

- City of Mount Vernon - City Council Wards

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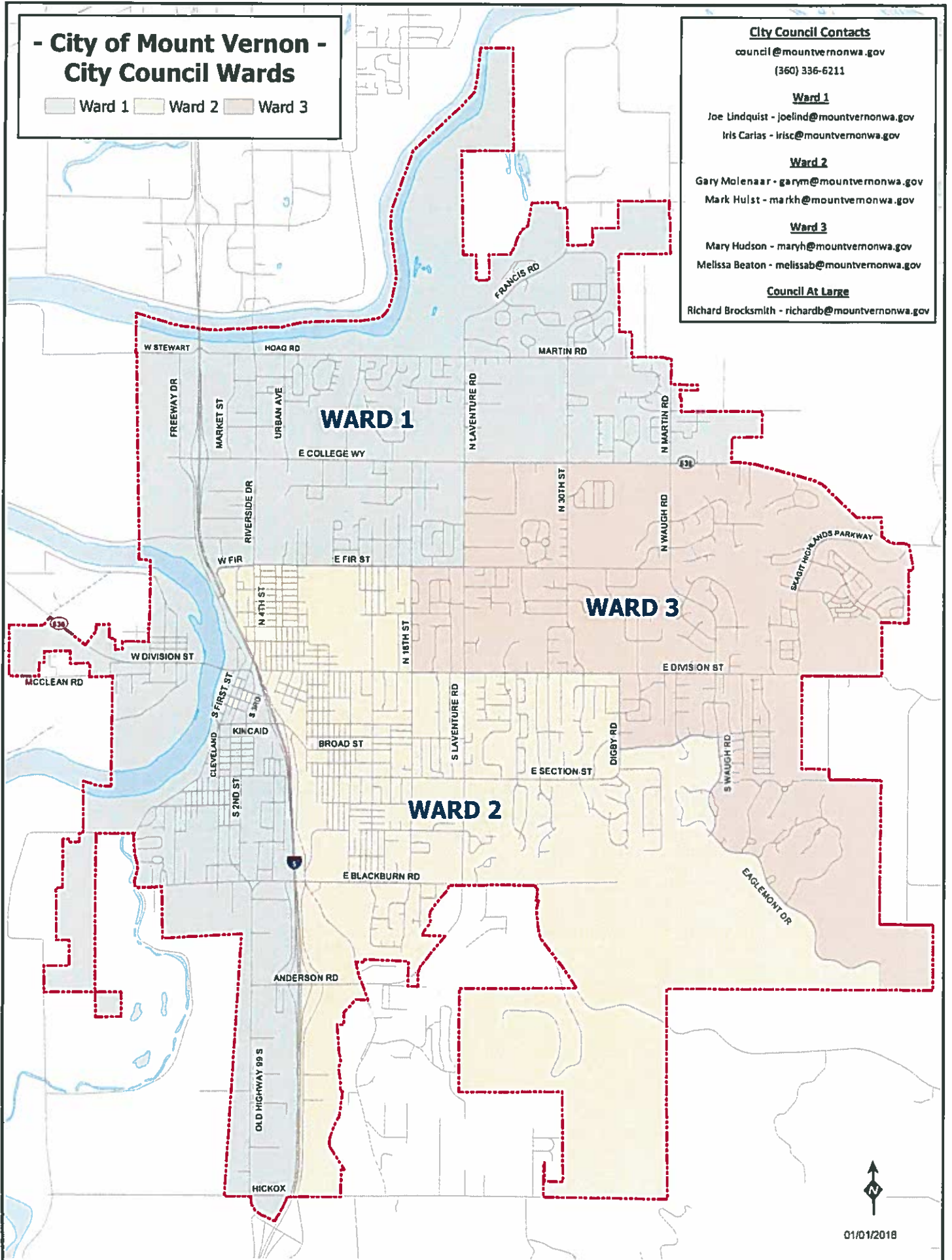
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Chapter 2.12 CITY COUNCIL¹

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2.12.010 Meetings – General requirements.

A. Open Meetings. All meetings of the Mount Vernon city council shall be open and public in accordance with Chapter 42.30 RCW, and all persons shall be permitted to attend any meeting of the city council except as otherwise provided in Chapter 42.30 RCW.

B. Regular Meetings. Regular meetings of the city council shall be held on the second and fourth Wednesdays of each month at the hour of 7:00 p.m., or as soon thereafter as may be convenient; provided, however, that when any of these days falls on a holiday the city council shall meet on the next business day; and provided further, that the second regular council meeting held in the month of November shall be on the Tuesday preceding the fourth Wednesday of the month. The city council may, upon motion duly made and carried at a regular meeting, dispense with, postpone, or advance the date of any regular meeting of the city council; provided, that in no event shall the city council hold less than one regular meeting in any one calendar month.

C. Study Session. There shall be a regular study session of the city council to be held on the first and third Wednesday of each month at the hour of 7:00 p.m., or as soon thereafter as may be convenient; provided, however, when any such day falls on a holiday the city council shall meet on the next business day at the same time and place; and provided further, in the event there are no agenda items to be considered at a regular study session, such meeting may be canceled by notification by the mayor to members of the city council and other affected parties. It shall be the purpose of a study session to consider matters before the council requiring more in-depth study and debate. Such sessions shall normally be conducted with less formality than regular meetings of the council, with free and open discussion of problems and alternatives

to be encouraged; provided, however, that nothing herein shall restrict the authority of the council to conduct any and all regular business of the council at a study session, including the adoption of ordinances, resolutions, or other motions or business of any kind.

D. Meeting Place. The regular meeting place of the city council shall be at the city police and court campus at 1805 Continental Place, Mount Vernon, Washington; provided, that the council may by resolution provide that meetings shall be held at other locations, subject to any notice required by law.

E. Special Meetings. A special meeting may be called at any time by the mayor or mayor pro tempore, as presiding officer of the council, or by a majority of the members of the city council. Notice of such meetings shall be in accordance with RCW 42.30.080. Such meetings shall be held at the same location as regular meetings, unless provided otherwise.

F. Adjournment. Any regular, adjourned regular, special or adjourned special meeting may be adjourned in the manner set forth in RCW 42.30.090.

G. Continuances. Any hearing being held, noticed, or ordered to be held by the city council may be continued in the manner set forth in RCW 42.30.100.

H. Executive Sessions.

1. The city council may hold an executive session during a regular or special meeting to consider those certain matters set forth in Chapter 42.30 RCW, except as provided therein. In addition, the city council may meet in executive session for any conference, discussion or deliberation concerning labor negotiations, or any conference, discussion or deliberation between the council and its city attorney concerning claims, settlements, avoidance of or contemplated litigation, settlement offers, and like matters, all of which shall be subject to the statutory attorney-client privilege.

2. No official action shall be taken at any executive session.

3. In the event of any executive sessions, and in the absence of a court of law having jurisdiction, no member of the city council, employee of the city, nor any other person present during executive session of the city council shall disclose to any person the content or substance of any discussion or action which took place during the executive session, unless a majority of the city council shall authorize such disclosure. (Ord. 3594 § 2, 2013; Ord. 3178 § 1, 2004; Ord. 3021 § 1, 2000; Ord. 2762 § 1, 1996; Ord. 2725 § 1, 1996; Ord. 2390 § 1, 1990; Ord. 2313 § 1, 1988; Ord. 2249 § 1, 1987; Ord. 2185 § 1, 1985; Ord. 2066 § 1, 1982).

2.12.020 Meetings – Agenda.

An agenda setting forth the matters to be considered by the city council shall be prepared for each regular meeting in accordance with the provisions of this section.

A. Placing Matters Before the Council.

1. Any city official or member of the public desiring to present any matter for the consideration of the city council at a regular meeting shall notify the city finance director thereof by 4:30 p.m. on the Wednesday preceding the scheduled council meeting.

2. Any such notification and request so made to the city finance director shall be in writing, and it shall reasonably state the purpose of the requested appearance before the council, the estimated time which will be required to present the matter, and there shall be attached to such request not less than 17 copies of the letter request and all written documents or other matters which may be referred

to by the person during the course of his or her appearance before the council. City staff shall make best efforts to notify members of the public with whom they are dealing, such as developers with pending applications, and others, of the necessity for timely submission of material to be considered.

B. Preparation of Agenda and Review by Mayor.

1. It shall be the duty of the city finance director to keep a record of all matters requested to be placed on the agenda pursuant to subsection A of this section, and from such records prepare an interim agenda which lists those matters to be considered by the council.
2. Upon completion of the interim agenda, the city finance director shall immediately provide a copy thereof to the mayor, excepting such times as he or she may not be available, and the mayor shall thereupon determine whether or not all of the matters may be conveniently heard and be presented to the city council at the next council meeting, or whether any of the items requested to be placed upon the agenda should be extended to the next or succeeding council meeting, the mayor to take into consideration:
 - a. The importance of the subject matter;
 - b. Whether it has or has not an emergency status;
 - c. The possible length of time required for consideration of the matter by the city council;
 - d. The length of time to be required for the presentation of the subject matter;
 - e. The overall consideration given to the anticipated length of time of the council meeting and the fairness of adequate time to be given to the applicant desiring to be heard;
 - f. Whether the matter involves a public hearing; and
 - g. The time reasonably required by the council to exercise its honest judgment in the matter.
3. The order of items on the final agenda shall be up to the discretion of the mayor and finance director giving consideration to the above factors. In any situation in which the mayor should elect to continue any matter upon the agenda, the finance director shall make reasonable efforts to notify the persons involved, but, in any event, the mayor shall be authorized at the time of the council meeting to continue any of the matters upon the agenda which in his or her judgment should not be heard or should be placed for hearing at another time.
4. The completed and approved final agenda shall thereafter be a matter of public record and available for the inspection of the public by 4:30 p.m. on the Friday preceding the regular meeting of the city council, and copies of such agenda shall be mailed to each member of the city council, the mayor, and the city attorney in such time as they shall receive such copy by 12:00 noon of the Monday preceding the date of the council meeting.

C. Advance Public Notice Required – Exceptions. It shall be the duty of the city council to adhere to the policy of advance public notice as declared in this chapter. Matters not placed on the agenda shall be considered only in exceptional circumstances where the necessity of immediate emergency action is deemed by a majority of those council members present to override the policy of advance public notice. (Ord. 3594 § 2, 2013; Ord. 2777 § 1, 1996; Ord. 2066 § 2, 1982).

2.12.030 Meetings – Presiding officer.

A. The mayor shall be the presiding officer at all meetings of the city council in accordance with RCW 35A.12.100 and MVMC 2.08.050, or in the absence of the mayor, the mayor pro tempore shall preside. The mayor pro tempore shall be selected by the council in the manner provided in MVMC 2.08.040.

B. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the city council, and shall state all questions coming before the council, provide opportunity for discussion from the floor at his or her discretion where not specifically required by ordinance or statute, announce all decisions of the council, and decide all questions of order. The presiding officer shall not have a vote on matters before the city council except as permitted by RCW 35A.12.100. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.040 Meetings – Calling to order.

The mayor or presiding officer shall, at the hour appointed, call the city council to order, lead the council and audience in the pledge of allegiance, and before proceeding with the business of the council, call the roll of the council members. The names of those present shall be recorded in the minutes, and those not present shall be excused or unexcused in accordance with this section. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.050 Meetings – Quorum.

A majority of all of the members of the city council shall constitute a quorum at a regular or special meeting of the council in accordance with RCW 35A.12.120. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.060 Meetings – Reading of minutes – Approval.

Unless a reading of the minutes of the previous council meeting is requested by a member of the city council, such minutes may be approved without reading if the city clerk-treasurer has previously furnished each council member a written copy of the minutes prior to the meeting. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.070 Meetings – Order of business.

Following the call to order and approval of the minutes, the order of business of the council meeting shall be as indicated on the official agenda. Any item of business on the agenda may be changed to a different order during a meeting by a majority of the city council. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.080 Meetings – Rules of debate.

The mayor shall introduce each item of business and refer it to the appropriate staff person, council person, or council committee spokesman for explanation to the entire council.

A. General. Unless otherwise stated in this chapter, or unless in conflict with state law, the mayor shall have the sole discretion to preserve order, to control the manner of debate among the council, and to decide all questions of order which are not specifically addressed in this chapter.

B. Right to Speak.

1. Each council person desiring to speak shall address the chair, and the mayor shall recognize members of the council in the order that they request the floor. Upon recognition, each council person shall confine their comments to the question under debate.

2. No council member shall engage in any indecorous, abusive or inappropriate language and council members shall avoid personal attacks on any other members of the council or city officials, nor shall members impugn the integrity, honesty or motives of such other official or officials. Likewise, no member of the council shall in any manner impugn the integrity or motives of any citizen before them, or in any way make any slanderous remarks about a person's race, religion, sex, creed, etc.

C. Interruptions. A member of the council, once recognized, shall not be interrupted when speaking unless it is to call him to order.

D. Motions. Any council person may make a motion with respect to the item of business on the floor. Such motion should be prefaced with, or followed by, the reasons or findings that support the motion being made. Upon the motion being made, any other council person may move to second the motion. If the motion is not seconded, the motion dies and further discussion may follow, including further motions. If the motion is seconded, the question can be called for, and a vote taken.

E. Voting.

1. All voting on motions may be done by a voice vote, or by a visual vote by the raising of hands, at the discretion of the mayor. At the desire of any council member, any question shall be voted upon by roll call and the ayes and nays shall be recorded in the minutes.

2. In accordance with RCW 35A.12.120, the passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council. Any other matter being voted upon shall pass by a majority vote of those present constituting a quorum.

3. Every council member, unless disqualified by reason of a conflict of interest, appearance of fairness or as otherwise provided by law, shall cast a vote upon all matters put to a vote by the legislative body. Any member who disqualifies him or herself shall state the reasons therefor on the record and remove themselves from further consideration of the issue.

4. If any council member is of the opinion that there exists insufficient available information on the issue to cast a knowledgeable vote, such member shall raise the issue prior to any motion, or after a motion at the time the question on the motion is called for. If a majority of the council agrees, the matter shall be continued to the next available regular meeting in order to obtain such information. If a majority of the council feels there exists sufficient information upon which to make a decision, the matter shall be put to a vote.

5. Any council member who abstains from voting without a valid reason, or remains silent during a voice vote, shall be deemed to have cast his or her vote with the majority on any issue so voted upon.

6. In the event that a disqualification of any member of the council for appearance of fairness would cause a lack of quorum, or would result in a failure to obtain a majority vote required by law, such member shall be permitted to fully participate in the proceeding and cast a vote, if such member publicly discloses the basis for such disqualification as required in this subsection.

F. Motion to Reconsider.

1. A motion to reconsider any action taken by the council may be made only on the day such action was taken, or at the next regularly scheduled council meeting. Such a motion may be made by any council member regardless of such member's vote on the original motion. Such a motion to reconsider cannot be renewed if lost. Nothing herein shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.

2. This provision shall govern unless it conflicts with any other ordinance dealing with reconsideration of specific items. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.090 Meetings – Addressing the council.

A. In matters not involving public hearings, the mayor may, at his or her discretion, prohibit any member of the public from addressing the council, but may permit the entry into the record of any written communication received on the issue or issues before the council.

B. If the agenda item is one requiring a public hearing, or is a meeting at which the mayor permits members of the public to address the city council, the following provisions of this subsection shall apply:

1. **Secure Permission.** Any person desiring to address the council shall first secure the permission of the mayor, unless the mayor decides otherwise.

2. **Manner of Addressing Council – Time Limit.** Each person addressing the council shall stand and shall give his or her name and city or county of residence for the record and unless further time is granted by the council, shall limit his remarks to five minutes. All remarks shall be made to the council as a body and not to any individual member, and shall be pertinent to the subject matter at hand.

3. **Spokesman for Group of Persons.** In order to expedite matters and to avoid repetitious presentation, delay or interruption of the orderly business of the council, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the mayor to request that a spokesman be chosen by the group to address the council and, in case additional members are to be presented by any other member of said group, to limit the number of persons addressing the council.

4. **After Motion.** After a motion has been made or a public hearing has been closed, no member of the public shall address the council from the audience on the matter under consideration without first securing the permission to do so from the mayor or a majority of the council members. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.100 Meetings – Decorum during council meeting.

A. By Council Members.

1. While the council is in session, all members must preserve order, decency and decorum at all times, and no member shall by conversation or otherwise delay or interrupt the proceeding or the peace of the council, nor disturb any member while speaking nor refuse to obey the order of the mayor.

2. No member of the city council shall use any impertinent, degrading or slanderous language as to any other member of the council or member of the public, nor shall any member of the council make any remark or comment which directly or by implication is offensive to any particular race, religion or ethnic background.

B. Employees. Members of the city staff and employees shall observe the same rules of order and decorum as are applicable to members of the city council.

C. By Citizens.

1. All comments and testimony by any citizen at a public hearing or meeting shall be relevant to the issue to be decided by the city council. No citizen in attendance at a public hearing or meeting shall make any personal, impertinent or slanderous remark toward any other citizen in attendance at such a meeting, nor toward any council member or city staff person, nor shall any citizen make any remark or comment which directly or by implication is offensive to any particular racial, religious or ethnic

group regardless of whether or not there is present any member of such group at the time such remark is made; provided, that nothing contained herein shall be construed to interfere with any person's constitutional right of free speech under the First Amendment to the U.S. Constitution.

2. No person shall by his or her action impede or interrupt the proceedings of the council, or disturb any member while speaking, nor engage in disorderly conduct, including yelling, whistling, stamping of feet, use of profane language and similar acts or demonstrations, which conduct disturbs the orderly business of the council, nor shall any person refuse to comply with any lawful order of the council.

D. Enforcement of Decorum.

1. Any person who violates any of the provisions of this subsection may be immediately barred from further attendance before the city council, and may be removed from the council chambers at the direction of the mayor by any police officer present or summoned for that purpose. In addition, any conduct or behavior which constitutes the criminal offense of disorderly conduct under Chapter 9.21 MVMC may result in a citation being issued to the offending person.

2. Any council member may move to require the mayor to enforce these rules and the affirmative vote of a majority of the council shall require the mayor to do so. (Ord. 3594 § 2, 2013; Ord. 2066 § 3, 1982).

2.12.110 Meetings – Attendance and vacancy filling.

A. All council members are required to be in attendance at regular, special and public hearing meetings of the city council, absent good cause. Any council member who cannot attend a meeting shall notify the mayor and state the reasons therefor.

B. If a council member absents himself or herself for three consecutive regular council meetings, the city council may, at the end of the third such meeting, entertain a motion to excuse the council member from any such meeting or meetings as there may be shown to have been good cause for the absence, or if three such meetings be missed without good cause, the council may, at the end of the third such meeting, declare the office vacant, in accordance with the provision of RCW 35A.12.060. Such vacancy shall be filled in accordance with the provisions of RCW 35A.12.050. (Ord. 3594 § 2, 2013; Ord. 2157 § 1, 1985; Ord. 2066 § 4, 1982).

2.12.120 Ordinances – Signature required for validity.

All ordinances to become valid after passage of the council must be presented to the mayor for signature. The procedure for mayoral approval or veto of ordinances, and the procedure for city council override of a mayoral veto is set forth in MVMC 2.08.060. (Ord. 3594 § 2, 2013; Ord. 2066 § 5, 1982).

2.12.125 Ordinances – Time for additional consideration.

It is the intent of the council that whenever the efficient conduct of city business will permit:

A. Any ordinance imposing a tax; or

B. Any ordinance establishing fees or charges for city services; or

C. Any ordinance regulating the conduct of business; or

D. Any other ordinance which, in the opinion of the council, may best be acted upon after additional opportunity for public input and/or staff or council consideration, shall be first introduced at a regular meeting of the council or study session with action upon such measure to be taken at a subsequent

meeting; provided, however, that this section shall be considered as an expression of council intent only, and shall not be read as imposing any mandatory procedure for the adoption of any ordinance. Failure to follow the procedure set forth in this section shall not in any case affect the validity of any ordinance. (Ord. 3594 § 2, 2013; Ord. 2390 § 3, 1990).

2.12.130 Committees.

A. Special Committees. The mayor, in his or her discretion, may establish and organize any special committee to address a particular topic or issue of interest to the city.

B. Standing Committees of the City Council.

1. There are established the following standing committees of the city council, which shall be appointed by and serve at the pleasure of the mayor during his or her term of office:

- a. Finance committee;
- b. Public works committee;
- c. Parks and recreation committee;
- d. Public safety committee;
- e. Planning and development committee; and
- f. Committee of the whole.

2. Each standing committee may consist of a quorum or greater of council members and shall meet as a regular open public meeting of the city council pursuant to the Open Public Meetings Act. Each standing committee may make recommendation on all matters referred to it, and minutes of committee meetings shall be kept, maintained and distributed to the mayor, council members and appropriate staff members. Recommendations of standing committees to the full council may be in writing.

3. Regular meetings of the public safety committee shall be held on the first Wednesday of every month at the hour of 6:00 p.m.

4. Regular meetings of the public works committee shall be held on the second Wednesday of every month at the hour of 6:00 p.m.

5. Regular meetings of the parks and recreation committee shall be held on the third Wednesday of the months of January, March, May, July, September and November, at the hour of 6:00 p.m.

6. Regular meetings of the planning and development committee shall be held on the third Wednesday of the months of February, April, June, August, October and December, at the hour of 6:00 p.m.

7. Regular meetings of the finance committee shall be held on the fourth Wednesday of every month, at the hour of 6:00 p.m.

8. Regular meetings of the committee of the whole shall be held on the fifth Wednesday of each month containing more than four Wednesdays, at the hour of 6:00 p.m.

9. Standing committees shall meet at the Mount Vernon Public Safety Campus, 1805 Continental Place, Mount Vernon, Washington, in the council chambers or court room, as designated by signs

posted on the doors of the respective rooms.

10. When the date of any committee meeting falls on a holiday, the committee shall meet on the previous business day at the same time and place.

11. Any committee may, upon motion duly made and carried at a regular meeting, dispense with, postpone, or advance the date of any regular meeting of that committee. In the event no items appear on the agenda for any scheduled committee meeting, such meeting may be canceled by notification by the mayor or his or her designee to members of the committee and other affected parties.

12. Any city council member may attend any standing committee meeting including but not limited to a quorum or greater of the city council.

13. The purpose of the standing committees is to receive information for educational purposes, make recommendations, and prepare for matters to come before the city council. No final action of the city council shall be taken at a standing committee meeting other than committee recommendations which may or may not be in writing. (Ord. 3594 § 2, 2013; Ord. 3178 § 2, 2004; Ord. 3168 § 1, 2004).

2.12.140 Council decisions – Validity when rules not observed.

Except as noted herein, the rules adopted in this chapter are procedural and intended to smoothly and efficiently expedite the city council in their deliberations and actions. These rules are not intended to bestow any rights on third parties to attack decisions of the city council for their failure to follow or abide by any one of these rules. The failure of the council to strictly observe the provisions set forth in this chapter shall not affect the jurisdiction of the council or invalidate any decision made or any other action taken, which is otherwise legally sufficient. (Ord. 3594 § 2, 2013; Ord. 2066 § 7, 1982).

¹Prior legislation: Ords. 1176, 1193, 1675, 1722 and 1750.

Mobile Version

Chapter 6

The job of a councilmember

The principal job of a city or town council is to set policy. A policy is a course of action for a community. Policymaking often takes the form of passing ordinances or resolutions. After policy decisions are made by the legislative body, others perform the administrative task of implementing the policies. The distinction between formulation and implementation may not always be clear, necessitating open communication between legislators and administrators.

Adopting policy

The council does not make policy in a vacuum. Councils rely on ideas from many sources, including the council staff, community groups, advisory committees, chambers of commerce, and others. It is the council's responsibility to consider the merits of each idea and then approve, modify, or reject them. In doing so, councilmembers analyze community needs, program alternatives, and available resources. The decision often takes the form of an ordinance or resolution, although it may take the form of a rule, regulation, motion, or order. The budget and comprehensive plan are powerful policy tools that are adopted by ordinance.

So, who actually runs the city?

It is important to recognize that it is not the role of the councilmember to administer city affairs. The council sets policy, but it is either the mayor (in mayor-council cities), or the city manager (in council-manager cities), who actually implements the policies. This means that it is not the role of the councilmember to supervise city employees on-the-job or become involved in the day-to-day administration of city affairs. This can be a source of conflict between the executive and legislative branches of city government.

Responding to constituent complaints

Residents often contact a councilmember when they have a problem, whether it involves a land use matter, a barking dog, or a pothole. Don't hesitate to send them to the appropriate city staff person for resolution of their problems. Keep in mind that you lack the authority to take action in administrative matters.

Relationship with the city attorney

In most cities, the mayor appoints the city attorney, whether that position is full-time or part-time. In some cities the council takes an active role to arrange for the provision of legal services through a contract. Regardless of how the position is established, remember that although the mayor or city manager typically has more contact with the city attorney than the councilmembers or city staff, the city attorney's job is to advise all city officials. Sometimes councilmembers feel that the city attorney is the mayor's or manager's attorney, particularly if the city attorney generally supports the mayor's or manager's position in situations where the answer is unclear.

Question & answers

Q. What is the role of the city council regarding employee discipline, and what input can the council have concerning performance appraisals of employees?

A. Though the council may be concerned about employee discipline and how certain employees are performing their duties, the council should not be involved in any individual situations. While the council can establish personnel policies and voice their concerns to the mayor, it is solely the mayor's job to discipline and supervise city employees, including conducting performance evaluations.

Q. Is the mayor or city manager required to inform councilmembers prior to terminating or disciplining a city employee?

A. No. However, when a particular termination or discipline is likely to be controversial, the mayor may want to notify the council and explain the decision in an executive session. Disciplinary and termination decisions should be reviewed with the city attorney first. The mayor and councilmembers should be careful to not discuss specific cases outside of an executive session.

Neither the mayor nor the city manager can prohibit the council from accessing the city attorney for advice. For financial reasons, the mayor or manager may feel that questions to the city attorney should be channeled through the executive's office, to avoid possible duplication and to make sure that the questions are presented clearly. Ultimately, it is up to the council to establish procedures on how to provide city attorney services.

Some smaller cities try to minimize legal service fees by having the city attorney skip regular council meetings. That can be thrifty, but shortsighted, particularly when the council is dealing with controversial matters such as land development, or complex procedural issues such as LIDs.

Personnel management

The statutes generally give the mayor or city manager, as chief executive, the broad authority to hire and fire employees.

The city council, however, determines the number of employees that can be hired and those employees' duties. The council establishes salaries and other forms of compensation paid to city workers. The council may also establish job qualifications.

One piece of advice is to have good, consistent personnel policies. Up-to-date, clearly written policies help avoid lawsuits, promote consistency, and contribute to employee morale.

Labor relations

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined statewide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police and fire departments are unionized. Except for very small cities, police and fire unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police and fire negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language.

Open government laws

Compliance with public disclosure and open meetings builds trust with your community. The Open Government Trainings Act requires elected officials to receive training on public disclosure, the Open Public Meetings Act (OPMA), and records retention within 90-days of taking office and every four years thereafter.

In partnership with MRSC, AWC provides the courses for free online. The eLearnings are available to watch anytime, and meet the Open Government Trainings Act requirement.

Local laws – ordinances and resolutions

How does the council adopt policy? Typically, a council will adopt policy by passing ordinances and resolutions at council meetings.

Difference between ordinances and resolutions

An ordinance is a local law of a municipal corporation, prescribing general rules of conduct. Ordinances are used for a variety of purposes, including administrative actions such as establishing offices and setting salaries, or they may be used for actions that control the conduct of the public. An ordinance is a legislative enactment, within its sphere, as much as an act of the state Legislature.

A resolution, on the other hand, is typically an act that is less solemn or formal than an ordinance. Consider it the official body's expression of opinion. Legislation must be enacted via ordinance. Deciding what constitutes legislation may require reference to case law, but the general guiding principle is that "[a]ctions relating to subjects of a permanent and general character are usually regarded as legislative, and those providing for subjects of a temporary and special character are regarded as administrative..." (*Durocher v. King County*, 80 Wn.2d 139, 153, 492 P.2d 547, 1972).

When deciding whether to use an ordinance or a resolution, first refer to the city charter and state law (RCW). Some state statutes clearly define which action is needed, others leave it to the discretion of the legislative body. If the charter and the code are silent as to the mode of decision-making, and the action is not "legislation," then either a resolution or an ordinance may be used.

Rules for adopting ordinances

The state statutes for each class of municipality do contain some procedural requirements which govern the ordinance adoption. However, these procedural requirements are generally not complicated and do not require an elaborate adoption procedure. For a comprehensive discussion of adoption procedures, including information on requirements for signatures on ordinances and publication of ordinances, see MRSC Report No. 50, which is entitled *Local Ordinances - The Drafting, Compilation, Codification and Revision of Ordinances*.

Many cities and towns have adopted local rules of procedure that relate to the adoption of ordinances, and these, of course, must be followed. For example, although the state statutes do not require that an ordinance be read more than once (in most circumstances) prior to adoption, many local rules of procedure do contain such a requirement. Therefore, it is important that councilmembers familiarize themselves with the local rules of procedure, as well as the state statutory requirements in regard to adoption requirements for ordinances.

An ordinance is a local law of the city.

A resolution is typically an act that is less formal than an ordinance.

Practical advice

Helpful pointers from other elected officials.

Leadership ...

- **Lead by example.** Be honest, consistent, flexible. Don't play games.
 - **Use common sense.**
 - **Don't be stampeded.** You may receive strong demands from special interest groups. Your job is to find the long-term public interest of the entire community.
 - **Be clear on what you stand for.** List 10 things you believe in.
 - **A new councilmember should have goals.** These are things you want to accomplish. But don't act rashly and assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. Your perceptions may change.
 - **Use your role as a leader.** The dignity of your office can help the community get past contentious issues.
 - **It can be uncomfortable to make very public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything, and reach good decisions.
 - **Know that you can't satisfy everyone.** Listen fairly and thoughtfully, and then do what's right.
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Working with staff ...

- **Get to know staff and what they do.**
- **Say thank you!** Let folks know how much you appreciate them and give credit where credit is due.
- **Treat staff with respect** – they are a very valuable asset.
- **Be consistent.** Treat everyone the same.
- **Budget money for and encourage your staff to attend professional meetings and seminars.** These learning opportunities and the personal contacts can be invaluable to your city.

Roles of the mayor and council

Policy making & implementation

Mayor

- Keep council informed on city affairs.
- Propose policy.
- Implement policy adopted by council.
- Report back to council regarding policy implementation and possible improvements.

Council

- Listen to city residents – keep track of their concerns and wishes.
- Discuss, develop, and adopt city policies governing many aspects of city operations.

Personnel matters

Mayor

- Hire, fire, supervise, and discipline all city employees (in some cities, council confirmation of certain appointments can be required). Civil service rules and labor contracts must be followed, if applicable.
- Negotiate labor contracts (sometimes mayor is not a member of negotiating team).

Council

- Adopt personnel policies, establish positions, set wages and benefits – council should not meddle in mayor's supervision of employees or interfere with work of employees.
- Establish bargaining parameters and approve final labor contract.

City budget

Mayor

- Work with staff to develop preliminary budget.
- Lead council in process of establishing goals and priorities for the city.
- Implement budget adopted by council, provide regular financial reports, and present alternatives when council needs to deal with budget problems.

Council

- Establish goals and priorities which provide framework for budget – discuss and adopt final budget – amend budget as needed.
- Set city tax rates, to the extent permitted by statutes.
- Set utility rates and other fees as required.

Council meetings

Mayor

- Prepare agenda, preside over meetings, report to council about city administration, propose policy initiatives or changes.
- Vote on measures allowed by the statutes. Veto ordinances, as permitted by statutes.
- As presider, facilitate an orderly meeting.

Council

- Adopt council rules of procedure.
- Participate in preparation of council meeting agenda as provided in council rules.
- Discuss all policy matters and make decisions following the adopted rules.

Land use and planning

Mayor

- Supervise planning staff, who make recommendations to the planning commission and council on a broad range of planning issues.
- Supervise staff who enforce building codes and other development regulations.

Council

- Adopt and amend zoning, development regulations, and comprehensive plan after receiving input from staff, residents, planning commission, and others.
- Act in quasi-judicial capacity to decide land use issues.
- Amend planning documents as necessary.

City expenditures, contracts

Mayor

- Sign contracts, supervise contract performance, enforce contracts.

Council

- Approve contracts and all city expenditures.

Relationships with other entities

Mayor

- Represent city as official spokesman, in accordance with views or goals set by council.
- Act as official head of city for ceremonial events such as ribbon cuttings and sister-city contacts.

Council

- Decide whether city will participate in optional government organizations, provide guidance to mayor or other city representatives.
- May serve as city representative on certain intergovernmental bodies where mayor is not designated member.