

**CITY OF FIRCREST  
RESOLUTION NO. 1649**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF FIRCREST, WASHINGTON, RESCINDING  
RESOLUTION NO. 1542 RELATING TO THE CITY  
COUNCIL RULES OF PROCEDURE AND ADOPTING NEW  
CITY COUNCIL RULES OF PROCEDURES.**

**WHEREAS**, the City Council of the City of Fircrest adopted Resolution No. 441 on June 26, 1990 which constituted the City Council's Rules of Procedure; and

**WHEREAS**, the City Council of the City of Fircrest adopted Resolution No. 528 on May 10, 1994 which rescinded Resolution No. 441 and made revisions to the City Council's Rules of Procedure; and

**WHEREAS**, the City Council of the City of Fircrest adopted Resolution No. 760 on January 14, 2003 which rescinded Resolution No. 528 and made revisions to the City Council's Rules of Procedure; and

**WHEREAS**, the City Council of the City of Fircrest adopted Resolution No. 1027 on March 11, 2008 which rescinded Resolution No. 760 and made revisions to the City Council's Rules of Procedure; and

**WHEREAS**, the City Council of the City of Fircrest adopted Resolution No. 1076 on February 10, 2009 which rescinded Resolution No. 1027 and made revisions to the City Council's Rules of Procedure; and

**WHEREAS**, the City Council of the City of Fircrest adopted Resolution No. 1542 on August 28<sup>th</sup>, 2018 which rescinded Resolution No. 1076 and made revisions to the City Council's Rules of Procedure; and

**WHEREAS**, the City Council wishes to make changes to the Rules of Procedures, which were adopted on August 28<sup>th</sup>, 2018 and finds it is in the public interest to provide a more effective means of conducting the business of the City. Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** Resolution No. 1542 is hereby rescinded.

**Section 2.** The attached City Council Rules of Procedures, hereto referred to as Exhibit "A", and by this reference thereto incorporated herein as if fully set forth, are hereby adopted effective immediately.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 24<sup>th</sup> day of March 2020.

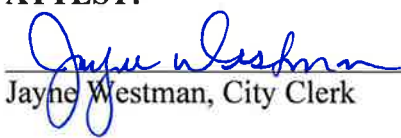
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**APPROVED:**

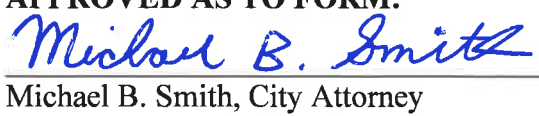


Hunter T. George, Mayor

**ATTEST:**

  
Jayne Westman, City Clerk

**APPROVED AS TO FORM:**

  
Michael B. Smith, City Attorney

**FIRCREST CITY COUNCIL RULES OF  
PROCEDURES RESOLUTION NO. 1649**

**SECTION I – GENERAL PROVISIONS**

**RULE 1. COUNCIL MEETING - LOCATION**

All meetings of the City Council shall be held at the location (City Hall) specified in FMC 2.12.020 or other such location within the City as may be designated by resolution. Committee of the Whole meetings, study sessions, or retreats may be held at places that are reasonably accessible to the general public, whether within or without the corporate limits of the City.

**RULE 2. COUNCIL MEETING - TIME**

The regular meetings of the City Council shall be held at the times (2nd and 4th Tuesdays at 7:00 P.M.) specified in FMC 2.12.010. If a meeting falls on a holiday, it shall be held the next business day unless otherwise provided by Council. As specified in Rule 20(O), regular meetings of the City Council are not permitted to continue beyond 10:30 P.M. without approval of the majority of the Councilmembers who are present and eligible to vote.

**RULE 3. COUNCIL MEETINGS - OPEN TO THE PUBLIC**

All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140 as amended.

**RULE 4. ELECTION OF OFFICERS**

Procedures for election officers are as follows:

- A. Biennially, at the first meeting of the new Council, the members thereof shall choose a chair from among their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from among their number for the unexpired term. (RCW 35A.13.030)
- B. In conjunction with the above election, a Mayor Pro Tempore shall also be elected for a two-year term. An alternate Mayor Pro Tempore may also be elected periodically. (RCW 35A.13.035)
- C. The City Clerk shall call the meeting to order and shall chair the meeting until a new Mayor is elected. The above elections shall be by affirmative motion.

**RULE 5. PRESIDING OFFICER**

- A. The Mayor shall preside at all meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor has no regular administrative or executive purposes.
- B. Mayor Pro Tempore.  
In case of the Mayor's absence or temporary disability, the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tempore, the City Clerk shall call the meeting to order and shall chair the meeting

until an alternate Mayor Pro Tempore is selected by members of the Council. The alternate Mayor Pro Tempore shall act as Mayor during the continuance of the absences or disabilities. An alternate Mayor Pro Tempore may be selected by the members of the Council.

C. The Mayor, Mayor Pro Tempore and Alternate Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedure. (RCW 35A.13.030)

D. Presiding Officer's Duties.

It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control discussion in an orderly manner.
  - a. Every Councilmember who wishes an opportunity to speak must be recognized by the Chair.
  - b. Permit audience participation at the appropriate times.
  - c. Require all speakers to speak to the question and to observe the rules of order.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome.

## **RULE 6. QUORUM**

At all meetings of the Council, four (4) Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior City Hall front entry doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered to have been duly conducted for all purposes.

## **RULE 7. ATTENDANCE, EXCUSED ABSENCES**

RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or designee, who shall convey the message to the presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and excuse the member's absence. The Clerk will make an appropriate notation in the minutes. If another Councilmember questions the member's absence, the Presiding Officer shall inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

RCW 35A.13.035 provides that in the event of extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

During times of emergency, crisis, or as otherwise determined necessary by the City Council, City Council meetings may be attended remotely by City Council members. Councilmembers who attend remotely shall be deemed present and eligible to vote and shall constitute members of a quorum for the transaction of business. The City Clerk shall establish the procedure for a Councilmember to attend remotely.

## **RULE 8. SPECIAL COUNCIL MEETINGS**

- A. A special meeting may be called by the Mayor or any four (4) members of the Council.
- B. Notice of the special meeting shall be prepared in writing by the Clerk. The notice shall contain the following information about the meeting: time, place, and business to be transacted.
- C. The notice shall be delivered by mail or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered personally or by mail at least twenty-four (24) hours prior to the meeting.
- D. The notices provided in this section may be dispensed with in the circumstances provided by RCW 42.30.080, that is:
  - 1. As to any member who at or prior to the time of the meeting convenes files with the Clerk a written waiver of notice,
  - 2. As to any member who was actually present at the meeting at the time it convenes, and
  - 3. 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.
- E. Final disposition shall not be taken on any other matter.

## **RULE 9. REGULAR COUNCIL MEETING AGENDA**

- A. The City Manager or designee shall arrange a list of such matters ascending to the order of business and prepare an agenda for the Council with the concurrence of the Mayor.
- B. A copy of the agenda and Council packets containing supporting materials shall be prepared for Councilmembers and the City Manager on or before 4:30 P.M. two working days before a regular Council meeting.
- C. A copy of the agenda shall be prepared for the press on or before 4:30 P.M. two working days before a regular Council meeting.
- D. The Council shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Council meeting. The Presiding Officer, one Councilmember, or the City Manager may introduce a new item to the agenda.

## **RULE 10. STUDY SESSIONS**

- A. Study sessions may be designated as **Committee of the Whole Study Sessions** where no official action is contemplated. Study sessions may be held for the purpose of considering current issues of the City, coordinating the work of the City Council, and discussing draft ordinances, resolutions, and policy issues in detail. The City Clerk, under the direction of the City Manager and concurrence of the Mayor, shall arrange a Council work study session agenda for the Study Session. The Council study session agenda shall list the topics of discussion. After the proposed Council study session agenda has been approved by the City Manager, a copy of it along with any supporting materials shall be prepared for Councilmembers and the City Manager on or before 4:30 P.M. at least 24 hours before the Council study session.

- B. During the Council study session, the Presiding Officer may:
  - 1. introduce the subject and give background information;
  - 2. identify the eventual goal of the study session;
  - 3. act as facilitator to keep the meeting discussion focused to the subject; and
  - 4. alert the Council when it is appropriate to call for a motion or other official direction of the Council.
- C. Minutes shall be taken of Council study sessions recording the names of Councilmembers present, motions made, actions taken, and an account of business discussed.
- D. Standing study sessions may be set by the majority vote of the Council for specific dates and times.
- E. Study sessions shall be held to a two-hour time limit unless extended by a motion and voice vote.

#### **RULE 11. CITY MANAGER**

The City Manager shall have the powers and duties listed in RCW 35A.13.080, including having general supervision over the administrative affairs of the City and attending all meetings of the Council at which his/her attendance may be required by that body unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Manager has an excused absence, the designee shall attend the meeting.

#### **RULE 12. CLERK OF THE COUNCIL**

The City Clerk shall be ex-officio Clerk of the Council and shall see that minutes are kept and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint another qualified person to act as Clerk of the Council.

#### **RULE 13. CITY ATTORNEY**

The City Attorney shall attend all regular meetings of the Council unless excused by the City Manager who will notify the Presiding Officer of the excused absence. The City Attorney shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian and decide all questions of order. The Acting City Attorney shall attend meetings when the City Attorney has been excused if his/her attendance is required.

## SECTION II –DUTIES AND PRIVILEGES OF MEMBERS

### RULE 14. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor (surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

### RULE 15. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the Council Chambers assigned to them by the Mayor.

### RULE 16. APPEARANCE OF FAIRNESS DOCTRINE AND ITS APPLICATION

#### A. Appearance of Fairness Doctrine Defined.

1. "When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must appear to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: 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." *Zehring v. Bellevue*, 99 Wn.2d 488 (1983).

#### B. Types Of Hearings To Which Doctrine Applies.

1. The Appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-Judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding.
2. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community or neighborhood plans or other land use planning documents, or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. (RCW 42.36.010).
3. Some examples of quasi-judicial actions which may come before the Council are:
  - rezones or reclassifications of specific parcels of property
  - appeals from decisions of the Planning Commission
  - substantive appeals of threshold decisions under the State Environmental Protection Act, subdivisions, street vacations, and special land use permits

#### C. Obligations of Councilmembers, Procedure.

1. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like.

2. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If a potential violation exists, no matter how remote, the Councilmember should disclose such facts to the City Manager who may seek the opinion of the City Attorney as to whether a potential violation exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.
3. Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in the outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court.
4. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.
5. The Presiding Officer shall have sole authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse himself/herself on the basis of an appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.
6. Notwithstanding the request of the Presiding Officer or other Councilmembers, the Councilmember may participate in any such proceeding.

D. Specific Statutory Provisions.

1. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. (RCW 42.36.040)
2. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. (RCW 42.36.050)
3. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember:
  - a. places on the record the substance of such oral and written communications; and
  - b. provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)



E. Procedure on Application.

Any person making application for any action leading to a quasi-judicial hearing shall be provided with a document containing the following information:

1. the names and addresses of all members of the City Council, and the Planning Commission; and
2. a statement that if the applicant intends to raise an Appearance of Fairness issue, the applicant should do so at least two weeks prior to any public hearing. The applicant shall acknowledge receipt of such document.

**RULE 17. DISSENTS AND PROTESTS**

Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

**RULE 18. RULES OF ORDER**

Robert’s Rules of Order Newly Revised shall be used as the guideline for conduct of Council Meetings, except in those cases where specific provisions contrary to Robert’s Rules are provided in these rules.

**RULE 19. MOTIONS**

All ordinances, resolutions, contracts and items of business that require Council approval prior to the expenditure of funds shall be in the form of an affirmative motion.

**RULE 20. ORDER OF BUSINESS**

The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. Further, any Councilmember may request additions, corrections, or other modifications to the agenda prior to or during a regular Council meeting.

- A. Call to order by the Presiding Officer.
- B. Pledge of Allegiance.
- C. Roll Call. (See Rule 7 for procedure to excuse an absence).
- D. Presiding Officer's Report.
- E. Public Comments (for items not on the agenda).
  1. Subjects either on the Consent Calendar or not on the current agenda. Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary, generally five (5) minutes. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to the City Manager for investigation and report.
  2. Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. As an option, the Presiding Officer may invoke the sign-in procedure defined in Rule 21(A). The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of

speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent owners, vested interests, etc.

3. Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

F. Committee, Commission, and Liaison Reports.

G. Consent Calendar.

1. The City Manager, in consultation with the Mayor, shall set the following items of business on the Consent Calendar. Consent Calendar items shall consist of items that have been previously discussed or policies set by the Council and/or are so routine or technical in nature that passage is likely, such as, but not limited to, the following:
  - a. approval of vouchers/payroll warrants;
  - b. approval of minutes;
  - c. setting public hearings;
  - d. Communications requiring no action (e.g. liquor license renewals); and
  - e. Other items designated by the City Council by super majority vote of the City Council.
2. The Clerk of the Council shall read the Consent Calendar.
3. The proper Council motion on the Consent Calendar is as follows: “I move for adoption of the Consent Calendar.” This motion is non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar.
4. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting. Items not removed shall be adopted by unanimous vote of the Councilmembers present without discussion.

H. Public Hearings (see Rule 21 for procedural details).

I. Unfinished Business.

1. All matters of business that have been presented to Council previously but which have not reached closure will be listed as sub-parts.
2. All necessary ordinances or resolutions will be included with sub-parts and listed by title.

J. New Business.

1. All matters of new business will be listed as sub-parts.
2. All necessary ordinances or resolutions will be included with sub-parts and listed by title.

K. City Manager Comments.

L. Department Head Comments.

M. Councilmember Comments.

N. Executive Session(s).

O. Adjournment.

No meeting shall be permitted to continue beyond 10:30 P.M. without approval of the majority of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:30 P.M., the items not acted on shall be deferred to the next regular Council meeting, unless the Council, by majority vote of the members present, determines otherwise.

**RULE 21. ACTIONS FOR A PUBLIC HEARING**

(See appendix for full procedures):

A. Presiding Officer:

1. May require speakers to sign in with Clerk and may set time limits.
2. Asks Councilmembers if any reason requiring member to excuse themselves pursuant to Appearance of Fairness Doctrine. If answered in the affirmative, Councilmember excuses himself/herself and exits the Council Chamber.
3. Introduces item, opens hearing, announces rules of order:
  - If zoning amendment or zoning reclassification, asks parties to limit presentation to information within scope of legal standards and may ask Planner to announce legal standards.
4. Asks City Manager to describe matter under consideration.
5. Calls for proponents in quasi-judicial proceedings and speakers in non-quasi-judicial proceedings.
  - If zoning amendment or zoning reclassification may ask Planner to announce that site plans, artistic renditions, etc. in support of zoning amendment should be avoided and such plans are to go through the City's design review process through the Planning Commission.
6. Calls for additional proponents 3 times.
7. Call for opponents.
8. Calls for additional opponents 3 times.
9. Calls for proponents to speak in rebuttal.
10. Calls for Administration to introduce any material to subjects raised by proponents or opponents or alter initial recommendations.
11. Asks Councilmembers if questions and if so, appropriate person is recalled to podium.
12. Closes public hearing.
13. Asks if motion by any Councilmember
  - Must be in the form of affirmative motion.
  - Then ask for discussion by Council.
  - Asks administration for final comments/recommendations.
  - May ask Clerk to conduct a roll call vote.

## **RULE 22. VOTING**

The votes during all meetings of the Council shall be transacted as follows:

- A. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call shall be taken by the Clerk. The Clerk shall call the names in an alphabetical sequence with the Mayor, as Presiding Officer, voting last. Names for subsequent votes will go down the alphabetical list and the Clerk will call on the next name in alphabetical sequence with the Mayor, as Presiding Officer, voting last. This rotating alphabetical sequence will be continued throughout the meeting during voting sequences.
- B. In case of a tie in votes on any proposal, the proposal shall be considered lost.
- C. Every member who was in the Council Chambers when the question was put, shall give their vote unless the Council, for special reasons, shall excuse the member by motion or unless the Councilmember is excused in accordance with Rule 16. When the City Council has determined that remote attendance is allowed per Rule 7 of the City Council Rules of Procedures, City Councilmembers attending City Council meetings remotely will have all rights to vote as if they were physically present in Council Chambers.
- D. The general rule is that when a Councilmember refuses to vote, such member is regarded as having voted with the majority.
  1. Neutrality in voting is frowned upon except when a Councilmember has a direct or pecuniary interest that would result in a conflict of interest or when participation is prevented due to the Appearance of Fairness Doctrine. In that instance, the refusal to vote shall not be considered as an affirmative vote.
  2. In all other instances, except as hereinafter noted, the rule is that when a quorum is present, members present and not voting are deemed to have voted with the majority.
  3. If the vote is tied with a member abstaining, such member will be considered as voting in the affirmative so that the proposition being considered passes.
  4. However, when an affirmative vote of a majority is required by statute or ordinance, a failure to indicate a yea or nay vote will be considered as a negative indication, as abstention cannot be considered in fulfilling such affirmative vote requirement. Most matters before Council merely require a concurrence of a majority and this would be considered to be an exception to the general rule.
  5. When abstaining from voting, Councilmembers must explain the basis for their abstention. If the reason involves a legitimate rationale for not voting, the abstention will not be considered as a vote for the majority. If the rationale does not involve disqualifying circumstances, the abstention will be counted as a vote with those voting in the majority, unless the noted exception outlined previously applies.
- E. The affirmative vote of at least a majority of the whole membership of the Council (4 Councilmembers) is required for the passage of:
  - ordinances;
  - grant or revocation of franchise or license;
  - any resolution for the payment of money;
  - any approval of warrants; and
  - any resolution pertaining to personnel actions.

- F. The affirmative vote of at least a majority of the whole Council plus one (5 Councilmembers) is required for the passage of:
- public emergency ordinances (which take effect immediately);
  - expenditures for any calamity, violence of nature, riot, insurrection, or war; and
  - budget amendments.
- G. The affirmative vote of at least a majority of the membership of Council who are present and eligible to vote is required for the passage of:
- motions or resolutions not subject to the provisions of RCW, FMC, or these rules as amended.

## **RULE 23. COMMITTEES**

All Committee meetings shall be open to the public. The Committee structure of the Council and the procedures governing all committees shall be as follows:

- A. Committee of the Whole.
1. The only standing committee of the Council shall be the Committee of the Whole (COW), composed of the entire Council sitting as a legislative study committee. The Committee of the Whole shall not take any official action while in committee.
  2. The Presiding Officer chairs the COW.
- B. Special Ad Hoc Council Study Committees.
1. Special Ad Hoc Council Study Committees may be created by the Council for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Council or COW meeting.
  2. Ad Hoc Study Committees shall consist of three Councilmembers appointed by the Mayor.
  3. The Mayor shall appoint the Chair of Ad Hoc Study Committees.
  4. Special Ad Hoc Council committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.
- C. Special Ad Hoc Citizen Advisory Committees.
1. Special Ad Hoc Citizen Advisory Committees may be created by the Council for a particular purpose. Committee members shall be appointed by the Mayor, with the advice and consent of the Council.
  2. The Mayor shall appoint the Chair of the Committee.
  3. Ad Hoc Citizen Advisory Committees shall sunset at the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.
  4. At least one Councilmember will be appointed as a member and liaison of a Citizen Advisory Committee.
- D. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Council. The Committee Chair may present the recommendations of the committee during the discussion of the item of business.
- E. Employees shall staff the various committees as directed by the City Manager, but no staff person shall serve as a member of a Council or citizen study committee.

F. Minutes need not be taken of committee meetings, except for the Committee of the Whole.

#### **RULE 24. COUNCIL LIAISONS**

- A. In order to build additional Council expertise in various areas of City operations, the Mayor shall designate functional areas and appoint a Councilmember, at the beginning of the fiscal year, to serve as a liaison to the City Manager. Functional areas for liaison assignments may include the following, though specific areas may be adjusted depending on the organization of the City:
- Parks and Recreation
  - Environment, Planning, Building
  - Administration
  - Finance, IT
  - Water, Sewer, Storm
  - Public Safety, Court
  - Streets, Facilities & Equipment
- B. The City Manager and respective department heads shall strive to provide liaisons with additional information beyond that normally provided to the Council as a whole, and to keep the liaisons abreast of developments, trends, conditions and issues in the various functional areas of City government.

#### **RULE 25. ENACTED ORDINANCES, RESOLUTIONS, MOTIONS, AND PROCLAMATIONS**

- A. An enacted **ordinance** is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- B. An enacted **resolution** is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.
- C. An enacted **motion** is a form of action taken by Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.
- D. An enacted **proclamation** is an official announcement made by either the City Council or the Mayor on non-controversial events which have a major city-wide impact. Controversy is defined as a dispute, especially a lengthy and public one, between sides holding opposing views.

#### **RULE 26. PROCLAMATIONS**

- A. City Council Proclamations.  
City Council proclamations shall be publicly read at a City Council meeting and presented to a representative of the event during the Council meeting.
- B. Mayor's Proclamations.  
Are requested by a special interest group from within the City. Mayor's proclamations are signed by the Mayor and forwarded to a representative of the event.

- C. The Mayor and City Manager shall determine if the proclamation request is for a City Council proclamation or a Mayor's proclamation.

## **RULE 27. RESOLUTIONS**

- A. Except for franchise resolutions as provided under Rule 28(B), a resolution may be put to its final passage on the same day on which it was introduced.
- B. The Presiding Officer will read a summary statement of the Resolution prior to its passage; provided, should a majority of the Councilmembers present request that the entire resolution or certain of its sections be read, such requests shall be granted.
- C. Printed copies shall be made available upon request to any person attending a Council meeting.
- D. Resolutions take effect immediately after they are approved by the vote of the Council, unless otherwise provided.

## **RULE 28. ORDINANCES**

The procedure for ordinances is as follows:

- A. With the exception of franchise ordinances as provided below, an ordinance may be put to its final passage on the same day on which it was introduced.
  - 1. The Presiding Officer will read a summary statement of the Ordinance prior to its passage; provided, should a majority of the Councilmembers present request that the entire ordinance or certain of its sections be read, such requests shall be granted.
  - 2. Printed copies shall be made available upon request to any person attending a Council meeting.
  - 3. No ordinance shall contain more than one subject.
  - 4. An ordinance does not take effect until five days after date of publication, except for emergency situations.
- B. Franchises.

All resolutions and ordinances granting a franchise require two readings prior to adoption. The second reading must be at least five (5) days after the first reading.

  - 1. All franchise ordinances and resolutions may be passed only at a regular meeting of the Council; and at least four (4) Councilmembers must vote in favor of the franchise.
- C. Emergency Ordinances.

By vote of one more than the majority (5 Councilmembers), the City Council may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RCW 35.33.081.
- D. A Councilmember may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the Council may assign the proposed ordinance to a specific committee or the Committee of the Whole for study and consideration. The committee shall report its findings to the Council.
- E. If a motion to pass an ordinance fails, the ordinance shall be considered lost.
- F. Any ordinance amending or repealing any portion of the FMC shall also amend or repeal the respective portions of any underlying ordinance(s).

## **RULE 29. PERMISSION TO ADDRESS THE COUNCIL**

Persons other than Councilmembers and management shall be permitted to address the Council upon introduction by the Presiding Officer or the chair of the appropriate Council committee.

## **RULE 30. RECONSIDERATION**

- A. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider.
  - 1. Such motions can be made only by a member of the prevailing side on the original action.
- B. A motion to reconsider must be made no later than the next succeeding regular Council meeting.
- C. A motion to reconsider is debatable only if the action being reconsidered is debatable.
- D. Upon passage of a motion to reconsider, the subject matter is returned to the table anew for any action the Council deems advisable.

## **RULE 31. COMPLAINTS AND SUGGESTIONS TO COUNCIL**

When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- A. If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Committee of the Whole for study and recommendation.
- B. If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the City Council when his/her response is made.

## **RULE 32. FILLING COUNCIL VACANCIES**

- A. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 42.12.070.
- B. To hold office as a Councilmember, the person must be a registered voter and a Fircrest resident for a period of at least one year prior.
- C. Where one position is vacant, the remaining members of the Council shall appoint a qualified person to fill the vacant position.
- D. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions.
  - 1. The remaining Councilmembers and the newly appointed Councilmember shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled.
  - 2. If less than two Councilmembers remain in office, the County Council shall appoint a qualified person or persons to the Council until the Council has two members.



- E. If the City Council fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the County Council shall appoint a qualified person to fill the vacancy.
  - 1. If the County Council fails to appoint a qualified person to fill the vacancy within 180 days, the governor may be petitioned to appoint a qualified person to fill the vacancy.
- F. As provided in RCW 29A.24.191 and 29A.52.240, each person appointed serves until a qualified person is elected at the next Council election that occurs 28 days or more after the occurrence of the vacancy.
  - 1. A primary is held if time exists and more than two candidates file for the vacant office; otherwise, a primary shall not be held and the person receiving the greatest number of votes is elected.
  - 2. The person elected takes office immediately when qualified and serves the remainder of the unexpired term.
  - 3. If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified and shall serve both the remainder of the unexpired term and the succeeding term.

**RULE 33. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE -- PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION**

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council meetings without the consent of the Presiding Officer or a majority of the Council.

**RULE 34. COUNCIL TRAVEL**

- A. The Council may appropriate funds for Council travel in the legislative department of the annual City budget.
  - 1. Any Councilmember who desires to expend Council travel funds, where the cost of such travel, lodging and meals would exceed \$150, shall complete the regular City "Training Attendance Request" form.
  - 2. Upon receipt by the City Manager, the completed form will be put in the Council packets for the next regular meeting. The City Manager shall bring the item to the floor under City Manager Comments, and the Council shall act to approve, disapprove, or modify the request.

**RULE 35. APPROVAL OF CITY MANAGER TRAVEL EXPENSE CLAIMS AND PERSONNEL ACTION FORMS**

The Presiding Officer or designee will approve City Manager travel expense claims and Personnel Action forms.

**RULE 36. VACANCIES IN COMMISSIONS AND BOARDS**

Notices will be posted at all public buildings when vacancies exist in commission and board positions. Notices will request letters of interest and list any required qualifications.

**RULE 37. PUBLICATION AND POSTING OF NOTICES FOR HEARINGS AND FORTHCOMING COUNCIL MEETINGS**

**A. Public Hearings.**

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council shall be given by one publication of notice containing the time, place, and date when the hearing is to be held and subject thereof, in the City's official newspaper at least ten (10) days before the date set for the hearing.

**B. Council Meetings.**

The public shall be notified of the preliminary agenda for a forthcoming Council meeting by posting a copy of the agenda at the following four (4) public places at least twenty-four (24) hours in advance of the meeting:

1. Fircrest City Hall
2. Fircrest Recreation Center Building
3. Fircrest Public Safety Building
4. Fircrest Public Works Facility

**RULE 38. COUNCILMEMBERS' MAIL AND MESSAGES**

A. The majority of Council's mail is sent to City Hall. Unless marked "personal" or "confidential", staff opens and date stamps all mail unless notified by a Councilmember to leave it sealed. Each Councilmember is assigned a mail and message box, which is located in City Hall. All mail and messages will be included in Council packets.

B. A message box will be maintained for "General Council Information" and will be located near the individual Councilmembers' mail and message boxes.

C. Phone messages will be taken and placed in Council mail and message boxes. Councilmembers' home and work telephone numbers will be given to the general public upon request, unless a Councilmember has an unlisted phone number or requests that a number not be given.

**RULE 39. REQUESTS FOR LEGAL OPINIONS**

A. It is the policy of the City that all requests for legal assistance from the City Attorney's Office which require a written response (opinion, resolution, or ordinance) be processed through the City Manager's office or with the approval of the Mayor in recognition that the City Attorney also serves the City Council as a whole.

B. This policy shall not apply to requests made by motion of the Council or to routine matters that can be addressed over the phone or in person without a formal written response.

**RULE 40. CODE OF ETHICS**

The conduct of Councilmembers will be in compliance with F.M.C. 2.46 Conduct of Public Officials. (See attachment)

**RULE 41. MISCELLANEOUS**

When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote; when possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

**RULE 42. SUSPENSION AND AMENDMENT OF RULES**

Any provision of these rules not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.

These rules may be amended, or new rules adopted, by a majority vote of the Council.

## PUBLIC HEARING PROCEDURES

The procedures for a public hearing are as follows:

- A. Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).
- B. The Presiding Officer introduces the agenda item, opens the public hearing, and announces the following Rules of Order.
  - (1) "All comments by proponents, opponents, or the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made. If there is any appeal to Pierce County Superior Court, the court must make its decision on the basis of what was said here."
  - (2) "It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent."
  - (3) "No comments shall be made from any other location, and anyone making 'out of order' comments may be subject to removal from the meeting."
  - (4) "There will be no demonstrations during or at the conclusion of anyone's presentation."
  - (5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and do ensure that no individual is embarrassed by exercising their right of free speech."
- C. When Council conducts a hearing to which a Rule 16 (Appearance of Fairness) applies, the Presiding Officer will ask if any Councilmembers knows of any reason, which would require such member to excuse themselves pursuant to Rule 15. The form of the announcement is as follows: "All Councilmembers should now give consideration as to whether they have:
  - (1) a demonstrated bias or prejudice for or against any party to the proceedings;
  - (2) a direct or indirect monetary interest in the outcome of the proceedings;
  - (3) a prejudgment of the issue prior to hearing the facts on the record; or
  - (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing.

- E. The Presiding Officer calls upon City Management to describe the matter under consideration.
- F. The Presiding Officers calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings. When considering a zoning amendment or zoning reclassification the Presiding Officer or representative from the City's Planning Department shall announce;

“Site plans, artistic renditions, and the like in support of the zoning amendment should be avoided except as they help explain the terms of a concomitant agreement. Any graphic representations should be used for illustrative purposes only the Planning Commission or City Council should avoid indicating approval or disapproval of such plans, because the City of Fircrest has established a design review process through the City Planning Commission for such purposes.”

- G. The proponents or speaker now speak. (Note: If the City of Fircrest is the proponent, a member or members of the Administration shall be designated to give proponent and rebuttal testimony.)

- H. The Presiding Officer calls for additional proponents or speakers three times.

- I. In non-quasi-judicial proceedings, the Presiding Officer calls for opponents by announcing the following:

“At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation? The proponents shall note the questions asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Presiding Officer reserves the right to rule any question out of order.”

- J. Opponents speak.

- K. The Presiding Officer calls for additional opponents three times.

- L. The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.

- M. The Presiding Officer announces the following;

“At this time, I will inquire of the Administration as to whether there have been any misstatements of fact or whether the Administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations.”

- N. The Presiding Officer inquires as to whether any Councilmembers have any question to ask the proponent, opponents, speakers, or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

- O. The Presiding Officer closed the public hearing.

- P. The Presiding Officer inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its section, discussion occurs among Councilmembers. The Presiding Officer may call on individual Councilmembers in the discussion.

- Q. The Presiding Officer inquires if there is any further discussion by the Councilmembers.

- R. The Presiding Officer inquires if there are any final comments or recommendations from Administration.

## Chapter 2.46 CONDUCT OF PUBLIC OFFICIALS

### Sections:

- 2.46.010 Purpose.
- 2.46.020 Definitions.
- 2.46.030 Acceptance of gift.
- 2.46.040 Interest in contracts prohibited – Exceptions.
- 2.46.050 Remote interests.
- 2.46.060 Personal or private interest (Optional).
- 2.46.070 Listing of real property.
- 2.46.080 Abstention at debate.
- 2.46.090 Confidentiality.
- 2.46.100 False charge of misconduct.
- 2.46.110 Violation – Penalty.

### **2.46.010 Purpose.**

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This title shall be known as the code of ethics of the city of Fircrest. It is recognized and established that high moral and ethical standards among city officials are vital and essential to provide unbiased, open and honest conduct within all phases and levels of government; that a code of ethics is a helpful aid in guiding city officials and to eliminate actual conflicts of interest in public office and to improve and elevate standards of public service so as to promote and strengthen the confidence, faith and trust of the people of the city of Fircrest in their local government. (Ord. 858 § 1, 1987).

### **2.46.020 Definitions.**

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For the purpose of interpreting and enforcing the code of ethics of the city of Fircrest the following definitions shall apply:

- (a) “Compensation” means anything of economic value, however designated, which is paid, loaned, advanced, granted or transferred for or in consideration of personal services to any person.
- (b) “Contract” includes any contract or agreement, sale, lease, purchase, or any combination of the foregoing.
- (c) “Contracting party” includes any person, partnership, association, cooperative, corporation, whether for profit or otherwise, or other business entity which is a party to a contract with the municipality.
- (d) “Public official” means all elected city officials, together with all appointed officers, including their deputies and assistants, who determine or are authorized to determine, policy within their respective office and who exercise or undertake to exercise any powers or functions of a municipal officer. (Ord. 858 § 2, 1987).

### **2.46.030 Acceptance of gift.**

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No public official shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor, from any person if such public official has reason to believe the donor would not grant or give such a gift, gratuity or favor but for the public official’s office or position within the city of Fircrest. (Ord. 858 § 3, 1987).

### **2.46.040 Interest in contracts prohibited – Exceptions.**

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No public official shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision or direction of such public official, in whole or in substantial part, or which may

be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. The foregoing shall not apply to the exceptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth. (Ord. 858 § 4, 1987).

#### **2.46.050 Remote interests.**

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(a) A municipal officer shall not be deemed to be interested in a contract within the meaning of this chapter if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the governing body of the city and noted in the official minutes or similar records of the city prior to the formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section, a "remote interest" is:

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

(b) None of the provisions of this section shall be applicable to any officer interested in a contract, though his interest be only remote, who influences or attempts to influence any other officer of the city to enter into a contract. (Ord. 858 § 5, 1987).

#### **2.46.060 Personal or private interest (Optional).**

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(a) Every public official who has a financial or other private or personal interest in any ordinance, resolution, contract, proceeding or other action pending before the city council or any of its committees, shall promptly disclose such interest at the first public meetings when such matter is being considered by the city council, on the records of the official council minutes, the nature and extent of such personal or private interest and the same shall be incorporated in the official minutes of the city council proceedings. Such disclosure shall include, but not be limited to, the following information which shall be submitted in writing by the public official, sworn to under penalty of perjury, to wit:

- (1) The name and address of any private business corporation, firm or enterprise affected by such council action of which the public official is or has been during the preceding 12 months a shareholder, bondholder, secured creditor, partner, joint entrepreneur or sole proprietor, whenever the total value of his individual or undivided legal and equitable financial interest therein is or at any time during the preceding 12 months has been in excess of \$1,500.
- (2) The name of any such private business or corporation, firm or enterprise of which such public official or his relatives are or have been during the preceding 12 months as officer, director, partner, attorney, agent, or employee, who, for services rendered during such preceding 12 months or to be rendered in any such capacity, has received or has been promised compensation in excess of \$1,500.
- (3) Every official or directorship held by such public official or his spouse in any corporation, partnership, sole proprietorship or like business enterprise, which conducts its business activities within the boundaries of the city of Fircrest and which is subject to any regulation or control by the city of Fircrest, and from which

such public official has received compensation or has been promised compensation during the preceding 12-month period in excess of \$1,500, or services or any other thing of value in excess of said amount.

(b) The foregoing provisions shall not apply to policies of life insurance issued to such public official or his spouse or members of his family, accounts in any commercial bank, savings and loan association or credit union, or similar financial institutions subject to regulation by the state of Washington or any other governmental agency having jurisdiction thereover. (Ord. 858 § 6, 1987).

#### **2.46.070 Listing of real property.**

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Every public official of the city of Fircrest shall file with the city clerk a list containing a correct legal description of any and all real property located within the city limits in which any such public official has any interest whatsoever, as owner, purchaser, optionee, optionor, or any other proprietary interest, whenever such proprietary interest is in excess of \$1,500. The section does not apply to the resident's home of such official. (Ord. 858 § 7, 1987).

#### **2.46.080 Abstention at debate.**

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Any such public official who is disqualified by reason of such personal, private or similar conflict of interest in any matter as defined, in this chapter, shall, after having made the required disclosure as set forth in this chapter, remove himself from his customary seat during such debate and, by permission of the presiding officer, leave the council chamber until such time as the matter at hand, from which such public official has been disqualified, has been disposed of in the regular course of business. (Ord. 858 § 8, 1987).

#### **2.46.090 Confidentiality.**

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No public official shall disclose confidential information acquired by him by reason of his official position, nor shall he otherwise use such information for his personal gain and benefit. (Ord. 858 § 9, 1987).

#### **2.46.100 False charge of misconduct.**

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Any person charging misconduct on the part of any public official, knowing such charge to be false or to have been recklessly made without a reasonable attempt to determine relevant facts and circumstances, shall be guilty of a misdemeanor. (Ord. 858 § 10, 1987).

#### **2.46.110 Violation – Penalty.**

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Any contract made in violation of the provisions of this act shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the city. In addition, any officer violating the provisions of this act shall be liable to the city of Fircrest for a penalty in the amount of \$500.00, in addition to such other civil or criminal liability as may otherwise be imposed upon him by law. In addition to all other penalties, civil or criminal, the violation by any public officer of the provisions of this chapter shall work a forfeiture of his office. (Ord. 858 § 11, 1987).

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**The Fircrest Municipal Code is current through Ordinance 1613, passed January 23, 2018.**

Disclaimer: The City Clerk's Office has the official version of the Fircrest Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.