



CITY OF EDGEWOOD COUNCIL STUDY SESSION AGENDA

Tues., September 18, 2018 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance & Roll Call

2. COUNCIL BUSINESS

- A.  **Interview** - Parks and Recreation Advisory Board Interview
- B.  **Review/Discussion** - Ordinance - SW Rates
- C.  **Review/Discussion** - SWMP Amendment
- D.  **Review/Discussion** - Resolution - Council Rules of Procedure
- E.  **Review/Discussion** - Ordinance - Eliminating Council Rules Reference

3. OTHER COUNCIL ITEMS

4. ADJOURN

Study Sessions are meetings for Council to review upcoming and pertinent business of the City, no action is taken by the City Council. Study Sessions are open to the public, but public input is reserved for the regular Council meetings



CITY OF EDGEWOOD PARKS AND RECREATION ADVISORY BOARD CURRENT ROSTER

Brian Levenhagen, Chair

Chair Term ends 9/30/2018

Position 1 – *Term ending September 30, 2019*

Diane Kerlin

Position 2 – *Term ending September 30, 2019*

Vacant

Position 3 – *Term ending September 30, 2019*

Vacant

Position 4 – *Term ending September 30, 2018*

Jeff Southard

Vice Chair – Term ending September 30, 2018

Position 5 – *Term ending September 30, 2018*

Linda Howard

Position 6 – *Term ending September 30, 2018*

Anne Percival

Position 7 – *Term ending September 30, 2018*



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Surface Water Utility Rate Update		Agenda Item #:		2B																				
		For Agenda of:		September 4, 2018																				
		Prepared by:		Jeremy Metzler																				
ATTACHMENTS (list): ☒ DRAFT Ordinance 18-0528 ☒ DRAFT Exhibit A – REDLINE EMC Chapter 13.10																								
Approval of Materials:																								
Mayor, Daryl Eidinger	☒	Expenditure Required:	N/A																					
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	N/A																					
City Attorney, Carol Morris	☒	Appropriation Required:	N/A																					
City Clerk, Rachel Pitzel	☒	Timeline: Ord. Adoption – Sept. 11, 2018																						
Community Development Director, Darren Groth	☐																							
Public Works, Jeremy Metzler	☒																							
Fiscal Note/Consideration: Based on analysis performed last year, the current surface water fee rate results in a fee-to-expense deficit annually of nearly \$40,000. By increasing the rates as recommended in the Surface Water Management Plan update, the operating deficit will be resolved and critical capital improvements will be funded.																								
SUMMARY STATEMENT: The Edgewood City Council establishes storm water rates charged for various land use classifications according to factors set forth in RCW 35.67.020(2) and (3), which are then adopted in the Edgewood Municipal Code. The City is required to impose uniform charges for the same class of customers or service and facilities furnished [RCW 35.67.020(2)]. In classifying customers served or service and facilities furnished by the storm water utility, the City may consider <i>“the difference in cost of maintenance, operation, repair and replacement of various parts of the system,”</i> and <i>“any other matters which present a reasonable difference as a ground for distinction.”</i> Id. As discussed last fall, our Municipal Stormwater Permit requires significantly more inspection and maintenance work than in prior years (pre-2014), and we satisfy this requirement through our current Interlocal Agreement with Pierce County Public Works. The resulting costs to Edgewood’s Surface Water Utility have increased from \$25,000 in 2013 to over \$400,000 in 2015, and totaled more than \$630,000 in 2017. This increase is largely due to infrastructure improvements along the Meridian Avenue corridor. Here is a table comparing operating expenditures to revenues in recent years (<i>excluding capital expenditures</i>):																								
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th></th> <th>2015</th> <th>2016</th> <th>2017*</th> <th>2018* (est)</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">Operating Expenditures</td> <td style="text-align: right;">\$834,626</td> <td style="text-align: right;">\$570,852</td> <td style="text-align: right;">\$1,091,513</td> <td style="text-align: right;">\$930,145</td> </tr> <tr> <td style="text-align: right;">Revenues</td> <td style="text-align: right;">\$708,068</td> <td style="text-align: right;">\$659,084</td> <td style="text-align: right;">\$724,436</td> <td style="text-align: right;">\$890,000</td> </tr> <tr> <td style="text-align: right;">Net Revenue / (Deficit)</td> <td style="text-align: right;">(\$126,558)</td> <td style="text-align: right;">\$88,232</td> <td style="text-align: right;">(\$367,077)</td> <td style="text-align: right;">(\$40,145)</td> </tr> </tbody> </table>						2015	2016	2017*	2018* (est)	Operating Expenditures	\$834,626	\$570,852	\$1,091,513	\$930,145	Revenues	\$708,068	\$659,084	\$724,436	\$890,000	Net Revenue / (Deficit)	(\$126,558)	\$88,232	(\$367,077)	(\$40,145)
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<i>*Note: 2017 & 2018 Operating Expenditures also exclude consultant fees for the Comprehensive SWMP Update</i> After reviewing existing storm water rates, anticipated operating budget, and proposed capital projects, the City’s consultant has recommended rate increases in the SWMP Update, and those rates are reflected in the attached draft ordinance. If the storm water rates are increased as recommended in this ordinance, the new rates will be in effect starting January 1, 2019, and the operating budget deficit will be eliminated in 2019. This ordinance also amends the procedures in Edgewood Municipal Code to administer the surface water utility rates, no longer relying on Pierce County’s code by reference.																								

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A

RECOMMENDED ACTION: Review public comments received at the Public Hearing, discuss any concerns, provide direction to staff on revisions if needed, and consider adoption at the next Regular Council Meeting.

ALTERNATIVES TO RECOMMENDED ACTION: Bring revised materials to the next study session for further discussion.

ORDINANCE NO. 18-0528

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ADJUSTING THE STORM DRAINAGE AND SURFACE WATER UTILITY ANNUAL SERVICE CHARGE FOR ALL CLASSIFICATIONS OF SERVICE CONSISTENT WITH THE SURFACE WATER MANAGEMENT PLAN, IN ORDER TO IMPLEMENT THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE UTILITY, TO BE EFFECTIVE AS OF JANUARY 1, 2019, ADDING NEW DEFINITIONS, ADDING ADDITIONAL QUALIFICATIONS ON CREDITS FOR PROPERTIES UTILIZING RAINWATER COLLECTION SYSTEMS, AND MAKING OTHER HOUSEKEEPING CHANGES, AMENDING EDGEWOOD MUNICIPAL CODE SECTIONS 13.10.010, 13.10.020, 13.10.030, 13.10.050, 13.10.060, 13.10.070, 13.10.080, REPEALING SECTION 13.10.040, ADDING SECTIONS 13.10.090, 13.10.100, 13.10.110, 13.10.120, 13.10.130, 13.10.140, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood has “full jurisdiction and authority to manage, regulate and control” its storm water utility (RCW 35.67.020(1)); and

WHEREAS, the City has the authority to fix, alter, regulate and control the rates and charges associated with the storm water utility, which charges must be uniform for the same class of customers of service and facilities furnished, taking into account the factors identified in state law (RCW 35.67.020(2)); and

WHEREAS, the City has established a storm drainage and surface water management utility, and has codified regulations pertaining thereto at Chapter 13.10 EMC; and

WHEREAS, Pierce County collects storm water charges for the City, as directed and authorized by the mayor through an established interlocal agreement, and designates each property by one of the eight (8) categories defined in EMC 13.10.070; and

WHEREAS, the City is updating its capital improvement and comprehensive plans for the maintenance, repair, replacement, and new construction of storm water projects which are paid for by the revenue from storm water charges; and

WHEREAS, in review of said plan updates, the City has determined additional funding is necessary to support the proposed capital improvement budget for its surface water management utility; and

WHEREAS, the City desires to adjust the annual storm drainage and surface water service charge to fund said capital improvement budget; and

WHEREAS, the City’s SEPA Responsible Official has determined that this procedural action is categorically exempt from SEPA threshold determination and EIS requirements pursuant to WAC 197-11-800(19); and

WHEREAS, on August 21, September 4, and September 18, 2018, the City Council considered this ordinance during study sessions; and

WHEREAS, on August 28, 2018, the City Council held a first reading of this ordinance during its regular City Council meeting; and

WHEREAS, on August 28, 2018, the City Council held a public hearing on this ordinance, after proper notice was sent out to the public; and

WHEREAS, on September 25, 2018, the City Council considered the adoption of this ordinance during a second reading, which was held during a regular City Council meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals above are hereby adopted as legislative findings in support of this ordinance. The City Council further adopts by reference the staff report dated September 18, 2018, and agenda bill dated September 25, 2018 as additional findings.

Section 2. Chapter 13.10 amended. Chapter 13.10 of the Edgewood Municipal Code is hereby amended to read as presented in Exhibit 'A', which is incorporated by reference herein and attached hereto.

Section 3. Rates Effective. The rates described herein shall take effect and be in full force for fees collected beginning January 1, 2019.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Code, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason or should any portion of this Code be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Code or its application to other persons or circumstances.

Section 5. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL ON THE 25TH DAY OF SEPTEMBER, 2018.

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, City Attorney

Date Published:

Ordinance Effective Date:

DRAFT

Chapter 13.10 STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY

Sections:

- 13.10.010 Established Purpose.**
- 13.10.020 Fund-created Creation and Authority.**
- 13.10.030 Powers authorized Definitions.**
- 13.10.040 Limitation of liability.**
- 13.10.050 Interlocal agreement.**
- 13.10.060 Applicability and Exemptions Fees.**
- 13.10.070 Method of calculating service Storm Water Drainage Charges.**
- 13.10.080 Council approval.**
- 13.10.090 Deposit of funds.**
- 13.10.100 Lien for delinquent charges.**
- 13.10.110 Overpayment refund requests.**
- 13.10.120 Administrative refunds or adjustments.**
- 13.10.130 Amount of refund limited.**
- 13.10.140 Appeals.**

13.10.010 Established Purpose.

This Chapter creates a funding methodology which provides resources to plan, manage, design, construct, maintain, revise, and upgrade the storm drainage and surface water runoff systems within the corporate limits of the City of Edgewood, as specified in and pursuant to Chapters 35.67 and 39.34 of the Revised Code of Washington (RCW). This authority is invoked to minimize property damage, promote and protect the public health, safety and welfare, minimize water quality degradation by preventing siltation, contamination and erosion of the City's waterways, protect aquifers, insure the safety of City streets, roads and rights-of-way, assure compliance with federal and state storm drainage, surface water management, and water quality regulations and legislation, increase educational and recreational opportunities, encourage the preservation of natural drainage systems, and foster other beneficial public uses. The city of Edgewood hereby establishes a storm drainage and surface water management utility to provide for the future operation and control of storm drainage and surface water management within the city and hereby exercises jurisdiction and control thereof. (Ord. 96-15 § 1).

13.10.020 Fund-created Creation and Authority.

There was created a Storm Drainage and Surface Water Management Utility and corresponding Surface Water Management Fund for the City of Edgewood in 1996, as adopted under Ordinance 96-15. Said Storm Drainage and Surface Water Management Utility shall be administered by the mayor or designee. The city of Edgewood hereby establishes a surface water management fund and adopts by reference Chapter 11.02 PCC, Storm Drainage and Surface Water Management, and as may be subsequently amended, and hereby exercises the authority to receive all those fees relating to the operation of said storm drainage and surface water management utility which are due or are being collected or are to be collected. (Ord. 96-15 § 2).

13.10.030 Powers authorized.

The city of Edgewood hereby elects to exercise all lawful powers and authority for the construction, acquisition, and condemnation of property rights, maintenance, management, operations and regulation of storm drainage and surface water runoff systems including, without limitation, all lawful powers to fix, alter, regulate, and control the charges and conditions of the use thereof. ~~(Ord. 96-15 § 3).~~

13.10.030 Definitions.

A. "City" shall mean the City of Edgewood, Washington, or as indicated by the context, may mean the appropriate department, official, employee, or agent representing the City in the discharge of his or her duties.

- B. "Detention Facility": An above or below ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.
- C. "Duplex" shall mean one two-family dwelling, either wholly or partially located on a parcel or contiguous parcels, consisting of a building containing not more than two (2) complete living units, designated and/or used to house not more than two families living independently of each other and including all necessary household functions of each such family. For Storm Water Drainage Charge purposes, each Duplex unit shall be equivalent to 3406 square feet of impervious area.
- D. "Engineer" shall mean a professional civil engineer, currently licensed by the State of Washington, retained by and acting on behalf of the parcel owner.
- E. "Gravel" shall mean all graveled surfaces available for use as roads, driveways, or other access ways for vehicular traffic, parking, production, storage, staging, and holding areas.
- F. "Highway" shall mean all impervious ways, lanes, roads, streets, boulevards, and/or places in the City open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns.
- G. "Impervious Area" shall mean the horizontally projected surface area of all non-vertical "Impervious Surface".
- H. "Impervious Surface": A non-vegetated surface area that either: (a) prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or (b) causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces that similarly impede the natural infiltration of stormwater. Open, uncovered retention and/or detention facilities shall not be considered as impervious surfaces for the purposes of this chapter.
- I. "Infiltration": The downward movement of water from the surface to the subsoil.
- J. "Interlocal Agreement" shall mean that contract between the City and Pierce County (or other entities) pursuant to RCW Chapter 39.34, which delineates the terms, conditions and relationships of the parties regarding the plan, design, construction, operation, maintenance and funding of storm drainage systems within the incorporated area.
- K. "Master Plan" shall mean the Surface Water Management Plan adopted by City Ordinance for managing storm drainage and surface water runoff facilities and features within the City.
- L. "Mobile Home Site" shall mean a space within an existing mobile home park for installation of a mobile home, regardless of it being occupied or vacant. For Storm Water Drainage Charge purposes, each Mobile Home Site unit shall be equivalent to 55 percent of a Residential unit, or 1452 square feet of impervious area.
- M. "Multifamily" shall mean a dwelling, either wholly or partially located on an individual parcel, consisting of a building containing more than two complete living units, designated and/or used to house more than two families living independently of each other and including all necessary household functions of each such family.
- N. "Owner" or "Owner of Record" shall mean the holder of title by recorded deed or the purchaser under a recorded real estate contract.
- O. "Parcel" shall mean any portion, piece, or division of land; fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.
- P. "Residential" shall mean a parcel or contiguous parcels with one single family home or single-family residential condominium or modular home designed and/or used to house a single family, either wholly or partially located on it or them. For Storm Water Drainage Charge purposes, each Residential unit shall be equivalent to 2640 square feet of impervious area.
- Q. "Retention Facility": An above or below ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. With no surface outflow, discharge is through infiltration and evaporation.
- R. "Service Charge" means the charge levied on parcels within the City as authorized by EMC 13.10.070.

S. "System" shall mean the entire system of storm drainage and surface water runoff facilities owned by the City or over which the City has right of use and responsibility for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

A. "Vacant/Undeveloped" shall mean a parcel of land that has no impervious area.

~~B. 13.10.040 Limitation of liability.~~

~~C.T. The city does not assume responsibility or control over past actions for loss or damages which have occurred and which may occur as a result of the operation of the existing storm drainage and surface water management system by Pierce County and disclaims any responsibility therefor. (Ord. 96-15 § 4).~~

13.10.050 Interlocal agreement.

The mayor is hereby directed and authorized to develop administer an interlocal agreement with Pierce County for the transfer of all assets and fund balances pertaining to said stormwater utility now lying within the city of Edgewood or those which are necessarily part of the system, to take such action as is necessary and/or appropriate to carry out the provisions of this Chapter or alternatively, to develop an interlocal agreement for the mutual operation and support of the storm drainage and surface water management utility by the city of Edgewood and Pierce County lying within the drainage basins. (Ord. 15-447 § 1 (Exh. A); Ord. 96-15 § 5).

13.10.060 Applicability and Exemptions. Fees – Collection authority.

The mayor is hereby directed and authorized to collect the storm drainage and surface water management fees imposed hereunder in an orderly manner, by an agreement with Pierce County or the Pierce County assessor. (Ord. 15-447 § 1 (Exh. A); Ord. 96-15 § 6). The City shall apply a rate structure as a utility Service Charge to all parcels within the City, as authorized by EMC 13.10.070. All parcels are subject to a service charge except the following exempt parcels:

A. All vacant/undeveloped parcels less than two-tenths (2/10ths) of an acre (8,712 square feet) in total area.

B. Tax title parcels which the County has offered for public sale but no willing buyer came forward to bid on the property.

13.10.070 Method of calculating service Storm Water Drainage Charges.

An annual service charge schedule is hereby established for all areas of the city.

A. Annual service charges for all parcels within the city are as follows:

1. Residential: ~~\$159.00.~~

2. Duplex: ~~\$205.10.~~

3. Multifamily: ~~\$0.06022 per square foot of impervious area.~~

4. All mobile homes other than subsection (A)(1) of this section: ~~"\$159.00 x 55 percent" (\$87.45) per vacant or occupied mobile home site (mobile home equivalent).~~

5. Vacant/undeveloped: ~~\$0.80/acre, but in no case shall the minimum service charge be less than \$40.00/parcel.~~

6. Forest and timber land: ~~\$40.00 per parcel on lands classified as forest lands under Chapters 84.33 and 84.34 RCW.~~

7. State, county and federal public highways: ~~\$0.01805 per square foot of impervious area.~~

8. All parcels other than subsections (A)(1) through (7) of this section: \$0.06022 per square foot of impervious area.

Classification	Rate
Residential	\$222.60
Duplex	\$287.14
Multifamily (per sq. ft. impervious area)	\$0.08431
Mobile Home Site	\$122.43
Vacant / Undeveloped	\$56.00
State, County & Federal Public Highways (per sq. ft. impervious area)	\$0.02527
All Others (per sq. ft. impervious area)	\$0.08431

Commented [JM1]: These rates are based on a 40% increase over current rates, as recommended in the last draft of the FCS analysis.

B. Credit Program. Sites that utilize rainwater harvesting systems, which retain stormwater on site for later nonpotable use, are eligible for a 10 percent credit. To qualify for a service charge credit, the following must be completed before June 1st of the year preceding the year for which the owner is requesting credit:

1. Credit may be applied to all Rate Classificationscategories listed in subsection (A) of this section, except for the following: Vacant / Undeveloped, and State, County & Federal Public Highwaysitems 5, 6, and 7. Newly developed properties must fully complete the development process in accordance with Chapter 13.05 EMC before applying for a credit.

2. To qualify for a credit, the owner of record shall provide the city the following documentation, each stamped and signed by the owner's engineer, that all storm drainage systems serving the entire site are fully compliant with the current requirements for storm water control, both water quantity and water quality, in Chapter 13.05 EMC:

- Engineering calculations, demonstrating they are properly sized for their intended use and have a capacity of at least 1,500 gallons per structure; and
- "As constructed plans"; and
- Maintenance and operations manual for all drainage facilities, including applicable source control BMPs.

3. Only systems determined by the City to meet or exceed current requirements for operations, maintenance and source control for the site will continue to receive a credit. The Owner will be notified of any maintenance deficiencies no later than July 1 to allow for corrective action before October 1. Systems that are not adequately maintained by October 1 will be dropped from the credit program and will need to submit a new application for readmission into the program.

4. Each Owner of Record shall provide a "hold harmless" statement on a form provided by the City that indemnifies the City from any loss incurred arising from the construction and maintenance and operation of the Owner's drainage facilities for both water quantity and quality runoff from the owner's property. This statement shall be signed by the Owner and will be recorded with the County Auditor by the Owner of Record. The Owner of Record shall provide the City a copy of the recorded agreement, with the County Auditor's recording number stamped on it, before the application will be deemed completed.

5. Each Owner of Record must provide documentation that the City has legal access to the property for the purpose of inspecting the storm control system. New developments are required to record a maintenance covenant for this purpose, and a copy of this recorded document will suffice. If no such documentation is available, the Owner shall enter into an agreement with the City that

allows the City to enter onto the Owner's parcel to inspect the drainage facility and verify all information submitted by the owner and his/her Engineer. The agreement form will be provided by the City. This agreement will be recorded with the County Auditor by the Owner of Record. The Owner of Record shall provide the City a copy of the recorded agreement, with the County Auditor's recording number stamped on it, before the credit application will be deemed completed.

63. Once accepted into the credit program, a system will remain eligible for a credit for a period of five years, even if the requirements in this title change, assuming the system is not modified, continues to function as designed, and is adequately maintained. Credit may be reapplied for following this five-year period if the system is still in proper working order.

C. The annual service charge credit will be calculated by multiplying the annual service charge by the applicable credit percentage when all of the conditions established for a service charge credit have been met.

D. The annual service charge shall be calculated and collected as described in PCC 11.02.050(E), as adopted by Pierce County Ordinance 2016-72s. ~~(Ord. 17-509 § 2; Ord. 15-435 § 2; Ord. 11-371 § 2; Ord. 09-327 § 1; Ord. 98-119 § 1; Ord. 97-99 § 1; Ord. 96-15).~~

E. Parcel characteristics affecting the service charge which are altered after January 1 of any year shall not be the basis for recalculation of the service charge until the next year.

13.10.080 Council approval.

The mayor is hereby directed to present to the city council for their final approval the agreements for the continued operation of the storm drainage and surface water management utility within the city of Edgewood and for the collection of the fees thereof. ~~(Ord. 15-447 § 1 (Exh. A); Ord. 96-15 § 7).~~

13.10.090 Deposit of funds.

All Storm Drainage and Surface Water Management Utility funds from service charges, grant funds, or any other revenue received shall be deposited in the Surface Water Management Fund of the City, identified as fund #410, as a special revenue fund. All revenue in the Surface Water Management Fund shall be deposited in interest-bearing or income earning accounts.

13.10.100 Lien for delinquent charges.

A. The City shall place a lien on any parcel with a delinquent service charge, including interest thereon. Such liens shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290, except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the Pierce County Auditor.

B. Delinquent service charges shall bear interest provided in RCW 35.67.200 at the rate of eight percent (8%) per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

13.10.110 Overpayment refund requests.

Any person may request the refund of service charge overpayment(s) by doing so in writing to the Mayor or designee. The basis of the request explaining the nature of the overpayment should be clearly stated. The Mayor or designee shall investigate the overpayment to have occurred. The Mayor or designee will use best efforts within sixty (60) days of receipt of the request. The Mayor or designee shall specify in the written decision the basis for authorizing or denying the refund request. No refund may be authorized for overpayment paid or levied more than one (1) year prior to the date the written request is received.

13.10.120 Administrative refunds or adjustments.

The Mayor or designee may authorize in writing, a refund, credit, or adjustment of any amounts when he/she determines that an error, miscalculation, or mistake has occurred which affects any ratepayer(s). The nature of the error, miscalculation, or mistake should be documented together with the steps taken to prevent future occurrences. No refunds, credits or service charge adjustments may be authorized pursuant to this Section unless brought to the attention of the Mayor or designee within one (1) year of the occurrence of the error, miscalculation or mistake.

13.10.130 Amount of refund limited.

In any instance where a refund or credit is authorized by the Mayor or designee, the amount shall not include any interest.

13.10.140 Appeals.

Any decision of the Mayor or designee made pursuant to this Chapter may be appealed to the City of Edgewood Hearing Examiner upon payment of the fees under protest and pursuant to Chapter 2.40 EMC.



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Comprehensive Surface Water Management Plan Update - Discussion		Agenda Item #: 2C	
		For Agenda of: September 18, 2018	
		Prepared by: Jeremy Metzler	
ATTACHMENTS (list): ☒ DRAFT Exhibit A – Scope of Work ☒ DRAFT Exhibit B – Cost Estimate			
Approval of Materials:			
Mayor, Daryl Eidinger	☐	Expenditure Required:	\$14,123
Asst. City Administrator, Dave Gray	☐	Amount Budgeted:	N/A
City Attorney, Carol Morris	☐	Appropriation Required:	\$14,123
City Clerk, Rachel Pitzel	☐	Timeline: Execute Contract Amendment – 9/25 Revised draft to Council – by 11/6	
Community Development Director, Darren Groth	☐		
Public Works, Jeremy Metzler	☒		
Fiscal Note/Consideration: The Surface Water Management Plan (SWMP) Update is fully paid for with Surface Water Utility Funds. The Revised Capital Improvement Plan and the resultant rate analysis components of this update recommend revisions to the City's Surface Water Rates & Rate Structure. A Public Hearing was held at last week's Regular Council Meeting.			
SUMMARY STATEMENT: We have reviewed the SWMP and recommended revisions with Mt. View – Edgewood Water Company, the public, other regulatory agencies and the Planning Commission, soliciting comment, objections, preferences and general stakeholder direction. Herrera, in concert with our City Attorney, has prepared their final draft, previously provided. At the last study session, Council requested revisions to the final draft SWMP, including removal of Underground Injection Control (UIC) capital projects. Staff is coordinating with Herrera on the revisions requested by Council, and attached are the proposed scope and budget for said work, requiring a contract amendment to proceed. If Council proceeds with the contract amendment as proposed, Herrera expects to have the revised draft ready for Council review around the end of October.			
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A			
RECOMMENDED ACTION: Ask staff to bring forward a contract amendment at the next regular council meeting.			
ALTERNATIVES TO RECOMMENDED ACTION: Forward to a future study session for further discussion.			

Exhibit A - Scope of Work

Revisions to Final City of Edgewood Stormwater Management Plan

Herrera Environmental Consultants (Herrera) has recently submitted a Final edition of the City of Edgewood Stormwater Management Plan. However, in the final discussions with the City Council some key elements of the plan were recommended for revising or eliminating. This Scope of Work describes the additional work that will be required to revise the plan. The budget summary table is included as Exhibit B. The total cost for this contract amendment is \$14,123.

Task 1.0 – Project Management

Revisions to the report are expected to be completed in a two month period. Routine project management activities such as development of progress reports, subcontracts, invoicing and coordination with the City and our subconsultant will occur over that time period

Task 2.0 – Revise Stormwater Management Plan

The City has requested that one of the CIP projects be eliminated from the plan and appendices and that one of the CIP projects be redefined and the cost estimate revised and that any focus on UIC wellfields as a solution to pothole flooding be removed or revised. The City has also requested that comments made after the public review period by the Muckleshoot Tribe be addressed in this revision. These changes will require revisions to two appendices and close review of the entire plan with multiple revisions throughout the text. The revised CIP list and implementation cost estimate will be provided to FCS Group for completion of Task 3.

A new 'draft' plan will be developed for approval by the City and after written approval a Final will be submitted. It is assumed that only minor edits will be required between the draft and final. The draft will not include the appendix with the financial assessment. The revised financial assessment will be developed and approved under Task 3 and submitted as a Final with the Final Plan.

Task 3.0 – Financial Revisions

The revised CIP project list developed under Task 2 will be used to rerun the financial assessment of revenue needs and utility rates. This will in turn require changes to many estimates (tables, figures, and text) throughout the document. FCS has also been asked to coordinate with the City and re-evaluate their assessment of development charges. One conference call will be held with the City to discuss final model run results.

A new 'draft' plan will be developed for approval by the City and after written approval a Final will be submitted. It is assumed that only minor edits will be required between the draft and final.

Schedule:

The revised CIP list with associated costs will be provided to FCS Group within two weeks of receiving a Notice to Proceed. The revised draft Plan (task 2) and draft financial assessment (task 3) will be prepared within one month of completing the revised CIP list. The final documents will be submitted within two weeks of submittal of all comments from the City.

EXHIBIT B
HERRERA ENVIRONMENTAL CONSULTANTS
Cost Estimate for City of Edgewood Stormwater Management Plan
Herrera Project No. 17-06504-000

Project Name: <i>City of Edgewood</i> <i>Number of Tasks : 3</i>				Task 1.0 <i>Project Management</i>		Task 2.0 <i>Plan Revisions</i>		Task 3.0 <i>Financial revisions</i>		TOTAL	
COST SUMMARY											
Labor				\$1,211		\$3,921		\$411		\$5,544	
Subconsultants				\$0		\$0		\$8,579		\$8,579	
GRAND TOTAL				\$1,211		\$3,921		\$8,990		\$14,123	
COST ITEMIZATION											
Labor											
(2015 rates)											
Personnel		Rate/Hour	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	
P6	Lenth, John	Vice President	\$212.13	\$0		\$0		\$0	0	\$0	
P6	Michaud, Joy	Scientist VI	\$205.54	4.5	\$925	12	\$2,466	2	\$411	18.5	\$3,802
P5	Webb, Chris	Engineer V	\$197.69		\$0		\$0		\$0	0	\$0
P5	Hinman, Curtis	Scientist V	\$162.74		\$0		\$0		\$0	0	\$0
P4	Dugopolski, Rebecca	Engineer V	\$156.15		\$0		\$0		\$0	0	\$0
P4	Fontaine, Matthew	Engineer V	\$148.17		\$0	3	\$445		\$0	3	\$445
P4	Schmidt, Jennifer	GIS Analyst IV	\$135.74		\$0		\$0		\$0	0	\$0
P4	Gifford, Kristina	Technical Editor	\$135.25		\$0		\$0		\$0	0	\$0
P0	Mullen, Meghan	Engineer I	\$87.62		\$0	5	\$438		\$0	5	\$438
P3	Saavedra, Robin	Accounting Administra	\$95.40	3	\$286		\$0		\$0	3	\$286
A4	Jackowich, Pamela	Administrative Coordi	\$95.40		\$0	6	\$572		\$0	6	\$572
SUBTOTAL LABOR (Burdened Labor)				8	\$1,211	26	\$3,921	2	\$411	36	\$5,544
SUBCONSULTANT COSTS				Unit	Cost	Units	Cost	Units	Cost	Units	Cost
AESI				0	\$0	0	\$0	0	\$0	0	\$0
FCS				0	\$0		\$0		\$8,170	0	\$8,170
Fee on Subconsultants @ 5%				5%	\$0		\$0		\$409		\$409
SUBTOTAL SUBCONSULTANT					\$0		\$0		\$8,579		\$8,579



City Of Edgewood Council Agenda Summary Sheet

[Back to Agenda](#)

SUBJECT: Adopting the Council Rules of Procedure and repealing Resolution No. 15-0326	Agenda Item #:	2D
	For Agenda of:	September 18, 2018
	Prepared by:	Rachel Pitzel & Carol Morris
ATTACHMENTS (list): ☒ Draft Resolution No. 18-0xxx ☒ Proposed changes to Council Rules of Procedure		
Approval of Materials:		
Mayor, Daryl Eidinger	☒	Expenditure Required: <u>\$0</u>
Asst. City Administrator, Dave Gray	☐	Amount Budgeted: <u>\$0</u>
City Attorney, Carol Morris	☒	Appropriation Required: <u>\$0</u>
City Clerk, Rachel Pitzel	☒	Timeline: <i>September 18, 2018 Study Session discussion; September 25, 2018 action under Consent Agenda</i>
Community Development Director, Darren Groth	☐	
Public Works, Jeremy Metzler	☐	
Fiscal Note/Consideration: N/A		
SUMMARY STATEMENT: The Council Rules of Procedures needed to be updated to reflect council consensus of the change in the agenda packet timeframe. When making those changes the City Clerk noted some formatting and content flow changes which are described below: • Reformatted Table of Contents • Section 2 Organization (new section) • Added 2.1 Swearing in of new Councilmember • Moved Vacancies of Office to section 2 from Section 18 • Moved appointment processes to section 2 from Section 18 • Moved Interview Meeting to section 2 from Section 18 • Moved Voting to section 2 from Section 18 • Moved Mayor and Deputy Mayor to Section 3 from Section 8 • Moved Pro Tempore and Deputy Mayor Appointments to Section 4 from Section 16 • Moved Council Relations with City Staff to Section 5 from Section 9 • Moved City Advisory Bodies to Section 6 from Section 17 • Moved Council Meeting Staffing to Section 7 from Section 10 • Section 9 (newly numbered to adapt to other changes) updated 9.8 to reflect packet timeframe change. The City Attorney also made some changes to add references to state law. There were also some references to voting that required a majority vote, without specifying whether a majority of the entire membership of the Council or a majority of the quorum was required. Certain minor word changes were made ("formal action" was replaced with "final action" because "final action" is defined in the Open Public Meetings Act), and a procedure for keeping order was changed to conform to state law, which requires the Council, not the Mayor, to control a rowdy audience. The procedure for adoption of minutes was clarified to state that the Council is required to consider, correct as necessary and then approve the minutes of each meeting.		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A		
RECOMMENDED ACTION: Bring a resolution forward to the next regular council meeting adopting the Council Rules Of Procedures and repealing Resolution No. 15-0326.		
ALTERNATIVES TO RECOMMENDED ACTION: 1) Make additional changes 2) Forward to Study Session for further review		

RESOLUTION NO. 18-0xxx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EDGEWOOD, WASHINGTON, ADOPTING THE COUNCIL
RULES OF PROCEDURES AND REPEALING RESOLUTION
NO. 15-0326**

WHEREAS, the preferred practice, to ensure a clean legislative history, is to adopt new Council Rules of Procedure in their entirety for any changes; and

WHEREAS, the most recently adopted Council Rules of Procedure were adopted on October 27, 2015 by Resolution 15-0326, Council Rules of Procedure, to serve as the primary rules of procedure of the City Council; and

WHEREAS, the Council Rules of Procedure provides clear direction to the mayor, council, staff and the public in the procedures of the city's legislative bodies; and

WHEREAS, the Council desires to make certain housekeeping amendments and changes to the Council Rules to better organize them, to provide statutory references when needed and to clarify procedures for voting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. 15-0326 is repealed.

Section 2. The Council Rules of Procedure attached as Exhibit A, and incorporated herein by this reference are hereby adopted.

Section 3. Effective Date. This Resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 25TH DAY OF SEPTEMBER, 2018.

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk



**CITY OF EDGEWOOD
COUNCIL RULES OF PROCEDURE**

Amended ~~October 27, 2015~~ September 18, 2018

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Section 5.	Council Authority and Council Relations with City Staff
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Section 28.	Council Meetings
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Section 410.	Council Discussion
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Section 612.	Motions
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Section 20.	Suspension & -and Amendment Of -of Rules; Implied Waiver
Section 21.	Minutes

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SECTION 1. AUTHORITY; ENFORCEMENT; CONSTRUCTION

- 1.1 The Edgewood City Council hereby establishes the following rules for the conduct of Council meetings, ~~proceedings~~~~proceedings~~, and business. These rules shall be in effect upon adoption by the Council and until such time as they are amended or new rules are adopted. These rules shall be construed in accordance with applicable state law. If any provision of these rules irreconcilably conflicts with any applicable state law provision, the state law provision shall control to the extent of such conflict.
- 1.2 These rules are for the sole use and convenience of the City Council and Mayor, and may only be enforced thereby. Nothing in these rules shall be construed as creating any enforceable right, entitlement and/or cause of action in or for any third party.

SECTION 2. ORGANIZATION

2.1 SWEARING IN OF NEW COUNCILMEMBERS – New Councilmember(s) shall be sworn in, according to the requirements of State law as they currently exist or may hereafter be amended. State law currently allows new Councilmembers to be sworn in (a) Up to ten days prior to the scheduled date of assuming office, including just prior to commencing the first meeting in which the newly elected Councilmember(s) will assume office; or (b) At the last Regular Meeting of the City Council held before the beginning of the year in which Councilmember-elect is to assume office. Under current State law, the oath may be administered and certified by “any officer or notary public who administers oaths, without charge therefore.” This includes but is not limited to, the City Clerk and any judicial officer.

2.2 VACANCIES OF OFFICE - A vacancy of office will occur upon the death or resignation of the incumbent, the incumbent ceasing to be a legally registered voter of the city, the incumbent's conviction of a felony or other offense involving a violation of his or her official oath, and other events as set forth in RCW 35A.12.060 and RCW 42.12.010. If a vacancy should occur, the remaining members of the City Council shall appoint a qualified person to fill the vacant position pursuant to the provisions of 42.12.070 within ninety (90) days of the occurrence of the vacancy. Councilmember appointees under this section shall be sworn in prior to assuming their seat on the Council.

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The following procedures are intended to provide guidance to the Council when a Councilmember position becomes vacant before the expiration of the official's elected term of office. Provided, the Council in its discretion may specify another lawful process for filling any vacancy.

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2.3 APPOINTMENT PROCESS

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

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- (2) The City Clerk's office shall prepare and submit a display advertisement to the City's official newspaper and provide courtesy copies to all other local media outlets. The advertisement will announce the vacancy consistent with the requirements necessary to hold public office; specify that the applicant must be a registered voter of the City and have a one (1) year residency in the City. This display advertisement shall be published once a each week for two (2) consecutive weeks. This display advertisement shall contain other information including, but not limited to, time to be served in the vacant position, election and salary information, Councilmember authority and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the Council deems appropriate.
- (3) The City Clerk's Office shall prepare an application form, which requests appropriate information for Council consideration of the applicants. Applications will be available at the City offices and such other locations that the Council deems appropriate.
- (4) Applications received by the deadline date and time will be copied and circulated by the City Clerk's office to the Mayor and Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.
- (5) The City Clerk's office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled Council meeting, or a special session Council meeting.
- (6) The City Clerk's office shall notify applicants of the location, date and time of Council interviews.
- (7) Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.

2.4 INTERVIEW MEETING - Each interview of an applicant/candidate shall be no more than thirty (30) minutes in length as follows:

- (1) The applicant shall present his or her credentials to the Council. (10 minutes).
- (2) The Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have two (2) minutes to answer each question. (14 minutes).
- (3) An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions. (10 minutes).
- (4) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.
- (5) The Council may reduce the thirty (30) minute interview time if the number of applicants exceeds six (6) candidates or, alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

2.5 VOTING - Upon completion of the interviews, Councilmembers may convene into executive session to discuss the qualifications of the applicants. However,

all interviews, nominations and votes taken by the Council shall be in open public session.

- (1) The Mayor shall ask for nominations from the Councilmembers.
- (2) After a nomination and second has been received, the City Clerk shall proceed with a roll-call vote.
- (3) Balloting will continue until a nominee receives a majority vote.
- (4) At anytime during the balloting process, the Council may postpone balloting until a date certain or regular Council meeting if a majority vote has not been received.
- (5) Nothing in this policy shall prevent the Council from reconvening into executive session to further discuss the applicant/candidate qualifications.
- (6) The Mayor shall declare the nominee receiving the majority vote as the new Councilmember and the Clerk shall swear him/her into office at the earliest opportunity, no later than the next regularly scheduled Council meeting.
- (7) If the Council does not give a majority vote within ninety (90) days of the declared vacancy, the RCW delegates appointment powers to Pierce County.

SECTION 3. MAYOR AND DEPUTY MAYOR

- 3.1 Presiding Officer Duties. The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the Mayor and Deputy Mayor are absent, the Councilmembers present shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

The responsibilities of the Mayor, Deputy Mayor or Presiding Officer shall be as follows:

- (1) He or she shall preserve order and decorum in the Council chambers;
- (2) He or she shall observe and enforce all procedural rules adopted by the Council;
- (3) He or she shall decide all questions on order in accordance with these rules, subject to appeal by any Councilmember;
- (4) He or she recognize Councilmembers in the order in which they request the floor (Councilmembers shall wait to be recognized before speaking);
- (5) He or she shall state the applicable public hearing procedures before each public hearing;
- (6) He or she shall announce executive sessions held during regular or special Council meetings;
- (7) He or she shall indicate the names of the Councilmembers making the motion and second;
- (8) He or she shall summarize consensus at the conclusion of discussions when the Council concurs or agrees to an item that does not require a formal motion;
- (9) He or she (or his/her designee) shall read the title of the ordinance prior to voting;
- (10) He or she shall appoint Councilmembers to serve on ad hoc committees as deemed necessary;
- (11) He or she will determine ongoing dedicated schedules for regular study sessions, special Council meetings, executive sessions;

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- (12) He or she will approve the Council agenda; and
- (13) Mayor may send issues directly to a Council study session for review in lieu of or prior to being referred to a regular Council meeting;

3.2 Mayoral Tie-Breaking Authority and Veto Power. Pursuant to Chapter 35A.12 RCW, the Mayor shall have the following authority with respect to voting and the veto of ordinances:

- (1) The Mayor shall have a vote only in the case of a tie in the votes of the Councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.
- (2) The Mayor shall have the power to veto ordinances passed by the Council and submitted to him or her as provided in Chapter 35A.12 RCW. Every ordinance which passes the Council in order to become valid must be presented to the Mayor; if the Mayor approves it, he or she shall sign it, but if not, the Mayor shall return it with his or her written objections to the Council and the Council shall cause his or her objections to be entered at large into the meeting minutes and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole Council, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the Mayor's veto. If the Mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his or her approval.

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3.3 Mayor's Statutory Authority and Ceremonial Duties of Mayor.

- (1) The Mayor's duties and authority are as set forth in RCW 35A.12.100 and .090, as well as other statutes relating to Mayors in cities organized under the Optional Municipal Code (Title 35A RCW).
- (2) The Mayor shall make an annual State of the City report during a regularly scheduled Council meeting.
- (32) The Mayor shall represent the City at functions and meetings with other jurisdictions/organizations

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SECTION 4. PRO TEMPORE AND DEPUTY MAYOR APPOINTMENTS

- 4.1 Biennially at the first meeting of the Council, or periodically thereafter, the Council may designate a Councilmember as Mayor Pro Tempore or Deputy Mayor for such period as may be specified by the Council. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.
- 4.2 Alternatively, the Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tempore in the absence or disability of the Mayor.
- 4.3 Appointment of a Councilmember to preside over a meeting shall not in any way abridge his or her right to vote on matters coming before the Council at such meeting.

- 4.4 In the event of the 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.

SECTION 5. COUNCIL AUTHORITY AND COUNCIL RELATIONS WITH CITY STAFF

- 5.1 The authority of the City Council is set forth in RCW 35A.11.020 and other provisions in Title 35A RCW.
- 5.2 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.
- 5.3 City staff will acknowledge the Council as policy makers
- 5.4 Councilmembers will acknowledge City staff as administering the Council's policies.
- 5.5 All written informational material requested by individual Councilmembers shall be submitted by City staff, after approval of the Mayor, to all Councilmembers with a notation indicating which Councilmember requested the information.
- 5.6 Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- 5.7 The Council shall not attempt to change or interfere with the operating rules and practices of any City department in derogation of the Mayor's statutory authority.
- 5.8 Mail that is addressed to the Mayor and Councilmembers shall be copied and circulated by the City Clerk as soon as practicable after it arrives.
- 5.9 The City Clerk shall not open mail addressed to individual Councilmembers if it is marked personal and/or confidential.

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SECTION 6. CITY ADVISORY BODIES

- 6.1 Every advisory body, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by the Council to determine its effectiveness. This statement of purpose is made available to all citizen members when they are appointed.
- 6.2 The Council may dissolve any advisory body that, in the Council's opinion, has completed its working function or for any other reason.
- 6.3 Citizen board, commission, committee, and task force members shall be selected in accordance with the following procedures, or at the Council's discretion, any other lawful process:
- A) The City Council, as a Committee of the Whole, shall establish an application packet including appropriate disclosure of interest forms and a prescreening questionnaire, containing questions specific to each individual

group and the charge of that group, to be used in ranking candidates prior to scheduling interviews.

- B) A citywide recruitment process shall be initiated seeking applicant(s). Vacancies are advertised so that any interested citizen may submit an application. Applicants are required to be citizens of the City. Councilmembers are encouraged to solicit applications from qualified citizens. Applications shall be available from the office of the City Clerk, the City's website and shall be required to be submitted within the advertised deadline in order to be considered for appointment during each application period.

Existing board, commission, committee and task force members wishing reappointment may be exempted from submitting a new application provided they notify the City Clerk in writing within the advertised deadline period of their desire to be considered for reappointment based on a previous application already on file with the City Clerk. They may also choose to complete a new application or letter of interest with updated information they wish to be considered by Council.

- C) The City Council, as a Committee of the Whole, shall review and rank application packets to aid the Mayor in selecting candidates to interview. Should there be four or fewer applicants for any one position, all candidates shall be interviewed by the Council and the prescreening of the candidates shall not be required.
- D) The City Council, as a Committee of the Whole, shall interview candidates in a panel format, with all candidates participating in the interview session concurrently. Councilmembers are encouraged to develop a short list of questions they would like to ask of the candidates. The Mayor shall call on each Councilmember present to ask questions from their prepared list of the candidate(s) of their choice. The same questions may or may not be asked of every candidate. Depending on the number of candidates to be interviewed and in the interest of completing the interview session(s) in a timely manner, the Mayor may limit the number of questions asked by each Councilmember. If the number of questions is to be limited, the Mayor shall announce the number of questions each Councilmember may ask prior to the commencement of the interviews.
- E) Upon completing the interviews, each Councilmember will announce his/her ranking of the candidates interviewed and the City Clerk or designee shall tally the Council rankings. The results of the rankings shall be provided to the Council and shall be used by the Mayor for consideration in the appointment process. At the Mayor's discretion, the appointment process may take place at a regularly scheduled Council meeting or a special Council meeting following the interview session.
- F) The Mayor shall appoint or reappoint and the Council shall confirm or deny the appointments proposed by the Mayor.

G) Should the Council deny any or all of the Mayoral appointments, the Mayor may submit appointments again at the next regular Council meeting or a special Council meeting scheduled for that purpose.

H) Application materials for candidates interviewed and ranked, yet not appointed, will remain in a candidate pool for six months. In the event vacancies arise during that six month period, the Mayor may appoint the next highest ranked candidate(s) from the pool to fill such vacancies. These appointments are subject to confirmation by the full Council at a regular or special Council meeting. Once this six month period has passed, a citywide recruitment process shall be initiated, as detailed above, to fill any vacancies that may occur.

SECTION 7. COUNCIL MEETING STAFFING

7.1 If a City Administrator has been appointed, he/she shall attend all meetings of the Council unless excused. When the City Administrator has an excused absence, the Mayor shall designate another staff member to attend the meeting.

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7.2 The City Attorney shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.

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7.3 The City Clerk or designee shall attend regular, special and study meetings of the Council; keep the official journal (minutes); and perform such other duties as may be needed for the orderly conduct of the meeting.

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SECTION 28. COUNCIL MEETINGS

28.1 Council's regular meetings will be held the second and fourth Tuesday of each month in the City Council Chambers of Edgewood City Hall, located at 2224 104th Avenue East. Regular Council meetings will begin at the hour of 7:00 PM, and will adjourn no later than 10:00 PM. To continue past this time of adjournment, a majority of a quorum of the Council must concur.

28.2 Council's study sessions will be held every Tuesday of each month upon which a regular meeting pursuant to Section 2.1 is not scheduled. Study sessions will be held in the City Council Chambers of Edgewood City Hall, located at 2224 104th Avenue East. Study sessions will begin at the hour of 7:00 PM, and will adjourn no later than 9:00 PM. To continue past this time of adjournment, a majority of a quorum of the Council must concur. Council study sessions will be for the purpose of reviewing forthcoming programs, issues, and policies, receiving progress reports on current programs or projects, or receiving other similar information. Council study sessions shall be considered regular meetings for purposes of Chapter 42.30 RCW, but the Council will typically not take binding or final action on behalf of the City during a study session. Except for informal direction to staff, Council decisions and/or final actions on any matter will be scheduled for a regular or Special Council meeting.

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~~28.3~~ If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held on the next business day unless cancelled and/or rescheduled for a different date as a special meeting.

~~28.4~~ Information will be available to the public at each meeting stating a summary of the relevant content of Section 5 (audience comment).

~~28.5~~ The Mayor will state the applicable public hearing procedures before each public hearing.

~~28.6~~ Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the Mayor.

~~2.7~~ ~~8.7~~ Citizen comment and public hearing sign-up sheets will be available at each regular Council meeting for the use of those citizens wishing to address the Council.

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~~28.8~~ TYPES OF MEETINGS

- (1) Regular - the Council meeting held on the second and fourth Tuesday of each month.
- (2) Special Meetings (see, RCW 42.30.080) - any Council meeting other than the regular Council or Study Session meeting with at least 24 hours advance notice. A Special Council meeting may be scheduled by the Mayor or at the request of any four (4) Councilmembers.
- (3) Study Session - work sessions of the Council where no final ~~formal~~, binding action is taken.
- (4) Emergency Meetings (see, RCW 42.30.080(4)) - a Special Council meeting called without 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor. The minutes will indicate the reason for the emergency.
- (5) Executive Session - a portion of a Council meeting that is closed except to the Council, the Mayor, staff members, consultants and/or other persons authorized by the Mayor. The public is ~~restricted~~ excluded from attendance. Executive Sessions may be held during Regular or Special Council meetings and will be announced by the Mayor. Executive Session subjects are limited to considering matters authorized by applicable state law, including without limitation RCW 42.30.110 and RCW 42.30.140. Executive Sessions may be set as special meetings. Before convening an Executive Session, the Mayor shall announce the purpose of the meeting and the anticipated time when the session will be concluded. Should the Executive Session require more time, a public announcement shall be made that the Executive Session is being extended.

~~28.9~~ ORDER OF REGULAR COUNCIL MEETING AGENDA

- (1) Call Meeting To Order. The Mayor calls the meeting to order.

(2) Pledge of Allegiance. The Mayor designates a Councilmember or an invited guest to lead the flag salute.

(3) Roll Call. The City Clerk will call roll, announce the attendance of Councilmembers, indicate any Councilmember who is not in attendance, and indicate whether or not the absence of any Councilmember has been excused.

(4) Public Hearing. Any public hearing(s) on the agenda shall be conducted in accordance with the provisions of Section 12 and any other applicable procedures established by state law or local regulations.

(5) Audience Comment. In accordance with Section 5, members of the audience may address the City Council on any item that is not on the agenda for that meeting during the Audience Comment portion of the meeting.

(6) Proclamations and Presentations. Proclamations (official pronouncements and statements of recognition) from the Mayor and/or City Council and presentations from invited guests shall occur during this portion of the meeting.

(7) Mayor's Report. The Mayor or his/her designee(s) shall update the City Council concerning current issues and items of Council interest.

(8) Consent Agenda. The consent agenda is comprised of routine, noncontroversial items that may be approved collectively by one motion. Items on the consent agenda will be read aloud by the Mayor or his/her designee prior to the approval vote and may include, but are not limited to, minutes, payment of budgeted claims, resolutions and ordinances that have been discussed at a previous Council meetings, bid awards, and previously discussed agreements. Any Councilmember may remove any item from the consent agenda for separate discussion and action.

(9) Council Business (Old/New). Old business includes items that were continued or left unfinished from a previous agenda and second readings, if any, of ordinances. New business involves the formal introduction of items to the Council. Councilmembers shall act on the underlying proposal, direct staff to further review the proposal, refer the proposal to Council study session, or schedule the proposal for a second reading. Council discussion, debate and audience comments is allowed for both old and new business.

(10) Council Comments. Individual Councilmembers shall update the Council concerning current issues and items of Council interest.

(11) Adjournment. The meeting shall be formally closed upon adjournment.

SECTION 39. AGENDA PREPARATION

39.1 As required by applicable state law, the City Clerk will prepare and circulate an agenda for each Council meeting specifying the time and place of the meeting,

and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor.

39.2 An item, other than a reconsideration item, may be placed on a Council meeting agenda by any of the following methods:

- (1) A majority vote of the Council;
- (2) Council consensus;
- (3) By any two (2) Councilmembers; and/or
- (4) By the Mayor.

39.3 An item may be placed on a regular Council meeting agenda after the agenda is closed and the notice issued if the Councilmember or Mayor explains the necessity and receives a sufficient vote of the Council on a motion to suspend the Council Rules of Procedures to add the item at a meeting.

39.4 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time.

39.5 The City Clerk will endeavor to schedule sufficient time between public hearings and other scheduled items so the public is not kept unduly waiting, and so the Council will have sufficient time to hear testimony and to deliberate matters among themselves.

39.6 Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda ~~items which~~items, which have been scheduled for convenience rather than for statutory or other legal reasons.

39.7 Agenda items that are continued from one meeting to another will have preference on the subsequent agenda to the extent possible.

39.8 Agenda packets will be finalized by the end of the business day on the ~~Thursday-Friday~~ preceding the regular Council meeting. Agenda submissions will be accepted until ~~noon-2:00 p.m.~~ on the ~~Wednesday-Thursday~~ preceding the ~~Thursday-Friday~~ packet distribution day.

39.9 All agenda items packet reports will be in the format provided by the City Clerk's office.

39.10 The Council may use the agenda bill "Recommendation" language for making a motion.

SECTION 410. COUNCIL DISCUSSION

410.1 Councilmembers shall observe standard principles of decorum, courtesy and professionalism while addressing each other, staff members, and members of the public.

410.2 The Mayor has the authority to rule on questions of order. If the Mayor rules a Councilmember's comments to be out of order, the Councilmember may explain why he or she believes the comments are not out of order. The Mayor will either rescind or confirm the ruling. If confirmed, the Councilmember shall not continue comment in the manner ruled out of order.

If that Councilmember or any other Councilmember disagrees with the Mayor's ruling, they can appeal the point of order. The question is then put to the Council to confirm or deny the Mayor's ruling and whether the Councilmember shall continue comment.

410.3 From time to time, a Councilmember may not be able to be physically present at a regular Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. Adequate notice must be given to allow telephone hookup in time for the main agenda. No teleconference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings. The procedure and guidelines for permitting a Councilmember to attend a Council meeting via speakerphone are as follows:

A. TELEPHONIC PARTICIPATION

Attendance via speakerphone/teleconferencing should be the rare exception, not the rule, and is limited to two times per year per Councilmember. Examples of situations where teleconferencing would be appropriate include, but are not limited to:

- Teleconferencing may only be used if a quorum of the Council is physically present for the meeting, with the exception of occasions when an agenda item is time sensitive and teleconferencing is needed for a quorum;
- An agenda item is of very high importance to the Councilmember that cannot be physically present;
- It is important for **all** Councilmembers to be involved in a decision, but one Councilmember is unable to be physically present;

B. ATTENDANCE; PROCEDURE

1. The Councilmember attending via speakerphone:
 - a. must be able to hear the discussion on the agenda item taking place in the Council chambers; and
 - b. must be able to be heard by all present in the Council chambers.
2. When the particular agenda item is ready to be discussed, the Mayor should state for the record:
 - a. Let the record reflect that Councilmember _____ is attending via speakerphone for Agenda Bill _____, relating to _____.

- b. Councilmember _____, can you hear me? [There must be a clearly audible response in the affirmative.]
 - c. Councilmember _____, please confirm that no one else will be present in the room with you during this teleconferencing session. [There must a clearly audible response in the affirmative.]
 - d. Let the record reflect that Councilmember _____, who is teleconferencing to participate in the proceedings related to Agenda Bill _____, can be heard by all present in the Council chambers and no one else will present in the room with him/her during with this teleconferencing session.
3. Upon conclusion of the particular agenda item, the Mayor, if the Mayor is not physically present) should state:
- a. Councilmember _____, discussion on Agenda Bill _____ has concluded. Thank you for your attendance via speakerphone. The telephone connection will now be terminated. [Connection should be terminated at this time.]
 - b. Let the record reflect that the teleconferencing session with Councilmember _____'s has been terminated. Next on the agenda is ...

SECTION 511. COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

~~5.1~~ 11.1 During the Audience Comment portion of the meeting, members of the public may comment on any subject relating to the City of Edgewood and/or the Edgewood community that is not on the agenda for that meeting, except: (i) comments related to a pending quasi-judicial matter, and (ii) comments prohibited by state law.

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~~5.2~~ 11.2 Members of the public may also comment up to three (3) minutes on individual agenda items at designated times during any regularly scheduled Council meeting prior to Council action on that item. These agenda items include, but are not limited to, ordinances, resolutions and old and new business issues.

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~~5.3~~ 11.3 -Comments made on behalf of a group or organization will be limited to five (5) minutes in duration. Representation on behalf of a group or organization will be considered recognized for the purpose of Audience Comment if the group or organization notifies the City Clerk at least 24 hours in advance of the meeting.

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~~5.4~~ 11.4 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium and provide their name ~~and~~ address for the record.

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~~5.5~~ 11.5 All remarks will be addressed to the Council as a whole, and shall avoid personal, impertinent or slanderous content. Any person disrupting the meeting, including a person who becomes boisterous, threatening, or personally

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abusive while addressing the Council, may be requested to leave the meeting. The Mayor shall consult with the City Attorney before requesting any person to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

~~5-2~~ 11.6 In addition to and/or in lieu of addressing the Council, any persons may provide written comments and other written materials to the City Clerk for distribution to the Council. A contact name, address, and phone number must be printed legibly on any such materials.

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~~5-3~~ 11.7 The CouncilMayor has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council. The CouncilMayor shall consult with the City Attorney before causing any person to be removed from the meeting. The CouncilMayor may command assistance of any peace officer of the City to enforce all lawful orders of the Council or the Mayor to restore order at any meeting. The maintenance of order shall be enforced consistent with all applicable statutory and constitutional requirements, including, but not limited to, RCW 42.30.050.

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~~5-4~~ 11.8 Citizens with complaints, concerns or questions will be encouraged to refer the matter to the Mayor or ask that the matter be placed on a future Council meeting or Council study session agenda with the appropriate background information.

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SECTION ~~6~~12. MOTIONS

~~6-1~~ 12.1 A motion that does not receive a second dies. Motions that do not need a second include nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.

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~~6-2~~ 12.2 A motion that receives a tie vote is deemed to have failed, unless the Mayor votes to break the tie.

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~~6-3~~ 12.3 Audience comment on a motion will be taken after the briefing on the motion occurs and before the motion is made by Council.

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~~6-4~~ 12.4 When making motions, Councilmembers shall be clear and concise and shall not include arguments for the motion within the motion.

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~~6-5~~ 12.5 After a motion and second (if applicable), the Mayor will indicate the names of the Councilmembers making the motion and second.

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~~6-6~~ 12.6 After a motion has been made and seconded, the Councilmember making the motion may speak to the motion and then the Council may discuss their opinions on the issue prior to the vote.

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~~6-7~~ 12.7 When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

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~~6-8~~ 12.8 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council. If the motion had received a second, the

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Councilmember making the second must also agree to withdraw or the motion remains on the table for discussion, debate and disposition.

~~6-9~~ 12.9 A motion to table shall preclude all amendments or debates of the issue under consideration. It requires a second, is not debatable, is not amendable, requires a majority vote and it cannot be reconsidered. A motion not taken from the table by the close of that meeting or the next regular meeting dies on the table.

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If the motion to table prevails, the matter may be "taken from the table" by motion which requires a second, is not debatable and which requires a majority vote. When a motion is taken from the table, everything is in the same condition as it was when laid on the table, including any amendments to the original motion that received an affirmative vote prior to the motion to table.

~~6-10~~ 12.10 A motion to postpone to a time certain, must be seconded, is debatable, is amendable, requires a majority vote and may be reconsidered at the same meeting. The original motion being postponed must be considered at a time certain at a future regular or special Council meeting.

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~~6-11~~ 12.11 A motion to postpone indefinitely requires a second, is debatable, is not amendable, and takes precedence over the main motion and requires a majority vote. This motion assists in disposing of the main motion. Its purpose is to reject a main motion without a vote on the main motion. Postponed indefinitely is an indirect or polite motion by which a main motion may be disposed of.

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~~6-12~~ 12.13 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.

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~~6-13~~ 12.14 A motion to amend is defined as amending a motion that is on the floor and has been seconded by inserting or adding, striking out, striking out and inserting, or substituting. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).

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~~6-14~~ 12.15 Council discussion of the motion only occurs after the motion has been moved and seconded.

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~~6-15~~ 12.16 The motion maker, Mayor, or City Clerk should repeat the motion prior to voting.

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~~6-16~~ 12.17 The City Clerk will take a roll call vote if requested by the Mayor or a Councilmember. At the conclusion of any vote, the City Clerk will announce the results of the vote.

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~~6.17~~ 12.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration but no motion for reconsideration of a vote shall be made after the meeting has adjourned.

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~~6.18~~ 12.19 The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at a Council meeting. All cases not provided for in these rules shall be governed by the most current version of Robert's Rules of Order Newly Revised. In the event of a conflict, these rules shall prevail.

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SECTION ~~7~~13. ORDINANCES

~~7.1~~ 13.1 All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the Council, or requested by the Mayor or City Attorney.

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~~7.2~~ 13.2 The Mayor shall read the title of the ordinance prior to voting. Each ordinance shall carry an agenda bill number which shall be the ordinance number.

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~~7.3~~ 13.3 Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor and the City Attorney.

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~~7.4~~ 13.4 Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication immediately following enactment in the manner prescribed by law.

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~~7.5~~ 13.5 Unless expressly ~~prohibited~~ required by law, ordinances may be adopted by the Council upon first reading. The Council may in its discretion require a second reading of any ordinance prior to adoption.

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~~SECTION 8. MAYOR/PRESIDING OFFICER AND DEPUTY MAYOR~~

~~8.1 Presiding Officer Duties. The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the Mayor and Deputy Mayor are absent, the Councilmembers present shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.~~

~~The responsibilities of the Mayor, Deputy Mayor or Presiding Officer shall be as follows:~~

- ~~(1) He or she shall preserve order and decorum in the Council chambers;~~
- ~~(2) Her or she shall observe and enforce all procedural rules adopted by the Council;~~
- ~~(3) He or she shall decide all questions on order in accordance with these rules, subject to appeal by any Councilmember;~~
- ~~(4) He or she recognize Councilmembers in the order in which they request the floor (Councilmembers shall wait to be recognized before speaking);~~

- ~~(5) He or she shall state the applicable public hearing procedures before each public hearing;~~
- ~~(6) He or she shall announce executive sessions held during regular or special Council meetings;~~
- ~~(7) He or she shall indicate the names of the Councilmembers making the motion and second;~~
- ~~(8) He or she shall summarize consensus at the conclusion of discussions when the Council concurs or agrees to an item that does not require a formal motion;~~
- ~~(9) He or she (or his/her designee) shall read the title of the ordinance prior to voting;~~
- ~~(10) He or she shall appoint Councilmembers to serve on ad hoc committees as deemed necessary;~~
- ~~(11) He or she will determine ongoing dedicated schedules for regular study sessions, special Council meetings, executive sessions;~~
- ~~(12) He or she will approve the Council agenda; and~~
- ~~(13) Mayor may send issues directly to a Council study session for review in lieu of or prior to being referred to a regular Council meeting;~~

~~8.2 Mayoral Tie-Breaking Authority and Veto Power. Pursuant to Chapter 35A.12 RCW, the Mayor shall have the following authority with respect to voting and the veto of ordinances:~~

~~(1) The Mayor shall have a vote only in the case of a tie in the votes of the Councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.~~

~~(2) The Mayor shall have the power to veto ordinances passed by the Council and submitted to him or her as provided in Chapter 35A.12 RCW. Every ordinance which passes the Council in order to become valid must be presented to the Mayor; if the Mayor approves it, he or she shall sign it, but if not, the Mayor shall return it with his or her written objections to the Council and the Council shall cause his or her objections to be entered at large into the meeting minutes and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole Council, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the Mayor's veto. If the Mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his or her approval.~~

~~8.3 Ceremonial Duties of Mayor:~~

~~(1) The Mayor shall make an annual State of the City report during a regularly scheduled Council meeting.~~

~~(2) The Mayor shall represent the City at functions and meetings with other jurisdictions/organizations.~~

~~SECTION 9. COUNCIL RELATIONS WITH CITY STAFF~~

~~9.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.~~

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~~9.2 City staff will acknowledge the Council as policy makers~~

~~9.3 Councilmembers will acknowledge City staff as administering the Council's policies.~~

~~9.4 All written informational material requested by individual Councilmembers shall be submitted by City staff, after approval of the Mayor, to all Councilmembers with a notation indicating which Councilmember requested the information.~~

~~9.5 Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.~~

~~9.6 The Council shall not attempt to change or interfere with the operating rules and practices of any City department in derogation of the Mayor's statutory authority.~~

~~9.7 Mail that is addressed to the Mayor and Councilmembers shall be copied and circulated by the City Clerk as soon as practicable after it arrives.~~

~~9.8 The City Clerk shall not open mail addressed to individual Councilmembers if it is marked personal and/or confidential.~~

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SECTION 10. COUNCIL MEETING STAFFING

~~10.1 If a City Administrator has been appointed, he/she shall attend all meetings of the Council unless excused. When the City Administrator has an excused absence, the Mayor shall designate another staff member to attend the meeting.~~

~~10.2 The City Attorney shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.~~

~~10.3 The City Clerk or designee shall attend regular, special and study meetings of the Council; keep the official journal (minutes); and perform such other duties as may be needed for the orderly conduct of the meeting.~~

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SECTION 11.14. COUNCILMEMBER ATTENDANCE AT REGULAR MEETINGS

~~11.1~~ 14.1 Councilmembers will inform the Mayor, a Councilmember, or City Clerk if they are unable to attend any regular Council meeting or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence. If notification is not given, that Councilmember will be noted as absent in the Council minutes. Pursuant to RCW 35A.12.060, a Council position shall become vacant if the Councilmember fails to attend three consecutive regular meetings of the Council without being excused.

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SECTION 12.15. PUBLIC HEARINGS

~~12.1~~ 15.1 Quasi-judicial hearings require a decision be made by the Council using a certain process which may include a record of evidence considered and specific findings be made.

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~~12.2~~ 15.2 Legislative or informational hearings do not require a decision be made even though information is presented.

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~~12.3~~ 15.3 Councilmembers shall comply with all applicable laws related to the [Code of Ethics for Public Officers \(chapter 42.23 RCW\)](#), conflict of interest requirements, and in the Appearance of Fairness doctrine.

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Public Hearing Types: There are two types of public hearings. The legislative/informational public hearing is a formal opportunity for citizens to give their views for consideration in the legislative or policy-decision-making process. Quasi-judicial public hearings are hearings on quasi-judicial actions which determine the legal rights, duties, or privileges of specific parties.

A. Subject to any other applicable procedures established by state law or City ordinance, the following procedure shall be followed during public hearings on:

Legislative/Informational

- The Mayor will open the public hearing.
- Staff will make their presentation.
- Citizens comments will be limited to three (3) minutes for individuals and five (5) minutes for a person representing an official position of a recognized organization.
- Additional staff comments will be made.
- The Mayor will close public hearing.
- Council discussion will ensue.
- Council action will be taken.

Quasi-Judicial Hearings

- The Mayor will open the public hearing.
- Open for declarations of conflict of interest, appearance of fairness and other preliminary matters.
- Staff will make their presentation (15 min).
- Proponent presentation will be made. (15 min)
- Opponent presentation will be made. (15 min)
- Proponent rebuttal will be heard. (10 min)
- Staff comments will be made.
- Public hearing will be closed.
- Council discussion will ensue.
- Council action will be taken.

B. The following rules shall be observed:

Legislative/Information Gathering Public Hearings

- For an initial presentation of background information from a City

department, board, commission, committee, or an organization, no more than twenty (20) minutes will be allowed unless otherwise authorized by the Mayor.

- If a speaker purports to speak for an organization, club or others so as to lead Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
- Comments should be limited to three (3) minutes for each individual or five (5) minutes if representing the official position of a recognized organization.
- The Mayor may allow additional time for receipt of written testimony when needed.
- The City Clerk shall be the official timekeeper.

Quasi Judicial Public Hearings

- If a quasi-judicial hearing is on the agenda, the Council will be informed by the City Attorney as to what state law permits as to public comments.
- Quasi-judicial hearings will be conducted in conformance to procedures outlined in applicable state law, and City ordinances, resolutions and policies.
- Testimony will be limited as set forth herein, except that the Presiding Officer shall ask the rest of the Councilmembers if they have any comments or questions before the citizen is excused.
- If comments are provided in writing, they shall be filed with the City Clerk by 1:00 PM of the calendar day preceding the hearing.

Notwithstanding any other provision of these rules, the City Council may in its discretion adopt case-specific procedures to govern any public hearing before the Council. Such procedures may supplement, modify or supersede the provisions of this section. Any such procedures shall be made available to interested parties at least 14 days in advance of the Council hearing.

SECTION ~~13~~16. MEDIA REPRESENTATION AT COUNCIL MEETINGS

~~13.1~~ 16.1 All public meetings of the Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

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SECTION ~~14~~17. COUNCIL REPRESENTATION

~~14.1~~ 17.1 If a Councilmember appears on behalf of the City before another government agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies

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that these statements do not represent the Council's position. Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another governmental agency or community organization.

SECTION 15.18. CONFIDENTIALITY

15.18.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of executive sessions when the information is considered to be exempt from disclosure under exemptions set forth in applicable state law.

15.2- 18.2 If the Council, in executive session, has discussed any type of issue related to a third party, all contact with that party should be effectuated by the designated City staff representative handling the issue. Councilmembers should obtain the permission of the Mayor prior to discussing the information with anyone other than other Councilmembers, the City Attorney or City staff designated by the Mayor. Any Councilmember having any contact or discussion shall make full disclosure to the Mayor and/or the City Council in a timely manner.

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SECTION 16. PRO TEMPORE AND DEPUTY MAYOR APPOINTMENTS

16.1 ~~Biennially at the first meeting of the Council, or periodically thereafter, the Council may designate a Councilmember as Mayor Pro Tempore or Deputy Mayor for such period as may be specified by the Council. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.~~

16.2 ~~Alternatively, the Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tempore in the absence or disability of the Mayor.~~

16.3 ~~Appointment of a Councilmember to preside over a meeting shall not in any way abridge his or her right to vote on matters coming before the Council at such meeting.~~

16.4 ~~In the event of the 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.~~

SECTION 17. CITY ADVISORY BODIES

17.1 ~~Every advisory body, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by the Council to determine its effectiveness. This statement of purpose is made available to all citizen members when they are appointed.~~

17.2 ~~The Council may dissolve any advisory body that, in the Council's opinion, has completed its working function or for any other reason.~~

~~17.3 Citizen board, commission, committee, and task force members shall be selected in accordance with the following procedures, or at the Council's discretion, any other lawful process:~~

~~A) The City Council, as a Committee of the Whole, shall establish an application packet including appropriate disclosure of interest forms and a prescreening questionnaire, containing questions specific to each individual group and the charge of that group, to be used in ranking candidates prior to scheduling interviews.~~

~~B) A citywide recruitment process shall be initiated seeking applicant(s). Vacancies are advertised so that any interested citizen may submit an application. Applicants are required to be citizens of the City. Councilmembers are encouraged to solicit applications from qualified citizens. Applications shall be available from the office of the City Clerk, the City's website and shall be required to be submitted within the advertised deadline in order to be considered for appointment during each application period.~~

~~Existing board, commission, committee and task force members wishing reappointment may be exempted from submitting a new application provided they notify the City Clerk in writing within the advertised deadline period of their desire to be considered for reappointment based on a previous application already on file with the City Clerk. They may also choose to complete a new application or letter of interest with updated information they wish to be considered by Council.~~

~~C) The City Council, as a Committee of the Whole, shall review and rank application packets to aid the Mayor in selecting candidates to interview. Should there be four or fewer applicants for any one position, all candidates shall be interviewed by the Council and the prescreening of the candidates shall not be required.~~

~~D) The City Council, as a Committee of the Whole, shall interview candidates in a panel format, with all candidates participating in the interview session concurrently. Councilmembers are encouraged to develop a short list of questions they would like to ask of the candidates. The Mayor shall call on each Councilmember present to ask questions from their prepared list of the candidate(s) of their choice. The same questions may or may not be asked of every candidate. Depending on the number of candidates to be interviewed and in the interest of completing the interview session(s) in a timely manner, the Mayor may limit the number of questions asked by each Councilmember. If the number of questions is to be limited, the Mayor shall announce the number of questions each Councilmember may ask prior to the commencement of the interviews.~~

~~E) Upon completing the interviews, each Councilmember will announce his/her ranking of the candidates interviewed and the City Clerk or designee shall tally the Council rankings. The results of the rankings shall be provided to the Council and shall be used by the Mayor for consideration in the appointment process. At the Mayor's discretion, the appointment process may take place at~~

~~a regularly scheduled Council meeting or a special Council meeting following the interview session.~~

~~F) The Mayor shall appoint or reappoint and the Council shall confirm or deny the appointments proposed by the Mayor.~~

~~G) Should the Council deny any or all of the Mayoral appointments, the Mayor may submit appointments again at the next regular Council meeting or a special Council meeting scheduled for that purpose.~~

~~H) Application materials for candidates interviewed and ranked, yet not appointed, will remain in a candidate pool for six months. In the event vacancies arise during that six month period, the Mayor may appoint the next highest ranked candidate(s) from the pool to fill such vacancies. These appointments are subject to confirmation by the full Council at a regular or special Council meeting. Once this six month period has passed, a citywide recruitment process shall be initiated, as detailed above, to fill any vacancies that may occur.~~

~~SECTION 18. FILLING CITY COUNCIL VACANCIES~~

~~18.1 PURPOSE~~

~~The following procedures are intended to provide guidance to the Council when a Councilmember position becomes vacant before the expiration of the official's elected term of office. Provided, the Council in its discretion may specify another lawful process for filling any vacancy.~~

~~18.2 APPOINTMENT PROCESS~~

- ~~(1) A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process.~~
- ~~(2) The Council shall direct staff to begin the Councilmember appointment process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity.~~
- ~~(3) The City Clerk's office shall prepare and submit a display advertisement to the City's official newspaper and provide courtesy copies to all other local media outlets. The advertisement will announce the vacancy consistent with the requirements necessary to hold public office; specify that the applicant must be a registered voter of the City and have a one (1) year residency in the City. This display advertisement shall be published once a each week for two (2) consecutive weeks. This display advertisement shall contain other information including, but not limited to, time to be served in the vacant position, election and salary information, Councilmember authority and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the Council deems appropriate.~~

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- ~~(4) The City Clerk's Office shall prepare an application form which requests appropriate information for Council consideration of the applicants. Applications will be available at the City offices and such other locations that the Council deems appropriate.~~
- ~~(5) Applications received by the deadline date and time will be copied and circulated by the City Clerk's office to the Mayor and Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.~~
- ~~(6) The City Clerk's office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled Council meeting, or a special session Council meeting.~~
- ~~(7) The City Clerk's office shall notify applicants of the location, date and time of Council interviews.~~
- ~~(8) Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.~~

~~18.3 INTERVIEW MEETING~~ Each interview of an applicant/candidate shall be no more than thirty (30) minutes in length as follows:

- ~~(1) The applicant shall present his or her credentials to the Council. (10 minutes).~~
- ~~(2) The Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have two (2) minutes to answer each question. (14 minutes).~~
- ~~(3) An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions. (10 minutes).~~
- ~~(4) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.~~
- ~~(5) The Council may reduce the thirty (30) minute interview time if the number of applicants exceeds six (6) candidates or, alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.~~

~~18.4 VOTING~~ Upon completion of the interviews, Councilmembers may convene into executive session to discuss the qualifications of the applicants. However, all interviews, nominations and votes taken by the Council shall be in open public session.

- ~~(1) The Mayor shall ask for nominations from the Councilmembers.~~
- ~~(2) After a nomination and second has been received, the City Clerk shall proceed with a roll-call vote.~~
- ~~(3) Balloting will continue until a nominee receives a majority vote.~~
- ~~(4) At anytime during the balloting process, the Council may postpone balloting until a date certain or regular Council meeting if a majority vote has not been received.~~
- ~~(5) Nothing in this policy shall prevent the Council from reconvening into executive session to further discuss the applicant/candidate qualifications.~~

- ~~(6) The Mayor shall declare the nominee receiving the majority vote as the new Councilmember and the Clerk shall swear him/her into office at the earliest opportunity, no later than the next regularly scheduled Council meeting.~~
- ~~(7) If the Council does not give a majority vote within ninety (90) days of the declared vacancy, the RCW delegates appointment powers to Pierce County.~~

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SECTION 19. MISCELLANEOUS ADMINISTRATION AND HOUSEKEEPING

19.1 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.

19.2 Open Government Trainings Act. Effective July 1, 2014 the Open Government Trainings Act was enacted requiring all elected officials to complete training courses related to the Public Records Act (RCW 42.56.150), Open Public Meetings Act (RCW 42.30.205) and RCW 40.14 related to records retention.

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(a) Each local elected official appointed to fill a vacancy in a local or statewide office, must complete a training course regarding the provisions as indicated above.

(b) Officials required to complete training under this section may complete their training before assuming office but must:

- Complete training no later than ninety (90) calendar days after the date the official:

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o Takes the oath of office, if the official is required to take an oath to assume his or her duties; or

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o Otherwise assumes his or her duties as a public official.

- Complete refresher training at intervals of no more than four years for as long as he or she holds office.

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(c) Training must be consistent with the Attorney General's model rules for compliance with the Public Records Act.

(d) Training may be completed remotely with technology including but not limited to internet-based training.

(e) Additional information and online courses are available on the Washington State Attorney General's website at <http://www.atg.wa.gov/open-government-training>.

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19.3 Social Media Usage. As an elected official or employee of the City of Edgewood, your social media posts and the ensuing comment threads may qualify as public records that must be retained, disclosed, or moderated in order to comply with state and federal law and the City's rules and policies. This is true even for your personal social media accounts if you discuss City business. Inappropriate use of social media can expose you and the City to allegations of criminal and ethical wrongdoing. Please refer to our policies and procedures regarding the Public Records Act, the Open Public Meetings Act, and other policies related to the conduct and responsibilities of City of Edgewood employees and officials.

SECTION 20. SUSPENSION AND AMENDMENT OF RULES; IMPLIED WAIVER

- 20.1 Any provision of these rules not governed by state law or ordinance may be temporarily suspended by ~~a two-thirds (2/3) majority vote of the Council~~the entire membership of the Council.
- 20.2 These rules may be amended or new rules adopted by a majority vote of the ~~Council~~quorum necessary to conduct business.
- 20.3 Unless identified and corrected in accordance with these rules, any action taken in violation of these rules shall be deemed an implied waiver thereof.

SECTION 21. MINUTES

- 21.1 Minutes Generally. Pursuant to RCW 42.32.030 and RCW 35A.12.110, the City Clerk shall keep minutes of all regular and special meetings of the City Council, which shall constitute the City's record of proceedings. Working copies or file copies of all minutes shall be kept in the City Clerk's office. The official, originally signed copies of all minutes shall be maintained and stored in a fire-proof vault. The minutes will be archived in accordance with applicable records retention requirements.
- 21.2 Content ~~Of~~ Minutes. Minutes shall document the actions taken at Council meetings, and shall at a minimum include the following:
 - 1. Date of meeting
 - 2. Location of meeting
 - 3. Type of meeting (regular, continued, special, etc.)
 - 4. Time of meeting
 - 5. Time meeting commenced
 - 6. Officials/members present*
 - 7. Officials/members absent or excused*
 - 8. Topics of business
 - 9. Actions taken on each business matter
 - 10. Record of motions
 - 11. Record of voting
 - 12. Time of adjournment
 - 13. Signature blocks for Presiding Officer and Clerk/designee

*If a Councilmember leaves during a meeting, the time of departure and time of return, if applicable, shall be noted. If a Councilmember arrives after commencement of the meeting, the time of arrival shall be noted.
- 21.3 Approval ~~Of~~ Previous Minutes. Proposed minutes shall be placed on the consent agenda for approval. The Council shall approve the minutes, after consideration of the minutes and making any necessary corrections to the minutes. Upon approval by the Council, the minutes shall constitute the official record of the City Council's meeting.

21.4 Signing ~~The~~ Minutes. The minutes shall be signed by the City Clerk and the Mayor.

21.5 Corrections ~~To~~ Minutes. All authorized corrections to the approved minutes shall be recorded as a business transaction made at the meeting at which the amendment was approved. Following the meeting, the minutes shall be corrected to include the amendment(s) prior to placement of the final, executed minutes in the minute book.

If, after approval of the minutes, a correction must be made, a notation is marked in the margin opposite the correction which states: "Amended, see minutes of _____. " or "Scriber's Error, corrected by (initials of person making correction)", and shall include the date the correction was noted. Errors corrected in the official minutes shall not be corrected by white out, cross-outs or erasures.

21.6 Preservation ~~Of~~ Minutes. Minutes shall be preserved by the City for the period specified by applicable record retention requirements of state law. Special attention, care and security measures shall be taken to protect the orderly and safe keeping of minutes.



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Adopting an Ordinance amending outdated references in the Edgewood Municipal Code to the Council Rules of Procedure.		Agenda Item #: 2E	
		For Agenda of: September 18, 2018	
		Prepared by: Rachel Pitzel	
ATTACHMENTS (list): ☒ Ordinance No. 18-xxxx			
Approval of Materials:			
Mayor, Daryl Eidinger	☒	Expenditure Required:	\$0
Asst. City Administrator, Dave Gray	☐	Amount Budgeted:	\$0
City Attorney, Carol Morris	☒	Appropriation Required:	\$0
City Clerk, Rachel Pitzel	☒	Timeline: <i>September 18, 2018 Study Session discussion; September 25, 2018 action under Consent Agenda</i>	
Community Development Director, Darren Groth	☐		
Public Works, Jeremy Metzler	☐		
Fiscal Note/Consideration: N/A			
SUMMARY STATEMENT: By separate action, the Council is considering passage of a Resolution that will amend the Council Rules of Procedure. These amendments will, among other things, reorganize and renumber the Rules of Procedure. If the amendments to the Rules of Procedure are passed, changes need to be made to the Edgewood Municipal Code, because chapters relating to Council Committees will then include a number of references to outdated sections of the Council Rules of Procedure. This Ordinance corrects that problem by eliminating references to the specific sections of the Council Rules of Procedure.			
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A			
RECOMMENDED ACTION: Adopt Ordinance No. 18-xxxx if the Council passes the Resolution amending the Council Rules of Procedure.			
ALTERNATIVES TO RECOMMENDED ACTION: 1) Make additional changes 2) Forward to Study Session for further review			

ORDINANCE NO. 18-0xxx

AN ORDINANCE OF EDGEWOOD, WASHINGTON, RELATING TO REFERENCES IN THE COUNCIL RULES OF PROCEDURE FOR THE APPOINTMENT OF MEMBERS OF THE PLANNING COMMISSION, PARKS AND RECREATION ADVISORY BOARD, ECONOMIC ADVISORY BOARD AND AD HOC COMMITTEES, MAKING HOUSEKEEPING AMENDMENTS TO THE EDGEWOOD MUNICIPAL CODE TO ELIMINATE SPECIFIC REFERENCES TO THE COUNCIL RULES OF PROCEDURE, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE

WHEREAS, the Edgewood Municipal Code includes a number of references to specific sections of the Council Rules of Procedure; and

WHEREAS, the Council has amended the Council Rules of Procedure, and in the process, has renumbered the various Sections; and

WHEREAS, the Council desires to eliminate all references to individual Sections of the Council Rules of Procedure in the Municipal Code, given that they have now been re-numbered and there is a Table of Contents in the Rules for easy reference;

WHEREAS, the Council considered this Ordinance during its regular meeting of September __, 2018 Now, Therefore,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Edgewood Municipal Code (EMC) Section 2.30.010(C) and (D) are amended to read as follows:

2.30.010 Created.

. . .

C. Members of the newly established seven member commission shall be appointed by the Council, in accordance with the process set forth in ~~the Section 20 of~~ the Council Rules of Procedure, by position number, and shall serve staggered terms as follows: Positions 1-3 will initially serve a three-year term expiring on June 30, 2006, with two-year terms being assigned thereafter, and positions 4-7 will be assigned two-year terms expiring on June 30, 2005, with two-year terms being assigned thereafter, in order to create staggered terms for the overall membership.

D. Future Commission members shall be selected in accordance with ~~Section 20 of~~ the Council Rules of Procedure.

* * *

Section 2. Section 2.30.020(F) of the Edgewood Municipal Code is hereby amended to read as follows:

2.30.020 Membership.

* * *

F. The City Council shall fill vacancies as stated in ~~Section 20 of~~ the Council Rules of Procedure with the newly appointed commissioners serving the remainder of the term of the vacant position.

* * *

Section 3. Section 2.31.020 of the Edgewood Municipal Code is hereby amended to read as follows:

2.31.020 Appointment of Members – Terms.

A. Members of the newly established seven-member board shall be appointed by the mayor and confirmed by the Council, in accordance with the process set forth in ~~Section 20 of~~ the Council Rules of Procedure, by position number, and shall serve staggered terms as follows: positions one through three will initially serve a three-year term expiring on September 30, 2009, with two-year terms being assigned thereafter, and positions four through seven will be assigned two-year terms expiring on September 30, 2008, with two-year terms being assigned thereafter, in order to create staggered terms of overall membership.

B. Future members and reappointments shall be selected and made in accordance with ~~Section 20 of~~ the Council Rules of Procedure.

* * *

Section 4. Section 2.32.020 of the Edgewood Municipal Code shall be amended to read as follows:

2.32.020 Appointment of Members – Terms.

A. The initial members of the Board shall be appointed by the Mayor and confirmed by the Council, in accordance with the process set forth in ~~the Section 20 of~~ the Council Rules of Procedure, by position

number, and shall serve staggered terms as follows: Positions 1 through 3 will initially serve a three-year terms expiring on June 30, 2015, with two-year terms being assigned thereafter, and positions 4 through 7 will be assigned two-year terms expiring on June 30, 2014, with two-year terms being assigned thereafter, in order to create staggered terms for the overall membership.

B. Future members shall be selected in accordance with ~~Section 20~~ of the Council Rules of Procedure.

* * *

Section 5. Section 2.35.010 of the Edgewood Municipal Code shall be amended to read as follows:

2.35.010 Future advisory body appointment.

The City Council of the City of Edgewood will appoint ad hoc committees and/or task forces, in accordance with ~~the Section 20~~ of the City Council Rules of Procedure, to act as the advisory bodies to the City Council and will be given specific tasks, timelines and terms in order to efficiently accomplish the assignments set forth by the City Council. Upon completion of such tasks, the advisory bodies may be disbanded or reassigned to other tasks at the discretion of the City Council.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 8. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED BY THE CITY COUNCIL OF EDGEWOOD THIS __TH DAY OF _____, 2018.

Daryl Eidinger, Mayor

AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

Published:
Effective Date:

DRAFT