



## **City Council Workshop Agenda**

**January 28, 2025 at 6:30 PM**

**City Hall Council Chambers - 210 W 6th Ave and Virtual**

The City of Kennewick broadcasts Council meetings on the City's website at

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

Written public comment is accepted pursuant to KMC 2.04.047.

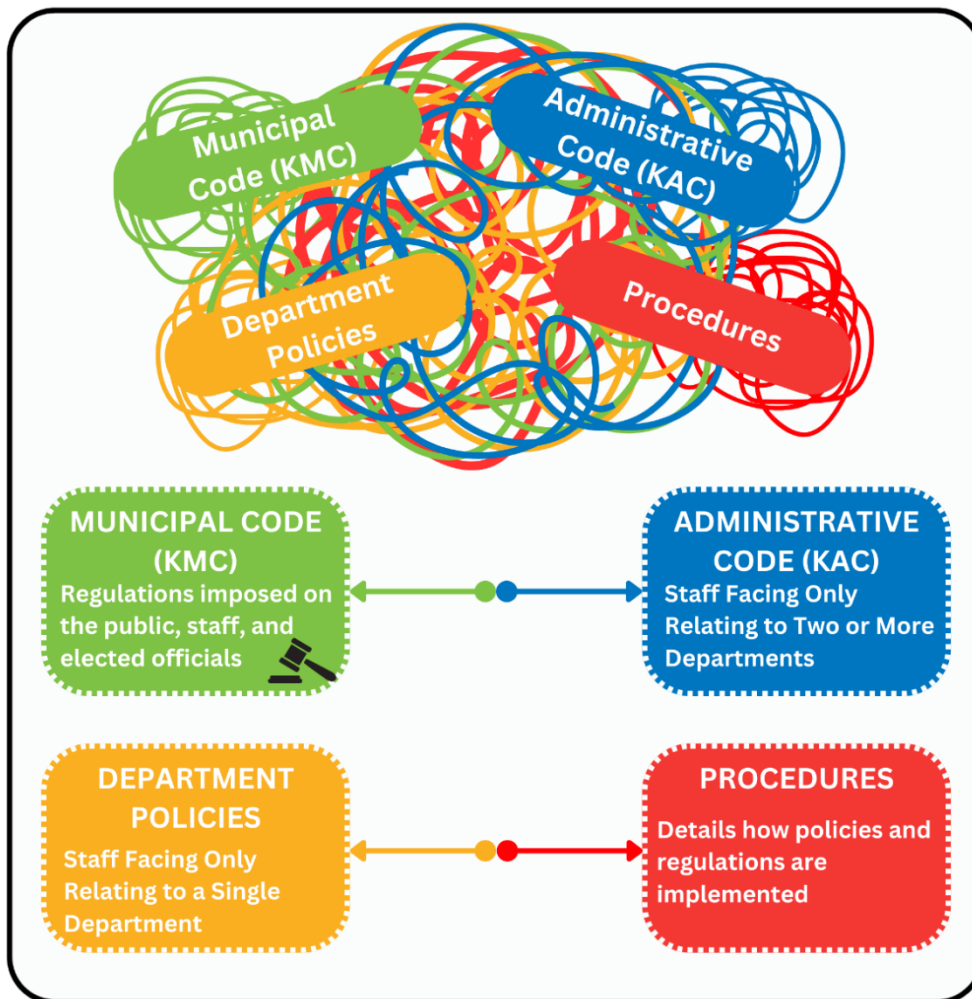
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1. Updates to Kennewick Municipal Code (KMC) and Transition from Kennewick Administrative Code (KAC)
2. Fire Department: Recommended Updates to the Kennewick Municipal Code
3. Police Department: Recommended Updates to the Kennewick Municipal Code
4. Governance Manual Discussion & Collaboration

|                                                                                   |                                                                                                                                                      |                                   |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Council Agenda Coversheet</b>                                                  | <b>Item Number:</b> 1. <b>Date:</b> 1/28/2025<br><b>Item Type:</b> Presentation                                                                      | <b>Category:</b><br>Policy Review |
|  | <b>Subject:</b> Updates to Kennewick Municipal Code (KMC) and Transition from Kennewick Administrative Code (KAC)<br><b>Department:</b> City Manager |                                   |

### Summary

The Kennewick Municipal Code (KMC) serves as the regulatory framework for persons and entities external to the City of Kennewick, while the Kennewick Administrative Code (KAC) governs internal staff policy. Changes to the Kennewick Municipal Code are done by Ordinance and require affirmative votes of the majority of the Council. Changes to the KAC fall under the responsibility of the Department Heads and City Manager. Over time, the KAC has become outdated, containing obsolete information and inconsistencies with the KMC.



To address these issues, a cross-functional team was assembled to:

- Identify and migrate relevant content from the KAC to the KMC, ensuring alignment with state law and regulatory standards.
- Update the KMC to bring it into compliance with current state, local, and federal laws.
- Remove obsolete or redundant provisions from the KAC.
- Dissolve the KAC and establish a framework for managing internal staff policies.

**Proposed Changes:****Migration of Content:**

- Identify sections in the KAC that pertain to external regulations and incorporate them into the KMC.

**Compliance Updates:**

- Review proposed KMC content with legal counsel to verify that updates meet all legal requirements.

**Obsolete Information Removal:**

- Identify and remove outdated or redundant provisions that no longer serve the city's regulatory needs.
- Make housekeeping changes such as typographical errors, cross-reference revisions, formatting, and the like.

**Staff Policy Transition:**

- Develop internal policies to replace KAC sections that exclusively govern staff operations.
- Establish a process for maintaining and updating these policies through the City Manager's office.

**Dissolution of the KAC:**

- Officially retire the KAC, with a resolution authorizing its dissolution.
- Provide training and communication to staff regarding the transition to the new policy framework.

**Anticipated Benefits:**

- Clarity: Improved distinction between public regulations and internal policies.
- Compliance: Enhanced alignment with regulatory requirements.
- Efficiency: Streamlined processes and reduced redundancies.
- Modernization: Updated and relevant municipal code for residents and businesses.

**In the coming months, recommended improvements to the KMC will be brought forward for Council consideration using the following implementation plan:**

1. Draft Revisions: The Policy Development Team will draft updates to the KMC.
2. Legal Review: Conduct a comprehensive legal review of all proposed changes.
3. Workshop Engagement: Discussion to inform council on KMC updates at the workshop level.
4. Council Approval: Present final KMC revisions to City Council for approval.
5. Communication: public announcements regarding changes (as necessary).

**Attachments:**

None

|                                                                                   |                                                                                                                                                                                                               |                                |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Council Agenda Coversheet</b>                                                  | <b>Item Number:</b> 2. <b>Date:</b> 1/28/2025<br><b>Item Type:</b> Presentation<br><b>Subject:</b> Fire Department: Recommended Updates to the Kennewick Municipal Code<br><b>Department:</b> Fire Department | <b>Category:</b> Policy Review |
|  |                                                                                                                                                                                                               |                                |

### Summary

The Policy Development Team (PDT) has been tasked with updating the Kennewick Municipal Code (KMC) to ensure compliance with current state, local, and federal regulations and establish clearer delineation between public-facing regulations and personnel and department policies. The PDT, together with the City Attorney's Office, has prepared recommended improvements to the Kennewick Municipal Code as described below:

#### Modify the Kennewick Municipal Code to (choose any that apply):

- ☒ Add new content
- ☒ Remove content
- ☒ Update existing content

#### For the Following Purpose(s) (choose any that apply):

- ☒ To bring the KMC into compliance with state, federal, or other regulations
- ☒ To transition public-facing regulations from the Kennewick Administrative Code (KAC)
- ☐ To remove redundant or obsolete content

#### These Changes Involve the Following Department(s) (choose any that apply):

- |                                             |                                                         |                                       |
|---------------------------------------------|---------------------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Citywide           | <input type="checkbox"/> Finance                        | <input type="checkbox"/> Planning     |
| <input type="checkbox"/> City Manager       | <input checked="" type="checkbox"/> Fire                | <input type="checkbox"/> Police       |
| <input type="checkbox"/> City Attorney      | <input type="checkbox"/> Information Technology         | <input type="checkbox"/> Public Works |
| <input type="checkbox"/> Executive Services | <input type="checkbox"/> Parks, Recreation & Facilities |                                       |

#### Summary of Changes:

The International Fire Code, as adopted by the state, gives local fire agencies some discretion in how provisions of the code are applied at the local level. For many years, these local provisions have existed in the Kennewick Administrative Code (KAC). As applications and interpretations of the state's adopted fire code, these local regulations should be codified by a vote of the governing body and included in the Kennewick Municipal Code (KMC).

The KAC review project found that some of the content was already in the KMC, should have been in the KMC but was not, or was being applied as a local fire code standard but not included in the KMC. The changes being proposed by the Fire Department corrects all of those conditions.

The KAC content that is already contained in the KMC pertained to the operation of an ambulance service.

The KAC content that was missing from the KMC pertained to the establishment of the position of Fire Chief. Chapter 2.12 of the KMC is proposed to be amended to now include the position of Fire Chief as the executive manager of the fire department and the fire code official for the City of Kennewick.

The KAC content that was determined to be regulatory and in need of approval by the City Council and subsequent inclusion in the KMC includes local fire code interpretations and provisions for:

- Water main and fire hydrants.
- Emergency vehicle access and emergency vehicle apparatus roads also known as fire lanes.
- Fire Sprinkler Systems.
- Fire Alarm Systems.

- Fire Detection and Suppression System Testing.
- Fire Protection Equipment in general.
- Fire Permit Fee Schedule.

Other than the provision regarding permit fees, the content of the KAC that requires City Council approval is proposed to be amended to Chapter 15.30 of the KMC. Fees for permits required by the Fire Code have been included in Title 3 of the KMC along with the City's other permit fees.

The locally applied provisions of the Fire Code that were not previously in the KAC that are proposed to be added to the KMC include:

- A specific location requirement for fire hydrants installed in cul-de-sacs. This is intended for facilitate an efficient water supply operation.
- A requirement for address letters on commercial buildings to be 18 inches in height. This is intended to increase address visibility on buildings set back from the street.
- A requirement for fire sprinkler systems to be hydraulically designed with a 5-psi safety factor. This is intended to ensure that fire sprinkler systems will have the necessary water under normal fluctuations of the water supply system.

If the City Council is agreeable to having these proposed changes brought forward as an ordinance for consideration during an upcoming Council Meeting, it is worth noting that significant renumbering of the current and new provisions of Chapter 15.30 of the KMC will be required. The renumbering will align the KMC with the numbering convention of the adopted International Fire Code and reorganize content so that it is in the same sequence as the Fire Code. This is intended have the content of the KMC organized in a manner that makes it relatively easy for developers, contractors, and design professionals to identify local provisions that are codified in the KMC.

**Next Steps:**

Staff will incorporate any consensus from the workshop meeting and prepare an ordinance for consideration at an upcoming Council meeting.

**Attachments:**

1. Presentation

# ***Kennewick Administrative Code Review Project***

**Changes to the Kennewick Municipal Code  
Proposed by the Fire Department**



# ***Purpose of the Project***

## **Review the Kennewick Administrative Code to:**

- ☐ Identify provisions that are already in the Kennewick Municipal Code or are obsolete.
- ☐ Identify content that is missing from the Kennewick Municipal Code.
- ☐ Identify sections that are regulatory and should be in the Kennewick Municipal Code.



# ***Fire Department Review***

- KAC content about providing an ambulance service is already in the KMC.
- KAC provision pertaining to appointing a Fire Chief is missing from the KMC.
- Local applications and interpretations of the Fire Code should be codified in the KMC.



# ***Fire Department Review***

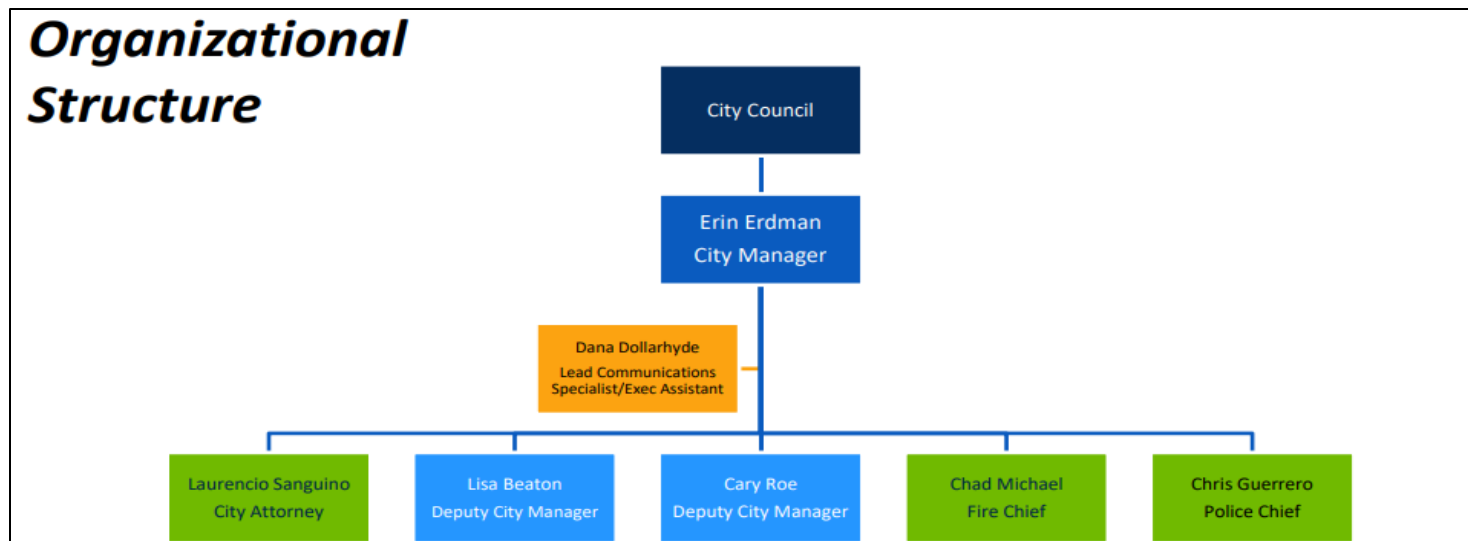
Local applications and interpretations of the Fire Code pertaining to:

- ☐ Fire sprinkler, fire alarm,  
and fire suppression systems.
- ☐ Water mains and fire hydrants.
- ☐ Emergency access and fire lanes.



# ***Fire Department Review***

- City Manager appoints a Fire Chief to be the executive manager of the Fire Department and the City's fire code official.
- Significant renumbering of KMC Chapter 15.30 to align content with the chapters and sections of the Fire Code.



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| <b>Council Agenda Coversheet</b>                                                  | <b>Item Number:</b> 3. <b>Date:</b> 1/28/2025                                                                                                                    | <b>Category:</b> Policy Review |
|  | <b>Item Type:</b> Presentation<br><b>Subject:</b> Police Department: Recommended Updates to the Kennewick Municipal Code<br><b>Department:</b> Police Department |                                |

**Summary**

The Policy Development Team (PDT) has been tasked with updating the Kennewick Municipal Code (KMC) to ensure compliance with current state, local, and federal regulations and establish clearer delineation between public-facing regulations and personnel policies. The PDT, together with the City Attorney's Office, has prepared recommended improvements to the Kennewick Municipal Code as described below:

**Modify the Kennewick Municipal Code to (choose any that apply):**  
☒ Add new content

**For the Following Purpose(s) (choose any that apply):**  
☒ To bring the KMC into compliance with state, federal, or other regulations  
☒ To transition public-facing regulations from the Kennewick Administrative Code (KAC)  
☐ To remove redundant or obsolete content

**These Changes Involve the Following Department(s) (choose any that apply):**

|                                             |                                                         |                                                   |
|---------------------------------------------|---------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Citywide           | <input type="checkbox"/> Finance                        | <input type="checkbox"/> Planning                 |
| <input type="checkbox"/> City Manager       | <input type="checkbox"/> Fire                           | <input checked="" type="checkbox"/> <b>Police</b> |
| <input type="checkbox"/> City Attorney      | <input type="checkbox"/> Information Technology         | <input type="checkbox"/> Public Works             |
| <input type="checkbox"/> Executive Services | <input type="checkbox"/> Parks, Recreation & Facilities |                                                   |

**Summary of Changes:**

- **Tobacco:** Content from the KAC will be added to the KMC 10.16.085 as it details merchant regulations when selling tobacco.
- **Seizure and Forfeiture:** Bring the KMC in alignment with RCW 69.50.505.
- **Unauthorized Encampments:** Content from the KAC, primarily pertaining to storage and recovery of property by the owner, will be added to the KMC.

**Next Steps:**  
 Staff will incorporate any consensus from the workshop meeting and prepare an ordinance for consideration at an upcoming Council meeting.

**Attachments:**

1. Presentation

# ***Kennewick Administrative Code Review Project***

**Changes to the Kennewick Municipal Code  
Proposed by the Kennewick Police Department**



# ***Purpose of the Project***

## **Review the Kennewick Administrative Code to:**

- Identify provisions that are already in the Kennewick Municipal Code or are obsolete.
- Identify content that is missing from the Kennewick Municipal Code.
- Identify sections that are regulatory and should be in the Kennewick Municipal Code.



# ***Police Department Review***

- Content from KAC 11-12—Tobacco Regulation Concerning Minors will be added to KMC 10.16.085—Possession or Use of Tobacco by Minors. The addition will detail merchant regulations when selling tobacco.
- Content from KAC 11-20—Controlled Substance Forfeiture Procedure will be added to the Kennewick PD Policy Manual. KMC 10.01.270 adopts RCW 69.50.505—Seizure and Forfeiture under the Uniform Controlled Substances Act. Portions of KMC 9.32.030—Seizure and Forfeiture will be removed to be brought into alignment with KMC 10.01.270.
- Content from KAC 11-24—Removal of Unauthorized Encampments will be added to KMC 9.54—Regulating Public Camping. The addition deals primarily with storage and recovery of property by the owner.

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| <b>Council Agenda Coversheet</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Item Number:</b> 4. <b>Date:</b> 1/28/2025                                                                                     | <b>Category:</b> Policy Review |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Item Type:</b> Presentation<br><b>Subject:</b> Governance Manual Discussion & Collaboration<br><b>Department:</b> City Manager |                                |
| <p><b><u>Summary</u></b></p> <p>A Governance Manual is a document that outlines the rules, policies, and procedures that guide how Council operates and makes decisions. It serves as a reference tool to ensure Council functions effectively, transparently, and in compliance with legal and ethical standards.</p> <p>Council has been reviewing versions and making suggestions for this document over the last several months. Below is a list of outstanding items that we will discuss at the Council Workshop. We plan to seek guidance, incorporate feedback, and present a finalized version at an upcoming Council meeting for approval..</p> <p><b>Discussion/Decision Items;</b></p> <ul style="list-style-type: none"> <li>• <b>Regular Meetings Order of Business (pg. 7).</b> This changes the order of the agenda and creates only one visitor section at the beginning of the meeting.</li> <li>• <b>Workshop Final Action (pg. 8)</b> – This would allow Council to take final action in a workshop. Note this would not be normal practice and would only occur during special circumstances. This will also make getting consensus prior to a meeting clearer.</li> <li>• <b>Public Comment Duration (pg. 11)</b> – Public comment would be limited to 30 minutes for all speakers. Each individual would still have 3 minutes. This limits repetitive testimony; however, Council can make a motion to suspend the rules and allow for more time if needed.</li> <li>• <b>Placing Items on an Agenda (pg. 16)</b> – Review language and process for placing items on the agenda</li> <li>• <b>Term Limits for Mayor and Mayor Pro Tem (pg. 22 &amp; 23)</b> – This is a placeholder to explore Council's interest in terms limits for Mayor and Mayor Pro Tem. Two Councilmembers have commented they don't see the need for this item.</li> <li>• <b>Filling Council Vacancies (pg. 25)</b> – Establishes a coin toss as the method appoint a Councilmember to fill a vacancy if Council cannot come to a conclusion through voting. This method keeps the power in Council's hands to select an appointee rather than resorting to the mandatory process under state law which would assign the power to Benton County.</li> <li>• <b>Board and Commission Attendance (pg. 31)</b> – Per KMC members of boards and commission are only allowed two unexcused absences. Council should determine whether allowed absences should be the same for board and commissioners as it is for elected Councilmembers.</li> <li>• <b>Alternative Members on Boards and Commissions (pg. 31)</b> – Consider appointing alternatives and establishing attendance requirements (same or different as voting members). It will be important to consider how attendance requirements may discourage future participation.</li> </ul> |                                                                                                                                   |                                |
| <p><b>Attachments:</b></p> <p>1. Draft Governance Manual</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                   |                                |

**CITY OF KENNEWICK  
CITY COUNCIL  
GOVERNANCE COORDINATION MANUAL**

**Adopted month, day, year**

A Comprehensive Collection of Information about Kennewick City Government, Meeting Rules, Coordination Procedures, Administrative and Public Hearing Procedures, Best Practices and Applicable References from the Revised Code of Washington.

### **A Message to the Kennewick City Council:**

In order to maintain structure and strong leadership, the Kennewick City Council follows general meeting procedures, including Roberts Rules of Order. Since 1906, the City has implemented a range of policies, procedures, and traditions to streamline proceedings. However, these were often conflicting and presented in various formats. The Governance Manual consolidates these practices into a single document, offering a comprehensive approach to leadership.

Given the intricate regulatory environment today, modern governance requires regular updates to ensure effective City operations. This manual aims to make it easier for the City Council to navigate and implement necessary changes compared to previous methods. The Kennewick Governance Coordination Manual establishes the standards for governmental practices in Kennewick in a detailed document. It covers meeting rules, coordination procedures, administrative references, public outreach guidelines, public hearing procedures, relevant sections of the Revised Code of Washington, City Council's Core Beliefs, policies guiding the Council and Administration, encouraging public involvement, and various appendices.

This manual serves as a valuable resource outlining how the City Council and Administration collaborate to achieve efficient and effective local governance.

It is advised that City Council members and City leaders familiarize themselves with the manual's contents and keep it easily accessible for reference.

Respectfully,

Erin Erdman, City Manager

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**Commented [EE1]:** Need to update when have a final draft

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## City of Kennewick Governance Coordination Manual

### CHAPTER 1 - USE OF RULES

**Purpose.** These Rules of Procedure are designed to provide guidance for the City Council and City Administration. They are not to be considered restrictions or expansions of the City Council's or City Manager's statutory authority. These rules have been prepared from review of many statutes, ordinances, court cases and "best practices". To promote a harmony of interrelated functions involving the Legislative and Executive branches of city government operations, some rules contained herein describe procedures where both branches are in complete agreement but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

**Use.** No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council's action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Council or City Manager may enforce these rules or rely on these rules.

**Public Use or Reliance Not Intended.** Because these rules are designed to assist the City Council and Administration and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

**Adoption and Changes.** The Governance Manual shall be adopted by Resolution. City Council shall review the Governance Manual as needed and adopt any revisions/updates per Resolution. If changes to the KMC are required due to updates in the Governance Manual then those shall be updated prior to the adoption of the Governance Manual.

*End of Chapter 1 - Use of Rules*

## CHAPTER 2 - COUNCIL MEETINGS

### A. GENERAL

#### 1. Open Public Meetings Act

Under the Open Public Meetings Act (OPMA), RCW 42.30, all meetings of the City of Kennewick's governing bodies must be open to the public. The Act includes requirements concerning notification, public comment, executive session, and more. The City of Kennewick will strictly adhere to all requirements of the OPMA. All meetings of the City Council and of governing boards and commissions thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

#### 2. Time and Location – Regular and Workshop Meetings

- A. Regular business meetings of the Council shall be held on the first and third Tuesday of each month at 6:30 p.m. in the Council Chambers of City Hall at 210 W 6th Avenue, Kennewick, WA 99336, unless cancelled or postponed in accordance with applicable State or local procedures.
- B. Regular workshop meetings of the Council shall be held on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers of City Hall at 210 W 6th Avenue, Kennewick, WA 99336, unless cancelled or postponed in accordance with applicable State or local procedures.

~~C. Before January 10 of each year, the City Clerk will present a standing meeting calendar for Council consideration which cancels or reschedules regular council meetings for dates that fall on or near legal holidays and major community events (such as National Night Out). If adopted, this standing meeting calendar shall not prevent the City Council from scheduling additional sessions throughout the year as necessary nor shall it prevent City Council from canceling any other meetings or workshops; however, notice of that cancellation to the public, Councilmembers and staff should be given by the Clerk in similar manner that notice is given for a special meeting.~~

#### 3. Presiding Officer.

The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Mayor Pro Tem, an acting Mayor Pro Tempore selected by a majority vote of the remaining members of the Council shall act as Mayor during the continuance of the absences. The Mayor (or in the absence of the Mayor the Mayor Pro Tem, is referred to as "Presiding Officer" from time-to-time in these Rules of

Procedure. In case of a mid-term vacancy in the position of Mayor, the Mayor Pro Tem will assume the title and duties through the unexpired term. The Council will then select a Mayor Pro Tem to complete the unexpired term as noted above in Mayor – Mayor Pro Tem.

**4. Agenda Packet Distribution – Councilmembers (KMC 2.04.020)**

A. The City Clerk will publish regular business and workshop agendas and packets to the electronic board portal no later than 5:00 p.m. the last business day of the week preceding the meeting date.

1. Additions to regular agendas and significant revisions to Council packet materials must be distributed to the City Council no later than eight business hours before the meeting.

1.2. If changes are needed and there are less than eight business hours prior to the meeting, than a Councilmember can make a motion to add/remove an item during the approval of the agenda section of the meeting. The City Manager shall forward any pertinent information to Council in advance of the meeting if possible.

B. The City Clerk will publish special meeting agendas and packets via the electronic board portal at soonest opportunity but no later than 24 hours prior to the meeting (unless a true emergency necessitates a shorter timeframe).

**5. Agenda Packet Distribution – Public (KMC 2.04.020)**

A. Regular business meeting agendas and packets shall be published to the City website and distributed electronically to all meeting subscribers no later than 5:00 p.m. the last business day of the week preceding the meeting.

B. Regular workshop agendas shall be published to the City website and distributed electronically to all meeting subscribers no later than 5:00 p.m. the last business day of the week preceding the meeting.

C. Regular workshop packets shall be published to the City website and distributed electronically to all meeting subscribers no later than 8:00 a.m. the day of the meeting.

D. Special meetings agendas/notices (absent an emergency) shall be published to the City website and distributed electronically to all media contacts on file and all meeting subscribers no later than 24 hours preceding the meeting.

E. Request for presentation from outside entities or individuals to be placed on a future agenda will only be permitted if they are considered the official business of the City. Such requests shall be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue or whether it should be placed on an upcoming Council Agenda. Any presentation materials shall be pre-screened and pre-approved by the City Manager.

## 6. Permission Required to Address the Council

Persons other than Council and Administration may be permitted to address the Council at the proper time upon recognition and/or introduction by the Mayor or designee. A Councilmember or the City Manager may request the Mayor to recognize other citizens that would like to speak.

## 7. Forms of Address

- A. The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". The Mayor Pro Tem shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

## B. MEETINGS

### 1. Regular Meetings Order of Business (KMC 2.04.120).

#### 1. Call to Order

- Pledge of Allegiance
- Roll Call
- Honors & Recognitions
- Invocation – See Section C (1) - Invocation

#### 2. Visitors *See Section C (2) – Public comment*

#### 3. Approval of Agenda

Council can add or remove items from the agenda during this time. If Council wishes to remove an item from the consent agenda and place it on the agenda as a stand-alone discussion item they may do so here. In case of an emergency or an extremely time-sensitive issue of which neither the administration nor the entire Council was aware prior to the distribution of the agenda and materials, a new item may be introduced by a Councilmember and suggested as an amended agenda item for the present meeting. If a new item(s) is added, the Council shall then consider a motion to approve the amended agenda.

#### 4. Consent Agenda

Items that may be placed on the Consent Agenda are those, which have been previously discussed by Council; can be reviewed by a Councilmember without further explanation; are so routine; technical; or not substantive in nature that passage without discussion is likely; or are otherwise deemed in the best interest of the City.

#### 5. Ordinances/Resolutions *See Section C (12 & 13) – Ordinances and Resolutions*

#### 6. Public Hearings/Meetings *See Section C (15) – Public Hearings*

#### 7. New Business

#### 8. Unfinished Business

**9. Visitors See Section G (a) – Public Comment**

**Commented [EE2]:** This change requires an update to KMC 2.04.120

**10. Council Comments/Discussion**

Information regarding upcoming community events or events they have attended or matters for the good of the order. A Councilmember may also utilize this as an opportunity to request that specific topic be placed on a future agenda with a vote of the majority of the Council concurring with the request. Discussion regarding the specific topic shall not occur during this time except as necessary to clarify the request and to take a vote placing it on a future agenda.

**11. Adjourn**

**2. Workshop Meetings (KMC 2.04.047)**

Workshop meetings are meant to be informal to allow Councilmembers and staff to do concentrated strategic planning, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager.

- A. Action items. Although action items may be included on a workshop agenda, it is the preference of Council to keep those instances to a minimum. Because a workshop is a recognized meeting according to the “Open Public Meetings Act, “it is permissible for Council to take a final action during these meetings.
- B. Unexpected Motions. Because workshops are usually understood by the public and media as referring to meetings at which the Council considers and discusses items and does not take final action or vote, it could be misleading to the public as to purpose of the meeting if a motion is made unexpectedly. As such, the Council considers it inappropriate to make a “surprise” motion unless there is a rare special circumstance. Voting or making a motion when neither is included on the agenda does not violate state law, but for consistency sake and to avoid any surprises to the public and media, the practice is discouraged.
- C. Order of Business (numbered *in accordance with the agenda outline*)
  1. Call to Order
  2. Roll Call
  3. Public Comments. Written public comment are accepted pursuant to the following;
    - Comments are due, in writing, to the City Clerk no later than 3:00 PM on the day of the meeting.
    - Comments must pertain to items on the current meeting agenda and no other topics.
    - Verbal comments are not permitted unless the Council, by a majority vote of the members present, suspends the rules.

**Commented [EE3]:** We will need to update KMC 2.04.047(2). This is allowed per the OPMA and would be good practice should we get in a bind

4. Present topics on the agenda
5. Adjourn

### 3. Regular Meeting: Executive Session (KMC 2.04.045)

- A. Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act.
- B. The Mayor will publicly announce the executive session by stating the purpose of the executive session and the time when the executive session will end. If the executive session is not over at the stated time, it may be extended only if the Mayor announces to the public at the meeting place that it will be extended to a stated time.

### 4. Special Council Meetings (RCW 42.30.080 and KMC 2.04.030)

A. Special meetings may be called by the mayor or any four members of the Council.

A-B. Special meetings will be held in accordance with the provisions of the Washington State Open Public Meetings Act.

B-C. The City Clerk shall prepare a notice of the special meeting, stating the time, place, and object, and personally serve notice upon each of the City Council at least 24 hours before the time of meeting. The City Clerk shall attempt to notify each member of the Council in person, either by telephone or otherwise, of the special meeting. The City Clerk shall give notice of the special meeting to local news media. The City Council may not make final disposition of any matter not mentioned in the notice.

C. Written notice may be waived in writing by any Council Member and is waived by his or her presence at the meeting.

Commented [EE4]: Same as below – Torelli comment

D. Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

E. The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080, that is:

1. As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice,
2. As to any member who was actually present at the meeting at the time it convenes, and
3. In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage;
4. As otherwise provided by law.

Commented [EE5]: Struck due to Torelli comment- already included in RCW and KMC

### 5. City Council Retreats

- A. Retreats are categorized under as Special Meetings under the Open Public Meetings Act.
- B. As necessary, the City Manager shall engage the services of a professional facilitator to assist Council with in-depth analysis of the Council's priorities, goals, and work plan.
- C. Council shall make no disposition of any item at a retreat, but may come to a consensus during debate and collaboration.
- D. Retreats shall be in a less formal setting, but shall not discourage public observation. Retreats are generally not broadcast or recorded and public comment is not accepted.
- E. The City Manager shall arrange the retreat topics for discussion, task Department Directors with preparing staff reports and supporting materials, and direct the City Clerk to publish the agenda and packets.

#### **C. MEETING RULES AND PROCEDURES**

##### **1. Invocation**

- A. City Council provides an opportunity at each regular city Council meeting for one invocation to be presented by a volunteer resident of the City of Kennewick
- B. Invocation guidelines are as follows;
  - 1. Invocations shall be scheduled on a first come first served basis. Preference shall be given to persons who have not yet given an invocation over persons who have already done so.
  - 2. No one may give an invocation more than two times per year.
  - 3. Once a request form is submitted, the City Clerk will verify the volunteer's eligibility (based on residence) and research the last time (if ever) they provided an invocation.
  - 4. Once the volunteer's eligibility is confirmed, the City Clerk will contact them and offer a selection of dates to choose from. Upon selecting the date(s), confirmation will be made, and the volunteer will receive instructions for attending the scheduled meetings.
  - 5. Selection of persons wishing to give an invocation shall be nondiscriminatory and the contents of the invocation may be dictated by the beliefs of the individual offering the invocation.
  - 6. The invocation should not exceed sixty (60) seconds.

7. No city employee or elected official, or anyone in attendance shall be required to participate in an invocation.

8. Persons scheduled should not request that anyone stand for the invocation or participate.

9. No compensation shall be given for providing an invocation, nor shall any fee be required to participate.

#### **1.2. Public Comment**

A. The City Clerk will publish instructions on the City's website to facilitate public comment at Council meetings.

a. Public comments shall not be given on items on the agenda, unless there is a public hearing scheduled and then comment should be given during the public hearing.

B. Public comments are generally limited to three minutes per speaker with a maximum allotment of amount 30 minutes for all speakers.

1. A majority of Councilmembers present may move to suspend the rules to permit an additional period of no more than 30 minutes.

C. Written and verbal public comment is accepted at all Council regular business meetings pursuant to the following:

1. Written comments are due, in writing, to the City Clerk no later than 3:00 p.m. the day of the meeting.

a. Written comments will not be read into the record.

b. Written comments will be distributed by the City Clerk to the City Council in advance of the meeting.

a-c. Written comments will be uploaded to the public meeting portal as soon as practical.

2. Persons wishing to address the Council via tele/video conferencing must register with the City Clerk's Office no later than 3:00 p.m. the day of the meeting.

3. Persons attending in person need not register in advance.

#### **2.3. Quorum**

A. At all meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business.

B. Voting shall remain consistent with RCW 35A.12.120. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170,)

**Commented [EE6]:** This still needs consensus from City Council

C. Quorum outside of regular meetings and workshops. If Council is requested to attend events the Executive Assistance of the City Manager shall reach out to City Councilmembers to determine how many will be in attendance. If a quorum is established the Executive Assistant will communicate with the City Clerk to post a quorum for the event.

- a. Should Councilmembers be in attendance at an event that was not posted and four or more show up, then the last Councilmember(s) to arrive shall leave so there is no violation of the Open Public Meetings Act.

#### **3.4. Seating Arrangement**

Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the City Clerk.

#### **4.5. Attendance**

##### **A. Unexcused Absences:**

1. A Councilmember's responsibility to attend Council meetings should not be taken lightly, nor should a decision to remove a Councilmember for missing meetings.
2. Pursuant to RCW 35A.12.060 "a council position shall become vacant if the Council member fails to attend three consecutive regular meetings of the Council without being excused by Council."

##### **B. Excused Absences:**

1. Members of the Council may be excused from meetings with prior notification to the Mayor, City Clerk, and City Manager prior to the meeting, and by stating the reason for the inability to attend.
  - a. Following roll call, the City Clerk shall inform the presiding officer of the member's absence. The presiding officer shall inquire if there is a motion to excuse the member. The motion shall be non-debatable.
  - b. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the City Clerk shall make an appropriate notation in the minutes.
2. Example of excused absences are:
  - a. Personal illness or medical emergency.
  - b. Family emergency or urgent family matters.
  - c. Pre-approved personal or professional commitments.
  - d. Conflicts related to city-related business such as travel, testimony hearings, regional/state committee assignments, and the like.
  - e. Other exceptional circumstances as agreed upon on a case-by-case basis by a majority of those members present.

##### **C. Requesting an Excused Absence:**

1. Council members are required to provide one business day's advance notice if they need to absent from a scheduled City Council meeting or workshop.
  2. Notice must be given to both the City Manager and the Mayor. The City Manager (or designee) will notify the full Council and City Clerk of the absence prior to the meeting.
  3. In cases of emergency or sudden illness, Councilmembers may provide less notice. Councilmembers shall notify both the City Manager and the Mayor as soon as reasonably possible, explaining the general nature of the emergency or illness.
  4. A request for an excused absence will not be accepted beyond the subsequent regular meeting following the absence.
  5. Petitions to reconsider an unexcused absence are subject to Roberts Rules of Order.
- D. Leave of Absence: A Councilmember whose serious health or physical condition would prevent them from performing their duties may request a leave of absence under the following conditions:
1. Such serious health or physical condition must be certified in writing by a medical physician. Medical records from a medical provider are confidential from disclosure under the Washington State Health Care Information Act, RCW 70.02.
  2. The request for a leave of absence shall be in writing and hand-delivered or mailed to the Mayor and City Manager at least one week prior to the date when such leave would commence.
  3. The request for a leave of absence must state the anticipated date the Councilmember will resume their duties.
  4. By a majority vote of the whole Council, a leave of absence shall be granted with the following conditions:
    - a. The absence shall not exceed 90 days from the date the motion is passed by Council;
    - b. The absent Councilmember shall retain pay and medical benefits during the leave of absence;
    - c. At the end of the leave of absence, the absent Councilmember shall either:
      - i. Return to normal Council duties commencing with the first Tuesday following the end of the leave; or
      - ii. Resume status as an active-duty Councilmember, subject to the attendance requirement of RCW 35A.12.060.
  5. A leave of absence of any duration may only be granted twice during a Councilmember's four-year term, with a minimum of six months between the end date of the prior request and the beginning date of the subsequent request.

6. Councilmembers on a leave of absence shall not be replaced with a pro-tem Councilmember. The long-term absence of a Councilmember will require diligence by the remaining members to ensure a quorum and that majority votes are not negatively impacted by absences from other Councilmembers.

**E. Tele/Video Conferencing (Attendance by remote technology, KMC 2.04.048)**

1. To the extent consistent with applicable state law, Councilmembers may attend and participate in a Council meeting remotely ("Remote Attendance") utilizing a City-approved virtual platform.
2. Any Councilmember intending to utilize remote attendance for a meeting shall provide at least six-hours' notice prior to the scheduled meeting of such intent to the City Clerk and City Manager to allow adequate staff time to setup the required equipment together with their other meeting-related functions.
3. During any meeting that a Councilmember is attending via remote communication, the City Clerk shall state for the record that a particular Councilmember is attending via remote communication.
4. Councilmembers attending remotely are responsible to ensure familiarity with the meeting platform, connecting to the voting platform, having basic knowledge of their city-owned and personal equipment, and the ability to secure a reliable connection.
5. Councilmembers should immediately report any technical difficulties with City-owned equipment to the technology department in order to resolve any problems prior to the scheduled meeting.
6. Staff will assist with testing and troubleshooting virtual connections between 5:45 and 6:00 p.m. the day of the meeting.
7. A remote attendee must maintain the ability to listen and speak to all audience members and Councilmembers for the full duration of the meeting. Video is recommended but optional.
8. Any Councilmember utilizing remote attendance shall bear the risk that the virtual platform may fail and effectively prevent the Councilmember's attendance and participation at the meeting.
  - a. If connection cannot be established, is lost, or the audio is too poor to allow meaningful communication, the Councilmember will be considered absent. A decision to excuse the absence is at the discretion of Council.
  - b. Except to the extent necessary to ensure a quorum, no such malfunction or operational failure shall require the adjournment, continuation or cancelation of any Council meeting, or the postponement of any Council vote; provided, that the City Council may in its sole discretion vote to adjourn, continue or cancel a meeting, or postpone a Council vote, as deemed appropriate to respond to a malfunction or operational failure of the virtual platform.

9. Remote attendance is optional; Councilmembers are responsible for the cost of Wi-Fi, internet/cellular service, and any other related expenses.
10. In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation necessary and the Council is confident in the security of such remote communications.

#### 5.6. Respect and Decorum

- A. It is the duty of the Mayor and Council to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, the Mayor shall preserve order and decorum and no member of the public shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any member while speaking. Council and the public shall obey the proper orders of the Mayor.
- B. Any person making disruptive, disparaging or impertinent remarks or unreasonably interrupting the business of the Council, while addressing the Council or attending the proceedings, shall be asked to leave or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as set forth in the Ethics Policy.
- C. Council members shall refrain from using personal electronic devices at the dais during meetings, except in the case of an emergency.

#### 6.7. Adjournment Due to Emergency or Disruption

In the event of an emergency such as a fire or other natural or catastrophic disaster, threatened violence, or inability to regain or retain good order, the Presiding Officer shall forthwith declare a recess, adjourn, or continue the meeting, and the City Council as well as everyone in the room shall immediately leave the meeting room and if necessary, leave the building. The presiding Officer may reconvene the meeting when it has been determined by the appropriate safety officials that it is safe to do so.

#### 7.8. Permission Required to Address the Council

Persons other than Council and Administration may be permitted to address the Council at the proper time upon recognition and/or introduction by the Mayor or designee. A Councilmember or the City Manager may request the Mayor to recognize other citizens that would like to speak

#### 8.9. Parliamentary Procedures at a Glance

| <u>Roberts<br/>Rules of<br/>Order §</u> | <u>IF YOU<br/>WANT TO</u>                                                                         | <u>YOU SAY</u>                                                                                                                    | <u>INTERRUPT</u> | <u>NEED<br/>2<sup>ND</sup></u> | <u>Can be<br/>Debated</u> | <u>Can be<br/>Amended</u> | <u>VOTE</u>     |
|-----------------------------------------|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------------|---------------------------|---------------------------|-----------------|
| <u>11</u>                               | <u>Postpone<br/>indefinitely (the<br/>purpose is to<br/>prevent action<br/>or kill an issue.)</u> | <u>I move to postpone . . .<br/>. (an affirmative vote<br/>can be reconsidered; a<br/>negative vote cannot.)<br/>indefinitely</u> | <u>No</u>        | <u>Yes</u>                     | <u>Yes</u>                | <u>No</u>                 | <u>Majority</u> |
| <u>12</u>                               | <u>Modify wording<br/>of motion</u>                                                               | <u>I move to amend the<br/>motion by . . .</u>                                                                                    | <u>No</u>        | <u>Yes</u>                     | <u>Yes</u>                | <u>Yes**</u>              | <u>Majority</u> |

|    |                                                     |                                                                       |            |            |            |            |                       |
|----|-----------------------------------------------------|-----------------------------------------------------------------------|------------|------------|------------|------------|-----------------------|
| 14 | <u>Postpone to a certain time</u>                   | <u>Ex: I move to postpone the motion to the next Council meeting.</u> | <u>No</u>  | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Majority</u>       |
| 16 | <u>Close debate</u>                                 | <u>I move the previous question, or I call for the question ***</u>   | <u>No</u>  | <u>Yes</u> | <u>No</u>  | <u>No</u>  | <u>Majority*</u>      |
| 17 | <u>To Table a motion</u>                            | <u>I move to lay on the table, the motion to</u>                      | <u>No</u>  | <u>Yes</u> | <u>No</u>  | <u>No</u>  | <u>Majority</u>       |
| 19 | <u>Complain about noise, room temperatures etc.</u> | <u>Point of Privilege</u>                                             | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Chair decision</u> |
| 20 | <u>Take break</u>                                   | <u>I move to recess for ...</u>                                       | <u>No</u>  | <u>Yes</u> | <u>No</u>  | <u>Yes</u> | <u>Majority</u>       |
| 21 | <u>Adjourn meeting</u>                              | <u>I move to adjourn</u>                                              | <u>No</u>  | <u>Yes</u> | <u>No</u>  | <u>No</u>  | <u>Majority</u>       |
| 23 | <u>Object to procedure or personal affront</u>      | <u>Point of Order</u>                                                 | <u>Yes</u> | <u>No</u>  | <u>No</u>  | <u>No</u>  | <u>Chair decision</u> |
| 25 | <u>Suspend rules</u>                                | <u>I move to suspend the rules and ...</u>                            | <u>No</u>  | <u>Yes</u> | <u>No</u>  | <u>No</u>  | <u>Majority*</u>      |
| 34 | <u>Take matter from table</u>                       | <u>I move to take from the table the motion to</u>                    | <u>No</u>  | <u>Yes</u> | <u>No</u>  | <u>No</u>  | <u>Majority</u>       |
| 35 | <u>Reconsider something already disposed of</u>     | <u>I move we reconsider action on.....</u>                            | <u>No</u>  | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Majority</u>       |

## **10. Placing items on an Agenda**

A. The Mayor and the City Manager both have authority to add items to the agenda. If a Councilmember requests to have an item added to the agenda and the neither the Mayor or the City Manager add the requested item then during *Council Comments/Discussion* portion of the meeting a Councilmember may request to have items placed on a future agenda. Each request shall be treated separately. The following process shall be used to propose an item for a future meeting:

1. A Councilmember makes a motion to place a topic on a future agenda and gives a brief explanation of the issue and its importance to the City.
  1. A second is made. In the absence of a second, the motion fails and is not further considered.
2. The Mayor will ask the City Clerk to start a vote for adding the item to the agenda.
3. The City Manager, in recognition of his/her familiarity with the staff's workload, shall determine when the item can be prepared and brought forward to the City Council, unless the City Council wants to discuss the item prior to the staff's involvement.

## **11. Recusal From Discussion and Consideration**

A. Situations may arise when a Councilmember should consider whether to recuse themselves from the consideration and decision-making on a particular item.

These situation can arise in various ways, including having an interest in a contract being considered by the City, or when a Councilmember has a bias in some fashion regarding an issue before the Council.

1. *Prohibited acts.* There are some conflicts which cannot be waived, and some actions in which Councilmembers shall not engage. RCW 42.23.070 prohibits municipal officers from:
  1. Using “his or her position to secure special privileges or exemptions for himself, herself, or others.”
  2. Directly or indirectly giving or receiving or agreeing to receive “any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer’s services as such an officer unless otherwise provided for by law.”
  3. Accepting employment or engaging in business or professional activity that “the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.”
  4. Disclosing confidential information “gained by reason of the officer’s position, nor may the officer otherwise use such information for his or her personal gain or benefit.”
2. *Conflict of interest – contracts.* In contractual matters, Councilmembers are required to avoid directly benefitting from contracts entered into by the City. When a Councilmember is aware that they may benefit from such a contractual relationship, they are required to recuse themselves. Other situations may arise where a Councilmember may indirectly benefit. In these circumstances, the determination of whether a conflict of interest exists such that they should recuse themselves will have to be made by that Councilmember based on facts and circumstances known at the time.
3. *Bias for or against a proposed action.* There will be situations for each Councilmember where, based upon their current or prior work or personal relationships, the Councilmember may not be able to participate in a discussion and decision on a given issue because they likely can’t be objective. In such an event, the Councilmember must give due consideration to their potential to be predisposed and whether they believe they can objectively consider and decide on the issue. If the answer is yes, then the Councilmember may proceed. If this self-analysis is difficult as to whether the Councilmember can be objective, but the determination is that they can, the Councilmember should strongly consider disclosing the nature of the potential bias to

the Council and then announce whether they believe they can or cannot proceed. If the Councilmember does not believe they can be reasonably objective, they should recuse themselves from the discussion and consideration. The purpose for recusal under such circumstances is that the Council wants the public to have the utmost confidence that decisions are made objectively and that all citizens and businesses will be treated equally and fairly.

4. Appearance of Fairness Doctrine: The Appearance of Fairness Doctrine is a rule of law requiring government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and fact. It was developed by the courts as a method of insuring that due process protections, which normally apply in courtroom settings, extend to certain types of administrative decision-making hearings, such as rezones of specific property. The doctrine attempts to make sure that all parties to an argument receive equal treatment.

1. The doctrine requires that adjudicatory or quasi-judicial public hearings meet two requirements:

2. They must be procedurally fair.

3. They must appear to be conducted by impartial decision-makers.

5. Process and Disclosure: When a Councilmember determines recusal is appropriate, or when it is required by law, the Councilmember shall announce that they need to recuse themselves, explain the factual circumstances, and then step off the dais and out of the Council chambers. A staff member will retrieve the Councilmember once that issue is finished being discussed. The determination of whether to recuse oneself from an issue, and then formally recusing, shall occur before any discussion has taken place on that issue to ensure that Councilmember does not participate in the matter in any fashion.

#### **9.12. Ordinances (KMC 2.04.150, 160, and 170)**

##### **A. General.**

1. An ordinance, once enacted, is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty.

2. An ordinance is a legislative act within its sphere as much as an act of the State Legislature.
3. The general guiding principle is that ["actions relating to subjects of a permanent and general character are usually regarded as legislative and those providing for subjects of a temporary and special character are regarded as administrative"] (*Durocher v. King County*, 80 Wn.2d 139, 153, 492P2d 547(1972).)

#### B. Sponsorship

##### 1. Councilmember Sponsorship

- a. When a Council member wishes to assume sponsorship or advocacy of an ordinance or resolution, he/she should so announce the sponsorship in open session, make the initial motion, provide an introduction and advocate the measure before the Council.
- b. The Mayor/Mayor Pro Tem then may assign the proposed ordinance to the administration or the Council of the whole for consideration. The committee or administration shall report its findings to the Council.

##### 2. Sponsorship by Others:

- a. The City Manager and the City Attorney may propose the drafting of ordinances and resolutions.
- b. Citizens, boards and commissions may also propose consideration of ordinances and resolutions.

#### C. Repeal

1. Any ordinance repealing any portion of the Kennewick Municipal Code shall also repeal the respective portions of the underlying ordinance(s).
2. Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions, or decisions occurring before such repeal.

#### **10.13. Resolutions**

A resolution, once enacted, is an administrative act, which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of legislative policy more formal than a motion is desired.

#### **11.14. Ceremonial Proclamations. (For Proclamation of Emergency, see KMC 10.22, Emergency Powers.)**

- A. Ceremonial proclamations are not issued on matters related to politics, ideological or religious beliefs, matters of international diplomacy, individual conviction, and on behalf of profit-making or commercial entities (with the exception of events sponsored by the Tri-Cities Regional Chamber of Commerce, Port of Kennewick, or the Historic Downtown Kennewick Partnership).

- B. All ceremonial proclamations will be prepared by the City Clerk and signed by the Mayor and City Clerk.
- C. Tri-City Regional Chamber of Commerce Sponsored Events:
  - 1. The City shall create and have published Mayoral proclamations celebrating the grand openings, ribbon cutting ceremonies, groundbreaking events, and other economic-development growth.
  - 2. These proclamations shall be presented to the business owner at the event with a copy retained by the City Clerk's office.
- D. Days of Celebration and Awareness:
  - 1. Annually, the City Clerk will prepare for the City Council's approval, a list of ceremonial proclamations to create public awareness and recognition of a cause or matter of significance to the Kennewick community.
  - 2. These proclamations shall be presented at a regular Council meeting to the recipient with the official copy included in the official record.

#### **15. Public Hearings**

- A. Public hearings are held to obtain public input on legislative decisions on matter of policy, some of which may be required by state law.
- B. Public hearing process is as follows:
  - 1. All public comment shall be given from the speaker's podium or by unmuting for the virtual platform once called upon.
  - 2. All individuals must state their name and place of residence.
  - 3. All public comment shall be limited to three minutes per speaker and members of the public are not permitted to give any of their own speaking time to other members of the public.
  - 4. Individuals can only speak once per issue.
  - 5. There shall be no demonstrations, applause or other audience participation, before, during, or at the conclusion of anyone's presentation. Such expressions are disruptive and take time away from the speaker.

#### **12.16. Reconsideration.**

- A. Any action of the Council, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider except for:
  - 1. Any action previously reconsidered,
  - 2. Motions to adjourn or motions to suspend the rules,
  - 3. An affirmative vote to lay an item on, or take an item from, the table,
  - 4. Or a vote electing to office one who is present and does not decline.

- B. Such motion for reconsideration can only be made by a member of the prevailing side on the original action.
- C. A motion to reconsider must be made no later than the next succeeding regular Council meeting.
- D. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable.
- E. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion and/or action.

## CHAPTER 2: LEGISLATIVE PROCESS AND PROCEDURES

The City of Kennewick is a non-charter optional municipal code city, operating under Title 35A of the Revised Code of Washington with a council/manager form of government. The following subchapters are the authority for the City Council to regulate itself.

### A. Election of Councilmembers—Eligibility—Terms—Vacancies—Forfeiture of Office—Council Chair

**RCW 35A.13.020:** “In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro temp or councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.”

### B. Council meetings —Quorum — Rules — Voting

**RCW 35A.13.170:** “All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.”

### C. Selection of Officers – Mayor.

The procedures for choosing a Mayor is as follows:

1. Pursuant to RCW 35A.13.030, biennially, at the first meeting of the new Council, the members thereof shall choose a chair and from among their number by majority vote. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. The Mayor shall not be filled by the same Councilmember for more than two consecutive terms.
2. Each Councilmember is automatically nominated for the position of Mayor. There is no need for additional nominations or seconding.
3. The City Clerk initiates the voting process by calling upon each Councilmember in reverse alphabetical order (using their last name).
4. As the City Clerk calls each Councilmember, the Councilmember states their vote aloud, (including themselves if they wish).
5. The City Clerk records each vote on the tally sheet as it is cast.
6. The first Councilmember to receive four votes is declared the Mayor. The City Clerk announces the results immediately.

**Commented [EE7]:** This is just meant as a placeholder to get consensus from Council if they want term limits for the Mayor?

7. If no Councilmember receives four votes in the initial round, or if there is a tie, the City Clerk will repeat the voting process as if the prior round did not occur. The Councilmembers are called upon again in reverse alphabetical order to cast their votes. This process continues, up to three times for a total of four rounds.
  - a. If, at the end of four voting cycles a preferred Mayor is not selected, the two persons receiving the most number of total votes will advance to a tie breaker round.
  - b. The tie will be broken by the toss of a coin.
    1. The City Manager will assign “heads” to one candidate and “tails” to the other candidate.
    2. The City Clerk will toss the coin and announce the result of the coin toss.
8. Once a Councilmember achieves the required four votes, or the tie is broken by a coin flip, the City Clerk formally announces the new Mayor.
9. The new Mayor assumes their position immediately and presides over the balance of the meeting.

**D. Selection of Officers – Mayor Pro Tem.** The procedure for choosing a Mayor Pro Tem is as follows:

1. Pursuant to RCW 35A.13.035, biennially, at the first meeting of the new council, the members thereof shall choose a Mayor Pro Tem from among their number by majority vote. The Mayor Pro Tem shall serve in the absence or temporary disability of the mayor. The Mayor Pro Tem shall continue to have all the rights, privileges and immunities of a member of the Council. The Mayor Pro Tem shall not be filled by the same Councilmember for more than two consecutive terms.
2. Each Councilmember, with the exception of the Mayor, is automatically nominated for the position of Mayor Pro Tem. There is no need for additional nominations or seconding.
3. The Mayor initiates the voting process by calling upon each Councilmember in alphabetical order (using their last names).
4. As the Mayor calls each Councilmember, the Councilmember states their vote aloud, (including themselves if they wish).
5. The City Clerk records each vote on the tally sheet as it is cast.
6. The first Councilmember to receive four votes is declared the Mayor Pro Tem. The Mayor announces the results immediately.
7. If no Councilmember receives four votes in the initial round, or if there is a tie, the Mayor will repeat the voting process as if the prior round did not occur. The Councilmembers are called upon again in alphabetical order to cast their votes. This process continues, with as many rounds as necessary, until a Councilmember secures four votes. This process continues, up to three times for a total of four rounds.

**Commented [EE8]:** Same as above- does council want terms for Mayor Pro Tem?

- a. If, at the end of four voting cycles a preferred Mayor Pro Tem is not selected, the two persons receiving the most number of total votes will advance to a tie breaker round.
  - b. The tie will be broken by the toss of a coin.
    1. The City Manager will assign “heads” to one candidate and “tails” to the other candidate.
    2. The City Clerk will toss the coin and announce the result of the coin toss.
  8. Once a Councilmember achieves the required four votes, or the tie is broken by a coin flip, the Mayor formally announces the new Mayor Pro Tem.
  9. The new Mayor Pro Tem assumes their position immediately.
- ~~**E. Attendance, Excused Absences, Forfeiture of Office.**— RCW 35A.12.060 (referenced through RCW 35A.13.020) provides that a Councilmember may forfeit his/her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section:~~
- ~~1. The member shall email the Mayor, City Manager, and City Clerk at least two hours prior to the meeting and state the reason for his/her tardiness/ inability to attend the meeting.~~
  - ~~2. Following roll call, the Mayor shall inform the Council of the member's tardiness/absence, state the reason for such tardiness/absence, and inquire if there is a motion to excuse the member. If made, the motion shall be non-debatable.~~
  - ~~3. Upon passage of such motion by a majority of members present, the tardy/absent member shall be considered excused.~~
  - ~~4. If the motion does not pass or a motion to excuse is not presented, the member will be considered unexcused.~~
  - ~~5. The City Clerk will note whether the absence is excused or unexcused in the minutes.~~
- ~~**F. Unexcused Tardy/Absence Reconsideration.**— A Councilmember with an unexcused tardy/absence due to an extraordinary circumstance (emergencies, illness, accident, unforeseen urgent business, etc.) may seek an excused absence.~~
- ~~1. Under Roll Call at the next regular business meeting following the tardy/absence, the Councilmember may request that the Council reconsider.~~
  - ~~2. The Councilmember must state the reason for his or her absence or tardiness and the circumstances that prevented proper notice.~~
  - ~~3. The Mayor shall inquire if there is a motion from the prevailing side to reconsider the previous motion to excuse the member. This motion shall be debatable.~~
  - ~~4. In the event a motion was not presented at the prior meeting, the Mayor shall inquire if there is a motion to excuse the absence.~~

~~5. Upon passage of such motion by a majority of members present, the tardy/absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes of both meetings.~~

**G.E. Filling Council Vacancies.** If a vacancy occurs on the City Council, the Council will follow the procedures outlined in RCW 35A.13.020.

1. In order to fill the vacancy with the most qualified person available until an election is held, a notice of the vacancy shall be published in the newspaper of record by the City Clerk and placed upon the website and any other outlets deemed appropriate by the City's Public Information Officer (PIO) as soon as possible after the vacancy occurs so that the position may be filled at the earliest opportunity.
2. The City Clerk shall prepare an application which contains relevant information and may include questions relating to city business.
3. The City Clerk shall distribute the application form and procedures for applying.
4. The City Clerk shall notify applicants of the appointment process.
5. The City Clerk, in coordination with the Benton County Auditor, shall confirm the eligibility of each applicant to fill the unexpired term.
6. The Council may review the qualifications of applicants during an executive session pursuant to RCW 42.30.110 (6).
7. The Council may interview the applicants in an open public meeting.
8. Action including nominations and voting will take place at a meeting open to the public. Balloting will continue up to a total of four times until a nominee receives a majority of votes and then the Mayor shall declare the nominee receiving the majority vote as the new Council member.
  - a. If, at the end of four voting cycles a preferred candidate is not selected, the two persons receiving the most number of total votes will advance to a tie breaker round.
  - b. The tie will be broken by the toss of a coin.
    3. The City Manager will assign "heads" to one candidate and "tails" to the other candidate.
    4. The City Clerk will toss the coin and announce the result of the coin toss.
9. The new Councilmember shall be sworn into office by the City Clerk no later than the next regularly scheduled City Council meeting.

#### **F. Legislative Agenda**

1. Councilmembers work each year to draft a "legislative agenda" to address Council ideas, suggestions and specific legislative programs in terms of upcoming or pending legislative activity in Olympia that would or could have an effect on our city. Additionally, Councilmembers can also choose to work each year to draft a separate "legislative agenda" to address concerns on a national level.

**Commented [EE9]:** New concept for Council consideration – this keeps the power in Council's hands. If RCW is followed and Council cannot make a decision it goes to Benton County to complete the appointment

#### **G. Council Compensation and Reimbursement**

1. Council compensation is set in KMC 2.04.075 and is updated every odd year to include 4 years of projected salaries.
2. Travel and Business Expense Policy – Council shall follow the City’s Travel Policy and Procedure for expenses incurred while on official city business. A copy of this policy is in **Appendix B**.
- 1.3. Cancellation – A Councilmember shall adhere to cancellation deadlines when canceling conferences, seminars, regional meetings, hotel, and airfare, or any other pre-payment or obligation made on his/her behalf. Except in the case of a personal or family emergency, or in the event the cancellation was a City business decision, expenses incurred by the City resulting from failure to conform to cancellation deadlines are the personal responsibility of the Councilmember and the Finance Department shall be informed. Those expenses shall be repaid to the City within fourteen (14) calendar days of cancellation.

## CHAPTER 3: COUNCIL CONTACTS AND ROLES

### A. Council Contacts and Interactions

1. Council Representation.
  - a. All Council members shall represent the City and their positions in an appropriate manner. That includes social media, photos, dress and language.
  - b. If the Councilmember appears on behalf of the City before another governmental agency, another organization, through the media or otherwise speaks to an issue on which the council has taken a position, the council member will state the majority position of the Council, if known, on such issue.
  - c. Personal opinions and comments which differ from the council majority may be expressed if the council member clearly states that these statements do not represent the Council's position.
  - d. Any correspondence with the media shall be communicated to all members of the council. Any meetings with City employees must be arranged in advanced through the City Manager.
  - e. Communication with non-elected public sector officials shall be communicated through the City Manager and the Council informed.
2. Social Media.
  - a. Councilmembers shall not use social media as a mechanism for conducting official City business, although it is permissible to use social media to informally communicate with the public.
  - b. Examples of what may not be communicated through the use of social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not been released to the public.
  - c. As with telephone and e-mails, communication between and among Councilmembers via social media could constitute a "meeting" under the Open Public Meetings Act, and for this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers, and adding reactions ("likes") to posts from other Councilmembers.

### B. Staff Contacts and Interactions

1. Role of the City Manager. (KMC 2.04.080)
  1. The City Manager is the chief administrative officer of the City of Kennewick. The City Manager is directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments. The powers and duties of the City Manager are defined by Washington law RCW 35A.13.080. Such duties may be expanded by Ordinance or Resolution. Balanced with the City Manager's accountability to the City Council for policy implementation is the need for the Council to allow the City Manager to perform legally defined duties and

responsibilities without interference by the City Council in the management decisions of the City Manager.

- a. ~~The City Manager is the Chief Executive Officer of the City of Kennewick.~~
- b. ~~The Manager is appointed by and directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments.~~
- c. ~~The powers and duties of the City Manager are defined by Washington law, RCW 35A.13.080. Such duties may be expanded by Ordinance or Resolution. Balanced with City Manager's accountability to the City Council for policy implementation is the need for the Council to allow the City Manager to perform legally defined duties and responsibilities without interference by the City Council in the day-to-day management decisions of the City Manager.~~

~~1. City Manager—Powers and duties. (RCW 35A.13.080).~~

~~“The powers and duties of the City Manager shall be:~~

- a. ~~To have general supervision over the administrative affairs of the code city;~~
- b. ~~To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four-year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the City Manager;~~
- c. ~~To attend all meetings of the council at which his attendance may be required by that body;~~
- d. ~~To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;~~
- e. ~~To recommend for adoption by the council such measures as he may deem necessary or expedient;~~
- f. ~~To prepare and submit to the council such reports as may be required by that body or as he/she may deem it advisable to submit;~~
- g. ~~To keep the council fully advised of the financial condition of the code city and its future needs;~~

- ~~h. To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;~~
- ~~i. To perform such other duties as the council may determine by ordinance or resolution." (RCW 35A.13.080)~~

2. Administrative Interference by Councilmembers (RCW 35A.13.120).

- a. Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs."

3. City Clerk - Minutes - Public Information Access ~~(KMC 2.04.090).~~

- a. The City Clerk is an appointed member of the Executive Department under direction of the City Manager.
- b. The City Clerk is the keeper of the public record.
- c. He/she shall be ex-officio Clerk-of-the-Council and shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager.
- d. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council.
- e. Generally, in accordance with Robert's Rules of Order, the minutes shall mainly record the action taken by the Council and not what is said by the members, unless such information explains a member's vote or the member states that he / she would like something on the record. ~~Each topic discussed at the Council meeting shall be time-stamped in the minutes for the ease of one who wishes to listen to the audio recording of the meeting.~~
- f. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any.
- g. The City Clerk shall make audio recordings of all public hearings, regular and special Council meetings, and all land use and quasi-judicial proceedings. Access to the recordings shall be made reasonably available to any party who so requests, according to City public information procedures and State retention schedules.

4. City Staff – Attendance at Meetings [KMC 2.04.110](#).

- a. Attendance at meetings by City staff shall be at the discretion of the City Manager.
- b. It is the intent of the Council that the Manager schedule adequate administrative support for the business at hand but also to protect the productive capability of Department Heads.

## CHAPTER 4 COMMITTEES, BOARDS, AND COMMISSION

The City of Kennewick has established Boards and Commissions and a Hearing Examiner System by ordinance which are governed and more fully described under the Kennewick Municipal Code Chapter 2.16. The following references highlight the major aspects of Boards and Commissions and Council's role in managing them.

### A. Qualification (KMC 2.16.90).

1. Generally, members shall be residents of the City or an owner of a business whose primary office is located within the City, not employees or appointed or elected officers of the City, and qualified by experience or education to effectively perform their duties as members. When exceptions to this rule exist, they are described in the board/commission section of the Kennewick Municipal Code.
2. Immediate family members of sitting council members may not serve on the Planning Commission.
3. Council members shall recuse themselves from voting on family member assignment to a board, commission, or committee.

### B. Attendance Requirements (2.16.970).

1. All members of boards, commissions or agencies shall be removed from their appointment if they have two or more unexcused absences in any calendar year.
2. The expected minimum standard of attendance at all meetings is 75 percent, regardless of whether absences are excused or unexcused.

### C. Filling of Vacancies (2.16.960).

1. Alternate Members
  - a. The City Council may appoint alternates to the Boards and Commissions during the annual selection process.
  - b. The alternate has the same qualification and attendance requirements as a voting member but does not vote unless a quorum of regular members is not established.
  - c. An alternate in good standing will be appointed to fill any vacancy of an unexpired term.
    - i. If more than one alternate is assigned to a board, the Board will select the alternate to fill the vacancy for the duration of the term.
2. If an alternate has not been appointed, ~~and the annual selection process is more than six months in the future,~~ the City Council, through the Interview Committee Process, will appoint a new committee member to fill the vacancy of an unexpired term.
3. ~~If there are fewer than six months before the annual appointment process commences, the position will remain vacant until the annual appointment process.~~

**Commented [EE10]:** Another for Council consideration (Torelli comment) why don't they get the same as Council – 3? This would need a KMC update to change.

**Commented [EE11]:** Torelli Comment for consideration- do we want alternates on non-paid board that have to follow the same standards (i.e. attendance) as regular members. Does this discourage them from being a future applicant?

4.3. If, through an error or omission, term date of a sitting board member is discovered to have been miscalculated, staff will reassign the position's term date as if the error had not occurred and bring the correction to Council for approval.

D. ~~Established Boards and Commissions~~Citizen Committees Boards and Commissions  
(KMC 2.16)

1. The Council may create committees, boards, and commissions to assist in the conduct of the operation of the city government with such duties as the Council may specify not inconsistent with the Kennewick Municipal Code.
2. Membership and selection of members shall be as provided by the Council if not specified by the Kennewick Municipal Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager except as otherwise specified by the Kennewick Municipal Code.
3. The Council may remove any member of any board or commission prior to the expiration of their term of office by a vote of at least a majority of the Council.

**Commented [EE12]:** Language from KAC 7-28 – will replace that section of the KAC

2.4. Established boards and commission

- a. Department of Emergency Services (KMC 2.16.010)
- b. Historic Preservation Commission (KMC 2.16.100)
- c. Planning Commission (RCW 35.63 and KMC 2.16.200)
- d. Civil Service Commission (KMC 2.16.300)
- e. Parks and Recreation Commission (KMC 2.16.400)
- f. Arts Commission (KMC 2.16.420)
- g. Disability Board (KMC 2.16.500)
- h. Block Grant Advisory Committee (KMC 2.16.520)
- i. Housing Authority (KMC 2.16.600)
- j. Fire Pension Board (RCW 41.16 and KMC 2.16.820)
- k. Public Facilities District (KMC 2.16.840)
- l. Lodging Tax Advisory Committee\*
- m. Tourism Promotion Area Commission\*
- n. The Tri-Cities Regional Hotel Motel Association\*

**Commented [KT13]:** This is currently missing from the KMC and should be added per Dan & Lisa.

**Commented [KT14]:** This also may need to be added to the KMC – not sure.

**Commented [KT15]:** This is a confusing one – is it worth including here? It's established by the interlocal agreement between the Cities. Each City has two appointees to the Commission and this Commission makes member recommendations to the TPA and the TPA member is the LTAC appointee.

\*Indicates boards and commissions not appointed through the Interview Committee process.

### 3.5. Interview Committee (KMC 2.16.030)

There shall be an Interview Committee established consisting of three Council Members who shall interview applicants and make recommendations for appointment by the City Council

#### a. Interview Committee – Powers and Duties.

- I. All candidates will be interviewed by the Interview Committee unless an exceptionally large number of applications are received and the committee decides, after screening the applications, to interview a smaller number of applicants. If insufficient applications are received, the Interview Committee may decide to re-advertise.
- II. The Interview Committee shall evaluate each applicant on an objective basis utilizing the following criteria:
  - 1) Residency: Unless otherwise provided, members of boards, commissions or agencies shall be residents of the City, not employees or appointed or elected officers of the City, and qualified by experience or education to effectively perform their duties as members. (KMC 2.16.930)
  - 2) Contributive Potential: The Interview Committee shall evaluate the potential contribution that each applicant may make if appointed to a City board, commission or committee. Factors to guide the Committee in its evaluation of this could include desire to perform public service; ability to express ideas, concepts or philosophies; experience in the community on other boards and committees; special knowledge important to a particular board or commission.
  - 3) Time Available to Serve. The expected minimum standard of attendance at all meetings is 75%, regardless of whether absences are excused or unexcused.

#### b. Reappointment

- I. There is not a vested right to reappointment for any position. An incumbent seeking reappointment must so indicate by submitting the appropriate application form confirming their desire for

**Commented [EE16]:** This is also language from the KAC 7-28 to replace that policy here.

reappointment. No reappointments will be made automatically. (KMC 2.16.925)

II. In considering reappointment, the Interview Committee shall also evaluate the candidate using the following performance criteria:

- 1) Regularity of attendance;
- 2) Understanding of committee or commission function;
- 3) Effectiveness;
- 4) Demonstrated contribution during past term of office on issues, programs, policies, etc., of the advisory board, committee or commission; and
- 5) Number of terms served.

I. After each applicant or member has been interviewed, the committee shall forward a recommendation to the full Council for consideration.

c. Term of office. The term of office for members of boards, commissions and committees which are not for an indefinite period shall commence on the 1<sup>st</sup> day April and end on the 31<sup>st</sup> day of March, unless another date is prescribed by statute or ordinance. (KMC 2.16.920)

d. Filling of Vacancies. Of a vacancy should occur prior to the expiration of a term, a new committee member shall be appointed by a majority vote of the City Council to complete the remainder of the unexpired term. (KMC 2.16.960)

#### **E. Council Relations with Private Boards, Commissions and Advisory Bodies**

1. The purpose of these appointments is to provide Council with insight into areas of interest or concern within each board. As liaisons and representatives of the City, it is the duty of Councilmembers to remember that their sole purpose in attending these meetings and participating as an appointed board/committee member is to represent the City; and as such during those meetings. Councilmembers may not act as a representative of any other business, group or organization without the express consent of the Council

2. Councilmembers are encouraged to share with all Councilmembers, copies of minute from any statutory board, commission, or committees on which they serve and participate. Communication from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter form the Mayor. Any member of the Council may also bring such communication to the Mayor's attention under *Council Comments/Discussion or Approval of the Agenda* if any member of the Council request that any such communication be officially answered by the Council.

## Appendix A: Frequently Used Acronyms

AACE - American Association of Code Enforcement

ADA - Americans with Disabilities Act

ADT - Average Daily Traffic

AWC - Association of Washington Cities

CAFR - Comprehensive Annual Financial Report

CDBG - Community Development Block Grant

CIP - Capital Improvement Plan

CM – City Manager

CM/AQ - Congestion Mitigation & Air Quality Program

COVID-19 – CO=corona, VI=virus, & D=disease; 2019 novel coronavirus; infectious disease caused by severe acute respiratory syndrome coronavirus 2; WHO declared it a global pandemic March 2020

CTR - Commute Trip Reduction (legislation)

CUP - Conditional Use Permit

DEIS - Draft Environmental Impact Statement

DEM - Department of Emergency Management

DNR - Department of Natural Resources

DNS - Declaration of Non-Significance

DOC – Department of Commerce

DOE - Department of Ecology; Department of Energy

DOT - Department of Transportation (also WSDOT)

EA - Environment Assessment

EDC - Economic Development Council

EEO/AA - Equal Employment Opportunity/Affirmative Action

EEOC - Equal Employment Opportunity Commission

EIS - Environmental Impact Statement

**EOE** - Equal Opportunity Employer

**EPA** - Environmental Protection Agency

**ERU** - Equivalent Residential Unit (for measuring water-sewer capacity and demand)

**ESU** - Equivalent Service Unit

**F & WS** - Federal Fish & Wildlife Service

**FAA** - Federal Aviation Administration

**FCC** - Federal Communications Commission

**FEIS** - Final Environmental Impact Statement

**FEMA** - Federal Emergency Management Agency

**FICA** - Federal Insurance Contribution Act

**FIRM** - Flood Insurance Rate Maps

**FLSA** - Fair Labor Standards Act

**FMLA** - Family Medical Leave Act

**FMSIB** – Freight Mobility Strategic Investment Board

**FY** - Fiscal Year

**GAAP** - Generally Accepted Accounting Principles

**GASB** - Governmental Accounting Standards Board

**GIS** - Geographic Information System

**GMA** - Growth Management Act

**GPM** - Gallons Per Minute

**HOV** - High-Occupancy Vehicle

**HR** - Human Resources

**HUD** - Housing & Urban Development (Department of)

**ICMA** - International City/County Management Association

**L & I** - Labor & Industries (Department of)

**LID** - Local Improvement District

**MGD** - Million Gallons per Day

**MOA** - Memorandum of Agreement

**MOU** - Memorandum of Understanding

**MPO** - Metropolitan Planning Organization

**MRSC** - Municipal Research Services Center

**NEPA** - National Environment Policy Act

**NIMBY** - Not In My Backyard

**NPDES** - National Pollutant Discharge Elimination System

**PE** - Preliminary Engineering; Professional Engineer

**PERC** - Public Employment Relations Commission

**PMS** - Pavement Management System

**PPE** - Personal Protective Equipment

**PPM** - Parts Per Million; Policy & Procedure Manual

**PUD** - Public Utility District

**PW** - Public Works

**QA** - Quality Assurance

**RCW** - Revised Code of Washington

**REET** - Real Estate Excise Tax

**RONR** - *Robert's Rules of Order Newly Revised*

**ROW** - Right of Way

**SAO** - State Auditor's Office

**SBA** - Small Business Administration

**SEPA** - State Environmental Policy Act

**SMA** - Shorelines Management Act

**SWAC** - Solid Waste Advisory Committee

**TIB** - Transportation Improvement Board

**TIP** - Transportation Improvement Program

**TMDL** - Total Maximum Daily Load

**UBC** - Uniform Building Code

**UFC** - Uniform Fire Code

**UGA** - Urban Growth Area

**WAC** - Washington Administrative Code

**WACO** - Washington Association of County Officials

**WCIA** - Washington Cities Insurance Authority

**WCMA** - Washington City/County Management Association

**WHO** – World Health Organization

**WSDOT** - Washington State Department of Transportation

**WSP** - Washington State Patrol

**WUTC** - Washington Utilities & Transportation Commission

**WWTP** - Wastewater Treatment Plant

## APPENDIX B – TRAVEL POLICY AND PROCEDURE

### TRAVEL POLICY AND PROCEDURE

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#### SECTION:

##### Purpose

##### Policy

**Purpose:** The purpose of this policy is to establish guidelines and procedures for employee travel, including travel advances, registration fees, transportation, lodging, meals and other allowable and non-allowable expenses.

**Policy:** The Travel Policy and Procedure applies to each department and employee of the City of Kennewick, including City Council and members of Committees, Boards and Commissions and other volunteers.

Effective June 1, 2009, all travel requests must be processed through the e-Travel process. Forms, instructions and a process overview are located in the Intranet Travel Guide.

(1) Authorization to Travel: Travel authorization will be approved in advance by completing the Request for Travel form available on the Intranet at <http://onbasewebweb:8080> after logging into Liquid Office. The Request for Travel form should be submitted a minimum of two weeks in advance of the travel date to ensure sufficient time for the travel request to be processed and reviewed, travel arrangements to be completed, and a travel advance to be issued. The Request for Travel form must be authorized by the Department Head, or his or her designee. The City Manager or designee authorizes travel by Council members and Department Heads.

(2) Advance Travel Funds: Travel advances may be provided, if requested by the employee on the Travel Expense Report, when the travel exceeds more than one working day in duration and/or requires overnight travel. Expenses for travel that do not qualify for a travel advance shall be reimbursed through the claims process or through petty cash after the travel has been completed. Petty cash reimbursement will be used when the total amount due to an employee for travel expenses is less than the petty cash limit established in KAC 16-12-040. Advances are limited to the estimated out-of-pocket travel-related expenses. Advance travel funds must not be used for registration fees, reimbursements to employees for travel already incurred or other prepaid fees. Requests for advances should be rounded to the nearest whole dollar.

(3) Meeting Registration Fees: Pre-registration fees should be paid with a procurement card. If payment via a procurement card is not feasible, pre-registration fees may be paid through the claims process. Use of a procurement card shall abide by the rules set forth in the Purchasing Policy.

When applicable, meeting announcements, including an agenda and explanation of what expenses are covered in the registration fee, shall be attached to the Request for Travel form as substantiation for the travel request.

(4) Travel Arrangements: Employees are to exercise prudent judgment in incurring travel expenses on official City business. Excessive or unnecessary travel expenses will not be approved or reimbursed. Use of any discount travel sites is strictly prohibited. Travel arrangements shall only be made in accordance with subsections (5) through (10) below.

Travel should be by the most direct route available, and the mode of transport should be the one that is most economical and consistent with the purposes of the trip. The traveler should accept the lowest transportation fares and lodging rates available meeting the trip requirements while also minimizing the City's risk of loss related to unanticipated trip cancellations.

(5) Air Travel: Arrangements and reservations for air travel can be made through the City's official travel agent or directly from the airline using the Internet. Air travel can be paid with a procurement card or through the claims process. Reservations should be made as early as practical to qualify for economy and excursion fares. Full coach fares will be used if no reduced fares are available. Fees for one standard-weight bag will be reimbursed during the post-travel reconciliation per receipts provided. Surcharges for overweight bags or additional luggage will not be reimbursed without valid business purpose.

(6) City Vehicles: When it is determined that a vehicle is the appropriate method of transportation for out-of-town travel, use of a City vehicle is encouraged, whenever possible and vehicles are available. Every effort should be made to reserve a City vehicle in advance of travel. The driver must have a valid driver's license. Fuel credit cards are available for use with city vehicles. Family members or friends are prohibited from riding in City vehicles. If they are accompanying the traveler, a personal car must be used. For further information, see "Use of City Vehicles and Equipment," KAC 2-32-050.

(7) Personal Vehicles: When an employee is authorized to use a personal vehicle for city business, the employee shall be compensated at the current mileage reimbursement rate established by the Internal Revenue Service. Mileage for in-town business travel may be reimbursed through the claims process. Mileage for commuting from home to the work site or local airport is not eligible for reimbursement.

The IRS rate is inclusive of all costs associated with a personal vehicle including, but not limited to, gasoline, maintenance, wear and tear and auto insurance. City fuel credit cards may not be used to fuel personal vehicles. Mileage reimbursement will not exceed the most economical and available airfare.

Department Heads, Division Directors, Assistant Directors, members of City Council and members of Committees, Boards and Commissions and other volunteers are reimbursed at the IRS allowable mileage rate and are expected to use their personal vehicles for all City travel. Department Heads and other employees who are compensated for automobile expenses are expected to use their personal vehicles for travel within the Tri-Cities and may be reimbursed for mileage outside the greater Tri-Cities area.

Travelers using private vehicles for City business must maintain adequate insurance coverage consistent with the laws of the State of Washington.

(8) Rental Vehicles: Arrangements for commercial vehicle rental may be made directly with rental agencies or with the City's official travel agent. Commercial vehicle rentals may be requested from advance travel, paid with a procurement card (when the card is issued in the employee's name) or through the claims process.

(9) Other: Other modes of transportation (i.e. taxi, bus, subway, etc.) should be noted on the Travel Expense Report and receipts should be obtained whenever possible. Taxis should be used only if there is no courtesy car or bus service available from the airport. Airport parking fees at travel origin are reimbursable with the proper receipts.

(10) Lodging: Arrangements and reservations for lodging may be made through the City's official travel agent or by contacting the hotel or motel directly (via phone or through the hotel's official website). There is no fixed rate for lodging, although accommodations should be within an adequate but economic range. Government and/or conference rates should be requested. Itemized receipts showing the room rate for approved occupancy must be submitted with the expense report.

Procurement cards may be used for the reservation and payment of hotel charges, however, only charges for room rentals, parking, business-related phone calls and applicable taxes are allowed to be charged to the procurement card. Hotel valet parking service is allowable only when a self-service option is unavailable at the hotel or within a reasonable proximity to the hotel or the cost of valet parking services is the same price as the lowest available rate for self-service parking. Other charges to the room (i.e. in-room meals, etc.) are not to be charged to the procurement card. When utilizing a procurement card, a detailed receipt is required (see Purchasing Policy). At the employee's option, a travel advance may be requested in lieu of using a procurement card.

If an employee prefers to use a travel advance for lodging, the Travel Expense Report shall request advance funds for hotel costs for all applicable nights of travel. The employee is responsible for payment of hotel charges at the time of stay using the cash advance or a personal credit card.

(11) Meals: Employees are eligible to receive a per diem meal allowance while conducting official City business. Receipts are not required. The per diem meal allowance is considered to be a reimbursement for meal expenses and is not authorized when an employee does not incur expenses for meals because they are furnished or included in the registration fee for a meeting or conference. Per diem meal allowances are not reduced for meals served on airlines or for continental breakfasts included in the registration fee for a meeting or conference.

Employees are eligible to receive the meal allowance while conducting official City business if the three-hour rule is met. To meet the three-hour rule, an employee must be in travel status for a total of three hours beyond the employee's regular scheduled working hours in any one day. To qualify for breakfast, an employee must be in travel status for at least 1½ hours before official starting time. To qualify for dinner, the employee must be in travel status at least 1½ hours after the regular scheduled quitting time.

Meal allowances for contractors directly funded from federal programs will follow the U.S. General Services Administration (GSA) per diem rates for first and last day of travel without regard to the three-hour rule outlined above.

IRS Publication 1542, *Per Diem Rates*, will provide per diem rates for travel within the continental United States. Domestic per diem rates are available through the U.S. General Services Administration. A link is provided in the Intranet Travel Guide. A table will be maintained of the various per diem rates, including tax and tip, which shall establish the maximum reimbursement for single meals. The City Manager may approve an exception to the per diem meal allowance and allow for the reimbursement of actual meal expenses under special circumstances.

The per diem daily rate is determined by the travel destination. For travel to multiple locations, the primary business purpose location determines the maximum daily per diem rate.

Under most circumstances, the procurement card is not to be used to pay for meals. However, if an employee is traveling related to an emergency response situation, they may use the procurement card provided they obtain detailed receipts. Detailed receipts shall include line item detail of the purchase (summary credit card slips are not acceptable – see Purchasing Policy) and tips or gratuities are limited to 15%. Any such charges will be reconciled and deducted from the per diem reimbursement that would have otherwise been due to the employee for their travel. If the receipts exceed the authorized per diem rates, the employee may, at the discretion of the City Manager, be required to reimburse the City for the difference.

Contact the Finance Department for per diem rates for foreign travel.

(12) Business Meetings: Employees will be reimbursed for the actual cost of meals consumed while conducting official City business at formally organized breakfast, luncheon or dinner meetings. These out-of-pocket expenses may be reimbursed with the proper receipts or at the appropriate per diem meal allowance without receipts through Petty Cash if the reimbursement required is less than the petty cash limit established in KAC 16-12-040. Expenses in excess of the petty cash limit will be reimbursed through the claims process.

(13) Communication: Charges for telephone, fax machine and internet connectivity expenses are eligible for reimbursement if City business requires such communication.

(14) Allowable Incidental Expenses: The cost of educational materials required for specific authorized training is reimbursable. These supplies are and will remain the property of the City. Miscellaneous travel costs such as bridge tolls, parking, and ferry are reimbursable. Vendor receipts should be obtained for any incidental expenses.

(15) Non-Allowable Expenses: Expenses of a personal nature which do not benefit the City and which might have been incurred whether or not the traveler was on official business are not reimbursable. These include entertainment, alcoholic beverages, clothes laundering or dry cleaning, traffic violations, side trips not related to City business, personal telephone calls, tips, except those for restaurant meals as outlined in section 11, expenses of family or other persons not authorized to receive reimbursement from the City, trip insurance, personal toilet articles, and discretionary valet service.

(16) Travel Expense Report: The Travel Expense Report will be the means of accounting for the entire costs associated with City travel. All credit purchases will be reported and copies of receipts attached. These purchases, as well as reimbursable expenses, will be included in the total cost of the trip.

The Travel Expense Report is prepared and approved using the e-Travel Process in Liquid Office. The After Travel Reconciliation must be completed by the employee and approved by the supervisor/department head as applicable. The signed report, with required receipts attached, shall be submitted to the Finance Department within five working days following completion of the trip. Failure to promptly repay any cash advance shall result in a payroll deduction from the employee.

Any remaining funds the employee owes the City will be submitted with the Travel Expense Report. If the employee's travel exceeded estimated costs, the City will reimburse the employee through the claims process or petty cash reimbursement, depending upon the amount.

(17) Cancellations: In the event a trip is canceled, the employee or department liaison is responsible for obtaining a cancellation number for the hotel reservation to prevent unauthorized charges on the City credit card. The employee may be held personally liable for unauthorized charges at the discretion of the Department Head.

(18) Application: For guidelines on mandatory training in the Tri-Cities area, please refer to "Training," KAC 2-32-130.

## APPENDIX C – CITY MANAGER REVIEW PROCESS

**Commented [EE17]:** This will replace KAC 7-10

### **Purpose:**

1. This procedure defines the framework and process for establishing and reviewing performance measures for the City Manager of the City of Kennewick, Washington.
2. The purpose for establishing and documenting performance measures is to ensure that the performance of the City Manager is reviewed by the current City Council based on agreed to goals, objectives, and deliverables on not less than an annual basis.

**Background:** The City of Kennewick has established a process for evaluating personnel performance under the direction of the City Manager. An employment contract between the City Council and City Manager provides for not less than annual performance reviews should that be desired by the Mayor or any other member of Council. This review is also the means and method for determination of the City Manager's salary increase.

### **City Manager Performance Review Process:**

1. City Managers performance shall be reviewed and measured by the City Council annually on or around his/her work anniversary date or as otherwise agreed upon by the City Council and the City Manager.
2. City Manager Performance review shall be conducted in a manner each year that the City Council deems appropriate, and will be designed to;
  - a. Foster and improve communications between the City Council and City Manager
  - b. Provide important feedback
  - c. Allow the City Manager to provide useful feedback and observations to the City Council
  - d. Bring problems into focus and reduce future misunderstandings and conflict as well as highlight areas of a "job well done".
  - e. Help clarify roles and responsibilities of the City Council and City Manager
3. As part or in conjunction with each review, the City Council may identify specific performance goals and milestones for the City Managers attention and action in the coming years, and shall, as part of the City Council's following annual review, evaluate the City Managers performance in achieving such goals and milestones.

**Commented [EE18]:** Discussion points  
Do we want to incorporate an performance Review Committee to determine and administer the process each year?  
Discussion on a 360 review process?

### **Salary Adjustments**

1. During the performance review, the City Council shall consider an increase to Employee's base salary and/or benefits compatible with Employee's performance.