

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, JANUARY 26, 2021
7:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
 - A. Community Center and Pool Project
- 5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA** (Please email the City Clerk if you would like to make a public comment. Your comment will be read into the record at the appropriate time
JWESTMAN@CITYOFFIRCREST.NET)
- 6. COMMITTEE, COMMISSION & COMMITTEE, COMMISSION & LIAISON REPORTS**
 - A. Parks & Recreation
 - B. Pierce County Regional Council
 - C. Public Safety, Courts
 - D. Street, Water, Sewer, and Storm Drain
 - E. Other Liaison Reports
- 7. CONSENT CALENDAR**
 - A. Approval of [vouchers](#)/payroll checks
 - B. Approval of minutes: [January 12, 2021 Regular Meeting](#)
- 8. PUBLIC HEARING 7:15 P.M.**
 - A. [To receive comments on a proposed solid waste rate adjustment.](#)
- 9. UNFINISHED BUSINESS**
- 10. NEW BUSINESS**
 - A. [Resolution: Council Rules & Procedures Amendment](#)
- 11. CITY MANAGER COMMENTS**
- 12. DEPARTMENT HEAD COMMENTS**
- 13. COUNCILMEMBER COMMENTS**
- 14. EXECUTIVE SESSION**
 - A. Performance of a public employee. RCW 42.30.110(1)(g).
- 15. ADJOURNMENT**

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo	
23722	01/20/2021	01/26/2021	4298	AWC Employee Benefit Trust	742.50	February 2021 Retired Medical
521 22 20 01	LEOFF I Medical Premium	001 000 521	General Fund	742.50	02/2021 Retired Medical	
23679	01/19/2021	01/26/2021	6018	Canon Financial Services Inc	159.52	Police Copier / Fax Rental January 2021
521 22 45 00	Oper Rentals - Copier - Pol	001 000 521	General Fund	159.52	Police Copier / Fax Rental 01/2021	
23680	01/19/2021	01/26/2021	6018	Canon Financial Services Inc	563.79	Copier Rental January 2021 - City Hall, Court, Parks / Rec, Public Works
512 50 45 00	Oper Rentals - Copier - Co	001 000 512	General Fund	140.95	Court 01/2021	
518 10 45 00	Oper Rentals - Copier - No	001 000 518	General Fund	140.95	City Hall 01/2021	
531 50 45 00	Oper Rentals - Copier - Sto	415 000 531	Storm Drain	35.24	PW 01/2021	
534 10 45 02	Oper Rentals - Copier - Wa	425 000 534	Water Fund (de	35.23	PW 01/2021	
535 10 45 00	Oper Rentals - Copier - Sev	430 000 535	Sewer Fund (de	35.24	PW 01/2021	
542 30 45 00	Oper Rentals - Copier - Str	101 000 542	City Street Fun	35.24	PW 01/2021	
571 10 45 01	Oper Rentals - Copier - Rec	001 000 571	General Fund	126.85	Rec 01/2021	
576 80 45 00	Oper Rentals - Copier - Par	001 000 576	General Fund	14.09	Parks 01/2021	
Total Canon Financial Services Inc				723.31		
23678	01/19/2021	01/26/2021	3994	CenturyLink	1,413.00	Telecommunications January 2021
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	74.43	CH Prim 911 01/2021	
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	74.43	CH Message 01/2021	
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	74.44	CH Alarm 01/2021	
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	448.79	Circuit Line / PRI Line 01/0221	
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	152.49	DID 01/2021	
521 22 42 00	Communication - Police	001 000 521	General Fund	150.06	Police BA Machine / Modem 01/2021	
531 50 42 00	Communication - Storm	415 000 531	Storm Drain	37.22	PW Alarm & Prim 911 01/2021	
531 50 42 00	Communication - Storm	415 000 531	Storm Drain	18.01	PW Fax 01/2021	
534 10 42 00	Communication - Water	425 000 534	Water Fund (de	37.22	PW Alarm & Prim 911 01/2021	
534 10 42 00	Communication - Water	425 000 534	Water Fund (de	32.50	PW DSL / Telemetry 01/2021	
534 10 42 00	Communication - Water	425 000 534	Water Fund (de	18.01	PW Fax 01/2021	
535 10 42 01	Communication - Sewer	430 000 535	Sewer Fund (de	37.22	PW Alarm & Prim 911 01/2021	
535 10 42 01	Communication - Sewer	430 000 535	Sewer Fund (de	32.50	PW DSL / Telemetry 01/2021	
535 10 42 01	Communication - Sewer	430 000 535	Sewer Fund (de	18.01	PW Fax 01/2021	
542 30 42 00	Communication - Street	101 000 542	City Street Fun	37.22	PW Alarm & Prim 911 01/2021	
542 30 42 00	Communication - Street	101 000 542	City Street Fun	18.01	PW Fax 01/2021	
576 80 42 00	Communication - Parks	001 000 576	General Fund	74.44	REC Alarm 01/2021	
576 80 42 00	Communication - Parks	001 000 576	General Fund	78.00	Parks Prim 911 01/2021	
23718	01/20/2021	01/26/2021	5805	CenturyLink	33.65	Long Distance Access And Usage January 2021
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	33.65	Long Distance 01/2021	

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23692	01/19/2021	01/26/2021	4313		
			Chuckals Inc	103.48	Public Works Supplies
531 50 31 01	Office Supplies - Storm		415 000 531 Storm Drain	25.87	PW Supplies
534 10 31 00	Office Supplies - Water		425 000 534 Water Fund (de	25.87	PW Supplies
535 10 31 00	Office Supplies - Swr Adm		430 000 535 Sewer Fund (de	25.87	PW Supplies
542 30 31 01	Office Supplies - Street Re		101 000 542 City Street Fun	25.87	PW Supplies
23700	01/19/2021	01/26/2021	4313		
			Chuckals Inc	284.09	Supplies - Central, Police & Rec
518 10 34 01	Central Office Supplies		001 000 518 General Fund	79.31	Central Supplies
521 22 31 00	Office & Oper Sup - Police		001 000 521 General Fund	45.54	Police Supplies
571 10 31 00	Office Supplies - Rec		001 000 571 General Fund	159.24	Rec Supplies
			Total Chuckals Inc	387.57	
23681	01/19/2021	01/26/2021	4324		
			City Treasurer-City of Tacoma	56,908.62	Fire / EMS February 2021
522 20 40 00	Tacoma Contract - Fire		001 000 522 General Fund	13,158.50	Fire 02/2021
522 20 41 00	Tacoma Contract - EMS		001 000 522 General Fund	43,750.06	EMS 02/2021
522 20 41 00	Tacoma Contract - EMS		001 000 522 General Fund	0.06	EMS Shortage From 01/2021
23723	01/20/2021	01/26/2021	4322		
			City of Tacoma Washington	10,618.32	Power - Various Locations December 2020
518 30 47 00	Public Utility Services - Ci		001 000 518 General Fund	976.18	Time/Temp, CH 12/2020
531 50 47 02	Public Utility Services/Bldg		415 000 531 Storm Drain	166.03	PW 12/2020
534 10 47 00	Utility Services/Building -		425 000 534 Water Fund (de	166.03	PW 12/2020
534 80 47 01	Utility Services/Pumping		425 000 534 Water Fund (de	2,737.57	PW, Well #9, GC Tank 12/2020
535 10 47 00	Utility Services/Building -		430 000 535 Sewer Fund (de	166.03	PW 12/2020
535 80 47 01	Utility Services/Pumping		430 000 535 Sewer Fund (de	1,439.19	Pump #3, Drake St L/S, Contra Costa L/S, Princeton L/S 12/2020
542 30 47 02	Electricity & Gas/Bldg - St		101 000 542 City Street Fun	166.04	PW 12/2020
542 30 47 03	Electricity/Traffic Lights		101 000 542 City Street Fun	69.84	400 Alameda, 300 & 600 Regents 12/2020
542 63 47 00	Electricity/Street Lights		101 000 542 City Street Fun	1,156.65	Street Lights 12/2020
548 65 47 00	Utilities ShopGarage		501 000 548 Equipment Ren	91.59	F&E Garage 12/2020
576 80 47 00	Public Utility Services - Pa		001 000 576 General Fund	3,483.17	Pool/Bathhouse, Pavilion, Tot Lot, Parks Garage, Whittier Lights & Irrigation 12/2020
23682	01/19/2021	01/26/2021	6203		
			Code Mechanical Inc	346.19	HVAC Repair - Public Works
518 30 48 03	Rep & Maint - PW		001 000 518 General Fund	346.19	HVAC Repair - PW
23654	01/06/2021	01/26/2021	3565		
			Comfort Davies & Smith	12,338.80	December 2020
515 41 41 01	City Attorney		001 000 515 General Fund	1,726.60	12/2020
515 41 41 03	City Prosecutor		001 000 515 General Fund	7,835.40	Fircrest 12/2020
515 41 41 03	City Prosecutor		001 000 515 General Fund	2,776.80	Ruston 12/2020

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23716	01/20/2021	01/26/2021	7227	Correct Equipment Inc	59,483.38 New Water Meters (200)
594 34 63 01	Other Improvements Water	426 000 594	Water Improve	59,483.38	New Water Meters (200)
23729	01/20/2021	01/26/2021	7227	Correct Equipment Inc	9,383.26 AMR Software / Accessories For New Water Meters
594 34 63 01	Other Improvements Water	426 000 594	Water Improve	9,383.26	AMR Software / Accessories For New Water Meters
Total Correct Equipment Inc				68,866.64	
23713	01/20/2021	01/26/2021	3589	Databar Inc	1,103.78 December 2020 Town Topics
518 10 49 01	Town Topics/Citizen Comr	001 000 518	General Fund	1,103.78	12/2020 TT
23731	01/20/2021	01/26/2021	4310	Dept Of Revenue-EXCISE TAX	15,525.06 December 2020 Excise Taxes
512 50 35 00	Small Tools & Equip-Cour	001 000 512	General Fund	233.78	12/2020 Excise Taxes
518 20 43 01	Excise Tax Time/Temp Re	001 000 518	General Fund	3.30	12/2020 Excise Taxes
521 22 49 01	Uniforms/Clothing/Laundry	001 000 521	General Fund	63.86	12/2020 Excise Taxes
531 50 44 00	Excise Tax - Storm	415 000 531	Storm Drain	1,472.45	12/2020 Excise Taxes
534 10 44 00	Excise Tax - Water	425 000 534	Water Fund (de	4.35	12/2020 Excise Taxes
534 10 44 00	Excise Tax - Water	425 000 534	Water Fund (de	68.24	12/2020 Excise Taxes
534 10 44 00	Excise Tax - Water	425 000 534	Water Fund (de	7,096.16	12/2020 Excise Taxes
535 10 44 00	Excise Tax - Sewer	430 000 535	Sewer Fund (de	2.20	12/2020 Excise Taxes
535 10 44 00	Excise Tax - Sewer	430 000 535	Sewer Fund (de	6,559.03	12/2020 Excise Taxes
535 50 31 01	Oper Supplies - Sewer Mai	430 000 535	Sewer Fund (de	5.65	12/2020 Excise Taxes
535 80 35 00	Small Tools & Equip-Swr	430 000 535	Sewer Fund (de	16.04	12/2020 Excise Taxes
23710	01/20/2021	01/26/2021	7434	Diamond, Martha	59.00 Library Reimbursement 1 Year
572 21 49 00	Library Services	001 000 572	General Fund	59.00	Library Reimbursement 1 Year
23697	01/19/2021	01/26/2021	3627	Evergreen Rural Water of Washington	700.00 2021 Membership Dues
534 10 49 03	Dues,Member,Sub - Water	425 000 534	Water Fund (de	700.00	2021 Membership Dues
23728	01/20/2021	01/26/2021	8610	F & L Building Maintenance, LLC	3,309.00 January 2021 Janitorial Services
518 30 41 01	Contract Maintenance	001 000 518	General Fund	3,309.00	01/2021 Janitorial Services
23698	01/19/2021	01/26/2021	6774	Greenleaf Landscaping 1 Inc	2,948.18 January 2021 Tree Pruning - San Juan, Ramsdell, Emerson Island, Regents/Alameda Island
542 80 48 00	Street Tree Maintenance (c	101 000 542	City Street Fun	1,905.67	01/2021 Tree Pruning - San Juan, Ramsdell
542 80 48 00	Street Tree Maintenance (c	101 000 542	City Street Fun	482.02	01/2021 Tree Pruning - Regents/Alameda Island
542 80 48 00	Street Tree Maintenance (c	101 000 542	City Street Fun	560.49	01/2021 Tree Pruning - Emerson Island

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23726	01/20/2021	01/26/2021	3692		
			Home Depot Credit Services	38.35	Bottled Water (10 Cases)
	534 80 31 02 Oper Supplies - Water		425 000 534 Water Fund (de	38.35	Bottled Water (10 Cases)
23727	01/20/2021	01/26/2021	3692		
			Home Depot Credit Services	22.02	Central Supplies
	518 10 34 01 Central Office Supplies		001 000 518 General Fund	22.02	Central Supplies
			Total Home Depot Credit Services	60.37	
23683	01/19/2021	01/26/2021	4131		
			Humane Society - Tacoma	640.50	January 2021 Boarding Contract
	554 30 41 00 Animal Control		001 000 554 General Fund	640.50	01/2021 Boarding Contract
23669	01/14/2021	01/26/2021	5757		
			Irwin, Leah	248.53	01-01850.0 - 114 SUMMIT AVE
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-62.65	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-64.94	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-120.94	
23732	01/20/2021	01/26/2021	6939		
			Leavitt Group NW	3.50	Shipping Charge For Notary Supplies - V. Walston
	518 10 49 02 Notary		001 000 518 General Fund	3.50	Shipping Charge For Notary Supplies - V. Walston
23687	01/19/2021	01/26/2021	3776		
			Lemay Mobile Shredding	32.20	Shredding December 2020 - Public Works
	531 50 49 00 Miscellaneous - Storm		415 000 531 Storm Drain	10.74	Shredding 12/2020 - PW
	534 10 49 00 Miscellaneous - Water		425 000 534 Water Fund (de	10.73	Shredding 12/2020 - PW
	535 10 49 00 Miscellaneous - Sewer		430 000 535 Sewer Fund (de	10.73	Shredding 12/2020 - PW
23688	01/19/2021	01/26/2021	3776		
			Lemay Mobile Shredding	84.30	Shredding December 2020 - Court & Finance
	512 50 49 00 Miscellaneous - Court		001 000 512 General Fund	42.15	Shredding 12/2020 - Court
	514 23 49 00 Miscellaneous - Finance		001 000 514 General Fund	42.15	Shredding 12/2020 - Finance
			Total Lemay Mobile Shredding	116.50	
23719	01/20/2021	01/26/2021	8872		
			Liberty Mutual Insurance	15,828.00	P#64 Community Center Construction Builder's And Terrorism Risk Insurance Policy 2021
	594 76 62 03 Buildings & Structures		301 000 594 Park Bond Capi	15,828.00	P#64 Community Center Construction Builder's And Terrorism Risk Insurance Policy 2021
23724	01/20/2021	01/26/2021	1688		
			Maxey, Jerry	59.00	Library Reimbursement 1 Year
	572 21 49 00 Library Services		001 000 572 General Fund	59.00	Library Reimbursement 1 Year

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23730	01/20/2021	01/26/2021	6589	Murray, Smith & Associates Inc	4,212.00	2020 Water System Plan Prof. Eng. Services Through 12/31/20
534 10 41 00	Prof Svcs - Water	425 000 534	Water Fund (de	4,212.00	2020 Water System Plan Prof. Eng. Services Through 12/31/20	
23707	01/19/2021	01/26/2021	3923	Orca Pacific Inc	398.11	Chlorine For Wells (105 Gallons)
534 80 31 03	Oper Supplies - Chlorine	425 000 534	Water Fund (de	398.11	Chlorine For Wells (105 Gallons)	
23725	01/20/2021	01/26/2021	3958	PC Budget & Finance - Jail	2,416.16	December 2020 Jail Services
523 60 40 01	Jail	001 000 523	General Fund	2,416.16	12/2020 Jail Services	
23695	01/19/2021	01/26/2021	3957	PC Budget & Finance	66.53	December 2020 Printing Services
521 22 31 00	Office & Oper Sup - Police	001 000 521	General Fund	66.53	Auth. To Tow Forms	
23696	01/19/2021	01/26/2021	3957	PC Budget & Finance	1,648.50	December 2020 Radio Testing (12 Units)
521 22 48 00	Rep & Maint - Police	001 000 521	General Fund	1,648.50	12/2020 Radio Testing (12 Units)	
Total PC Budget & Finance				1,715.03		
23694	01/19/2021	01/26/2021	3961	PCRCD, LLC dba LRI-HV	451.07	Dump Fees December 2020 - Street Sweeping
531 50 47 01	Dumping Fees - Storm	415 000 531	Storm Drain	451.07	Dump Fees 12/2020 - SS	
23717	01/20/2021	01/26/2021	3985	Puget Sound Clean Air Agency	4,607.00	2021 Clean Air Assessment
553 70 40 00	Pollution Control	001 000 553	General Fund	4,607.00	2021 Clean Air Assessment	
23714	01/20/2021	01/26/2021	3986	Puget Sound Energy, BOT-01H	272.20	Natural Gas - Public Works December 2020
531 50 47 02	Public Utility Services/Bldg	415 000 531	Storm Drain	68.05	Natural Gas - PW 12/2020	
534 10 47 00	Utility Services/Building -	425 000 534	Water Fund (de	68.05	Natural Gas - PW 12/2020	
535 10 47 00	Utility Services/Building -	430 000 535	Sewer Fund (de	68.05	Natural Gas - PW 12/2020	
542 30 47 02	Electricity & Gas/Bldg - St	101 000 542	City Street Fun	68.05	Natural Gas - PW 12/2020	
23715	01/20/2021	01/26/2021	3986	Puget Sound Energy, BOT-01H	295.60	Natural Gas - City Hall December 2020
518 30 47 00	Public Utility Services - Ci	001 000 518	General Fund	295.60	Natural Gas - CH 12/2020	
Total Puget Sound Energy, BOT-01H				567.80		
23720	01/20/2021	01/26/2021	3988	Puget Sound Finance Officers Assn	25.00	2021 PSFOA Membership - C. Corcoran, L. Davis, M. Walker

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514 23 49 03	Dues,Memberships,Subscri		001 000 514 General Fund	25.00	2021 PSFOA Membership - C. Corcoran, L. Davis, M. Walker
23706	01/19/2021	01/26/2021	4004 Reserve Account	2,000.00	#15690704 Meter Refill January 2021
518 10 42 01	Postage - Non-Dept		001 000 518 General Fund	2,000.00	#15690704 Meter Refill 01/2021
23676	01/19/2021	01/26/2021	8893 Right Systems INC	3,350.00	IT Managed Services January 2021
518 81 41 01	Prof Svcs - I/S		001 000 518 General Fund	3,350.00	IT Managed Services 01/2021
23684	01/19/2021	01/26/2021	4035 Sarco Supply	38.41	Janitorial Supplies - City Hall
518 30 31 04	Oper Sup/CH		001 000 518 General Fund	38.41	Janitorial Supplies - CH
23685	01/19/2021	01/26/2021	4035 Sarco Supply	64.74	Janitorial Supplies - Public Safety Building
518 30 31 02	Oper Sup/PSB Bldg		001 000 518 General Fund	64.74	Janitorial Supplies - PSB
23686	01/19/2021	01/26/2021	4035 Sarco Supply	78.32	Janitorial Supplies - Public Works
518 30 31 03	Oper Sup/PWF		001 000 518 General Fund	78.32	Janitorial Supplies - PW
			Total Sarco Supply	181.47	
23708	01/19/2021	01/26/2021	6350 Sevier, Maria	690.00	On-Call GIS Support 3/1/20 - 12/31/20 (7.75 Hrs)
531 50 41 00	Prof Svcs - Storm		415 000 531 Storm Drain	138.00	On-Call GIS Support 3/1/20 - 12/31/20 (7.75 Hrs)
534 10 41 00	Prof Svcs - Water		425 000 534 Water Fund (de	138.00	On-Call GIS Support 3/1/20 - 12/31/20 (7.75 Hrs)
535 10 41 00	Prof Svcs - Sewer		430 000 535 Sewer Fund (de	138.00	On-Call GIS Support 3/1/20 - 12/31/20 (7.75 Hrs)
542 30 41 00	Prof Svcs - Street		101 000 542 City Street Fun	138.00	On-Call GIS Support 3/1/20 - 12/31/20 (7.75 Hrs)
558 60 41 00	Prof Svcs - Planning		001 000 558 General Fund	138.00	On-Call GIS Support 3/1/20 - 12/31/20 (7.75 Hrs)
23673	01/19/2021	01/26/2021	2068 Sheppard*, Joe	59.00	Library Reimbursement 1 Year
572 21 49 00	Library Services		001 000 572 General Fund	59.00	Library Reimbursement 1 Year
23671	01/19/2021	01/26/2021	6690 Sklar, Gail J.	59.00	Library Reimbursement 1 Year
572 21 49 00	Library Services		001 000 572 General Fund	59.00	Library Reimbursement 1 Year
23689	01/19/2021	01/26/2021	5304 South Sound 911	32,297.50	1st Quarter 2021 Services
521 22 41 02	Dispatching - Lesa		001 000 521 General Fund	22,587.50	1st Quarter LE Communications
521 22 41 04	Records		001 000 521 General Fund	1,892.50	1st Quarter Records/Permitting
521 22 41 05	IT Charges		001 000 521 General Fund	7,817.50	1st Quarter RMS & IT Support
23693	01/19/2021	01/26/2021	4084 Staples Business Advantage	659.33	Office Chairs (6)
594 31 64 00	Machinery & Equipment-S		416 000 594 Storm Improve	164.83	Office Chairs (6)

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594 32 64 01	Machinery & Equipment -		101 000 542 City Street Fun	164.83	Office Chairs (6)
594 34 64 00	Machinery & Equipment		426 000 594 Water Improve	164.84	Office Chairs (6)
594 35 64 00	Machinery & Equipment S		432 000 594 Sewer Improve	164.83	Office Chairs (6)
23672	01/19/2021	01/26/2021	1515		Sulenes, Pam
	572 21 49 00	Library Services	001 000 572 General Fund	59.00	Library Reimbursement 1 Year
23702	01/19/2021	01/26/2021	4328		Systems for Public Safety Inc
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	333.40	#60943D Replaced Brake Lines
23703	01/19/2021	01/26/2021	4328		Systems for Public Safety Inc
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	140.06	#60942D Oil Change, Rotate Tires
23704	01/19/2021	01/26/2021	4328		Systems for Public Safety Inc
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	25.97	#68056D Spotlight Repair
23705	01/19/2021	01/26/2021	4328		Systems for Public Safety Inc
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	88.13	#60452D Oil Change
			Total Systems for Public Safety Inc	587.56	
23721	01/20/2021	01/26/2021	4133		Tacoma Rubber Stamp
	512 50 35 00	Small Tools & Equip-Cour	001 000 512 General Fund	181.72	"FILED Date" Court Stamps (3)
23674	01/19/2021	01/26/2021	4162		Tursi, Jane
	572 21 49 00	Library Services	001 000 572 General Fund	59.00	Library Reimbursement 1 Year
23709	01/19/2021	01/26/2021	9253		University Place Tire & Auto
	548 65 48 12	O & M - Street	501 000 548 Equipment Ren	99.97	#63582D Oil Change, Replace Cabin Air Filter
23690	01/19/2021	01/26/2021	4188		Verizon Wireless LLC
	521 22 42 00	Communication - Police	001 000 521 General Fund	400.10	01/2021 Air Cards (10)
	531 50 42 00	Communication - Storm	415 000 531 Storm Drain	15.17	01/2021 Air Card (1)
	534 10 42 00	Communication - Water	425 000 534 Water Fund (de	15.17	01/2021 Air Card (1)
	535 10 42 01	Communication - Sewer	430 000 535 Sewer Fund (de	15.16	01/2021 Air Card (1)
	542 30 42 00	Communication - Street	101 000 542 City Street Fun	15.17	01/2021 Air Card (1)
23691	01/19/2021	01/26/2021	4188		Verizon Wireless LLC
	513 10 42 00	Communication - Admin	001 000 513 General Fund	945.30	January 2021 Shared Plan (23 Lines)
				42.03	City Manager 01/2021

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
518 30 42 00	Communication - Fac/Equi		001 000 518 General Fund	42.03	Maint. Supervisor 01/2021
521 22 42 00	Communication - Police		001 000 521 General Fund	418.28	Chief, Air Card, 2 Sergeants & 6 Officers 01/2021
524 20 42 00	Communications- Bldg		001 000 524 General Fund	21.02	B / P Admin 01/2021
531 50 42 00	Communication - Storm		415 000 531 Storm Drain	73.05	PW Director & Crew 01/2021
534 10 42 00	Communication - Water		425 000 534 Water Fund (de	73.05	PW Director & Crew 01/2021
535 10 42 01	Communication - Sewer		430 000 535 Sewer Fund (de	73.05	PW Director & Crew 01/2021
542 30 42 00	Communication - Street		101 000 542 City Street Fun	73.04	PW Director & Crew 01/2021
558 60 42 00	Communications - Planning		001 000 558 General Fund	21.01	B / P Admin 01/2021
576 80 42 00	Communication - Parks		001 000 576 General Fund	108.74	Parks Director, Maint. Super & Comm. Events Spec 01/2021
Total Verizon Wireless LLC				1,406.07	
23699	01/19/2021	01/26/2021	4209 WCMA	315.00	2021 Membership Dues - S. Pingel
513 10 49 02	Dues,Memberships,Subscri		001 000 513 General Fund	315.00	2021 WCMA Membership Dues - S. Pingel
23675	01/19/2021	01/26/2021	4214 WFOA	225.00	2021 WFOA Membership - C. Corcoran, L. Davis, M. Walker
514 23 49 03	Dues,Memberships,Subscri		001 000 514 General Fund	225.00	2021 WFOA Membership - C. Corcoran, L. Davis, M. Walker
23701	01/19/2021	01/26/2021	4214 WFOA	225.00	BARS Cash Basis Webinar Registration - C. Corcoran, L. Davis, M. Walker
514 23 49 01	Reg & Tuition - Finance		001 000 514 General Fund	225.00	BARS Cash Basis Webinar Registration - C. Corcoran, L. Davis, M. Walker
Total WFOA				450.00	
23712	01/20/2021	01/26/2021	6884 WPTA	120.00	2021 WPTA Membership - C. Corcoran, L. Davis, M. Walker
514 23 49 03	Dues,Memberships,Subscri		001 000 514 General Fund	120.00	2021 WPTA Membership - C. Corcoran, L. Davis, M. Walker
23677	01/19/2021	01/26/2021	261 Wilson, Phil	118.00	Library Reimbursement 1 Year (Phil And Melinda)
572 21 49 00	Library Services		001 000 572 General Fund	118.00	Library Reimbursement 1 Year (Phil And Melinda)
23670	01/19/2021	01/26/2021	4264 Wynne, Catherine	59.00	Library Reimbursement 1 Year
572 21 49 00	Library Services		001 000 572 General Fund	59.00	Library Reimbursement 1 Year
23711	01/20/2021	01/26/2021	5851 Yasenak, Patrick	59.00	Library Reimbursement 1 Year

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 01/26/2021

Time: 09:39:23 Date: 01/21/2021
Page: 9

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
572 21 49 00	Library Services		001 000 572 General Fund	59.00	Library Reimbursement 1 Year

Report Total:	250,182.81
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Fund	
001 General Fund	132,022.37
101 City Street Fund	4,916.14
301 Park Bond Capital Fund	15,828.00
415 Storm Drain	2,573.55
416 Storm Improvement Fund	164.83
425 Water Fund (department)	15,939.58
426 Water Improvement Fund	69,031.48
430 Sewer Fund (department)	8,762.91
432 Sewer Improvement Fund	164.83
501 Equipment Rental Fund	779.12

This report has been reviewed by:

REMARKS:

Signature & Title

Date

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Mayor Hunter T. George called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers Shannon Reynolds, Brett Wittner, Joe Barrentine, Denny Waltier, and Jamie Nixon were present. David M. Viafore was absent and excused.

PRESIDING OFFICER’S REPORT

A. Pierce Transit Presentation

Lindsey Sehmel and Alexandra Mather presented the overview of the 2021 Pierce Transit routes that affect the City and indicated that a change in service will be coming in March 2021. The service change will restore 95% of routes that were in place prior to COVID-19 and additional trips will be added on Sundays. Lastly, Mather reported that Pierce Transit has funded a Rapid Bus Transit System Expansion study to be completed in Summer 2021.

B. 2021 Council Liaison Assignments

George read into the record the 2021 Council Liaison Assignments. They are as follows:

- Administration- Councilmember Viafore
- Public Safety & Court – Councilmember Reynolds
- Finance, IT, & Facilities – Councilmember Wittner
- Parks & Recreation – Councilmember Barrentine
- Street, Water, Sewer, & Storm – Councilmember Waltier
- Environment, Planning & Building – Councilmember Nixon

Councilmember Viafore joined the meeting at 7:17 p.m.

C. City Council Regular Meeting Agenda Order

Mayor George updated the Council on the history of the meeting agenda order change and requested feedback on potentially changing the Council Rules of Procedures, Rule 20 to permanently amend the regular meeting agenda order. The motion to alter the agenda order, moving the City Manager, Council, and Department Head comments to the beginning of the meeting, expired December 31, 2020. After a brief discussion, there was a Council consensus to have the staff bring forth a Resolution at the next Council meeting.

D. Community Center & Pool Project

Parks & Recreation Director Grover updated the Council on the construction progress at the Community Center and reported that rebar is installed, and the stem wall concrete is being poured tomorrow. There are samples of the finishes for the community center on display in the Pool Party Room. Grover reported that if anyone would like to visit, schedule a time with himself or Recreation Program Manager Chris Wells within the next two weeks. There was a brief discussion on bringing the final choices back to the Council and Grover confirmed that he will be bringing the final design choices back to a future meeting.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

George invited public comment; the following individuals provided comment:

- Brian Rybolt, 1036 Daniels Drive, commented on his frustration regarding the COVID-19 vaccine rollout and the lack of availability to qualified individuals. Rybolt also commented that he likes the new agenda order.
The Council briefly discussed thier frustrations with the vaccine rollout and the potential for the City to host a vaccine site in the future.

- Yolonda Brooks, 6464 19th Street W, commented on her concerns about the code compliance and inspection process, especially with rental properties. She also expressed concern about faulty smoke alarm systems that may be installed in her rental property.

COMMITTEE, COMMISSION, AND LIAISON REPORTS

A. Other Liaison Reports

No reports were provided.

CONSENT CALENDAR

George requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 215942 through Voucher Check No. 215985 in the amount of \$126,347.59; approval of Voucher No. 215986 through Voucher Check No. 216026 in the amount of \$98,081.88; of Payroll Check No. 13997 through Payroll Check No. 14000 in the amount of \$7,947.48; approval of Payroll Check No. 14001 through Payroll Check No. 14001 in the amount of \$104,568.58; approval of Payroll Check No. 14002 through Payroll Check No. 14007 in the amount of \$105,134.30; approval of the December 22, 2020, Regular Meeting Minutes; **Reynolds MOVED to approve the Consent Calendar as read; seconded by Wittner. The Motion Carried (7-0).**

PUBLIC HEARING

No public hearing was scheduled.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Resolution No. 1707: ARC Contact Amendment No. 3

City Manager Pingel briefed the Council on the proposed Resolution and reported that ARC Architects is asking for additional funds. Pingel provided an overview of the additional charges. **Reynolds MOVED to adopt Resolution No. 1707, authorizing the City Manager to execute Amendment #3 of the professional services agreement with ARC Architects for the design and construction of the Fircrest Pool and Community Center project; seconded by Barrentine.** George invited councilmember comment; There was a discussion held on the wording choice that the costs were estimates and not solidified and the irrigation costs being paid to the landscape architect rather than the general contractor. Lastly, it was confirmed that the Community Center Project Steering Committee meetings have ended and will not be ongoing; George invited public comment; none were provided. **The Motion Carried (7-0).**

CITY MANAGER COMMENTS

City Manager Pingel reported that the one-on-one interviews for the Public Works Director recruitment will be Friday.

DEPARTMENT HEAD COMMENTS

- Police Chief Cheesman thanked Sergeant Celis for being Acting Chief in his absence and reported that he is monitoring the situation regarding potential protests or riots at public

buildings. Cheesman reports there is no threat in Pierce County currently. Lastly, Cheesman thanked Councilmember Nixon for his support and leadership through 2020 as his liaison.

- Planning & Building Administrator Stahlnecker reported that there will be a Joint Planning Meeting on February 2nd at 6 p.m. and provided an overview of the topics the Commission would like to potentially add to the 2021 work plan. There was a brief discussion by the Council and it was requested that climate be added to the agenda and a draft agenda be sent to Council this week. Councilmember Waltier thanked Stahlnecker for the support in 2020 as the department liaison.

COUNCILMEMBER COMMENTS

- Viafore; commented that it has been a rainy week, and, in the past, Leach Creek would flood the surrounding areas. The City no longer has the issue and is evolving. Viafore looks forward to the update from Stahlnecker regarding the compliance issues at the apartment homes and believes that some of the concerns fall outside the City's jurisdiction because we do not inspect fire or electric systems.
- Reynolds; commented that the new COVID-19 virus strain may become more contagious and reported that poverty is up, and food insecurity is increasing. Reynolds would like the City to keep the parks closed to not contribute to the spread of COVID-19
- Wittner; thanked those who attended and reported that he has a family member who fell ill and could not be admitted to a hospital in Pierce County due to there not being any room available. He reminded those to continue wearing a mask and stay home.
- Barrentine; commented on the graffiti that has been spray-painted on the sidewalks and asked that the City contact each homeowner to ask if they have any information they could provide to help capture the perpetrator and have the Public Works crew help with clean-up. Lastly, Barrentine asked that residents and visitors to the City pick up after themselves.
Police Chief Cheesman reported that the department is taking the graffiti seriously.
- Waltier; commented that the City will not tolerate tagging for any reason and would like an update on the electronic readerboard.
- Nixon; thanked the attendees.
- George; thanked the attendees and welcomed Chief Cheesman back. George agrees with Councilmembers Reynolds and Barrentine, we are living in frustrating times and the next week will be difficult.

EXECUTIVE SESSION

At 8:18 P.M. George reported that the Council would take a four-minute recess and convene into Executive Session, not to exceed thirty (30) minutes to review the performance of a public employee per RCW 42.30.110

At 9:17 P.M., the Council reconvened into regular session

ADJOURNMENT

Wittner MOVED to adjourn the meeting at 9:17 P.M., seconded by Barrentine. The Motion Carried (7-0).

January 12, 2021

Fircrest City Council Meeting Minutes – Regular 4

Hunter T. George, Mayor

Jayne Westman, City Clerk



Westside Disposal Services, Inc.

Scott Pingel, City Manager
City of Fircrest
115 Ramsdell St.
Fircrest, WA 98466

Jan 5, 2021

Re: Annual Rate Adjustment, disposal site fee increase, request for recycling commodity surcharge, 8 year contract term extension, one-time 3% general rate increase, Change of Annual Rate Adjustment methodology.

Dear Scott:

Enclosed you will find the following:

- 1. Letter from Pierce County for the disposal fee increase effective March 1, 2021. LRI will raise the rates from the current rate of \$167.38 to \$168.51 per ton, an increase of \$1.13 per ton, or 0.68%.
2. The June-June CPI-U Consumer Price Index for Seattle-Tacoma-Bellevue is used in calculating the Annual Rate Adjustment. The rate this year is 0.9 %. We now subtract out the disposal fee component of each rate first, then the balance is the basis for the Annual Rate Adjustment. We then multiply that amount times 100% of the CPI, or 0.9%.
3. An Excel Spreadsheet with the following:
Schedule 1. - Rate Worksheet showing the initial rate calculations including: (1.) the one-time general 3% increase, (2.) the effect of the disposal site fee increase, (3.) the Annual Rate Adjustment i increase, to determine the new rates.
Schedule 2. - This is the rate Adjustment example 3-1-22 and subsequent years. Recycling cart charge.
Schedule 3. - This shows the new "Schedule A" rates effective March 1, 2021. They are shown without taxes.
Schedule 4. - Recycling Commodity calculations. Schedule 5. - Rate and services comparison.
4. Recycling Commodity Surcharge Request -Average annual revenues from such sales 2005 to 2017 were \$26,421 per year. In 2019 WE HAD TO PAY \$47,878 to take it to the recycling facility. That is an annual reversal of \$74,299 off of our average. This was the 3rd year that we've had to pay to recycle without any relief. We are asking for a 3.98% surcharge to be placed on all base rates for 12 months beginning March 1, 2021. This will recover over the next year only the amount that we had to pay to the recycling facility over the year, or \$47,878. The cost to customers for the most popular residential garbage service, a 64 gallon cart picked up every-other week, would be \$1.25 per month. This will be recalculated each year based on the actual co-mingled recycling revenues that we receive. If the recycling commodities market improves enough to where we are being paid again, the customer surcharge becomes a credit.

Rate Sample (Taxes not included)

Table with 7 columns: Garbage Service Level, Pickup Frequency, Current Rate 3-1-20, Proposed Rate 3-1-21, Adjustment Amount, Adjustment Percent, Recycling Commodity Surcharge 3.98%. Rows include 12 gal garbage Toter, 24 gal garbage Toter, 64 gal garbage Toter, 1 Yard Container, and 96 or 64 gal Recy Cart*.

*Accounts utilizing Garbage Toter service will still receive the 1st Recycling Cart at no additional charge. Does not apply to accounts being charged for Multi-family recycling.

Please contact us with any questions you may have regarding this. Thank you.

Sincerely,
Neil Holden, Vice President
Westside Disposal Services, Inc.

October 16, 2020

Kevin Green, Division Manager
Pierce County Recycling Composting and Disposal LLC d/b/a LRI
17925 Meridian Street East
Puyallup, WA 98378

sent via E-Mail – paper copy will not follow

Subject: 2021-2022 Solid Waste Tipping Fees and Rate Setting Guidelines

Dear Mr. Green:

On behalf of Pierce County Executive Bruce F. Dammeier, on September 1, 2020, I notified the County Council by letter of a proposed solid waste tipping fee increase. This proposal – prepared jointly by the Department and PCRCO dba LRI (the Company) and authorized by the County Executive – contained an increase of \$1.13 per ton, for a new tipping fee of \$168.51 per ton effective March 1, 2021.

Paragraph 16.11 of the Waste Handling Agreement outlines the Council's review process:

“...the County Council may hold a public hearing regarding the consistency of the proposed increase with the terms of this Agreement. If the County Council objects to the proposed increase on the grounds that the proposed increase is inconsistent with the terms of the Agreement, and such objection occurs within thirty (30) calendar days of receiving the County Executive's report, the County Council may request the County Executive and the Company to withdraw and resubmit the proposal.”

The Pierce County Council took no action in response to the letter.

The 2021 rate proposal is approved as submitted.

Please contact me if you have any questions.

Respectfully,



Ryan Dicks

Sustainable Resources Administrator

Attachment: 2021 Rate Setting Guidelines

cc: Dennis Hanberg, Director, Planning and Public Works Department
Gary Robinson, Director, Finance Department
Toby Rickman, Deputy Director, Planning and Public Works
Libbi Lovshin, Business and Financial Operations Manager, Planning and Public Works
Julie Demuth, Budget Manager, Finance Department
Rick Johnston, Project Coordinator, Planning and Public Works
Chris Brown, Management Analyst, Planning and Public Works
Neil Holden, University Place Refuse
Matt O'Connell, Waste Connections

CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE JUNE 2020

(All items indexes. 1982-84=100 unless otherwise noted. Not seasonally adjusted.)

MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending	1 Month ending					Year ending	1 Month ending	
	Jun 2019	May 2020	Jun 2020	May 2020	Jun 2020	Jun 2020	Jun 2019	May 2020	Jun 2020	May 2020	Jun 2020	Jun 2020
U. S. City Average.....	256.143	256.394	257.797	0.1	0.6	0.5	249.747	249.521	251.054	-0.1	0.5	0.6
West.....	270.957	273.062	274.155	0.8	1.2	0.4	262.418	264.227	265.222	0.6	1.1	0.4
West – Size Class A ¹	279.446	282.345	283.590	1.1	1.5	0.4	269.007	272.186	273.125	1.0	1.5	0.3
West – Size Class B/C ²	157.564	158.301	158.857	0.5	0.8	0.4	157.258	157.584	158.229	0.2	0.6	0.4
Mountain ³	105.131	106.425	107.226	1.3	2.0	0.8	105.489	106.403	107.213	0.8	1.6	0.8
Pacific ³	105.347	105.988	106.277	0.6	0.9	0.3	105.316	105.954	106.221	0.5	0.9	0.3
Los Angeles-Long Beach-Anaheim, CA.....	274.380	276.842	278.121	0.9	1.4	0.5	264.640	267.007	268.118	0.6	1.3	0.4
BI-MONTHLY DATA (Published for odd months)	Indexes			Percent Change			Indexes			Percent Change		
				Year ending	2 Months ending					Year ending	2 Months ending	
	May 2019	Mar 2020	May 2020	Mar 2020	May 2020	May 2020	May 2019	Mar 2020	May 2020	Mar 2020	May 2020	May 2020
Riverside-San Bernardino-Ontario, CA ³	105.959	107.162	106.899	2.3	0.9	-0.2	106.159	107.425	107.490	2.5	1.3	0.1
San Diego-Carlsbad, CA.....	300.303	302.589	301.317	1.8	0.3	-0.4	281.727	285.543	284.607	2.3	1.0	-0.3
Urban Hawaii.....	282.271	285.321	285.834	1.8	1.3	0.2	278.551	282.885	282.857	2.3	1.5	0.0
BI-MONTHLY DATA (Published for even months)	Indexes			Percent Change			Indexes			Percent Change		
				Year ending	2 Months ending					Year ending	2 Months ending	
	Jun 2019	Apr 2020	Jun 2020	Apr 2020	Jun 2020	Jun 2020	Jun 2019	Apr 2020	Jun 2020	Apr 2020	Jun 2020	Jun 2020
Phoenix-Mesa-Scottsdale, AZ ⁴	142.997	143.734	145.849	1.5	2.0	1.5	141.580	142.659	144.415	1.8	2.0	1.2
San Francisco-Oakland-Hayward, CA.....	295.259	298.074	300.032	1.1	1.6	0.7	288.581	290.304	292.420	0.7	1.3	0.7
Seattle-Tacoma-Bellevue, WA.....	278.631	280.484	281.055	1.3	0.9	0.2	273.488	276.427	276.244	1.5	1.0	-0.1
Urban Alaska.....	234.179	222.909	225.245	-2.5	-3.8	1.0	229.121	221.826	224.914	-1.7	-1.8	1.4

¹ Population over 2,500,000 ² Population 2,500,000 and under, Dec 1996 = 100 ³ Dec 2017=100 ⁴ Dec 2001=100

NOTE: In January 2018, BLS introduced a new geographic area sample for the Consumer Price Index (CPI): www.bls.gov/regions/west/factsheet/2018cpirevisionwest.pdf

1967=100 base year indexes and tables with semiannual and annual average data are available at: www.bls.gov/regions/west/factsheet/consumer-price-index-data-tables.htm

Release date July 14, 2020. The next release date is scheduled for August 12, 2020. For questions, please contact us at BLInfoSF@bls.gov or (415) 625-2270.

City of Fircrest - Westside Disposal Contract

- Features:
1. 3% Base Rate increase. (one time only).
 2. Removal of any disposal fee component, for purpose of Annual Rate Adjustment, then, applying 100% of CPI to balance.
 3. Wa. State B&O Tax increased from 1.5% to 1.75% effective 4-1-2020.
 4. Wa. State B&O Tax increased from 1.5% to 1.75% effective 4-1-2020.
 5. Recycling Commodity Charge/credit is separate from the rate and shall be shown as a line item on bill. Will float up and down with pricing. Based on Recycling Commodity Revenues divided by Customer Rate Revenues.

Schedule 1. - Rate Worksheet 3-1-21

		CPI Adjustment		
		CPI	0.90%	
		x Factor	100.00%	
		Adjustment	0.90%	10/9/2020

Garbage, Recycling and Yard Waste Collection

Assigned	Without	One time	Disposal Fee 3/1/20		ADJUSTMENT		ADJUSTED RATE		Disposal Fee 2021		Monthly	Total	Total	Recycling
			Less LRI	Disposal Fee	Wa. State	CPI-U Jun-Jun	Tip Fee	Add for LRI	Monthly	Rate				
Garbage Wt.	Taxes*	General	B&O Tax 1.5%	Component	B&O Tax	Effective rate	Bellvue	B&O Tax 1.75%	Component	Without	Difference	Increase	Commodity	
Pounds per	Effective	Rate	1.523%	\$ 167.38	Increase 0.25%	0.258%		1.781%	\$ 168.51	Taxes*	2021 rate	as a %	Charge/credit	
Service	Level	3/1/2020	Adjustment	\$ 2.55	for	4/1/2020		Total	\$ 3.00	Effective	2020 rate		3.98%	
Type of Service	Pickup Frequency	per	Month	\$ 169.93	per Ton	Rate	1.5% to 1.75%	Total	\$ 171.51	per ton	3/1/2021		Shown on statement	as a line item

Column #	a	b	c	d	e	f	g	h	i	j	k	l	
Column Formula			(b * 3%)	(-\$169.93 x (a/2000))	(b+c+d)	(e x 0.258%)	((e +f) x 0.90%)	(e+f+g)	(\$171.51 x (a/2000))	(h+i)	(b-i)	(j/b)	(i x 3.98%)

Garbage toter rates below include up to: 3 Yard Waste and 1 Recycling toters.														
12 gal. Garbage Toter, curb	Weekly	52	\$ 17.85	\$ 0.54	\$ (4.42)	\$ 13.97	\$ 0.04	\$ 0.13	\$ 14.13	\$ 4.46	\$ 18.59	\$ 0.74	4.1%	\$ 0.74
24 gal. Garbage Toter, curb	Every-other week	50	\$ 16.59	\$ 0.50	\$ (4.25)	\$ 12.84	\$ 0.03	\$ 0.12	\$ 12.99	\$ 4.29	\$ 17.28	\$ 0.69	4.1%	\$ 0.69
24 gal. Garbage Toter, curb	Weekly	88	\$ 26.14	\$ 0.78	\$ (7.48)	\$ 19.45	\$ 0.05	\$ 0.18	\$ 19.67	\$ 7.55	\$ 27.22	\$ 1.08	4.1%	\$ 1.08
48 gal. Garbage Toter, curb	Every-other week	94	\$ 24.10	\$ 0.72	\$ (7.99)	\$ 16.84	\$ 0.04	\$ 0.15	\$ 17.03	\$ 8.06	\$ 25.09	\$ 0.99	4.1%	\$ 1.00
48 gal. Garbage Toter, curb	Weekly	140	\$ 36.34	\$ 1.09	\$ (11.89)	\$ 25.54	\$ 0.07	\$ 0.23	\$ 25.83	\$ 12.01	\$ 37.84	\$ 1.50	4.1%	\$ 1.51
64 gal. Garbage Toter, curb	Every-other week	111	\$ 30.08	\$ 0.90	\$ (9.43)	\$ 21.55	\$ 0.06	\$ 0.19	\$ 21.80	\$ 9.52	\$ 31.32	\$ 1.24	4.1%	\$ 1.25
64 gal. Garbage Toter, curb	Weekly	153	\$ 42.52	\$ 1.28	\$ (13.00)	\$ 30.80	\$ 0.08	\$ 0.28	\$ 31.15	\$ 13.12	\$ 44.27	\$ 1.75	4.1%	\$ 1.76
96 gal. Garbage Toter, curb	Weekly	221	\$ 55.72	\$ 1.67	\$ (18.78)	\$ 38.61	\$ 0.10	\$ 0.35	\$ 39.06	\$ 18.95	\$ 58.01	\$ 2.29	4.1%	\$ 2.31
Recycling Toter, per unit (does not apply to accounts charged for Multi-family Recycling)		0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00			\$ 0.60
Off-curb Garbage Charge (add to toter rate above) per toter														
Up to 50' off-curb		0	\$ 8.22	\$ 0.25	\$ -	\$ 8.47	\$ 0.02	\$ 0.08	\$ 8.56	\$ -	\$ 8.56	\$ 0.34	4.2%	\$ 0.34
Up to 100' off-curb		0	\$ 11.71	\$ 0.35	\$ -	\$ 12.06	\$ 0.03	\$ 0.11	\$ 12.20	\$ -	\$ 12.20	\$ 0.49	4.2%	\$ 0.49
Over 100' off-curb		0	\$ 16.40	\$ 0.49	\$ -	\$ 16.89	\$ 0.04	\$ 0.15	\$ 17.09	\$ -	\$ 17.09	\$ 0.69	4.2%	\$ 0.68
32 gal. Occasional Extra Garbage Tags:		31	\$ 7.85	\$ 0.24	\$ (2.64)	\$ 5.44	\$ 0.01	\$ 0.05	\$ 5.51	\$ 2.67	\$ 8.17	\$ 0.32	4.1%	\$ 0.33
Yard Waste Toter, 64 or 96 gal., per unit		0	\$ 4.44	\$ 0.13	\$ -	\$ 4.57	\$ 0.01	\$ 0.04	\$ 4.63	\$ -	\$ 4.63	\$ 0.19	4.2%	\$ 0.18
Late Payment Fee Minimum		0	\$ 4.50	\$ 0.14	\$ -	\$ 4.64	\$ 0.01	\$ 0.04	\$ 4.69	\$ -	\$ 4.69	\$ 0.19	4.2%	\$ 0.19
Customer stop and restart fee:		0	\$ 13.37	\$ 0.40	\$ -	\$ 13.77	\$ 0.04	\$ 0.12	\$ 13.93	\$ -	\$ 13.93	\$ 0.56	4.2%	\$ 0.56
Toter redelivery fee		0	\$ 13.37	\$ 0.40	\$ -	\$ 13.77	\$ 0.04	\$ 0.12	\$ 13.93	\$ -	\$ 13.93	\$ 0.56	4.2%	\$ 0.56
Return trip charge:		0	\$ 13.37	\$ 0.40	\$ -	\$ 13.77	\$ 0.04	\$ 0.12	\$ 13.93	\$ -	\$ 13.93	\$ 0.56	4.2%	\$ 0.56
Special pickups (requiring a special trip), per pickup														
12 gal. garbage toter		13	\$ 15.33	\$ 0.46	\$ (1.10)	\$ 14.69	\$ 0.04	\$ 0.13	\$ 14.86	\$ 1.11	\$ 15.97	\$ 0.64	4.2%	\$ 0.64
24 gal. garbage toter		44	\$ 17.32	\$ 0.52	\$ (3.74)	\$ 14.10	\$ 0.04	\$ 0.13	\$ 14.26	\$ 3.77	\$ 18.04	\$ 0.72	4.1%	\$ 0.72
48 gal. garbage toter		47	\$ 20.50	\$ 0.62	\$ (3.99)	\$ 17.12	\$ 0.04	\$ 0.15	\$ 17.32	\$ 4.03	\$ 21.35	\$ 0.85	4.2%	\$ 0.85
64 gal. garbage toter		55.5	\$ 25.75	\$ 0.77	\$ (4.72)	\$ 21.81	\$ 0.06	\$ 0.20	\$ 22.06	\$ 4.76	\$ 26.82	\$ 1.07	4.2%	\$ 1.07
96 gal. garbage toter		55.25	\$ 33.43	\$ 1.00	\$ (4.69)	\$ 29.74	\$ 0.08	\$ 0.27	\$ 30.08	\$ 4.74	\$ 34.82	\$ 1.39	4.2%	\$ 1.39
64 & 96 gal. yard waste toter		0	\$ 16.03	\$ 0.48	\$ -	\$ 16.51	\$ 0.04	\$ 0.15	\$ 16.70	\$ -	\$ 16.70	\$ 0.67	4.2%	\$ 0.67
Extra on-route, off-week pickups (not requiring a special trip), per pickup														
- applies only to every-other week customers														
24 gal. garbage toter		25	\$ 5.03	\$ 0.15	\$ (2.12)	\$ 3.06	\$ 0.01	\$ 0.03	\$ 3.09	\$ 2.14	\$ 5.24	\$ 0.21	4.1%	\$ 0.21
48 gal. garbage toter		47	\$ 9.47	\$ 0.28	\$ (3.99)	\$ 5.76	\$ 0.01	\$ 0.05	\$ 5.83	\$ 4.03	\$ 9.86	\$ 0.39	4.1%	\$ 0.39
64 gal. garbage toter		55.5	\$ 12.53	\$ 0.38	\$ (4.72)	\$ 8.19	\$ 0.02	\$ 0.07	\$ 8.29	\$ 4.76	\$ 13.04	\$ 0.51	4.1%	\$ 0.52
Commercial Containers (non-compacted)														
Multiply rate X number of pickups per week														
1 yd. Weekly		570	\$ 106.93	\$ 3.21	\$ (48.43)	\$ 61.71	\$ 0.16	\$ 0.56	\$ 62.42	\$ 48.88	\$ 111.30	\$ 4.37	4.1%	\$ 4.44
1.5 yd. Weekly		814	\$ 143.47	\$ 4.30	\$ (69.16)	\$ 78.61	\$ 0.20	\$ 0.71	\$ 79.53	\$ 69.80	\$ 149.33	\$ 5.86	4.1%	\$ 5.95
2 yd. Weekly		1,055	\$ 178.42	\$ 5.35	\$ (89.64)	\$ 94.14	\$ 0.24	\$ 0.85	\$ 95.23	\$ 90.47	\$ 185.70	\$ 7.28	4.1%	\$ 7.40
3 yd. Weekly		1,541	\$ 269.47	\$ 8.08	\$ (130.93)	\$ 146.62	\$ 0.38	\$ 1.32	\$ 148.33	\$ 132.15	\$ 280.47	\$ 11.00	4.1%	\$ 11.18
4 yd. Weekly		1,997	\$ 332.84	\$ 9.99	\$ (169.67)	\$ 173.15	\$ 0.45	\$ 1.56	\$ 175.16	\$ 171.25	\$ 346.41	\$ 13.57	4.1%	\$ 13.80
6 yd. Weekly		2,736	\$ 500.46	\$ 15.01	\$ (232.46)	\$ 283.01	\$ 0.73	\$ 2.55	\$ 286.30	\$ 234.63	\$ 520.92	\$ 20.46	4.1%	\$ 20.76
Special, Occasional and Return trip Pickups, per pickup														
1 yd.		143	\$ 32.06	\$ 0.96	\$ (12.11)	\$ 20.91	\$ 0.05	\$ 0.19	\$ 21.16	\$ 12.22	\$ 33.38	\$ 1.32	4.1%	\$ 1.33
1.5 yd.		204	\$ 41.13	\$ 1.23	\$ (17.29)	\$ 25.07	\$ 0.06	\$ 0.23	\$ 25.36	\$ 17.45	\$ 42.82	\$ 1.69	4.1%	\$ 1.71
2 yd.		264	\$ 50.39	\$ 1.51	\$ (22.41)	\$ 29.49	\$ 0.08	\$ 0.27	\$ 29.83	\$ 22.62	\$ 52.45	\$ 2.06	4.1%	\$ 2.09
3 yd.		385	\$ 69.18	\$ 2.08	\$ (32.73)	\$ 38.52	\$ 0.10	\$ 0.35	\$ 38.97	\$ 33.04	\$ 72.01	\$ 2.83	4.1%	\$ 2.87
4 yd.		499	\$ 87.38	\$ 2.62	\$ (42.42)	\$ 47.58	\$ 0.12	\$ 0.43	\$ 48.14	\$ 42.81	\$ 90.95	\$ 3.57	4.1%	\$ 3.62
6 yd.		684	\$ 122.91	\$ 3.69	\$ (58.12)	\$ 68.48	\$ 0.18	\$ 0.62	\$ 69.28	\$ 58.66	\$ 127.93	\$ 5.02	4.1%	\$ 5.10
Multi-family recycling charge, per unit:		0	\$ 5.94	\$ 0.18	\$ -	\$ 6.12	\$ 0.02	\$ 0.06	\$ 6.19	\$ -	\$ 6.19	\$ 0.25	4.2%	\$ 0.25
Truck & driver - per hour		0	\$ 105.61	\$ 3.17	\$ -	\$ 108.78	\$ 0.28	\$ 0.98	\$ 110.04	\$ -	\$ 110.04	\$ 4.43	4.2%	\$ 4.39
Each additional man:		0	\$ 45.43	\$ 1.36	\$ -	\$ 46.79	\$ 0.12	\$ 0.42	\$ 47.34	\$ -	\$ 47.34	\$ 1.91	4.2%	\$ 1.89

bs. Per Month * Fircrest Utility Taxes and Wa. St. Refuse Collection Tax are not included in rates shown, but shall be shown as line items on customer bills.

City of Fircrest - Westside Disposal Contract

Schedule 'A' Rates effective 3-1-2021

Garbage, Recycling and Yard Waste Collection

Type of Service	Pickup Frequency	Monthly Base Rates Without Taxes* Effective 3/1/2021
Garbage toter rates below include up to: 3 Yard Waste and 1 Recycling toters.		
12 gal. Garbage Toter, curb	Weekly	\$ 18.59
24 gal. Garbage Toter, curb	Every-other week	\$ 17.28
24 gal. Garbage Toter, curb	Weekly	\$ 27.22
48 gal. Garbage Toter, curb	Every-other week	\$ 25.09
48 gal. Garbage Toter, curb	Weekly	\$ 37.84
64 gal. Garbage Toter, curb	Every-other week	\$ 31.32
64 gal. Garbage Toter, curb	Weekly	\$ 44.27
96 gal. Garbage Toter, curb	Weekly	\$ 58.01
Recycling Toter, per unit (does not apply to accounts charged for Multi-family Recycling)		\$ 15.00
Off-curb Garbage Charge (add to toter rate above) per toter		
Up to 50' off-curb		\$ 8.56
Up to 100' off-curb		\$ 12.20
Over 100' off-curb		\$ 17.09
32 gal. Occasional Extra Garbage Tags:		\$ 8.17
Yard Waste Toter, 64 or 96 gal., per unit		\$ 4.63
Late Payment Fee Minimum		\$ 4.69
Customer stop and restart fee:		\$ 13.93
Toter redelivery fee		\$ 13.93
Return trip charge:		\$ 13.93
Special pickups (requiring a special trip), per pickup		
12 gal. garbage toter		\$ 15.97
24 gal. garbage toter		\$ 18.04
48 gal. garbage toter		\$ 21.35
64 gal. garbage toter		\$ 26.82
96 gal. garbage toter		\$ 34.82
64 & 96 gal. yard waste toter		\$ 16.70
Extra on-route, off-week pickups (not requiring a special trip), per pickup - applies only to every-other week customers		
24 gal. garbage toter		\$ 5.24
48 gal. garbage toter		\$ 9.86
64 gal. garbage toter		\$ 13.04
Commercial Containers (non-compacted)		
Multiply rate X number of pickups per week		
1 yd. Weekly		\$111.30
1.5 yd. Weekly		\$149.33
2 yd. Weekly		\$185.70
3 yd. Weekly		\$280.47
4 yd. Weekly		\$346.41
6 yd. Weekly		\$520.92
Special, Occasional and Return trip Pickups, per pickup		
1 yd.		\$ 33.38
1.5 yd.		\$ 42.82
2 yd.		\$ 52.45
3 yd.		\$ 72.01
4 yd.		\$ 90.95
6 yd.		\$127.93
Multi-family recycling charge, per unit:		\$ 6.19
Truck & driver - per hour		\$110.04
Each additional man:		\$ 47.34

Recycling Commodity Surcharge - applies to all Base Rates 3.98%

Fircrest Utility Taxes and Wa. St. Refuse Collection Tax are not included in rates shown, but shall be shown as line items on customer bills.

Westside Disposal, Inc.

1/5/2021

Schedule 4. -Recycling Commodity Surcharge Calculation for 3-1-21

12 Months

Nov 2018 - Oct 2019

Customer Revenues		\$ 1,220,015.41	100%
Commingled Recycling Charge (amount paid to recycling facility 2019)		-\$47,878.22	-3.92%
Wa. State B&O Tax 1.5%	1.50% 1.5228%	-\$729.11	
Requested Surcharge amount		-\$48,607.33	-3.98%

Effect of Surcharge On The Most Common Service

	Rate w/o taxes 3/1/2020	Requested Recycling Surcharge -3.98%
64 Gal Garbage Cart 1X every-other week	\$30.08	-\$1.20

Comingled Recycling Customers as Basis for Percent of Commodities Distribution

	U.P. & Fircrest Combined		U.P.		Fircrest	
		Tons		Tons		Tons
64 Gal. Recy	\$2,606.00		1981		625	
96 Gal. Recy	8,973		6952		2021	
Recycling toter add'l	334		334			
Multi-family recycling	4,091		3556		535	
Totals	16,004		12823		3181	
Percent	100%		80.12%		19.88%	
Commodities Distribution		-\$240,881.18 2623.25		-\$193,002.96 2101.85		-\$47,878.22 521.4

Fircrest Rate & Included Services Comparison

1/7/2021

Most Common Residential Garbage and Yard Waste Cost Comparison

	Lakewood	Murrey's	LeMay	Steilacoom	Puyallup	U.P. Refuse	Tacoma	Pierce Co. Average	Fircrest
1 - 64 Gallon Garbage Cart - Every-other week (or equivalent)	\$ 30.12	\$ 29.49	\$ 26.25	\$ 29.50	\$ 33.39	\$ 30.95	\$ 47.38		\$ 31.32
Yard Waste - 1st	\$ 9.00	\$ 6.18	\$ 6.26	\$ 6.33	\$ 6.78	\$ 8.70	\$ -		\$ -
Yard Waste - 2nd	\$ 9.00	\$ 6.18	\$ 6.26	\$ 6.33	\$ 6.78	\$ 8.70	\$ -		\$ -
Yard Waste - 3rd	\$ 9.00	\$ 6.18	\$ 6.26	\$ -	\$ 6.78	\$ 8.70	\$ 3.00		\$ -
Total Cost per Month	\$ 57.12	\$ 48.03	\$ 45.03	\$ 42.16	\$ 53.73	\$ 57.05	\$ 50.38	\$ 50.50	\$ 31.32
Total Cost as a Percent of Pierce Co. Average	113%	95%	89%	83%	106%	113%	100%	100%	62%

Included Services Comparison

	Lakewood	Murrey's	LeMay	Steilacoom	Puyallup	U.P. Refuse	Tacoma	Pierce Co. Average	Fircrest
Cleanups included (4 junk loads/ yr. x \$100/load, unlimited yard waste x \$45 per load)	780	N	N	780	780	780	N		780
Bulky Waste Pickup Included (2 loads x \$350 / load)	N	N	N	N	N	N	\$ 700.00		700
Tacoma Landfill Voucher	N	N	N	N	N	N	\$ 100.00		100
Weekly Garbage Pickup Available	Y	Y	Y	Y	Y	Y	N		Y
Total Annual Value	\$ 780.00	\$ -	\$ -	\$ 780.00	\$ 780.00	\$ 780.00	\$ 900.00	\$ 574.29	\$ 1,580.00
Total Annual Value as a Percent of Pierce County Average	136%	0%	0%	136%	136%	136%	157%	100%	275%

NEW BUSINESS: Approval of Council Rules of Procedures Amendments
ITEM: 10 A
DATE: January 26, 2021
FROM: Scott Pingel, City Manager

RECOMMENDED MOTION: I move to adopt Resolution No. _____, rescinding Resolution No. 1649 relating to City Council Rules of Procedures and adopting new City Council Rules of Procedures.

PROPOSAL: The Council is being asked to adopt the attached resolution, which rescinds Resolution No. 1649 and revises the Council Rules of Procedures. The recommended updates amend Rule 20, changing the Order of Business. All other portions of Rule 20 shall remain in effect, including the meeting end time.

FISCAL IMPACT: The proposed updates will have no direct fiscal impact.

ADVANTAGE: The Council's Rules of Procedures would be updated allowing for Councilmember and staff comments to be heard before the business portion of the meeting.

DISADVANTAGES: None of great significance.

ALTERNATIVES: Make no changes and continue to operate under the existing Rules of Procedures.

HISTORY: The City Council adopted the City Council Rules of Procedures on June 6, 1990 (Resolution No. 441) and revised the Rules of Procedures in 1994 (Resolution No. 528), 2003 (Resolution No. 760), 2008 (Resolution No. 1027), and 2009 (Resolution No. 1076), 2018 (Resolution No. 1542), and 2020 (Resolution 1649).

ATTACHMENTS: [Resolution](#)
[Council Rules of Procedure \(tracked changes\)](#)
[Council Rules of Procedure \(updated final\)](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF FIRCREST, WASHINGTON, RESCINDING
RESOLUTION NO. 1649 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 28th, 2018 which rescinded Resolution No. 1076 and made revisions to the City Council’s Rules of Procedure; and

WHEREAS, the City Council of the City of Fircrest adopted Resolution No. 1649 on March 24th, 2020, which rescinded Resolution No. 1542 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 March 24th, 2020, 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. 1649 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 26th day of January 2021.

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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. ____**

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 the Council. As specified in Rule 20(O), regular meetings of the City Council are not permitted to continue beyond 10:30 P.M. without the 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 a facilitator to keep the meeting discussion focused ~~to~~on 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 the establishment of a conflict of interest, but whether there is an appearance of a 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 a 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 an interview and render such an 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 an 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, therefore,~~ entered in the minutes.

RULE 18. RULES OF ORDER

Robert’s Rules of Order Newly Revised shall be used as the guideline for the 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 the procedure to excuse an absence).

D. Presiding Officer's Report.

E. City Manager Comments.

F. Department Head Comments.

D-G. Councilmember Comments.

E-H. 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 a 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.I. Committee, Commission, and Liaison Reports.

G.J. 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 the 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 a unanimous vote of the Councilmembers present without discussion.

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

H.L. 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.M. 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.N.~~ Call for Final Councilmember Comments.

~~N.~~ Executive Session(s).

O. Adjournment.

No meeting shall be permitted to continue beyond 10:30 P.M. without the 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 a 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.

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

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 the Council. As specified in Rule 20(O), regular meetings of the City Council are not permitted to continue beyond 10:30 P.M. without the 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 within 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 a facilitator to keep the meeting discussion focused on 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 the establishment of a conflict of interest, but whether there is an appearance of a 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 a 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 an interview and render such an 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 an 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 the 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 the procedure to excuse an absence).
- D. Presiding Officer's Report.
- E. City Manager Comments.
- F. Department Head Comments.
- G. Councilmember Comments.
- H. 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 a 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.

I. Committee, Commission, and Liaison Reports.

J. 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 the 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 a unanimous vote of the Councilmembers present without discussion.

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

L. 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.

M. 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.

N. Call for Final Comments.

Executive Session(s).

O. Adjournment.

No meeting shall be permitted to continue beyond 10:30 P.M. without the 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 a 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.