

# NEWCASTLE CITY COUNCIL

## OPERATING POLICIES AND PROCEDURES



Amended  
February 20, 2024

*Resolution* 2024-985  
*Resolution* 2021-861  
*Resolution* 2018-769

# **Chapter 1**

## **Introduction**

Newcastle's citizens trust their representatives to act in the best interest of the community in a way that follows the rule of law and is participatory, consensus-oriented, accountable, transparent, responsive, equitable, inclusive, efficient, and effective. The Newcastle City Council Protocol Manual is a resource to assist officials and staff in meeting these expectations.

### **1.01 Purpose of Manual**

This manual centralizes information about the formal government structure in Newcastle and the process of decision-making. It provides principles, standards, policies, procedures, meeting rules, references to applicable laws and other guidance to assist officials in governance. The manual is not a substitute for any state statute, local law, court decision or other authority.

The City Council has formally adopted the protocols included in this reference document, but issues addressed are at times complex. This manual is a guide and is not a substitute for the counsel, guidance, or opinion of the City Attorney. It does not expand or restrict Council authority or grant rights and privileges to the public or third parties. Failure of the City Council to adhere to the manual shall not result in invalidation of any Council act, nor result in any liability to the City, its officers, agents or employees.

### **1.02 Applicability of Manual**

City staff, City Councilmembers, and members of standing advisory commissions or any other committees formed by the Council shall follow the protocols of this manual as applicable.

### **1.03 Adherence to Protocol**

Agreement to follow these practices greatly enhances operations. Each elected and appointed official shall have the duty to review this protocol manual and be familiar with its provisions. During discussions, deliberations, and proceedings, the Mayor or Commission Chair is primarily responsible for ensuring adherence. The City Attorney or City Clerk shall assist officials and serve as advisors for interpreting the adopted manual.

### **1.04 Effect/Waiver of Protocol**

With approval of a two-thirds majority of Councilmembers present, the Council may waive or suspend any rule contained in this manual provided there is no conflict with superior statute. No prior notice of such waiver or suspension is required.

## **1.05 Periodic Review**

The City Council will review and revise the protocol manual as needed. Amendments shall be approved by resolution.

## **Chapter 2**

# **Powers and Responsibilities of Council and Manager**

The City of Newcastle officially incorporated September 30, 1994, as the 271<sup>st</sup> city in the State of Washington. Washington state law determines the various powers its municipal corporations have. Like most cities in the state, Newcastle is classified as a non-charter code city. Code cities have broad police powers granted in both the state constitution and statutes. State law (RCW 35A.11.020) includes language that “the legislative body of each code city shall have all powers possible for a city or town to have under the constitution of this state and not specifically denied to code cities by law.” The City Council is Newcastle’s legislative body.

The City of Newcastle operates with a Council-Manager form of government. The basic structure and organization of Council-Manager governments is set out in RCW 35A.13. The Council’s principal job is making policy. Councilmembers appoint a City Manager who is the chief executive officer and head of the administrative branch implementing policy. The Council elects the Mayor from among its membership, and the Mayor’s primary duty is presiding over Council meetings.

### **2.01 City Council Elections**

Newcastle’s voters elect Councilmembers to four-year terms on a citywide basis, and not from districts. The seven positions are non-partisan. Terms are staggered, with positions ending for three members at one time and four members the next. Newcastle City Council elections are a part of the King County General Election held in November of odd-numbered years.

King County Elections administers elections in partnership with Newcastle staff. To become a candidate, citizens must complete and file a Declaration of Candidacy at King County Elections. Candidate filing opens the Monday two weeks prior to Memorial Day and ends the following Friday. Filing fees or filing fee petitions must accompany the declaration at the time of filing. The filing fee is based on the Council salary in effect at the time of filing. View information provided by King County Elections for full details on election procedures.

### **2.02 Council Compensation**

Newcastle Municipal Code (NMC) 2.25 establishes salaries for the Council and Mayor. Each Councilmember receives a salary of \$500 per month, paid twice a month. The Mayor receives a salary of \$600 per month. A seated City Council may not increase or decrease its own compensation. Councils may only adopt an ordinance to adjust the compensation of incoming City Council (State Constitution Article 2, Section 25, and Article 30, Section 1).

## 2.03 Financial Disclosure

Candidates for the office of Councilmember shall file a financial disclosure statement with the State Public Disclosure Commission within two weeks of filing a nomination paper. When appointed to fill a vacancy on the Council, the appointee shall file a financial disclosure statement with the Commission, covering the preceding 12-month period, within two weeks of being so appointed. Councilmembers are required to file a financial disclosure statement with the Commission on an annual basis after January 1 and before April 15 of each year covering the previous calendar year. Councilmembers whose terms expire on December 31 shall file the statement for the year that ended on that December 31. Statements filed in any of the above cases will be available for public inspection. Failure to file or filing a false or incomplete financial disclosure statement, if done knowingly, is a Class 1 Misdemeanor. There are also civil penalties for violations.

## 2.04 Oath of Office

Following certification of election results and no later than the first regular City Council meeting following an election year, City Councilmembers shall take an oath prior to performing the duties of their office. The City Clerk or other official as determined by the City Manager shall administer the oath of office. The City Clerk shall file the signed oaths of elected officials with the King County Recorder's Office. The oath shall be in the following form:

### OATH OF OFFICE

STATE OF WASHINGTON )

) ss

COUNTY OF KING )

I do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties of this office as prescribed by law and to the best of my ability, and that I will support the Constitution of the United States of America and of the State of Washington, and that I will uphold the Newcastle Municipal Code and all other legal enactments of the City of Newcastle.

Signed \_\_\_\_\_

Term of Office:  
Month day, year - Month day, year

Subscribed and sworn to before me this

----- day of , .

\_\_\_\_\_  
(Name)

Administering Official

Attest:

\_\_\_\_\_  
(Name) City Clerk

## **2.05 Council Orientation**

Councilmembers who are new to the position shall become acquainted with the City's operation through a formal orientation session or individual meetings with the City Manager and department heads. The City Clerk shall provide Councilmembers with this manual, a list of other key documents to review, and other resources. Councilmember orientation should include a tour of the City's physical facilities.

## **2.06 Council Training**

Elected and appointed officials are required to complete training in Open Public Meetings and Public Records within 90 days of assuming duties. Refresher training is required every four years (RCW 42.30 and 42.56). Councilmembers may complete the training online or in-person and must provide proof of completion to the City Clerk. Ongoing training in areas such as finance, emergency preparedness, and meeting conduct assists in providing exceptional service to residents. Councilmembers are responsible for continuous professional development in their vital role. The City shall pay expenses for Council training and travel according to financial and personnel policies, and as budgeted.

Reference materials are provided in chapter 10 of this manual. Councilmembers may request staff provide training sessions as needed. A number of federal and state agencies and non-government organizations provide training programs and resources. All Councilmembers are strongly encouraged to pursue Certificates of Municipal Leadership awarded by the Association of Washington Cities.

## **2.07 Council Meetings**

Councilmembers primarily accomplish their work during open public meetings regularly held the first and third Tuesdays of the month starting at 7 p.m. at Newcastle City Hall, 12835 Newcastle Way, Suite 200, Newcastle,

Washington, 98056. Study sessions, retreats, town hall meetings, and other special meetings are infrequently held. More detail concerning meetings and meeting procedures is found in chapter eight of this manual.

## **2.08 The Role of Councilmembers**

Councilmembers take final action by at least a majority vote, so the Council acts as a body and speaks with one voice. No member has any extraordinary powers beyond those of other members. While individual members may disagree with majority decisions, those decisions bind the Council to a course of action. Councilmembers should respect adopted policy.

Members of the Newcastle City Council are collectively responsible for establishing policy, adopting a budget, and providing vision and goals to the City Manager. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather is an effort to summarize the primary responsibilities.

### *A. Summary of Council Duties and Responsibilities as Provided in, but not Limited to, the Washington Administrative Code and Revised Code of Washington*

1. Establish Policy
  - a. Adopt goals and objectives
  - b. Establish priorities for public services
  - c. Approve/amend the operating and capital budgets
  - d. Approve contracts consistent with adopted policy
  - e. Adopt resolutions
2. Enact Local Laws
  - a. Adopt ordinances
3. Supervise Appointed Officials
  - a. Appoint City Manager
  - b. Evaluate performance of City Manager
  - c. Establish advisory boards and commissions
  - d. Make appointments to advisory bodies
  - e. Provide direction to advisory bodies
4. Provide Public Leadership
  - a. Relate wishes of constituents to promote representative governance
  - b. Mediate conflicting interests while building a consensus
  - c. Call special elections as necessary

- d. Communicate the City's vision and goals to constituents
  - e. Represent the City's interests at regional, county, state, and federal levels
5. Decision-Making
- a. Study problems
  - b. Review alternatives
  - c. Determine best course of public policy

## **2.09 Role of Mayor and Deputy Mayor**

The primary duty of the Mayor is to preside at City Council meetings. In addition to the powers of the Mayor, he or she continues to have all the rights and privileges of a Councilmember. The Mayor has no regular administrative or executive duties except as provided in RCW 35A.13.030.

The Deputy Mayor is to perform the duties of the Mayor in his or her absence. When both the Mayor and Deputy Mayor are absent, the Council may choose from among its members a person to serve as acting Mayor.

### *A. Presiding Officer*

The Mayor serves as the presiding officer and acts as chair at meetings of the City Council. The Mayor may participate in deliberations of the Council in the same manner as any other member and is expected to vote in proceedings, unless a conflict of interest exists. The Mayor can make motions if he or she turns over meeting conduct to the Deputy Mayor or other Councilmember, can second motions at any time, and does not possess any power of veto.

### *B. Ceremonial Representative*

City Councilmembers authorize the Mayor to act as the Council's ceremonial representative at public events and functions. The Mayor also has the authority to initiate and execute proclamations with Council ratification.

### *C. Appointments*

The Mayor shall annually appoint Councilmembers to Council committees and regional boards, and appoint members of the public to standing citizen commissions and ad-hoc committees as needed.



#### *D. Civil Emergencies*

During times of public danger or emergency, the Governor of the State of Washington recognizes the Mayor as the head of the city for purposes of military law. Staff shall function under the direction of the Mayor pursuant to any proclamation issued by the Mayor during a civil emergency. The Mayor shall sign any declarations of emergency (RCW 35A.13.030).

### **2.10 Vacancies**

A Council position becomes vacant if the person elected or appointed fails to qualify, enter office at the time fixed by law without a justifiable reason, fails to attend three consecutive regular Council meetings without excusal, ceases to be a legally registered Newcastle voter, resigns, or any other causes of vacancy listed in RCW 42.12.010. If a Councilmember position is vacant, the Council shall appoint a qualified person to serve in the position using the procedure found in chapter eight of this manual. An appointed Councilmember shall serve until the next municipal election as provided in RCW 42.12.070(6).

Councilmembers will elect a new Mayor or Deputy Mayor at the next regular meeting if a permanent vacancy occurs in these positions.

### **2.11 Role of the City Manager**

The City Manager is the City's chief executive who is appointed by and directly accountable to the City Council. The City Manager provides professional policy advice, directs daily operations, handles personnel functions and prepares the City budget. As the Council's primary link to administrative affairs, the City Manager should keep the Council fully advised as to the City's business and participate in the Council's decision-making process. When carrying out Council decisions, he or she shall be non-partisan and politically neutral. The powers and duties of the City Manager are defined by state law (RCW 35A.13.080).

#### *A. Summary of City Manager Powers and Duties as Provided in, but not Limited to, the Revised Code of Washington*

1. General supervision over administrative affairs;
2. Appointment and removal at any time of all department heads, officers, and employees except Councilmembers;
3. Appointment of the Municipal Court Judge subject to Council confirmation;
4. Attend Council meetings as required by the Council;
5. See that all laws are faithfully executed;

6. Recommend measures to the Council;
7. Prepare and submit reports to the Council;
8. Keep the Council fully advised of the City's finances and future needs;
9. Prepare a proposed budget and administrate adopted budget;  
and
10. Other duties as the Council may determine by ordinance or resolution.

## **2.12 City Manager Performance Evaluation**

The City Council is to 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 on mutual trust and common objectives. The City Manager's performance is evaluated based on a mutually agreed on work plan. Discussion of performance shall take place in executive session pursuant to RCW 42.30.110. If the Council takes any final action concerning the City Manager's performance, it must be in open session.

## **2.13 City Council Relation to Staff**

The distinction between policy formulation and implementation may not always be clear, requiring communication between Council and Manager. The City Council establishes departments, employee roles, the number of employees, and employee salaries and other compensation. The City Manager is responsible for hiring employees, supervising them, and addressing personnel matters. State law (RCW 35A.13.120) specifically prohibits Council interference in the City's administrative service, including the hiring, firing, and work of staff, with the exception of the City Manager. The Council may discuss with the City Manager anything pertaining to City officers and employees while in open session.

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 or the Council as a whole without fear of reprisal.

Staff is directed to reject any attempts of individual Councilmembers to direct work or influence recommendations. When administrative policy or performance complaints are made directly to individual Councilmembers, the Councilmember should refer the matter to the City Manager for review and potential action, rather than taking up the issue with an employee.

#### *A. Access to Information*

A variety of methods are used to share information with the Council. Study sessions are held to provide detailed presentations. Retreats serve to focus on topics and enhance information exchange. The City Manager is the primary information liaison between Council and staff. He or she provides status reports, executive summaries, and other documents on a regular basis. The City Manager's open-door policy allows individual Councilmembers to meet with the Manager on a one-on-one basis. Councilmember contact with staff for the purpose of inquiries, including the City Manager, shall be during regular business hours, except in the case of an emergency. Inquiries should be directed to the City Manager, City Clerk, City Attorney, or Department Directors only.

#### *B. Significant Requests*

No Councilmember shall request or direct the City Manager or Department Directors to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without consent of a majority of the Council. The City Manager shall determine whether or not a matter is significant.

## Chapter 3 Other Officials and Adjudicators

### 3.01 City Clerk

The City Clerk administers state and local procedures involved in the legislative process and directly assists the Council and Manager in meeting legal responsibilities. He or she is the liaison to King County Elections, conducts City Council elections and the appointment process for Council vacancies, verifies legal notices have been posted or published, and completes the necessary arrangements for effective meetings. The City Clerk records Council decisions in meeting minutes and oversees the preservation and protection of ordinances, the municipal code, and other public records. The powers and duties of the City Clerk are defined by state law, RCW 35.23.121.

#### *A. Summary of City Clerk Powers and Duties as Provided in, but not Limited to, the Revised Code of Washington*

1. Keeping a full and true record of every act and proceeding of the Council;
2. Recording and certification of all ordinances and authenticating resolutions;
3. Acknowledging instruments and attesting to signatures;
4. Certifying petitions;
5. Recordkeeping and providing records to the public;
6. Producing reports required by the State Auditor;
7. Custodian of the City seal;
8. Publishing notices; and
9. Other duties as the Council may determine by ordinance or resolution.

### 3.02 City Attorney

State law, RCW 35A.12.020, requires appointment of a City Attorney or for the City to contract for legal counsel. According to RCW 35.23.111, the City Attorney advises officials in all legal matters pertaining to City business and approves ordinances as to form. He or she represents the City in all actions brought by or against the City or its officials, and performs any other duties the Council by ordinance directs.

#### *A. Summary of General Legal Responsibilities of the City Attorney*

1. Provides legal assistance necessary for the formulation and implementation of legislative policies and projects;

2. Represents the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. Preparing or approving the form of ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keeping the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

Normally the City Attorney advises all City officials, and the City Council should not hire separate outside counsel. Other attorneys may be hired to handle specific cases because of the nature of the case or because the City's attorney has a conflict or other reason he or she cannot be involved.

### **3.03 Department Directors**

The City Council establishes City departments, or principal administrative branches of Newcastle's government, through budget adoption. Department Directors report to the City Manager and supervise employees and contractors working in each specialized functional area. Directors interpret and apply Council policies and provide recommendations to the City Manager and Council on nearly all aspects of governance.

### **3.04 Chief of Police**

State law, RCW 35A.12.020, requires appointment of a chief law enforcement officer. Newcastle contracts with the King County Sheriff's Office or KCSO for law enforcement services. The Newcastle Chief of Police is a KCSO Sergeant who functions as a Newcastle Department Director. He or she reports to the KCSO Precinct Commander and takes direction from the City Manager. The Police Chief manages personnel regularly assigned to the City.

### **3.05 Municipal Court Judge**

The Municipal Court of the City of Newcastle is created in Newcastle Municipal Code 2.60. Newcastle's Municipal Court Judge serves four-year terms. The City Manager with Council confirmation appoints the judge on or before December 1 of the next preceding year in which the judicial term commences. Before performing the duties of the office, the judge shall take an oath to be filed with the Newcastle City Clerk and King County Auditor's Office. Newcastle's court is provided through the terms of an interlocal agreement with the City of Mercer Island.

### **3.06 Hearing Examiner**

Newcastle Municipal Code 2.20 establishes the Hearing Examiner office as an independent office to conduct hearings on matters as the Council delegates through ordinance adoption. The Hearing Examiner is an administrative law judge appointed by the City Manager. Hearing Examiner decisions or recommendations to the City Council primarily regard land use.

### **3.07 City Prosecutor**

The City contracts for prosecution legal services, which includes all services for the prosecution of persons charged by the City with a crime or infraction, including pre-charging decisions, sentencing, post-sentencing phase, and any appeals of such actions. The prosecutor is an independent contractor.

## **Chapter 4**

# **Council Committees and Advisory Boards**

The City Council forms Council subgroups, groups or committees of appointed officials, and citizen groups to study certain issues and solutions and accomplish specific tasks. Group members provide professional expertise, qualified viewpoints, and additional representation from the community at large. Groups may be “standing” which means essentially permanent, or “ad hoc” meaning temporary. Standing committees and commissions regularly provide reports and recommendations to the full City Council, and ad hoc committees generally cease to exist after completing final reports and assigned tasks. Groups function within authority established by the City Council.

Newcastle Council or staff participation in groups of representatives from other agencies provides beneficial regional perspective and connection. Newcastle representatives to these outside groups regularly provide Council reports to assist in decision-making or to communicate Newcastle Council perspectives to the region. Participation facilitates adequate consideration of complex matters affecting a large number and broad variety of people.

### **4.01 Council and Regional Committees**

This manual establishes standing Council committees and the Council may create ad hoc Council committees by motion. The Mayor annually appoints Councilmembers to Council and regional committees. The Mayor shall take into account any stated interest and expertise of Councilmembers when making appointments. Appointments shall be made no later than the first regular Council meeting in February, or the meeting immediately following election of a Mayor.

Each Council committee consists of three Councilmembers and any staff necessary for efficient functioning. A quorum of the Council, or four members, shall not attend committee meetings. Within 30 days of appointment to committees, members shall meet and elect a chair and secretary. The committee chair or two committee members may call other meetings as needed. The committee chair shall routinely report to the City Council. The committee secretary shall provide written minutes to the City Clerk.

Meetings of the Council Finance Committee must be noticed according to the provisions of the Open Public Meetings Act or OPMA, RCW 42.30, because the committee exercises decision-making power. Other committees, unless composed of four Councilmembers or members of standing commissions, are not subject to noticing requirements. More on the OPMA is found in chapter eight of this manual.

#### *A. Council Finance Committee*

This committee makes recommendations relating to financial and investment policies, long-term financial planning, and budgeting. Committee members routinely approve contracts of monetary thresholds established within financial policies. A member of the committee will review City claims payments. Members attend Washington State Auditor exit interviews. The committee performs other tasks related to financial management as directed by the Council.

#### *B. Council Salary and Benefits Committee*

Committee members make recommendations on staff salaries and benefits and Council salaries. The committee every three years shall review a comparison of the salaries and benefits of Newcastle staff positions with those of comparable positions in a group of similar cities selected by the City Council. This committee may also review proposals made during the course of collective bargaining or professional negotiations.

#### *C. Council Economic and Community Development Committee*

The purpose of this committee is to foster appropriate growth and development and support Newcastle businesses. It is to formulate recommendations on issues related to development and local economic conditions.

#### *D. Representation to Regional Groups*

The Mayor with Council confirmation appoints Councilmembers and alternates to these groups. Councilmembers participating in regional meetings will represent the consensus of the Council. Personal positions, when given, will be identified as such. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

Three consecutive unexcused absences of any member of a regional committee shall be cause for removal from the committee. In the case of such removal, the alternate shall be automatically appointed.

### **4.02 Advisory Commissions**

The Council establishes its standing advisory commissions in the Newcastle Municipal Code. Currently the City has two advisory boards containing seven appointed officials, the Planning Commission (NMC 2.30) and Community Activities Commission (NMC 2.32). The Planning Commission makes recommendations to the Council on matters related to development and



land use. The Community Activities Commission advises Councilmembers on parks and events (see sections 4.07 and 4.08 of this manual). One of the most important purposes of the commissions is to provide an additional avenue for public representation and participation. For this reason, the Council gives consideration toward maintaining an equitable balance of community representation and a broad mix of occupational backgrounds on the commissions. For the Community Activities Commission, whenever possible, the Council shall appoint representatives from Newcastle community interest groups.

Commission members are selected without respect to political affiliation and serve without compensation. The Mayor with Council approval appoints Commissioners to serve four-year terms expiring on July 31. A selection process shall be used for all new appointments. A selection process may be used but is not required for re-appointment of incumbents. The City Clerk will conduct the selection process by publicly announcing the position vacancy and application period, providing application forms and accepting completed applications, letters of interest, and resumes. The Mayor shall review applications and select candidates for interviews, and the City Clerk shall schedule interviews. The Mayor, a Councilmember or staff member the Mayor selects, and the chair of the commission experiencing a vacancy will conduct interviews. The Mayor and interview team will evaluate applicants on an objective basis.

The City Clerk shall administer an oath of office to appointed Commission members. Commissioners shall sign a code of ethics prior to assuming the duties of their offices. Commissioners may be removed by a majority vote of all members of the City Council. In these instances, the decision of the Council is final.

#### **4.03 Chair and Vice Chair of Commissions**

Commissions are to elect a Chair and Vice Chair using the same procedure as that of Mayor and Deputy Mayor, found in chapter eight. The Chair serves as the presiding officer at meetings, may participate in proceedings in the same manner as any other member, and is expected to vote, unless a conflict of interest exists. The Chair can second motions at any time. If the Chair would like to make a motion, the Vice Chair if available or other Commissioner must temporarily assume the duties of the Chair and preside over the meeting. The role of the Vice Chair is to preside at meetings in the absence of the Chair.

The chairperson is responsible for Commission compliance with the municipal code and rules of procedure. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations and meeting procedures.

#### **4.04 Commissioner Training**

Commissioners are required to complete training in Open Public Meetings and Public Records within 90 days of assuming duties. Refresher training is required every four years (RCW 42.30 and 42.56). Commissioners may complete the training online or in-person and must provide proof of completion to the City Clerk. City staff shall provide Commission orientation sessions. City staff or contractors, or staff from other agencies and groups shall provide other training. The City shall pay expenses for Commission training and travel in accordance with financial and personnel policies, and as budgeted.

#### **4.05 Council and Advisory Board Communication**

Unless specifically authorized by the Council, no Councilmember shall state or testify to the policy or position of the Council before any advisory board. Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as stated in chapter eight of this manual. When an advisory body wishes to correspond with an outside agency, the correspondence shall be approved by the City Council.

##### *A. Commission Work Plans*

The Council communicates its priorities primarily through commission work plans. Commissions will annually recommend work plans to the Council, and the Council by resolution will approve final work plans for advisory commissions. The Council may amend work plans at any time due to unforeseen needs.

##### *B. Reports to the City Council*

Ongoing communication occurs by the attendance of an advisory board representative at Council meetings on a monthly basis. Written reports may also be submitted.

##### *C. Council Liaison to Commissions*

On an annual basis, the Council may elect to appoint a Council liaison to standing commissions. The purpose of the liaison is to communicate information about Council proceedings, decisions, and priorities, and to answer questions concerning these topics. Council liaisons are not commission members and shall speak only when the Commission Chair requests information or during a designated period.

#### *D. Quasi-Judicial Matters*

Councilmembers 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. Violation of this protocol may require the Councilmember to recuse himself or herself from participating in City Council proceedings concerning these matters.

#### **4.06 Staff Relationship to Advisory Commissions**

The Director of Community Development appoints staff liaisons to support the work of the Planning and Community Activities commissions and as authorized contracts with consultants for Commission technical needs. While staff works closely with advisory bodies, staff members remain accountable to their immediate supervisors, and Commissioners do not have supervisory authority. Commissioners are responsible for the functions of the advisory body only.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

#### **4.07 Planning Commission**

The Planning Commission provides advice and makes recommendations on the Comprehensive Plan, zoning and development codes, and performs other duties as the Council assigns. Commissioners accomplish their work during open public meetings. Working subgroups of not more than three commissioners may meet to accomplish specific tasks and report to the full Commission. Regular meetings of the Planning Commission are held the fourth Wednesday of every month at 6 p.m. at Newcastle City Hall. Special meetings may be called by commissioners in the same manner as councilmembers call special Council meetings. More information on meeting procedures is found in chapter eight of this manual.

#### **4.08 Community Activities Commission**

The Community Activities Commission serves as an advisory body on City-owned park planning, design and construction, park and facility development, renovation, trails and paths, recreation programs, special community events, and community engagement. Working subgroups of three commissioners may meet to accomplish specific tasks. Community Activities Commissioners regularly meet the second Wednesday of every month at 6 p.m.

at Newcastle City Hall. Special meetings may be called in the same manner as special Council meetings. More information on meeting procedures is found in chapter eight.

*A. Summary of Community Activities Commission Duties as Provided in, but not Limited to, Newcastle Municipal Code*

1. Collaboration with other City committees and community groups on preservation and growth of parks, trails, open space, historical, cultural, and artistic assets;
2. Coordination of efforts to engage the entire community in City activities, including people from diverse age groups and underrepresented ethnic populations;
3. Review of and recommendations on maintenance of city parks and trails;
4. Review of and recommendations on cultural events, festivals, concerts, farmer and craft markets, and other community events;
5. Review of and recommendations on community recreation programs;
6. Review of and recommendations on gifting policies regarding citizen contributions to the City;
7. Coordination of City volunteers, except for emergency management volunteers, and volunteer recognition efforts;
8. Review of and recommendations on planning, design, development, construction, and renovation of city parks, trails, and paths; and
9. Such other duties as may be assigned by the City Council.

#### **4.09 Youth Committee Representation**

The Newcastle Youth Committee is a collaborative effort among the City of Newcastle, Coal Creek YMCA and King County Library System. One member of the youth committee will attend Community Activities Commission meetings as a non-voting member.

## Chapter 5 Equipment and Facility Use

To enhance elected and appointed officials' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment and supplies for City business.

### 5.01 Computers

Staff will provide tablet computers on request for officials' use for City business. Officials shall sign an acknowledgment of receipt upon issuance. Information technology staff will ensure that all appropriate software is installed and provide an orientation in the use of computers and related software. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Personal media and programs cannot be stored on City computers.

City-issued computers are subject to audit. There is no right to privacy in the course of using City-issued computers whether for City business or incidental personal use. Virus protection software must not be disabled at any time on City equipment and non-City programs or media found during audits will be removed. Computers are to be returned at the conclusion of a Councilmember's term or when the equipment is no longer needed. Officials shall sign an official statement at the time of return to staff.

### 5.02 Use of Computers and Information Systems

The City's computers and information systems are City property and intended for use to conduct City business. Limited personal use is permitted as long as it does not result in a cost to the City, does not interfere with fulfillment of official duties, is brief in duration and frequency and does not compromise the security or integrity of City computers and information systems. This policy permits *minimal* personal use, subject to the following guiding principles: (1) It is not performed during the proceedings of open public meetings, except during breaks; and (2) It does not violate the other "prohibited uses" or other specific limitations outlined in this policy.

#### *A. Non-Exclusive List of Prohibited Uses of City-Issued Computers*

1. Sending/receiving content which is discriminatory on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation;
2. Conducting any form of private business, commercial use, or purchasing personal or non-City business items;

3. Using the internet to obtain or disseminate language or subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate in a workplace;
4. Political campaigning;
5. Promoting or disparaging outside organizations, groups and non-City related activities;
6. Using City-issued computers to access or use any information that promotes illegal activity or activity that violates copyright laws;
7. Copying any City-licensed computer software for personal use;
8. Creating social networking sites;
9. Instant messaging; or
10. Spamming email accounts from City-issued computers.

*B. Internet Use: Browsing, List-Servs, Newsgroups, etc.*

1. It is the City's policy to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All officials are responsible for using internet resources in an effective, ethical, and lawful manner, and in accordance with this policy.
2. Limited personal use may only consist of browser capability and may not include listservs, newsgroups, chat rooms, or other capabilities.
3. No purchases shall be made on behalf of the official using City internet or equipment.
4. Using City equipment or City internet connection to violate the integrity of another system (hacking) is prohibited.

*C. System Security*

1. All acquisitions of information systems components will be performed by Information Technology staff. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.
2. All officials are responsible to care for the personal computer system components that they are assigned or using. Users are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware. Any damage caused by personal use, including repair costs, will be the responsibility of the official.
3. Virus protection software will be installed on all computers. This software shall not be disabled for any purpose. Any task requiring that virus software be temporarily disabled is to be performed by Information Technology staff only.
4. Officials are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.

5. Officials are prohibited from using “loopholes” or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Officials are responsible for keeping their password confidential and not sharing it with other users.
6. Use of aliases while using the Internet or internal email is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.
7. No official may use unlicensed or copied software on any City computer. The City shall seek reimbursement from any official who installs, downloads, uses or authorizes the use of any unlicensed or copied software on any City computer, of any fines, costs or other expenses incurred by the City resulting from such use.
8. City computers and equipment are intended for the use of officials only. Officials are individually and directly responsible to ensure the City provided equipment is not used or accessed by non-authorized persons. It is the responsibility of the official to alert the City Manager of any unauthorized use or upon loss or theft of equipment.
9. The City owns all data, files, information, and communications created on, stored on, transmitted, received, or exchanged via City-issued computers and reserves the right to audit, inspect, and monitor any and all City-issued computers with or without notice. There is no right to privacy in the use of City technology resources.

### **5.03 City Email Addresses**

Members of the Council and all appointed officials will receive City email addresses that must be used for the conduct of City business. Use of private email addresses for City business may subject the private email system or privately owned computers to a public records search. Information technology staff will provide instructions on how to access the email system, training in the use of City email, and may assist officials in setup or in troubleshooting issues.

### **5.04 Mail and Deliveries**

City officials receive a large volume of mail and other materials that are delivered primarily through the use of mailboxes located in the City Hall copier room. Officials are encouraged to check mailboxes frequently. In addition, City staff will email or personally deliver materials that are time-sensitive to an official’s home or office if appropriate. Correspondence addressed to one official will be copied for all members of the Council or board. At the conclusion of a Councilmember’s term, mail will not be forwarded.

### **5.05 Office Supplies and Copies**

City staff shall provide copies of documents and publications to City officials for use in the conduct of City business free of charge using the most expedient means possible. Councilmembers have free and open access to office supplies needed to perform their duties.

### **5.06 Access to City Hall**

City staff will issue electronic key fobs to City Councilmembers for access to City Hall. Councilmembers may enter City Hall for the purposes of picking up meeting packets, mail, or conducting other City business that could not be conducted during normal business hours. Councilmembers must return keys at the conclusion of a Councilmember's term. Staff will deactivate unreturned keys.

### **5.07 Meeting Rooms**

The City Council and members of advisory boards hold meetings in the City Hall Council Chambers, located at 12835 Newcastle Way, Suite 200, Newcastle, Washington, 98056. Officials may reserve conference rooms at City Hall for meeting with constituents and performing tasks related to City business. Officials should contact the front desk receptionist to schedule rooms.

### **5.08 Use of Resources for Local Ballot Measures**

At times, initiatives may be placed on a ballot that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections except as allowed by state law. The City may distribute informational reports or pamphlets for informing the public of the facts of an issue.

### **5.09 Safety and Accident Reporting**

To minimize risk and assist in maintaining a safe work environment, Councilmembers should promptly report any unsafe or potentially hazardous conditions to the City Manager or Human Resources. The City will make every effort to remedy problems as quickly as possible.

An accident involving property damage or personal injury, however minor, must be immediately reported to the City Manager. A completed accident report form shall be provided to Human Resources so that staff may make a timely report to the Department of Labor and Industries. Failure to report accidents may result in a violation of legal requirements.



## **5.10 Americans with Disabilities Act Requirements**

The City of Newcastle strives to provide accessible facilities and meetings for people with disabilities. If any accommodations are required, the City Clerk may be contacted at 425-649-4444, at least three days prior to a meeting.

## Chapter 6

# Ethics and Standards of Conduct

*See also Chapter 2.68, Newcastle Municipal Code*

In order to best serve the citizens of the City of Newcastle, elected and appointed officials must act individually and collectively to create a City government that is ethical, responsible, fair, honest, open, and accountable to the people. Officials are expected not only to follow federal, state, and local regulations, but also to demonstrate the highest standards of personal integrity, honesty, and conduct in all activities in order to maintain public trust. Actions that betray that trust can result in liability either for the City or the individual official under civil, criminal, and case laws.

This chapter provides an ethical guide and specific rules that reflect the values of the City of Newcastle. It is designed to promote high standards for conduct and to foster a healthy ethical culture throughout Newcastle's government.

### 6.01 Core Values of Governance

The City Council establishes the following principles for City governance:

- 1. City Leaders Listen to the Community*  
City leaders listen to the community in a way that represents the community's interests and goals.
- 2. Collaboration is Valued*  
Council and staff should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible. The Council and the City Manager are most effective when working as a team.
- 3. City Leaders Lead and Reason Together*  
Councilmembers should individually and collectively demonstrate the ability to lead and reason together.
- 4. The City Exemplifies Professionalism in City Management*  
City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.
- 5. City Representatives Act in Accordance with Policies*  
It is a duty of the Council as representatives of the City to advocate positions that are consistent with City policies, projects, and plans.

## 6.02 Adopted Code of Ethics

State law, RCW 42.23, provides a code of ethics for city officials. The City's adopted code of ethics is found in Resolution 2000-207. According to this resolution, the following ethical principles shall govern the conduct of the City's elected and appointed officials, and employees, who shall:

1. *Be dedicated to the concepts of effective and democratic local government.*
  - a. Democratic Leadership. Officials and staff shall honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules and regulations.
2. *Affirm the dignity and worth of the services rendered by government and maintain a deep sense of social responsibility as a trusted public servant.*
3. *Be dedicated to the highest ideals of honor and integrity in all public and personal relationships.*
  - a. Public Confidence. Officials and staff shall conduct themselves so as to maintain public confidence in City government and in the performance of the public trust.
  - b. Impression of Influence. Officials and staff shall conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
4. *Recognize that the chief function of local government at all times is to serve the best interests of all people, businesses, and other organizations.*
  - a. Public Interest. Officials and staff shall treat their office as a public trust, only using the power and resources of public office to advance public interests, and not to attain personal benefit or pursue any other private interest incompatible with the public good.
5. *Keep the community informed on municipal affairs, encourage communication between the citizens and all municipal officers, emphasize friendly and courteous service to the public, and seek to improve the quality and image of public service.*
  - a. Accountability. Officials and staff shall assure that government is conducted openly, efficiently, equitably, and honorably in a manner

that permits the citizenry to make informed judgments and hold City officials accountable.

- b. Respectability. Officials and staff shall safeguard public confidence in the integrity of City government by being honest, fair, caring, and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.
6. *Seek no favor; believe that personal benefit or profit secured by confidential information or by misuse of public time is dishonest.*
- a. Business Interests. Officials and staff shall disclose and limit any business or contract relationship with the City as provided in state law.
  - b. Private Employment. Officials and staff shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.
  - c. Confidential Information. Officials and staff shall not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.
  - d. Gifts. Officials and employees shall not directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form under the following circumstances:
    - (1) It could be reasonably inferred or expected that the gift was intended to influence the performance of official duties; or
    - (2) The gift was intended to serve as a reward for any official action on the official's or employee's part.
  - e. Investments in Conflict with Official Duties. Officials and employees shall not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.
  - f. Personal Relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of a conflict of interest.
  - g. Family Relationships. Officials and staff shall not favor, patron, or supervise any person or persons who are deemed family, to wit a spouse, domestic partner, child, stepchild, grandchild, sibling, half-sibling, parent, stepparent, grandparent, aunt, uncle, or any person listed hereinbefore of the spouse or domestic partner.
  - h. Business Relationships. Officials and staff shall not use staff time, equipment, or facilities for marketing or soliciting for private business activities.

- i. City Funds and Property. Officials and staff shall use City funds and City property solely for the official purpose or purposes intended, without extension to any other person or entity for any purpose outside the intended use of the funds or property.
  - j. Reference Checking. Reference checking and responding to agency requests are a normal function of municipal business and is not prohibited if it does not adversely affect the operation of the City.
7. *Conduct business of the City in a manner which is not only fair in fact, but also in appearance.*
  - a. Personal Relationships. In quasi-judicial proceedings elected officials shall abide by the directives of RCW 42.36 which requires full disclosure of contacts by proponents and opponents of land use projects which are before the City Council. Boards and Commissions are also subject to these fairness rules when they conduct quasi-judicial hearings.
8. *Not knowingly violate any Washington statutes, City ordinance, or regulation in the course of performing their duties.*
9. For one year after end of term or end of employment respectively, officials and staff may not represent any private person as an advocate on a matter in which they were involved, compete for a City contract when they were involved in determining the scope of work or the selection process, or hold or acquire a financial interest in any contract or contracts having a total value of more than \$5,000 made by, through, or under their supervision.

### **6.03 Professional Code of Ethics**

The City Manager is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA). It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by ICMA.

### **6.04 Breach of Ethics**

Failure to report a known breach of ethics will be considered in and of itself a separate and serious breach of the ethics code. No retaliatory action, implied, threatened, or actual, shall be taken against any person by officials or staff for having raised privately or publicly any concern or question that is neither spurious nor malicious regarding an actual or apparent breach of ethics.

Once aware of committing a breach of ethics as set forth in the ethics code or as commonly accepted by government entities:

1. An elected official shall notify the Council no later than at the start of the next Council meeting, regularly scheduled or otherwise;
2. The City Manager shall immediately notify the Council of the breach; and
3. Staff shall immediately notify the City Manager or immediate supervisor, and the City Manager shall notify the Council of the breach.

## **6.05 Conflicts of Interest and Appearance of Fairness**

The conflict of interest law (RCW 42.23) is one of the most complicated laws on the books, derived from the state constitution, state statutes and case law. The general rule from which the law derives is that a municipal officer shall not use the position to secure special privileges or exemptions for himself, herself, or others. The rule applies to real and perceived conflicts of interest and includes a prohibition against elected officials voting on matters in which they stand to benefit financially. Washington's appearance of fairness doctrine (RCW 42.36) applies to quasi-judicial actions before the City Council pursuant to RCW 42.36.010. According to this doctrine, the appearance of fairness is as important as substance.

It is imperative that Councilmembers identify in advance what their conflicts or appearance of fairness considerations are. Councilmembers must declare a conflict of interest, and refrain from participation or involvement in discussions on issues or contracts where such an interest exists.

See chapter eight of this manual for meeting procedures relating to disclosure of conflicts of interest or appearance of fairness considerations, challenges for cause, and Councilmember participation and voting on matters when conflicts of interest or appearance of fairness considerations exist.

The following information is provided as guidance concerning conflict of interest. Due to the complex nature of this law, officials are encouraged to consult with the City Attorney or a private attorney concerning compliance.

### *A. Applicability*

All elected and appointed officials are subject to the conflict of interest law in RCW 42.23.

### *B. Remote Interests*

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

1. A non-salaried officer or member of a nonprofit doing business or requesting money from the City. Therefore, being such an officer or member would not constitute a conflict of interest.
2. The landlord or tenant of a contracting party. For instance, a Councilmember may lease office space to a party that has a private interest in a public matter without it resulting in a conflict of interest.
3. The owner of less than 1 percent of the shares of a corporation or a cooperative doing business with the City.
4. Being reimbursed only for actual and necessary expenses incurred in the performance of official duties.

*C. Acts not Constituting a Conflict of Interest*

1. Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Councilmember who owns a business within the City votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits.
2. An officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Councilmember who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember.
3. A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

*D. Declaration of a Conflict*

When a substantial interest exists, the City official must:

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

Under the Appearance of Fairness Doctrine, in the event of a challenge to a member or members of the Council which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member(s) of the Council publicly disclose the basis for disqualification prior to rendering a decision (RCW 42.56.090).

#### *E. City Attorney Opinions*

A Councilmember's request for an opinion from the City Attorney concerning conflict of interest is generally confidential. Councilmembers may seek advice from a private attorney, at their own expense, concerning potential conflicts.

#### *F. Filing of Disclosures*

The City Clerk shall maintain a file for all disclosures and legal opinions of conflicts of interest.

### **6.06 Confidentiality**

Councilmembers shall keep confidential all written materials and verbal information provided to them when the information is considered confidential under the doctrine of attorney-client privilege. Disclosure of confidential information learned by reason of a municipal officer's position, or use of such information for personal benefit, is prohibited by RCW 42.23.070(4). Any Councilmember who has discussed confidential information with another party shall immediately notify the City Manager, City Attorney or City Council. State law provides for monetary penalties and possible forfeiture of office for violations.

### **6.07 Public Meetings/Quorum**

Washington's Open Public Meetings Act or OPMA (RCW 42.30.030), establishes restrictions on how public officials can talk about City business both inside and outside City Hall. No more than three Councilmembers or Commissioners can have a conversation about City business without public notice. This means four Councilmembers (a quorum) discussing City business face to face in any location, or via telephone, text messaging, email, or social media is not permitted without public notice. Serial meetings whereby a meeting of four officials occurs one person at a time also is an OPMA violation.

OPMA requirements do not apply to meetings of committees that do not have decision-making powers, unless four Councilmembers or Commissioners are present. Passive receipt of emails sent to more than three elected or



appointed officials for the purpose of sharing information, without back and forth dialogue, do not violate the OPMA. Social gatherings without discussion of City business are also excluded. Quasi-judicial proceedings and executive sessions, detailed in chapter eight, are not subject to the OPMA.

There are several potential consequences for violating the procedural requirements of the OPMA. Most importantly, actions taken in meetings that violate the Act are null and void, including the approval of ordinances and resolutions. In addition, knowing attendance at an improperly held meeting is punishable by a civil fine of \$500. The party that prevails in an action for violation of the Act may recover reasonable expenses and attorneys' fees under certain circumstances.

## **6.08 Anti-Harassment and Discrimination**

The City is committed to providing an environment that is free of all forms of harassment including, but not limited to verbal, physical, and visual harassment, so that everyone can work in a productive, respectful, and professional environment. Harassment based on sex, race, national origin, political affiliation, religion, age, disability, or any other basis prohibited by local, state, or federal law is strictly prohibited.

Examples of harassment based on sex, race, national origin, religion, age, or disability include, but are not limited to:

1. Memos, emails, cartoons, or other visual displays of objects, pictures, or posters that depict such groups or individuals in a derogatory way;
2. Verbal conduct, including making or using derogatory comments, epithets, slurs, and jokes towards individuals or such groups;
3. Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - b. Submission to or rejection of such conduct affects employment opportunities; or
  - c. The conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes harassment based on another person's gender, pregnancy, childbirth, or related medical conditions. It also includes harassment of another employee of the same gender as the harasser. Examples of sexual harassment include, but are not limited to, the following types of behavior:

1. Unwelcome sexual advances, like requests for dates or propositions for sexual favors;
2. Excessive, one-sided, romantic attention in the form of love letters, telephone calls, emails, or gifts;
3. Offering or conditioning an employment benefit, such as a raise, a promotion or a special job assignment, in exchange for sexual favors;
4. Making or threatening reprisals, or changing performance expectations after an employee has turned down a sexual advance;
5. Visual or physical conduct, like leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, calendars, or posters in the workplace;
6. Verbal conduct or written material (including emails or other electronic documents), like making or using derogatory comments, epithets, slurs, teasing, and jokes of a sexual nature;
7. Graphic verbal or written comments (including emails or other electronic documents), about any individual's sex life or body;
8. Sexually degrading words used to describe an individual;
9. Suggestive or obscene letters, emails, notes, or invitations; and
10. Unwelcome physical conduct, including pats, hugs, brushes, touches, shoulder rubs, assaults, or impeding or blocking movements.

The City is committed to taking reasonable steps to prevent harassment from occurring and will take immediate and appropriate action when harassment is reported. Councilmembers should directly report any known harassment or discrimination issues directly to the City Manager, if the issues involve the City Manager, contact Human Resources or the City Attorney.

## **6.09 Liability**

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk- and loss-control activities in coordination with Washington Cities Insurance Authority.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the member being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud. Elected and appointed officials will participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

## **Chapter 7**

# **Communications and Engagement**

In order to assess community opinions and needs, and to share the vision and goals of the City with constituents, the Council must communicate with the public. Because the City Council performs as a body, individual Councilmembers should observe general guidelines when speaking for the full Council. When members are expressing personal views, the public should be so advised.

Councilmembers can communicate using a wide range of formats, some of which are electronic and instantaneous. Any non-verbal communication concerning City business is a public record subject to RCW 42.56, the Public Records Act. The law applies to electronic messages, files, data, videos, and images. Officials should provide full assistance to staff in fulfilling the City's obligation to retain and provide access to public records, regardless of the communication media or equipment used.

City staff will prepare and distribute official City communications. The City Council provides communication priorities to staff through a communications strategy.

### **7.01 Use of Public Facilities**

State statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. Except as provided by law and as re-stated in Chapter 8.03 of this manual, members of the City Council or its advisory boards are prohibited from using public facilities for communications for or against any ballot item including initiatives, candidates for office, or ballot measures. Communications for the purpose of providing unbiased and balanced information concerning the facts of an issue are permitted.

### **7.02 Citizen Requests for Action**

Citizens often will contact Councilmembers directly with complaints or requests for action. In these situations, officials should refer citizens to the City's request for action website or other administrative resource as appropriate for a prompt staff response. Councilmembers should consider citizen comments, complaints, or requests as feedback on policies and service delivery systems.

### **7.03 Ceremonial Proclamations**

As formal public statements with no force of law, proclamations are a way to communicate. The Mayor, with City Council approval, issues proclamations. They may originate with the City Council as a way to recognize individuals, events, or issues, or to make position statements. Most often organizations or

individuals will request proclamations. The Council will give preference to requests for honoring Newcastle residents or organizations, or requests increasing public awareness of local events, arts, and cultural celebrations. A certificate of recognition or a letter of support can be provided when a proclamation is not issued. The following guidelines apply to requests for proclamations:

1. Requests should be made at least two weeks in advance of the requested Council meeting to guarantee placement on the agenda.
2. Proclamations must be issued prior to recognized events occurring.
3. The Mayor will determine if the proposed proclamation should be recommended for Council approval.
4. The City may modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs, or policy determinations, or deny any proclamation request.
5. If a proclamation is not approved, the City Clerk will notify the requestor.

#### **7.04 Official Correspondence**

Members of the City Council will often be called on to write letters to citizens, businesses, or other public agencies. City staff may assist in drafting letters, and City letterhead may be used. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. On occasion, members 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.

Written letters and memoranda received by the City, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's records retention schedule. If a citizen sends correspondence concerning a topic that is the subject of a public hearing, the official should forward said e-mail to the City Clerk for inclusion in the hearing's record.

#### **7.05 Email Communications**

Councilmembers and appointed commissioners shall receive City email addresses for use in communications concerning City business. All email either sent from or received by a City email address will be automatically retained as a public record. Use of a private email address for City business should not occur as it could subject private email or devices

to a public records search. Using a City email for personal business also is not permitted.

1. If a citizen sends an email to a Councilmember concerning a topic that is the subject of a public hearing, the Councilmember will forward said e-mail to [cityclerk@newcastlewa.gov](mailto:cityclerk@newcastlewa.gov).
2. Councilmembers will copy the City Manager on emails sent to department directors, or if the email is to a City staff member, the Councilmember will copy the department director.
3. Staff may review Council email for the purposes of records management or in response to a public records request.
4. As noted in Chapter 6, email discussion among four Councilmembers concerning City business is in violation of the Washington Open Public Meetings Act.
5. Emails should be limited to those who need to have access to the information.
6. Email should be used cautiously when seeking legal advice or in discussing matters of pending litigation or other confidential City business. Confidential email should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
7. All written communication, including casual notes, may become part of litigation. Avoid unnecessary adjectives or personal remarks in emails.

## **7.06 Newsletters**

To ensure the accuracy and uniformity of information provided to the public, City staff shall prepare and distribute official City of Newcastle newsletters and other publications. Councilmember communication to the public should not resemble a City newsletter, and when information is shared, links to City sources of information or other official sources should be provided. Any opinions expressed should be identified as personal opinions that do not represent the City of Newcastle or the Newcastle City Council.

## **7.07 Text Messages**

Text messaging or SMS is a feature available on almost all mobile phones and some tablet computers or other devices. When text messages are about City business, they may be considered public records, even if sent or received by private devices. The City is then responsible for retaining, managing and potentially disclosing these records in response to public records requests. Generally, service providers do not have the responsibility to retain text messages. Officials should limit the use of text messages whenever possible.

### *A. Retaining Public Record Texts*

An official who uses a personal device for City business will be required to search for (or allow the City to search for), produce, transmit, transcribe, or forward text messages to [text@newcastlewa.gov](mailto:text@newcastlewa.gov) for retention. Officials also are required to cooperate with the City and provide their fullest assistance in fulfilling the City's duties and obligations under the Public Records Act.

Public record texts can be properly retained by:

1. Periodically forwarding text messages to [text@newcastlewa.gov](mailto:text@newcastlewa.gov);
2. Sending screen shots of text messages to [text@newcastlewa.gov](mailto:text@newcastlewa.gov);
3. Using an application to forward text messages to [text@newcastlewa.gov](mailto:text@newcastlewa.gov); or
4. Using a backup application to store text messages.

### *B. Producing Records for Requests*

Officials must produce any existing text messages that meet the definition of public records and are responsive to records requests. If a public records request for texts is submitted, the Public Records Officer will immediately notify affected persons. After receiving notification, affected persons should not delete any messages on devices, even if the messages are personal.

In response to a public records request, officials may allow the Public Records Officer to search his or her personal device. Nothing in this policy requires officials to allow inspection. But, if an official does not allow the City to search a private device, then the official must coordinate and assist the City in searching the personal device for responsive public records. The official must also provide an affidavit relating to the search to the Public Records Officer, which includes:

1. A detailed description of the method used to search the personal device;
2. An indication of whether any responsive records were located;
3. If no responsive records were found, an explanation of why;
4. Any responsive records; and
5. In some instances, justification for why a text message is not public (see below).

### *C. Personal Texts Within Scope of Requests*

If an official locates personal text messages that are within the scope of a request, he or she must provide specific and detailed facts supporting the personal nature of those texts using the procedure found below:

1. Identify each text message generically, including date, time, size, attachment, etc.;
2. If the text message is to or from a City employee, contractor, public official or other public agency, identification of the sender or recipient by name. The names of family members, personal friends or others need not be identified; and
3. If requested, additional information to support the personal nature of the text message.

## **7.08 Social Media Use**

Social media provides officials with a convenient tool to communicate, inform and engage residents. The use of social media allows officials to showcase their efforts and can improve public trust. However, social media must be used in accordance with Washington’s public records and open public meetings laws. Officials should avoid posting anything regarding City business on personal social media accounts. Personal accounts may become subject to a public records search if policies are not observed.

### *A. Government Official Accounts*

1. An official should notify the City Clerk if he or she plans to create a “Government Official” social media account so that the Clerk can establish records archiving.
2. Government Official accounts should go through the verification processes of social media platforms.
3. The following disclaimer should be included on Government Official social media pages:

*“The purpose of this site is to present matters of public interest in Newcastle, including its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns, but please note this is a moderated online discussion site and not a public forum. Once posted, the City of Newcastle reserves the right to delete submissions that contain: (i) vulgar language; (ii) personal attacks of any kind; (iii) offensive comments that target or disparage any ethnic, racial or religious group. Further, the City also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) clearly off*

*topic; (iii) advocate for illegal activity; (iv) promote particular services, products or political organizations; (v) infringe on copyrights or trademarks; or (vi) use personally identifiable medical information. We recommend you not share any of your medical information on our pages. Please note that the comments expressed on this site do not reflect the opinions or position of the City of Newcastle government or its officers or employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City Clerk at [cityclerk@newcastlewa.gov](mailto:cityclerk@newcastlewa.gov).”*

4. Councilmembers regularly participate in activities with constituents including local businesses, and it is acceptable for officials to use social media to publicize these events. Councilmembers should avoid posting the following types of content on their Government Official social media account:
  - a. Content that promotes or appears to promote any for-profit interest, including events in which there is no City participation, products, services or goods.
  - b. Content that promotes or appears to promote any candidate or political party in any election at any level of government.
  - c. Content that contains inappropriate or offensive language.
  - d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
  - e. Content that violates any terms of the hosting site.

*B. Election Accounts*

Officials should take affirmative steps to clearly distinguish the use of social media for election purposes by using the following approach:

1. On private devices, establish separate and distinct social media accounts for re-election purposes that are clearly labeled as election accounts and that do not contain the identifying characteristics of a Government Official account.
2. To clearly identify the account as an election account it should be given an unambiguous title such as “John Doe for Council” or “Vote for John Doe.”
3. The following disclaimer should be posted on Election account pages:

*“This is the election account for [insert name]. All opinions expressed on this account are my own and do not represent the City of Newcastle or the Newcastle City Council. Please direct any comments related to the*



*City of Newcastle to the official City of Newcastle page or [insert official Councilmember account name here].”*

4. While using a separate and distinct social media account for re-election purposes, Councilmembers may continue to use their Government Official social media account throughout the election campaign to further their duties as a Councilmember.
5. Once a Councilmember has been elected, election accounts may be kept as-is and used solely for campaign purposes, or they may be converted into a Government Official account. A government official account should not be converted into an election account.

#### *C. Personal Accounts*

The following items should be avoided on personal social media accounts:

1. Use of any City email address as a point of contact for registration purposes.
2. Identification of the official as a current member of the City Council or other official body in the handle name or user name.
3. Use of the City logo or any other proprietary mark of the City of Newcastle.
4. Contact information for the official at City Hall or other official contact information except as necessary to redirect residents to official government media.

#### *D. Personal Account Precautions*

Officials should implement the following precautions:

1. Post a disclaimer on the personal account that identifies the account purpose and specifies that the opinions expressed are personal opinions.
2. Limit the personal account content to personal use and don't write posts concerning City business.
3. Understand and use privacy settings to manage the account.
4. When officials receive comments regarding City business on their personal page, they should direct the commenter to an official City page.

5. Don't discuss private accounts in public meetings or reference private accounts in documents.
6. Do not use City devices to manage personal accounts.

#### *E. Citizen Comments and Tagging*

1. If a citizen posts a comment to a Government Official account about an item related to the day-to-day business of the City, Councilmembers should direct the commenter to the official City page for staff response.
2. When a Government Official page is tagged in a closed group, Councilmembers should either ignore the message or reply with the following message:

*"In order to maximize transparency and adhere to public records laws, please direct all questions and comments to my Government social media account [if available] or my email [councilmembername@newcastlewa.gov](mailto:councilmembername@newcastlewa.gov)."*

### **7.09 Community Engagement Meetings**

While the Council provides open public comment periods during Council business meetings, these opportunities are frequently underutilized. Other meeting formats provide a more informal atmosphere for the public to share concerns and ideas with elected representatives. The primary purpose of community engagement meetings is to foster open communication with citizens and to provide information to the public.

#### *A. Town Hall Meetings*

Not more than twice a year, the City Council will hold town hall meetings to hear the concerns and opinions of the public. City staff and consultants may use the opportunity to communicate information to residents concerning capital projects, programs, services, special events, and key issues.

#### *B. Community Conversations*

Citizens may interact informally with City Councilmembers during Community Conversation events. During these events, residents will share their thoughts and ask questions in a relaxed setting. Three Councilmembers are required to attend for an event to be held, and the Councilmembers in attendance will vary. Staff may attend as requested by the City Council.

*C. Councilmember Office Hours*

Individual City Councilmembers may make themselves available at City Hall to meet one-on-one with citizens on an as-requested basis.

## Chapter 8

# City Business Meetings

The City Council and its advisory boards conduct business openly during public meetings. The primary purpose of business meetings is for the representatives of Newcastle's citizens to take action on their behalf. The public evaluates the performance of its officials to a great extent by what happens at meetings. The following rules are provided to assist in conducting meetings in a way that is fair, efficient, and legally compliant. The most current version of Robert's Rules of Order Newly Revised shall govern the proceedings of the regular meetings of the City of Newcastle. This manual customizes those procedures, and takes precedence in any incidence of conflict with Roberts Rules. All of the rules and guidance in this chapter apply to both the Council and its standing advisory boards, unless explicitly stated otherwise.

### 8.01 Meeting Types

All meetings attended by a quorum of Newcastle's elected or appointed officers for the purpose of conducting City business shall comply with the requirements of Washington's Open Public Meetings Act, Chapter 42.30 RCW. A quorum is defined as four members of the City Council, Planning Commission, or Community Activities Commission. Without a quorum, no business can be transacted. The only actions that may be taken are measures to obtain a quorum or motions to fix the time at which to reconvene, to adjourn, or to recess.

#### *A. Regular Meetings*

Regular meetings are all formal business meetings held according to a regular schedule. All regular meetings shall begin at 7 p.m. and be held at Newcastle City Hall, 12835 Newcastle Way, Suite 200, Newcastle, WA 98056. Meetings shall adjourn at 10 p.m. unless extended in half-hour increments by a majority vote. A motion to extend the meeting can be made at any time, and takes precedence if there is a pending motion on the floor. In the event a meeting continues beyond 10 p.m., and no motion to extend it has been made, the presiding officer shall make or entertain the motion at the soonest available opportunity. If a motion to extend a meeting fails, the meeting is adjourned.

The City Council meets the first and third Tuesdays of each month. The Community Activities Commission meets the second Wednesday, and the Planning Commission meets the fourth Wednesday of each month. When a regular meeting coincides with an observed holiday, the meeting shall be held on the next business day.

A regular meeting can be canceled in advance by a majority vote of the body. Meetings can also be canceled by the Mayor or board chairpersons by providing written notice to all Councilmembers and the City Clerk 24 hours in advance of the regular meeting date.

If no Councilmember or Commissioner is in attendance at a regular meeting, the City Clerk may adjourn the meeting. He or she must create a written notice of adjournment specifying the time and place of the rescheduled meeting in the same manner required for a special meeting.

### *B. Special Meetings*

Any meeting of the Council or its advisory boards not held according to a regular schedule is a special meeting. As specified in RCW 42.30.080, the Council or Commission may only take action only those items listed on the agenda distributed before the meeting. Any final action taken at a special meeting that was not properly noticed may be invalidated.

The Council or Commission may by majority vote schedule special meetings. The Mayor, chairperson, or any four members of the body may also call a special meeting by delivering written notice containing specific business items to each Councilmember and the City Clerk not less than 24 hours before the time of the special meeting.

If it suits the special meeting's objective, Roberts Rules of Order need not govern; however, regular decorum should be observed. Special meetings may be held at any location. No final action may be taken at meetings held outside Newcastle City limits.

### *C. Executive Sessions*

Executive sessions may be called at any time during regular or special meetings without prior public notice. An executive session is a closed, confidential meeting called for specific purposes set forth in RCW 42.30.110(1). No final action may be taken in executive session. Before convening an executive session, the presiding officer must announce the topic and the session's anticipated duration. Only those topics announced may be discussed. Should additional time for an executive session be required, the presiding officer shall make a public announcement of the session's extension and anticipated duration.

Discussions are limited to the following topics identified in RCW 42.30.110 (1) as may be amended, which include:

1. Matters affecting national security;
2. Lease or purchase of real estate if disclosure would increase price;

3. Determining minimum offering price for sale or lease of real estate if disclosure would decrease price;
4. Reviewing negotiations on the performance of a publicly bid contract;
5. Reviewing complaints brought against a public officer or employee. Discussion must be in open session if the accused person requests it;
6. Reviewing qualifications of an applicant for public employment;
7. Reviewing performance of a public employee;
8. Reviewing qualifications of candidates for appointment to public office;
9. Discussing enforcement action with legal counsel;
10. Discussing current or potential litigation with legal counsel;
11. Discussing legal risks of current practice or proposed action with legal counsel.

Disclosure of confidential information learned by reason of a municipal officer's position is prohibited by RCW 42.23.070(4). State law provides for monetary penalties and possible forfeiture of office for violations.

## **8.02 Public Notice of Meetings and Hearings**

The City Clerk is directed to publish notices and post agendas. Pursuant to RCW 35.22.288, cities must establish a procedure for notifying the public of hearings and the preliminary agenda for upcoming meetings. The procedure followed by the City of Newcastle is as follows:

### *A. Public Hearing Notices*

Unless otherwise specified by law, public hearing notices shall comply with publishing requirements adopted in the Newcastle Municipal Code.

### *B. Preliminary Agendas - Regular Meetings*

The public shall be notified of the preliminary agenda for upcoming regular meetings by posting a copy of the agenda in the following public places at least 24 hours in advance of the meeting:

1. The City's official website, [www.newcastlewa.gov](http://www.newcastlewa.gov)
2. Newcastle City Hall - Front Entrance Outdoors  
12835 Newcastle Way, Suite 200  
Newcastle, WA 98056
3. Newcastle City Hall - Front Entrance Indoors  
12835 Newcastle Way, Suite 200

Newcastle, WA 98056

4. Lake Boren Park Notice Board  
13058 SE 84<sup>th</sup> Way  
Newcastle, WA 98056

### *C. Preliminary Agendas - Special Meetings*

The City Clerk must post the notice and/or agenda and distribute it to news media that have expressed an interest in receiving such notice not less than 24 hours before the special meeting. The notice must contain the time and place of the meeting and the business to be transacted. Only those items listed on the agenda distributed before the meeting may be discussed or acted on.

### *D. Notice of Meeting Cancellation or Postponement*

The City Clerk must post notices of regular meeting cancellation or rescheduling at least 24 hours before the original meeting date. Requirements for special meetings shall apply to rescheduled meetings.

### *E. Excluded Meeting Types*

Posting of notices and/or agendas for meetings of committees or work groups containing not more than three members of the governing body, (Council, Planning Commission or Community Activities Commission) is not required, except for the Council Finance Committee.

Noticing is not required 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.

## **8.03 Meeting Agendas**

Required by state law, agendas are ordered lists of items to be discussed at meetings, and a valuable tool to keep conversation focused. The City Clerk in collaboration with other City officials and staff drafts and distributes agendas, and the meeting presider is primarily responsible for adherence during meetings. Agendas must contain the meeting type, date, time, location, and items to be discussed listed in order.

#### *A. Standing Order of Business*

Unless modified by Council motion, the standing order of business for regular meetings shall be as follows:

1. Call to Order/Flag Salute
2. Roll Call
3. Agenda Approval
4. Public Comment
5. Presentations
6. Council Comment
7. Reports
8. Consent Agenda
9. Public Hearings
10. Unfinished Business
11. General Business
12. Additional Public Comment
13. Planning Calendar
14. Adjournment

#### *B. Unfinished Business*

In the event a regular meeting is adjourned prior to completion of business items on the agenda, the Council shall consider uncompleted items at the next regular Council meeting as unfinished business. In the instance that meeting adjournment postpones the vote on an active motion on the floor, the pending motion shall be printed on the agenda for the next regular meeting under "Unfinished Business" so the Council may resume discussion and vote on it.

#### *C. Consent Agenda*

The consent agenda contains multiple items approved with one undebatable motion, and is intended to improve meeting efficiency. Consent agenda items are those that do not require discussion, such as routine items, other items that can be reviewed without explanation, or items the Council has previously discussed. First readings of Ordinances may not be placed on the consent agenda. During review of the final agenda, any one Councilmember can remove items from the consent agenda for discussion under "General Business" without making a motion.

#### *D. Council Planning Calendar*

The City Clerk shall prepare a Council Planning Calendar containing a schedule of items for upcoming meetings, and shall prepare agendas



using the planning calendar. A committee made up of the Mayor, Deputy Mayor, and City Manager shall approve preliminary agendas. Placement on the planning calendar does not necessarily imply placement on a specific agenda date.

Items may be placed on the planning calendar by the following persons or methods:

1. Council majority vote;
2. Council committee;
3. Agreement of two councilmembers voiced during consideration of the planning calendar in the regular order of business or sent in writing to the City Clerk;
4. Advisory board majority vote;
5. Department directors; or
6. City Manager.

#### *E. Finalization of Regular Meeting Agendas*

During the regular order of business, the Council or advisory board shall review the preliminary agenda and may make changes, including reordering, addition, or deletion of items by a vote of a majority of the members present. During the same order of business, items may be removed from the consent agenda at the request of a single councilmember without the need for a vote. The final agenda shall be approved by the board by a vote of a majority of the members present. Changes to regular meeting agendas can also be made at any time during the meeting by a motion approved by a two-thirds majority of the members present. Agendas for special meetings may only be modified during meetings to remove or reorder items, as action can only be taken on items noticed 24 hours prior to a special meeting.

#### *F. 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 included in meeting minutes.

#### *G. Actions Concerning Ballot Propositions*

According to RCW 42.17A.555, the City Council or its standing commissions can take action at an open public meeting to express a

collective decision or to actually vote on a motion, proposal, resolution, or ordinance to support or oppose a ballot proposition as long as (1) any required meeting notice contains the title and number of the ballot proposition; and (2) members of the Council or commission or the public are given an approximately equal opportunity for the expression of an opposing view. In this instance, the title and number of the ballot proposition and a statement that “Members of the public are encouraged to attend and will be afforded an approximately equal opportunity for the expression of an opposing view” shall be noticed on the meeting agenda.

#### *H. Reports*

Reports in the regular order of business may include the following as needed:

1. Announcements
2. Staff Reports (including regular quarterly updates)
3. Council Committees
4. Regional Committees
5. Advisory Commissions
6. City Manager
7. Mayor

Provision of written reports by staff and officials is encouraged. Announcements include any information of interest to the council or community and should be brief.

#### **8.04 Agenda Packets**

Prior to each meeting, City staff prepares meeting packets to inform and advise officials concerning items on the agenda. Meeting packets are to contain succinct business style writing. Staff is to provide a clear statement of the action proposed, any fiscal impact, necessary background information, a discussion section anticipating key questions, recommended action, and a suggested motion if final action is proposed. The City Clerk shall ensure all agenda packet materials are complete and receive adequate review prior to distribution and publication.

All agenda packet materials shall be presented to the City Clerk for final review by 2 p.m. seven days preceding regular meetings. The City Clerk shall post final City Council agenda packets on the City’s website, [www.newcastlewa.gov](http://www.newcastlewa.gov), and shall make printed copies available to any person requesting it by 4 p.m. on the Thursday preceding regular meetings.

Councilmembers shall come to meetings prepared. Councilmembers should read the agenda packet prior to the meeting, carefully review proposals under

consideration, and prepare in writing motions they intend to make. For meeting efficiency, questions concerning proposals may be directed to the City Manager or department directors prior to the meeting. Emails among four or more board members, or other communications whether written or oral, concerning items on preliminary agendas are not permitted.

### **8.05 Meeting Minutes and Audio Recordings**

Minutes shall be required to document all meetings subject to Washington's Open Public Meetings Act, RCW 42.30. The City Clerk, or designee, shall record actions taken during meetings by writing meeting minutes. Minutes shall be made available promptly, and no later than the next regular meeting. Members of the Council or advisory commission shall review and approve minutes.

Minutes shall include at a minimum the meeting type, date, time and place, roll call results, late arrival and early departure times of officials, speaker names, all motions and the names of those making them, titles of legislation, detailed voting results, staff direction, all points of order and appeals, public hearing opening and closing times, and time of meeting adjournment. The reasons for an individual's dissent from the majority decision may be included upon request. Council intent or other statements or information shall be included as the Council or commission approves. The City Clerk shall also note any conflict of interest or appearance of fairness challenges and recusals.

The City Clerk or designee shall make and keep electronic recordings of all meetings except those meetings or portions of meetings conducted in executive session. Recordings shall be posted on the City's website, [www.newcastlewa.gov](http://www.newcastlewa.gov), at the soonest available opportunity.

### **8.06 Meeting Attendance and Seating**

As noted in section 8.01 of this manual, a quorum is required for the transaction of City business. Elected or appointed officials may be excused from attending regular meetings by contacting the Mayor or presiding officer, City Clerk or staff liaison by 5 p.m. on the day of the meeting and stating the reason for non-attendance. The Council or Commission shall then excuse individual members by motion or unanimous consent. Three consecutive unexcused absences from regular meetings shall cause a position to become vacant (RCW 35A.12.060).

The City Manager and City Clerk shall attend all meetings of the City Council. The City Attorney shall attend all regular meetings of the City Council, and may attend special meetings at the request of the City Manager. Other City

employees shall attend meetings as directed. During executive sessions, the City Manager and other persons as the Council requests shall be present.

The presiding officer shall sit anywhere at the Council dais, and shall decide where other board members shall be seated. If any one official disagrees with the presiding officer's seating arrangement, officials shall sit in position order from left to right from the audience viewpoint.

Not more than once a year per official, an official unable to be physically present at a meeting can attend via speakerphone or other electronic means. Officials who would like to attend a meeting via electronic means must notify the City Council or City Clerk of his or her intent at the soonest available opportunity, but no later than one business day prior to the meeting.

## **8.07 Parliamentary Procedure and Decorum**

Parliamentary procedure assists deliberative assemblies in considering matters in an efficient, legal manner. Safeguards ensure due process and protect the rights of individual members of the governing body and the group as a whole. Officials must conduct business meetings according to formal procedures and preserve decorum. To maintain decorum, Councilmembers must address their remarks to the meeting presider during discussion and debate of business items.

### *A. Inappropriate Remarks*

Robert's Rules of Order and the common parliamentary law it is based on require that board members be courteous to one another and the public, speak to issues and not personalities, and stay on topic. Certain types of remarks are inappropriate during discussion at a meeting because they are not relevant to discussion. These restrictions do not apply to the public, but all speakers are expected to be courteous and efficient when making remarks. The following is a list of inappropriate remarks to Councilmembers and to members of the public:

1. Personal remarks - remarks that pertain to an individual's appearance, background, ethnicity, or other personal aspects, rather than views on issues;
2. Insults, obscenity, vulgarity, and personal attacks;
3. Inflammatory language - remarks that incite high emotions rather than addressing the issues;
4. Criticizing past actions of the group, with two exceptions:
  - a. If the group itself is discussing a past action;
  - b. If the Councilmember intends to propose amending or rescinding the action; or
5. Remarks that are not germane (relevant) to the discussion.

### *B. Use of Electronic Devices*

Cellular devices must be silent during meetings. To maintain decorum, officials and members of staff are prohibited from text messaging or making phone calls at the dais while in session. Members of staff and the audience also are prohibited from making phone calls in the Council Chambers during meeting proceedings. The use of computers for viewing meeting presentations, materials, or other reference related to city business is encouraged.

### *C. Other Minor Disruptions*

Side conversations or the passing of written notes at the dais are discouraged. General conversation between board members and the public is not permitted. Members should keep microphones turned on and speak clearly into the microphone when they have the floor.

### *D. Major Disruptions*

Any official, person, or group of persons rendering the orderly conduct of the meeting infeasible may be asked to leave by the presiding officer and may be barred from attending the remainder of the meeting. Pursuant to RCW 42.30.050, if order cannot be restored, Councilmembers may order the room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by the Council.

## **8.08 Point of Order and Appeal**

The Mayor, Chairperson, or other presiding officer has the duty of enforcing meeting rules and managing discussion. The City Clerk or designee, in consultation with the City Attorney if available, shall assist the meeting presider in matters of parliamentary procedure. If the presider does not maintain order, any board member or the City Clerk has the duty of raising a point of order.

A point of order requires the presiding officer to abide by parliamentary rules or require another member to abide by the rules. A point of order can be made at any moment, at the time of rule violation. When a point of order is made, it stops business until the presider rules. The presider may agree and enforce the rules, or disagree and move on with business at hand. Any member, with a second, can appeal the ruling. Motions to appeal are not debatable. The body would then decide on the matter.

## **8.09 Small Board Discussion**

Roberts Rules of Order provides special rules for small groups such as the City Council and its advisory boards. Informal discussion is allowed prior to a motion. The presider should take care to ensure the discussion is productive

and should request a motion as soon as the group appears ready for it. All members have an equal right to speak and to make or second motions, including the meeting presider.

Members must seek recognition from the meeting presider before speaking by raising their hand. Comments should be limited to a maximum of five minutes and must be relevant to the item under consideration. No member may interrupt a speaker while they have the floor, unless to make a point of order. No one may speak a second time until everyone who wishes to do so has spoken once. There is no limit to the number of times a member can speak. Staff do not have the right to participate in discussion unless granted by the Council. Members of staff present information and are permitted to respond to points of information as requested.

## **8.10 Taking Action by Motion**

Main motions are formal proposals by members to do something that moves a group from discussion into action. Motions should be clear, precise, and unambiguous, and should be in writing unless very short. All motions should be phrased in the grammatical positive.

Individuals make motions by saying, “I move that...” or “I move to...” and announcing what is proposed. After the motion is made another member who wishes the motion considered says, without obtaining the floor, “I second the motion,” or simply, “Second.” In most instances, motions if not seconded are not taken up for discussion.

The presiding officer then repeats the exact motion and opens debate by stating: “It has been moved and seconded that ... Is there any discussion?” The way the presider states the motion is its official text, unless an objection is heard. Until the presider has stated the question, the motion maker has the right to modify or withdraw the motion. If modified, the seconder can withdraw his or her second. After motions have been stated, they can be modified or withdrawn only with board approval.

The board may modify motions by approving motions to amend. Members make motions to amend by stating, “I move to amend the motion by adding, striking out, inserting, or substituting” words. An amendment requires a second, is debatable, and requires a majority vote. An amendment may be inconsistent or in conflict with the spirit of the original motion, but it must have a direct bearing on the subject of that motion. If the motion to amend passes, the presider puts the main motion, as amended, to a vote. If the motion to amend fails, the presider puts the main motion, as originally presented, to a vote.

A pending motion may be eliminated with a motion to postpone indefinitely. If the body would like to delay action on a motion, a motion to postpone to a time certain may be made. A motion to table an item is commonly misused in place of a motion to postpone. Tabling a motion should be used only when some immediate urgency has arisen and the question is temporarily put aside. Adopted motions can be reconsidered at the same meeting, and until the action has been carried out, reintroduced at a later meeting, amended, or rescinded at any time by motion.

During most regular meetings of the City of Newcastle, the following occurs:

1. Presiding officer introduces the agenda item;
2. Staff provides a presentation or information;
3. Presiding officer opens a public hearing if required;
4. Presiding officer closes the public hearing after receiving comment;
5. Board member discussion;
6. A member proposes a motion;
7. A member seconds a motion;
8. Presiding officer states the motion;
9. Board member debate of the motion;
10. Presiding officer restates the motion;
11. Presiding officer takes the vote and announces results;
12. City Clerk records action in minutes.

### 8.11 Determining Majority

For most motions, a simple majority of board members present at a meeting is sufficient 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, meaning four affirmative votes, regardless of how many Councilmembers attend a meeting. Public emergency ordinances, necessary for the protection of public health, safety, property, or peace, may take effect immediately if passed by a majority plus one of the whole membership of the Council, or five Councilmembers. Some motions that affect the rights of individual members, such as call the question, require a two-thirds vote or “super majority” to be approved.

Members Present	Majority Vote	Two-Thirds Vote
4	3	3
5	3	4
6	4	4
7	4	5

## 8.12 Voting

Decisions may be expedited by using unanimous consent, meaning no member objects. Any board member who objects must state the objection immediately so the presider may take a vote.

Presiding officers may conduct voice votes unless there is uncertainty in the vote, any board member requests voting by roll call or a show of hands, or the meeting is being held with councilmembers attending remotely. Each Councilmember or advisory board member shall vote on all questions, unless a conflict of interest or appearance of fairness consideration is present. Board members must be present to vote on any matter, so proxy votes are not allowed. Silence during a voice vote shall be considered an affirmative vote. In the case of a tie vote on any motion, the motion fails. A person who would like to change their vote may do so prior to the presiding officer's announcement of voting results. After voting results are announced, a vote can only be changed by unanimous consent of the body immediately after the presiding officer's announcement, before any debate or business has intervened.

Any board member shall have the right to express support for or protest against any motion and have the reason entered in the minutes on request, provided the statement is prepared in writing and is not longer than 50 words. Any statement expressing the intent of the Council body must be approved by the Council.

## 8.13 Changing a Final Action

Until the time they are carried out, Council actions may be changed or reversed with motions to reconsider, amend or rescind previously approved motions. Alternately new motions may also be made at later meetings with the same effect. Motions to reconsider, amend or rescind have specific rules that apply to each.

### *A. Motion to Reconsider*

If approved, a motion to reconsider takes Council discussion back to the point just prior to voting on the original motion. A motion to reconsider

1. Can **only** be moved during the meeting the original motion was approved, or the next day if part of the same meeting;
2. Must be moved by someone who voted with the prevailing side;
3. Requires a second, and can be debated if the original motion was debatable;
4. Cannot be amended; and



5. Takes a majority to pass.

*B. Motion to Amend Something Previously Adopted*

A motion to amend something previously adopted allows the group to change an approved motion. A motion to amend something previously adopted

1. Can be moved during the meeting the original motion was approved, or at future meetings;
2. Requires a second, and can be debated;
3. Can be amended; and
4. Requires a two-thirds majority to pass if taken up at the same meeting, or a simple majority if previous notice is given by placing the item on the final agenda.

*C. Motion to Rescind Something Previously Adopted*

A motion to rescind something previously adopted allows the group to rescind an approved motion. A motion to rescind something previously adopted

1. Can be moved during the meeting the original motion was approved, or at future meetings;
2. Requires a second, and can be debated;
3. Can be amended; and
4. Requires a two-thirds majority to pass if taken up at the same meeting, or a simple majority if previous notice is given by placing the item on the final agenda.

## **8.14 Quasi-Judicial Actions**

Certain decisions of the City Council or Planning Commission are considered to be quasi-judicial in nature, which means the board exercises powers resembling those of a court. In these instances, the board is obliged to follow procedures to objectively determine facts and draw conclusions from them as the basis of action. Quasi-judicial decisions determine the legal rights, duties, or privileges of specific parties and not of the public in general. Some examples of quasi-judicial actions include rezones or reclassifications applying to specific parcels of property, appeals of the decisions of the Hearing Examiner, subdivisions and special land use permits.

*A. Conflict of Interest and Appearance of Fairness*

Conflict of interest laws and the Appearance of Fairness Doctrine (RCW 42.36) applies to quasi-judicial actions pursuant to RCW 42.36.010.

According to this doctrine, the appearance of fairness is as important as substance. The test of whether the doctrine has been violated is: “Would a disinterested person, having been apprised of the totality of a board member’s personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided.” It is illegal to participate or otherwise be involved in discussions on issues where a conflict of interest or appearance of fairness consideration exists. More information is provided in section 6.05 of this manual.

Prior to any quasi-judicial hearing, each member of the Council or Planning Commission with a conflict of interest or appearance of fairness consideration, no matter how remote, shall disclose such facts to the meeting presider. A board member, the City Attorney or any member of the public may immediately exercise challenges for cause. The challenge must be raised as soon as the basis for disqualification is made known or reasonably should have been made known prior to issuance of a decision.

The party seeking to disqualify the board member shall state with specificity the basis for disqualification. The City Attorney may interview the board member to determine the validity of the statements and whether they are able to objectively consider the issue and render a decision on the basis of information received.

#### *B. Ex Parte Communications*

According to RCW 42.36.060, no member of a decision-making body may engage in communications with opponents or proponents in regards to the proposal that is the subject of the quasi-judicial proceeding. Any ex parte communications would need to be disclosed prior to the hearing so the meeting presider may determine if a conflict of interest or appearance of fairness issue exists.

#### *C. Recusal From Proceedings*

Based on these facts, the member may choose to recuse himself/herself from proceedings, or the meeting presider may request recusal. Two or more board members who believe a violation exists may make a motion requesting recusal of a member. A recused board member shall leave the Council Chambers until the discussion of the matter is complete, unless the recused member’s presence is necessary to maintain a quorum. In this instance, the member shall be permitted to participate.

## 8.15 Public Comment

Hearing from individuals or groups is an important part of the legislative process, but the primary purpose of regular meetings is to conduct business. Verbal public comment is invited only during designated periods. Persons speaking during designated periods shall obtain recognition from the Chair. Special community meetings are held often to gather public input on key topics.

### *A. Written Public Comment*

Written comment concerning agenda items shall be encouraged and shall be provided to all councilmembers for their consideration and decision making. Written comment of this kind is a public record and shall be filed with the Clerk and preserved as executive communication pursuant to state records retention requirements. Public comment for the Council or advisory body may be submitted to the City Clerk at any time. Comment received by 4 p.m. on the meeting date shall be distributed prior to the meeting. After this time, written comment to be considered at the meeting can be provided in-person.

### *B. Verbal Public Comment*

Verbal comments shall be made from the lectern and shall be electronically recorded. Speakers are expected to be courteous and efficient when making remarks. There are two public comment periods in the regular order of business for matters not related to designated public hearings. Comment related to a scheduled public hearing shall be heard during the public hearing to which it applies unless the Council agrees to hear it earlier in the meeting. Comment on proposed ordinances shall be encouraged and shall be heard during one of the two comment periods in the regular order of business or during a scheduled public hearing. An individual may speak only once per public comment period unless additional input is requested by the Council.

The overall time limit for the first public comment period shall be 30 minutes. The second public comment period shall be limited to individuals who have not spoken on the same subject during the first public comment period, and the overall time limit for the second public comment period shall be 15 minutes. The City Council may further limit or extend the total amount of time available for either public comment period.

Public hearings are formal public comment periods advertised in the City's newspaper of record prior to the meeting. The presiding officer shall announce the opening of the public hearing, and when all persons wishing to speak have done so, shall declare the hearing closed. When needed, the

Council or advisory body may hold open a public hearing to allow additional time for receipt of testimony. If the hearing concerns a quasi-judicial matter, the City Attorney will inform the public of the procedure required by law. During quasi-judicial hearings, persons providing testimony may be required to take an oath affirming the truth of the testimony.

The following procedure shall be followed for verbal public comment:

1. Speakers should sign up to speak upon arrival and list their name, city and neighborhood of residence, and the subject on which they wish to comment on forms provided by the City Clerk.
2. The Clerk may group speakers by subject matter and shall provide the list to the Chair at the start of the comment period.
3. Speakers should approach the microphone and state their name, city, and neighborhood of residence.
4. All individuals will be provided three minutes for comments. The City Council may limit comment to less than three minutes or extend it for longer than three minutes as circumstances warrant, provided the revised time limit is equitably applied. The City Clerk shall be the timekeeper.
5. Comments shall be directed to the presiding officer.
6. With the permission of the presiding officer, a councilmember may ask a speaker for limited clarification before the speaker is seated.
7. Unless required by a public hearing, councilmembers shall not immediately respond to public comment, but may ask staff or officials to respond to matters raised during comment in the context of a report or by direct response to the individual within two weeks of the meeting at which the comments were made.

## **8.16 Election of Officers**

Procedures for electing officers are as follows:

### *A. Biennial Election*

At the first meeting of each even-numbered year, the Council will elect a Mayor and Deputy Mayor from among its membership. The terms of these officers shall run concurrently. The City Clerk shall serve as the presiding officer until the election for a Mayor and conduct the election. The Mayor-elect or City Clerk will conduct the election for Deputy Mayor in the same manner described for the election of the Mayor.

### *B. Nominations*

The City Clerk will call for nominations. Each member of the City Council will be permitted to nominate one person, and nominations will not require

a second. In the event two Councilmembers raise their hand simultaneously to make a nomination, the City Clerk will take the nominations by Councilmember position number. A nominee who wishes to decline the nomination will do so at this time. When it appears the Council has no further nominations, the City Clerk shall close the nomination period, but Councilmembers may, by majority vote reopen nominations. After nominations are closed, each nominated Councilmember may speak for three minutes in the order in which he or she was nominated.

*C. Casting Ballots*

Each Councilmember may vote for one nominee, and the vote of a simple majority of Councilmembers present is required to elect a candidate. Abstentions are not permitted. A tie vote results in a failed candidacy. Voting will be by written ballot. Each ballot will contain a list of nominees and the name of the voting Councilmember. The City Clerk will publicly announce results for the record by stating the name of the voting Councilmember and the manner in which he or she voted.

*D. When an Officer Cannot be Elected*

If the Council is unable to elect an officer after the initial voting period, the City Clerk shall repeat the balloting process. If the Council again does not elect an officer, the Council may, by majority vote reopen the nomination period to add new candidates to the ballot. The City Clerk would then conduct the balloting process not more than twice for existing and additional nominees. If the Council is unable to elect a Mayor during the meeting, the previous Deputy Mayor, or if that person is unavailable, the Councilmember with the highest total seniority shall serve as Acting Mayor. Elections will be held at each subsequent regular Council meeting until a Mayor is elected. The Deputy Mayor shall not be elected until a Mayor is elected.

*E. Removal from Position*

A vote of five members shall be required to remove the Mayor or Deputy Mayor from his or her position. Removal from the position of Mayor or Deputy Mayor does not constitute a removal from the position of Councilmember.

## **8.17 Filling Council Vacancies**

If a Council position becomes vacant for any of the reasons found in Section 2.10 of this manual, the Council shall direct staff to begin the appointment process and establish an interview and appointment schedule at the earliest opportunity in accordance with RCW 42.12.070. A Councilmember vacating a position cannot participate in the appointment process.

### *A. Soliciting Applications*

(1) The City Clerk shall prepare and submit a display advertisement to the City's official newspaper, with copies to other local media, 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 Newcastle, and (b) have a one year residency in the City of Newcastle. This advertisement shall be published once each week for two consecutive weeks. The advertisement shall 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.

(2) The City Clerk shall prepare an application form requesting appropriate information for City Council consideration of the applicants. Applications will be available at City of Newcastle offices and on the City's official website. Copies of the display advertisement will be provided to current members of the City of Newcastle commissions, committees, task forces and other City-sponsored citizen groups.

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

### *B. Interviewing Candidates for Office*

(1) The City Clerk shall publish the required public notice(s) for the meeting scheduled for interviewing applicants. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting. The City Clerk shall also notify applicants of the location, date, and time of City Council interviews.

(2) During the interview meeting, the applicant shall present his or her credentials to the City Council. The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.

(3) Councilmembers may each submit one interview question for one set of predetermined questions. An informal question period also will be a part of proceedings.

### *C. Selecting Officer*

- (1) Upon completion of the interviews, Councilmembers may convene into executive session to evaluate the qualifications of the applicants. However, all interviews and final action appointing a candidate to elective office shall be in a meeting open to the public. Nothing in this policy shall prevent the Council from reconvening executive session at any time to discuss qualifications.
- (2) Selection shall be by Council motion approved by a majority of the Council present.
- (3) Proceedings shall continue until the Council appoints a Councilmember. At any time during the appointment process, the Council may postpone selection until a set date.
- (4) The new Councilmember shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
- (5) If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the occurrence of the vacancy, the Revised Code of Washington delegates appointment powers to King County.

## **Chapter 9**

# **Public Records**

The Washington State Public Records Act (RCW 42.56) requires all local government agencies to protect public records from damage and disorganization and to make them available to the public with very narrow exemptions. A public record is defined as any writing prepared, owned, used or retained by any local government agency that contains information relating to the conduct of government or performance of any government function. The term “writing” is broadly defined to include not only traditional written records, but also photos, maps, videos, voicemails, emails, text messages and social media messages. The City Clerk is Newcastle’s Public Records Officer.

### **9.01 Public Records on Privately Owned Resources**

Records created or maintained on personal devices or privately owned accounts may be public records if they meeting the definition under RCW 42.56.010(3). Officials should avoid creating or storing public records on privately owned resources whenever possible and should transfer public records to the City’s Public Records Officer at the soonest available opportunity.

### **9.02 Records Retention Schedule**

Various public records must be kept for different amounts of time. City officials shall assist in the retention of public records they create. The State of Washington’s Local Government Common Records Retention Schedule or CORE specifies how long each type of record must be kept. The CORE assigns a disposition authority number or DAN to each type of record or “records series.” Access the full CORE at <https://www.sos.wa.gov/archives/recordsretentionschedules.aspx>. The City Clerk is available to answer questions concerning the CORE.

### **9.03 Records Commonly Created by Officials**

The City Clerk retains records related to Council and advisory board operations according to state schedule such as original copies of agenda packets, minutes, ordinances, and resolutions. Staff often provides officials with duplicate copies of these materials, most of which can be disposed of immediately without any particular procedure. Records with a longer retention period may be transferred to the City Clerk. The following is intended to provide guidance concerning retention periods for records and may not be all-inclusive.



DAN	Record Description	Retention Period
GS50-02-04	<p>Secondary (Duplicate) Copies</p> <p>Copies of records (created or received), provided the agency retains its primary copy of the record in accordance with the approved minimum retention period.</p>	Retain until no longer needed for agency business then destroy
GS2016-007	<p>Meeting Materials – Members’ Copies/Notes</p> <p>Individual members’ meeting materials from participating in governing/executive, advisory, internal/external committees, provided the committees’ records are retained by the secretary/responsible agency/member. Includes but is not limited to copies of agendas, meeting packets, working notes or drafts.</p>	Retain until no longer needed for agency business then destroy.
GS2016-010	<p>Reference Materials</p> <p>Materials gathered from outside sources for reference/reading use which are not evidence of the agency’s business transactions. Includes but is not limited to individual participants’ copies of internal and external training materials (such as handouts, notes taken, etc.) from conferences/seminars/trainings.</p>	Retain until no longer needed for agency business then destroy.
GS50-02-03	<p>General Information – External</p> <p>Information received from other agencies, commercial firms, or private institutions, which requires no action and is no longer needed for agency business purposes. Includes unsolicited junk mail, informational copies, notices, newsletters and announcements.</p>	Retain until no longer needed for agency business then destroy.

GS50-01-12	<p>Communications - Governing/Executive/Advisory</p> <p>Internal and external communications to, from, and/or on behalf of the agency's governing bodies, elected officials/executive management or advisory bodies, that are in connection with the transaction of public business. Includes all communication types regardless of format such as email and social networking posts.</p>	Retain for 2 years after received or provided, whichever is later, then transfer to State
GS2012-028	<p>Reporting/Filing (Mandatory) - Agency Management</p> <p>Records relating to general functions of the agency required to be submitted to an outside agency such as political campaign reports, lobbying reports, or personal statements, filed with the Public Disclosure Commission.</p>	Retain for 6 years after report or document submitted then contact Washington State Archives for appraisal.
GS2016-003	<p>Contact Information</p> <p>Records relating to contact details of external clients/stakeholders the agency has gathered/received. Includes email distribution lists, business cards and contact details stored in contact databases.</p>	Retain until no longer needed for agency business then destroy.
GS2016-004	<p>Drafting and Editing</p> <p>Records relating to the drafting/editing of correspondence, documents and publications. Includes preliminary drafts and edits/suggestions/directions, such as handwritten notes and track changes information.</p>	Retain until no longer needed for agency business then destroy.
GS2016-011	<p>Scheduling - Appointments/Meetings</p> <p>Records relating to the scheduling of appointments/meetings, provided the</p>	Retain until no longer needed for agency business then destroy.

	calendar is retained in accordance with GS50-01-36. Includes meeting invitations accepted/declined and related correspondence.	
GS50-02-01	<p>Requests for Basic/Routine Agency Information</p> <p>Internal and external requests for, and provision of, routine information about the operations of the agency, such as business hours, web/email addresses and meeting dates/times.</p>	Retain until no longer needed for agency business then destroy.

**9.04 Records Automatically Archived**

Any emails sent from or to a City-issued email address are automatically archived on publicly-owned resources. Text messages sent from City owned mobile devices and social media records on City social media accounts are automatically archived. View section 7.07 for more information on procedures related to text message communications and section 7.08 concerning social media records.

**9.05 Records Destruction or Transfer**

No records should be destroyed after the submittal of a public records request relating to such records regardless of retention period. Records that have met their mandated records retention periods and are not a part of a current public records request should be destroyed to limit liability to the City and to reduce the cost of responding to public records requests. Some records are eligible to be transferred to the State of Washington for retention.

## Chapter 10

# Additional Training and Resource Materials

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

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

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

[www.mrsc.org](http://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.

### 10.03 Washington Cities Insurance Authority [(206) 575-6046]

[www.wciapool.org](http://www.wciapool.org) A municipal organization of Washington public entities that join together for the purpose of providing liability and property financial protection to its members.

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

[www.icma.org](http://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.

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

[www.gfoa.org](http://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.

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

[www.nlc.org](http://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.

## 10.07 Overview of Basic City Documents

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

### *A. City Council Goals and Strategic Priorities*

The Council provides prioritized goals that provide broad guidance to officials and staff. Goals turn the City's mission and vision into specific targets. Goals are outcome statements to guide implementation of strategy.

### *B. 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.

### *C. Non-Motorized Transportation Plan*

Adopted May 20, 2008, the Non-Motorized Plan is a policy-guidance document developed to remain consistent with and further the policies and goals of the Comprehensive Plan adopted in 2004. The plan implements key transportation, land use and recreation policies of the Comprehensive Plan. It provides a process for ranking and prioritizing sidewalk, trail and bike route projects with the goal of providing safe and continuous links to key destinations within the city.

### *D. Downtown Strategic Plan*

The Downtown Strategic Plan, authorized by the Comprehensive Plan, sets a vision and a framework for Downtown Newcastle. Downtown is widely recognized as critical to Newcastle's future, helping boost the economy and local tax base, improving resident quality of life, and giving the City a greater sense of identity and place.

### *E. Comprehensive Surface Water Management Plan*

Updated in 2017, this plan sets a framework for Surface Water Management (SWM) policies, operations, capital improvement projects, staffing levels and SWM fee rate structure and fee adjustments.

#### *F. Newcastle Municipal Code*

The municipal code contains local laws and regulations adopted by ordinances. Title 2 of the code addresses the role of the City Council, describes the organization of City Council meetings and responsibilities and appointment of advisory boards and commissions. 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.

#### *G. Six-Year Capital Improvement Program*

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

#### *H. Lake Boren Park Master Plan*

This is a plan for development of Lake Boren Park, the largest City-owned park in Newcastle. The park is centrally located and serves as the primary destination for organized events and opportunities for recreation.

#### *I. Annual 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.

#### *J. Comprehensive Financial Management Policies*

The City's Comprehensive Financial Management Policies serve as a framework for financial planning, budgeting, accounting, reporting and other financial management practices. The document assists the City in operating in a prudent manner, using sound fiscal policies that ensure safekeeping of the City's assets.

#### *K. Personnel Policies*

Personnel policies adopted by the City Council apply to all City employees except the City Manager. Generally they do not apply to the City Council. The document provides policies about recruitment,

selection, retention and separation of City employees. Guidance on compensation, benefits, employee responsibilities and conduct are provided.

#### *L. Disaster Preparedness Plan*

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the Fire Chief directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident.

### **10.08 Orientation of New Members and Ongoing Training**

It is important for the members of the City Council and its advisory boards to gain an understanding of the full range of services and programs provided by the City. As new members join, the City will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff within the first quarter of taking office. 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 officials would like more information, arrangements will be made to increase your awareness of these operations.

The Code City Handbook, Report No. 37, published by the Municipal Research & Services Center (MRSC), provides a wealth of general information. Another publication from MRSC that goes hand in hand with the handbook is, *Knowing the Territory*: 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, Open Government-Public Records-Freedom of Information and immunities from tort liability.