmembers are encouraged to call the Mayor or City Manager's Office prior to 5:00 p.m. on the day of the meeting to provide an explanation regarding an anticipated absence.

7.08 Attendance via Electronic Communication

Councilmembers should attend meetings in person if able. If a councilmember is unable to attend

due to circumstances such as travel, illness, or incapacity, they may attend the meeting remotely. Councilmembers who attend remotely shall have full rights of participation, including voting. All votes will be conducted by roll call vote on video.

Chapter 8

City Council Meetings

The City Council’s collective policy and law-making powers are put into action at council meetings. It is here that the Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of council meetings all lend themselves to the essential democratic nature of local government.

8.01 Meeting Schedule

Regular meetings are held the first and third Tuesday of each month at 6:00 p.m., in the Shelton Civic Center, 525 W. Cota Street, Shelton. Special meetings shall be scheduled as needed. Study sessions are held on the second and fourth Tuesday of each month at 6 p.m. Study sessions shall be cancelled if not needed. There is no public comment at study sessions, and no final action shall be taken at any study session unless the matter has been noted for action on the agenda.

8.02 Public Notice of Meetings and Hearings

The City shall meet established legal requirements for notifying the public of meetings, special meetings, and public hearings. The public shall be notified of the agenda for forthcoming regular and special City Council meetings by posting in advance of the meeting, to include posting online and at:

Shelton Civic Center
525 W Cota Street
Shelton, WA 98584

8.03 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by a majority of Councilmembers. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, or by email, written notice to each Councilmember 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.

8.04 Study Sessions

Study sessions are the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, to conduct Council open discussion, and to receive information and presentation from the City Manager and others. Study Sessions allow Councilmembers to do concentrated preliminary work on time consuming, complex matters (i.e., budget, complex legislation or reports, etc.). One of the goals of Study Sessions is to allow a less formal atmosphere within which Councilmembers may ask questions of staff and each other, as opposed to taking time on the action agenda, thus shortening the time spent at Regular meetings.

8.05 Placing Items on the Agenda

A. *Agenda Planning Committee*

All matters to be presented to the City Council at its regular meetings are reviewed by the Agenda Planning Committee. The Executive Leadership Team, City Manager and City Clerk comprise the Agenda Planning Committee. The City Council may change the order of business on the Projected Agendas as deemed necessary for efficiency or public benefit. The City Manager and Mayor will review the agenda prior to the regular meeting.

B. *City Council*

A Councilmember may request an item be considered on a future agenda either by making an oral request at a City Council meeting or submitting the request in writing to the City Clerk or City Manager at least ten working days prior to the meeting for which the item is requested to be placed on the agenda. The item shall be presented to the Agenda Planning Committee to schedule the item.

C. *Advisory Bodies, Boards and Commissions*

Advisory bodies of the City Council, Boards, and Commissions may submit items for Council by submitting a request in writing to the City Clerk or City Manager at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda.

D. *Emergency Items*

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety, and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.

8.06 Development of the Agenda

Per City of Shelton policy 100-10, Council Agenda Briefings/Reports, it is the policy of the City of Shelton to thoughtfully consider decisions, and to allow for meaningful public participation, prior to deciding non-emergency matters. Staff is required to submit an Agenda Briefing Request form for each topic of discussion on the City Council agenda. The deadline for submitting these forms to the City Clerk's office is 5:00 pm two Fridays prior to the date of the meeting for which the item is scheduled. The forms must include supporting documentation, including any information requested by Council at the previous Council meeting. Staff are responsible for having coordinated and completed any review as necessary with the City Attorney, Finance Director, City Manager, and other staff as appropriate prior to the Briefing Request form submittal.

Given the rigorous time frame for agenda development, it is extremely difficult for staff to compile or prepare information requested less than fifteen days in advance of the next agenda bill deadline.

The Council will generally receive follow-up information at the second Council meeting following the date it is requested. This would allow staff sufficient time to prepare reports that require additional investigative research and/or additional time due to the complexity of subject matter.

8.07 Order of Business

The City Council, by adoption of this manual, establishes the general order of meetings. This section summarizes each meeting component. The Council may, at any time by simple majority of those present, vote to consider items in a different order.

Call to Order; Pledge of Allegiance

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. Motions may be made to excuse absent Councilmembers. In the absence of the Mayor and Deputy Mayor, the City Clerk shall call the Council to order, whereupon a temporary Deputy Mayor shall be elected by the Members of the Council present. Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

Agenda Modifications

Any Councilmember may use this time to pull an item from the consent agenda for full consideration and discussion by the Council. There may be a consensus or simple majority vote to consider items in a different order or remove agenda items. To avoid surprise and allow for staff preparation, if necessary, Councilmembers are highly encouraged to notify

the City Manager and Mayor of any anticipated agenda modifications in advance of the meeting.

C. Council Reports and Recognitions

During this portion of the agenda, Councilmembers will share current activities on regional, state, and federal committees, boards, or commissions on which they serve. The City Council may receive awards or special recognitions from various agencies, committees, or individuals during this segment of the meeting. Chairpersons or other representatives of various municipal committees or agencies may be asked to report to the Council concerning activities for which they are responsible.

D. D. General Public Comment

During this portion of the meeting, the Mayor will invite citizens to comment on matters of City business that are not scheduled for public testimony on the meeting agenda. All speakers are asked to sign the “Sign-In” sheet provided, and to state their full name and if they are a City resident. Speakers shall limit their presentations to three minutes. No speaker may convey or donate his or her time for speaking to another speaker. If an unusual number of people wish to speak during general public comment, Council may, by consensus or majority vote:

- Limit the total amount of time dedicated to a single issue of public concern; and/or
- Reduce the time allotted to every speaker
- Continue the time for public comment on that issue to a future Council meeting; and/or
- Encourage citizen groups to appoint a single spokesperson to speak for their group.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the City Clerk. A copy of the document will be provided to each Councilmember; the document will not be read aloud.

E. E. Consent Agenda

Those matters of business that require action by the Council which are considered to be of a routine and non-controversial 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. Examples of such items include: approval of Council minutes; acceptance of advisory board and commission minutes; Treasurer’s Report; approval of vouchers; setting dates for public hearings/meetings; acknowledging receipt of claims for damages against the City; passage of resolutions and/or ordinances which the Council has given directions

to place on the consent agenda; final acceptance of public works projects as complete; procurement of equipment, supplies and materials authorized in the annual budget; grant acceptance that Council has previously authorized application. No discussion shall take place regarding any item on the consent agenda. Items on the consent agenda may be moved to the action agenda upon the request of a Councilmember for further consideration.

F. Business Agenda

Items presented for initial discussion and consideration, with no final action to be taken. Public comment on public hearings only.

G. Action Agenda

Items presented for final action, including but not limited to final approval/adoption by Council; public hearings. Council shall proceed on action items in the following order: Staff brief/presentation (if applicable); public comment; motion to approve and second; Council discussion; vote.

Individuals desiring to speak during public hearings are to address the Council from the speaker podium after giving their name and address. Comments are limited to the specific matter for which the public hearing is held and are limited to three (3) minutes. No speaker may convey his or her time for speaking to another speaker. Written comments may be submitted to the City Clerk before the public hearing is closed.

In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed. Groups shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

After a public hearing is closed, no member of the public shall be permitted to address the Council or the staff. In fairness to members of the public, the City Council shall be considered to be in deliberations from that point forward. Continuance of the item shall place it on the "action" portion of any forthcoming agenda; PROVIDED that additional public testimony either that evening or at a future meeting would be precluded until public hearing notification procedures required by applicable legal authority are satisfied.

H. Ordinances and Resolutions

Prior Administrative Review

All ordinances and resolutions shall, before presentation to the Council for final action, have been approved as to form and legality by the City Attorney or the City Attorney's authorized representative, and shall have been first referred for review to the head of

the department under whose jurisdiction the administration of the subject matter of the ordinance or resolution would devolve, and shall further have been presented to the City Manager or authorized representative for review.

Ordinance Preparation

The City Attorney shall review all ordinances. The City Attorney shall prepare no ordinance unless ordered by a majority vote of the Council or requested by the City Manager.

Ordinance Passage

No ordinance shall contain more than one subject that shall be fully and clearly expressed in its title. Ordinances shall be presented to each Councilmember and the City Manager in written form prior to any vote thereon; provided, however, that amendments may be made by motion at such meeting. Ordinances must pass by at least four votes.

I. City Manager's Reports

The City Manager may use this time to provide the Council with information or updates, as requested by the Council or as deemed timely and appropriate by the City Manager.

J. Upcoming Meetings

The presiding officer may use this time to briefly announce upcoming meetings of the Council.

K. Executive Session

The City Council may recess to executive session to privately discuss and consider matters for which an executive session may be held under RCW 42.30.110, including:

- Discussion with legal counsel of pending or potential litigation and agency enforcement actions
- The price at which real estate may be purchased or offered for sale or lease, when public awareness of such discussion may result in a detrimental change in price
- Matters affecting National Security
- Performance review of publicly bid contracts
- Complaints or charges brought against a public officer or employee
- Qualification/performance review of job applicants and employees
- Evaluate qualifications of candidates for appointment to an elective office

The Council may also meet in private to plan or adopt a strategy or position to be taken during collective bargaining, professional negotiations, or grievance or mediation

proceedings, or to review proposals made in ongoing negotiations. State law specifically provides that the Open Public Meetings Act does not apply in the above-noted situations.

Before convening in Executive Session, the presiding officer shall publicly announce the purpose for the executive session, the anticipated time when the Executive Session will be concluded, and whether the Council anticipates taking action following the executive session. An Executive Session may be extended to a stated later time by announcement of the presiding officer.

L. Addressing the Council - Generally

Oral Communications

All persons may address the Council verbally, either:

- During the Public Comment portion of the Agenda for matters of City business not on the Action Agenda;
- During public hearings;
- Before the vote on items on the Action agenda that are not public hearings, following staff comments.

M. Addressing the Council - Manner & Limits

Each person addressing the Council will give his or her name and whether they are a City resident in an audible tone of voice for the record, and shall limit the address to three (3) minutes. All remarks will be addressed to the Council as a body and not to any Member thereof. Councilmembers shall not engage in discussion with citizens during the comment period. The Mayor may ask the City Manager to follow-up with members of the public concerning questions raised during the comment period.

N. Addressing the Council – Decorum

The Mayor shall preserve decorum and decide all questions of order, subject to appeal to the full Council. During Council meetings, Council members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the legitimate orders of the chair or the rules of protocol. Any person making personal, impertinent, or slanderous remarks who creates an unreasonable disruption while addressing the Council shall be directed to cease by the mayor. If the unreasonably disruptive conduct continues, the person shall be removed from the meeting.

O. Meeting time and Adjournment

Regular meetings and study sessions are limited to two hours unless extended by majority vote of the Council. A Councilmember may propose to close the meeting by moving to adjourn. The meeting will close upon the majority vote of the Council. A motion to adjourn will always be in order and decided without debate.

8.08 General Meeting Procedures

Signing of City Documents

The Mayor, unless unavailable, shall sign all ordinances, resolutions, interlocal agreements, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Deputy Mayor may sign such documents.

Quorum

Four (4) Members of the Council shall constitute a quorum and are necessary for the transaction of City business. In the absence of a quorum, no meeting may be held nor business transacted.

Minutes

The City Clerk or designee shall take minutes at all meetings of the City Council. The minutes shall be made available for public inspection.

Unless a Councilmember requests a reading of the minutes of a Council meeting, such minutes may be approved without reading, if the Clerk has previously furnished each Member with a copy thereof.

Votes Required for Passage

The passage of any ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, requires an affirmative vote of at least a majority of the whole Membership of the Council.

Public emergency ordinances, necessary for the protection of public health, public safety, public property, or public peace, may take effect immediately upon final passage (instead of after specified delay), if passed by a majority plus one of the whole Membership of the Council.

Passage of an ordinance for an emergency expenditure requires a vote of more than a majority of all Members of the Council.

Unless otherwise provided by the rules of parliamentary procedure, all other matters require a majority vote of Members in attendance.

8.09 Open Public Meetings Act

All meetings of the Council shall be open to the public, except in the special instances as provided in RCW 42.30.140, as now existing or hereafter amended. A meeting takes place when a quorum (a majority of the total number of Councilmembers currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon as defined in Washington's Open Public Meetings Act. Whether the meeting is referred to as regular or special, workshop or study session, the notice, agenda and minute-taking requirements must be met.

No action can be taken by the Council except in a public meeting. At a Special Meeting, action can be taken only on those items appearing on the posted agenda, except for emergency items as defined herein. At a Regular Meeting of the City Council, the Council is free to take action on non-agenda items, subject to applicable notice requirements in state statutes or local ordinances for the subject matter being considered.

Chapter 9

Parliamentary Procedure

Meetings shall be conducted in accordance with traditional rules of parliamentary procedure. Parliamentary rules are intended to assist the Council in conducting business in an orderly manner, but strict adherence to parliamentary procedure shall not be required. Councilmembers are encouraged to work through discussions by consensus wherever possible. In the event that the procedure for considering a matter is unclear or in dispute, the following procedure shall be employed: (a) a motion shall be made proposing a course of action; (b) a second shall be required; (c) thereafter, each Council member shall be afforded the opportunity for discussion; and (d) the Mayor shall call for a vote. Council shall be bound by the results of the vote.

The Mayor or any Councilmember may ask the City Attorney for clarification or guidance on matters of parliamentary procedure. While the primary responsibility for points of order lies with the Councilmembers, the City Manager, City Clerk, and City Attorney shall have the ability to raise points of order as necessary to clarify the record or prevent the Council from taking illegal or legally deficient action.

Chapter 10

Protocol Administration

10.01 Review

The City Council will review and revise the City Council Protocol Manual as needed to respond to changes in state law and local policy.

10.02 Adherence to Protocol

The Council trusts that all members elected to this important office will act with integrity, honesty, and in accordance with the Oath of Office and these Protocols. Nevertheless, the Council wishes to adopt the following consequences for violations. This process should only be used for serious violations such as deliberate breaches of confidentiality; violations of the Code of Ethics; repeated overstepping of authority, abuse of office, or dishonesty; or refusal to follow open government protocols. Less serious violations should be addressed with reminders and requests for compliance.

Step 1: Notice and opportunity to cure

A Council member suspected of violating the Guidelines shall be provided notice and an opportunity to remediate the violation prior to the implementation of any further consequence. As a first step, one or two Council members shall discuss the violation directly with the accused Council member. Council members are discouraged from using email and text messaging to discuss suspected violations.

Step 2: Council meeting discussion

If Step 1 fails to remediate the violation, an executive session shall be called pursuant to RCW 42.30.110(1)(f) to consider and evaluate the complaint. All Councilmembers, including the accused, shall receive advance written notice of the general nature of the complaint and the fact that an executive session is being called to discuss it. If the accused Council member requests that the discussion be held in a public meeting in lieu of an executive session, that request shall be honored.

Step 3: Censure and removal from duties

If Step 2 fails to resolve the violation, a motion may be made and seconded at a regular meeting to censure the Council member. The censure motion may be made no sooner than thirty (30) days after the completion of Step 2, and the accused Councilmember must receive advance written notice that the motion will be made. The specific violations shall be publicly announced, and the accused Council member shall have a chance to make a statement. At the conclusion of discussion, the accused Council member shall be officially censured upon an affirmative vote of at least five members of the Council.

10.03 City Attorney as Protocol Advisor

The City Attorney shall assist the Mayor and serve as an advisor for interpreting the City Council’s adopted Protocol Manual.

Chapter 11

Additional Training and Resource Materials

11.01 Association of Washington Cities [(800) 562-8981]

www.awcnet.org The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington. The Association:

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

11.02 National League of Cities [(202) 626-3000]

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

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

11.03 International City/County Management Association [(202) 289-4262]

www.icma.org ICMA is a professional and educational association of local government administrators that serves to enhance the quality of local government through professional management and to support and assist professional local government administration. The Association's *Elected Officials Handbook* series can be of great value to Councilmembers. Publications are also available through ICMA concerning every basic city service.

11.04 International Institute of Municipal Clerks [(909) 944-4162]

www.iimc.com IIMC is a professional, nonprofit association that assists its membership by providing services, resource materials, sample documents, and continuing educational development opportunities.

11.05 Government Finance Officers Association [(312) 977-9700]

www.gfoa.org GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management, including:

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

11.06 Municipal Research & Services Center of Washington [(206) 625-1300]

www.mrsc.org MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government. MRSC's resources include professional staff members that are local government experts, a comprehensive local government reference library, and an information- packed site on the world wide web. Staff experience includes:

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

11.07 Appendix

Reference materials are provided in the Appendix of this manual.

11.08 Other Reference Materials

Other reference materials that may be of interest to Council may be obtained and provided to the Council by the City Manager's Office upon Council request. Materials include, but are not limited to:

- AWC's Welcome to City Hall: A Handbook for New Mayors and Council members
- NLC's Tools for Leadership: A Handbook for Elected Officials
- MRSC's Knowing the Territory: Basic Legal Guidelines for Washington Municipal Officials
- MRSC's Handbook for Councilmembers
- MRSC's Mayor's Handbook
- MRSC's Public Records Act for Washington Cities and Counties
- MRSC's Initiative and Referendum Guide for Washington City and Charter Counties
- MRSC's Annexation Handbook for Cities and Towns in Washington State
- MRSC's Code City Handbook
- MRSC's The Open Public Meetings Act – How it Applies to Washington Cities and Counties
- ICMA's Elected Officials Handbook series
- GFOA's An Elected Official's Guide series
- Robert's Rules of Order latest edition
- United States Constitution
- Washington State Constitution
- Revised Code of Washington
- Washington Administrative Code
- Shelton Municipal Code
- Shelton Adopted Budget
- Shelton Comprehensive Plan
- Shelton Capital Improvement Plan
- MRSC's Policy-Making Process

Chapter 12

Leaving Office

12.01 Return of Materials, Equipment, and Records

During their service on the City Council, Members may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as copies of the Shelton Municipal Code, Comprehensive Plan, , building keys, identification, unused business cards, etc. These items are to be returned to the City immediately at the conclusion of a Member's term. Councilmembers shall ensure that any and all public records located in personal accounts or on personal devices have been transferred to City custody for retention and disclosure.

12.02 Filling Council Vacancies

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process.

The City Council shall direct staff to begin the Councilmember appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.

The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Shelton, and (b) have a one (1) year residency in the City of Shelton. This display advertisement shall be published once each week for two (2) consecutive weeks. This display advertisement may contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, Councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate.

The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications may be available at Shelton Civic Center and website, and such other locations that the City Council deems appropriate. Copies of the display advertisement will be provided to current members of the City of Shelton commissions, committees, task forces and other City-sponsored citizen groups.

Applications received by the deadline date and time will be copied and circulated by the City Clerk's Office, to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

The City Clerk's Office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting.

The City Clerk's Office shall notify applicants of the location, date, and time of City Council interviews.

Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.

Interview Meeting

Each interview of an applicant/candidate shall be no more than 30 minutes in length as follows:

The applicant shall present his or her credentials to the City Council. (5 minutes)

The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions and will have 2 minutes to answer each question. (14 minutes)

An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions. (10 minutes)

The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.

The Council may reduce the 30-minute interview time if the number of applicants exceeds six (6) candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

Voting

- a. Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, deliberations, nominations, and votes taken by the Council shall be in open public session.
- b. The Mayor asks for nominations from Councilmembers for the purpose of creating a group of candidates to be considered. No second is needed.
- c. Nominations are closed by a motion, second and majority vote of Council.
- d. Councilmembers may deliberate on matters such as criteria for selection and the nominated group of candidates.
- e. The Mayor polls the Councilmembers to ascertain if they are prepared to vote.
- f. The City Clerk records the votes in the meeting minutes. The City Clerk shall proceed with a roll-call vote and record the votes in the meeting minutes.

- g. The selection of a candidate to fill the vacancy is made by a majority vote of the remaining six members of the Council. Or elections will continue until a nominee receives a majority vote of the remaining Councilmembers.
- h. If a majority vote is not received for a candidate, the Council may postpone elections until another date.
- i. The Mayor declares the nominee receiving the majority vote as the new Councilmember to be sworn in immediately after the effective date of the resignation.
- j. The term of the candidate selected to fill the vacancy will be in effect until a person is elected at the next regular election for municipal officers. The interim term would then end, and the new term begins upon certification of election results.
- k. If the Council does not appoint a qualified person to fill the vacancy within 90 days of the occurrence of the vacancy, the County Commissioners will appoint a person to fill the vacancy (RCW 42.12.070)

APPENDIX

Tips for Successful Public Service

- Learn all you can about your city, its operation, its financing. Do your homework. Know your city ordinances.
- Devote sufficient time to your job and to studying the present and future problems of your community.
- Don't burn yourself out on the little things. Save some energy for the important matters.
- Don't act as a committee of one. Governing a city requires a team effort --practically and legally.
- Don't let honest differences of opinion degenerate into personality conflicts.
- Remember that you represent *all* the people of your community, not just neighbors and friends.
- Take your budget preparation job seriously. It determines what your city does or doesn't do for the coming year and will influence decisions and actions in future years as well. The budget is an important policy development tool available to govern a city.
- Establish policy statements. Written policy statements let the public and the city staff know where they stand. They help the City Council govern and writing them provides a process to develop consensus. "That's the way it's always been done" is not good enough either to stay out of trouble or to get things done.
- Make decisions on the basis of public policy and be consistent. Treat similar situations similarly.
- Don't be stampeded into action. Don't be misled by the strong demands of special interest groups who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
- Don't be afraid of change. Don't be content just to follow the routine of your predecessors. Charge your appointed officers and their employees with being responsible for new ideas and better ways. Listen to what they have to say.
- Don't give quick answers when you're not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something that is wrong.
- As an individual, even if you're the mayor, don't make promises you can't deliver! Most decisions and actions require approval of the City Council, and that takes a majority vote.
- Don't spring surprises on your fellow Councilmembers or your city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it is worth being on the agenda. While surprises may get you some publicity, at the embarrassment of others, they tend to erode the "team" approach to governance.
- Retain competent key employees. Pay them well. Trust their professional judgment and recognize their responsibilities.

- Don't bypass the system! You have a city manager. Councilmembers should stick to policymaking and avoid personal involvement in the day-to-day operations of the city.
- Don't let others bypass your system--insist that people such as vendors or service providers first work with your city staff. If direct contact with Councilmembers is advisable, this should be with the Council as a whole, not on a one-to-one basis.
- Learn to evaluate recommendations and alternative courses of action. Request your staff to provide options. Encourage imaginative solutions.
- Be concerned with the long-term future to avoid unnecessary expense and delay and to avoid taking short-term gains at the expense of long-term losses.
- Balance personal rights and property interests. Balance the possible harm to a few versus the good of the many.
- Be concerned with the total development (physical, economic, social) of your community.
- Visit other cities, particularly those with a reputation of being well run. Get to know the officials of neighboring and similarly sized cities.
- Don't act as if the city operates in a vacuum. Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county, and school officials.
- Keep your constituents informed. Be friendly and deal effectively with the news media. Lack of good communications is one of the big problems of cities.
- Remember that what you say, privately and publicly, will often be news. Avoid over-publicizing minor problems.
- Appoint citizen advisory committees when you need them but be prepared to follow their advice if you use them.
- Have some goals and objectives. What do you want to accomplish this year? Next year?
- What do you want the city to accomplish this year? During the next five years?
- Be a leader as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.

---from the League of Kansas Municipalities