



**Special City Council Meeting
October 13, 2014 - 1:00 PM
Auburn City Hall
AGENDA**

I. CALL TO ORDER

II. DISCUSSION ITEMS

A. Ordinance No. 6532*

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 2.03.100, 2.07.080, 2.12.010, 3.04.270, 3.04.280, 3.10.028, 5.20.050, 5.20.070, 8.24.040, 10.41.010, 10.64.020, 10.64.090, 10.64.120, 12.04.010, 12.04.050, 12.32.020, 12.60.040, 12.60.050, 12.60.070, 14.18.030, 14.18.050, 14.18.060, 14.22.040, 14.22.080, 14.22.090, 16.08.020, 17.02.090, 18.08.090, 18.29.070, 18.68.020, 18.76.080, 20.04.030, 20.06.030, and 20.08.030 of the City Code, amending Chapter 2.06 of the City Code and repealing section 12.20.050 of the City Code relating to the change of format of the City Council from Council Committees to Study Sessions

B. Resolution No. 5105*

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution Nos. 4282, 4429, 4467, 4615, 4686, 4740, 4813 and 4090

C. Ordinance No. 6519*

An Ordinance of the City Council the City of Auburn, Washington, creating a new Chapter 2.92 of the Auburn City Code, providing for a Code of Ethics

D. Ordinance No. 6536*

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 2.03.030 of the Auburn City Code relating to the surplusing of personal property of the City

III. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6532

Date:

October 8, 2014

Department:

Administration

Attachments:

[Ord 6532](#)

[Ord 6532 -Clean](#)

[Parliamentary Question](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: October 13, 2014

Item Number: DI.A

ORDINANCE NO. 6 5 3 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 2.03.100, 2.07.080, 2.12.010, 3.04.270, 3.04.280, 3.10.028, 5.20.050, 5.20.070, 8.24.040, 10.41.010, 10.64.020, 10.64.090, 10.64.120, 12.04.010, 12.04.050, 12.32.020, 12.60.040, 12.60.050, 12.60.070, 14.18.030, 14.18.050, 14.18.060, 14.22.040, 14.22.080, 14.22.090, 16.08.020, 17.02.090, 18.08.090, 18.29.070, 18.68.020, 18.76.080, 20.04.030, 20.06.030, AND 20.08.030 OF THE CITY CODE, AMENDING CHAPTER 2.06 OF THE CITY CODE AND REPEALING SECTION 12.20.050 OF THE CITY CODE RELATING TO THE CHANGE OF FORMAT OF THE CITY COUNCIL FROM COUNCIL COMMITTEES TO STUDY SESSIONS

WHEREAS, the current provisions of the Auburn City Code and the operational practices of the Auburn City Council include use of Council Committees in advance of the full city Council's consideration of matters coming before it; and

WHEREAS, the City Council has been considering how it could best operate and feels that it would be advantageous for the City Council to utilize study sessions where all Councilmembers will be able to participate in the consideration of different City related items, rather than having some matters going to Council Committees in advance of consideration by the full City Council; and

WHEREAS, in order to accommodate a change of the format from committee structure to study sessions, it is appropriate that sections of the City Code that provide for committee structure be amended to accommodate study sessions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Section 2.03.100 of the Auburn City Code be, and the same hereby is, amended to read as follows:

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2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the ~~various council committees~~city council and/or or by the committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

Section 2. Amendment to City Code.

That Section 2.07.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

2.07.080 Subcommittee structure.

A. The junior city council may informally divide its members into subcommittees to consider different topics of interest, or into subcommittees that it deems helpful to its tasks. ~~To the extent that it deems appropriate and helpful, the subcommittees will parallel the city council committees of finance, public works, planning and community development, municipal services, and the Les Gove Community Campus.~~

B. The subcommittees will meet on an as-needed basis.

C. The subcommittees shall consist of at least three members of the junior city council, but shall consist of less than a quorum of the junior city council (less than five members).

D. Any discussions or recommendations of any subcommittees shall be communicated to and shared with the full junior city council.

E. The subcommittees shall not constitute legislative or agency bodies so as to trigger the requirement that the subcommittees comply with the Washington State Open Public Meetings Act (Chapter 42.30 RCW). (Ord. 6441 § 1, 2013.)

Section 3. Amendment to City Code.

That Section 2.12.010 of the Auburn City Code be, and the same hereby is, amended to read as follows:

2.12.010 Duties.

The city attorney shall advise authorities and officers on all legal matters pertaining to the business of the city and shall approve all ordinances as to form. He shall represent the city in all actions brought by or against the city, or against city officials in their official capacity. He shall perform such other duties as the city council by

ordinance may direct. Included in the foregoing and in addition thereto, the city attorney shall:

A. Attend all meetings of the city council, including regular, special and interim meetings, as well as all regular meetings of the planning commission and board of adjustment of the city;

B. Attend meetings, upon request, of all other official boards and commissions of the city, as well as all ~~standing or ad hoc~~ committees or subcommittees of the city council;

C. Maintain an office in space furnished by the city in the city hall building during regular business hours Monday through Friday, except during those periods of time when the presence of either himself/herself or his/her assistant is required out of the office in the performance of official legal business for the city;

D. Answer inquiries from citizens for information concerning city matters;

E. Consult interested officials and officers concerning, and prepare all resolutions, ordinances, petitions, contracts, leases, easements, deeds, notices and other legal documents, and suggest legislation, where the responsibility for preparation is upon the city, or requested by city officials; examine and approve or suggest changes in all such instruments when the duty of preparation rests upon others than the city;

F. Advise the council, boards, commissions, department heads and other city officials and officers, rendering formal legal opinions when requested, or when it appears to the attorney necessary or advisable;

G. Prosecute in the court of criminal jurisdiction, and on appeal in appellate courts, all alleged violations of city ordinances, and actions to recover licenses, penalties and forfeitures. Advise the proper officials and officers on the filing of complaints therefor;

H. Prosecute and/or defend, in courts of original jurisdiction, and on appeal, all civil actions brought by or against the city, or against officials, officers and employees in their official capacity, including condemnation proceedings. Participate in consultations concerning settlement of claims against the city, or its officials, officers and employees in their official capacities; provided, that where insurance counsel also defends the city, the main burden of such actions may be left to such counsel. See to the ultimate enforcement of all judgments and decrees rendered in favor of the city in any action or suit;

I. Participate in the expedition of bond issues, providing this shall not require an opinion of the validity of the bonds in any case where special bond counsel is retained by the city or any prospective bond buyer;

J. On request, participate in and consult concerning intergovernmental relations in which the city is concerned;

K. Perform such other duties as may be required by the laws of the state.

Provided, however, the duties of the city attorney as prescribed in this section shall not prohibit the employment of special counsel to assist the city attorney in unusual cases of a specialized nature, when such employment is authorized by the city council. (1957 code § 1.05.010.)

Section 4. Amendment to City Code.

That Section 3.04.270 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.04.270 Landscaping and community beautification and gift cumulative reserve fund – Use.

The Auburn landscaping and community beautification and gift cumulative reserve fund shall be used for the purpose of receiving gifts and donations of moneys to the fund and the cumulative reserve funds shall be used for the purpose of city landscaping and community beautification projects and for such special purposes as any donors of any such money or gifts to such fund might specify, as approved by the ~~planning, beautification and building codes committee~~ mayor. (1957 code § 1.36.200.)

Section 5. Amendment to City Code.

That Section 3.04.280 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.04.280 Landscaping and community beautification and gift cumulative reserve fund – Designation of use of gifts.

Any person or party making a gift or donation to the fund referred to in ACC 3.04.270 may, in doing so, designate that the materials purchased with the gifts or donations shall be inscribed in a suitable manner with a dedication or memorial to a person, place or thing, as directed by the donor; provided, however, that the city reserves the right to reject any such gift or donation at the option of the city for whatever reason the city deems proper. The ~~planning, beautification and building codes committee~~ mayor shall recommend to the city council the acceptance or rejection of the gifts or donations. (1957 code § 1.36.210.)

Section 6. Amendment to City Code.

That Section 3.10.028 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.10.028 Approval ~~by council committee~~ of asset and/or system expansions, additions, and betterments.

Asset and/or system expansions, additions, and betterments that have been recognized as authorized capital projects exceeding \$25,000.00 in the budget shall be reviewed by the ~~appropriate council committee~~ mayor or his/her designee to formally initiate the project prior to a call for bids. (Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)

Section 7. Amendment to City Code.

That Section 5.20.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

5.20.050 License application – Approval or disapproval procedure.

The business license clerk shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

A. Adopt all forms and prescribe the information required to implement this chapter;

B. Submit all applications, to department heads as listed below for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing:

1. Ambulance services license: fire and police departments;
2. Amusement device license: police (four or under) and building, planning and police (five or more);
3. Auto races license: building, fire, planning and police departments;
4. Cabaret licenses: fire and police departments;
5. Carnivals, circuses, shows, etc., licenses: building, fire, police and planning departments;
6. Dance licenses: fire and police departments;
7. Fire extinguisher service licenses: fire department;
8. Massage business, health salon, etc., licenses: building, fire, planning, police departments and health officer;
9. Merchant patrol and private detective licenses: police department;
10. Motor vehicle wreckers licenses: building, fire, planning and police departments;
11. Outdoor musical entertainment licenses: building, fire, planning and police departments;
12. Pawnbrokers/secondhand dealers licenses: police department;
13. Solicitor license: police department;
14. Tow truck business license: fire, planning and police departments.

C. Notify any applicant of the acceptance or rejection of his application and shall, upon denial of any license state in writing the reasons therefor, the process for appeal and deliver them to the applicant.

D. Deny any application for license upon written findings that the granting would be detrimental to the public peace, health or welfare:

1. Whenever any such license is denied the applicant may within 15 days from date of action, file written notice of appeal to the ~~appropriate committee of the city's~~ director of community development and public works. Action of the ~~appropriate committee of the city's~~ director of community development and public works may be appealed 15 days from date of action to the ~~full city council hearing examiner~~, and action of the ~~council hearing examiner~~ shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued pursuant to a judgment ordering the same. (Ord. 5897 § 9, 2005; Ord. 4012 § 2, 1984.)

Section 8. Amendment to City Code.

That Section 5.20.070 of the Auburn City Code be, and the same hereby is, amended to read as follows:

5.20.070 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the ~~city clerk and/or~~ police chief and/or building official ~~and/or fire chief~~ for any reason if the further operation thereof would be detrimental to public peace, health or welfare, or the violation of any federal or state law or any ordinance or regulation of the city. The city clerk or the director of community development and public works shall cause to be served upon such parties as may be deemed to be interested therein such reasonable notice as may be determined to be proper of intention to revoke such license.

B. Where deemed necessary to prevent further detriment to public peace, health or welfare, or violation of any federal or state law or any city ordinance or regulation the police chief, ~~fire chief~~ or building official may immediately revoke any license issued under the provisions of this chapter.

C. Whenever any such license is revoked, the licensee may within 15 days from date of action file written notice of appeal to the ~~appropriate committee of the city's~~ director of community development and public works. Action of the ~~appropriate committee~~ director of community development and public works may be appealed within 15 days from date of action to the ~~full city council~~ hearing examiner and action of the ~~council~~ hearing examiner shall be conclusive and not subject to review. (Ord. 4012 § 2, 1984.)

Section 9. Amendment to City Code.

That Section 8.24.040 of the Auburn City Code be, and the same hereby is, amended to read as follows:

8.24.040 Public display of fireworks.

A. Every public display of fireworks shall be handled by a competent operator approved by the ~~fire~~ police chief or his designee and shall be of such character, and so located, discharged, or fired, that, in the opinion of the ~~fire~~ police chief or his designee, after proper investigation, it will not constitute a hazard to property or endanger any person. Should the ~~fire~~ police chief or his designee deny a permit for public display of fireworks, the applicant therefor shall have the right to appeal that denial to the ~~appropriate Auburn city council committee~~, which shall consider such application, recommendation and denial, and in its discretion shall either uphold the denial or grant the permit applied for.

B. A state pyrotechnics license is required for operators of a public display of fireworks.

C. A bond or certificate of insurance must be furnished to the fire chief before a permit is issued. The bond shall be in the amount of \$1,000,000.00 and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by such public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the

presentation of the display. The certificate of insurance shall evidence a comprehensive general liability, including automobile coverage, insurance policy providing limits of \$1,000,000.00 combined single limit, per occurrence and annual aggregate, no deductible, and naming the city of Auburn as an additional insured.

D. Transportation and Storage.

1. All fireworks shall be transported within the city in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.

2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.

3. All shells shall be inspected upon delivery to the display site by the display operator. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.

4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing line) from the nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flame-proof water-repellent canvas cover until emptied.

5. The shell storage area shall be located at a minimum distance of not less than 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of Site and Crowd Control.

1. All dry grass, weeds and other combustible waste matter within 50 feet of the firing site shall be removed.

2. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.

3. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.

4. The firing and storage site shall be located not less than 200 feet from any building.

5. The operator shall provide sufficient personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment and fireworks have been removed from the site.

6. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of Mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of not less than 10 degrees, pointing toward the water.

3. Mortars shall be either buried securely into the ground to a depth of between two-thirds and three-fourths of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

6. Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down-range side of the discharge site.

G. Operation of the Display.

1. The operator shall provide fire protection at the site as required by the fire chief or his designee.

2. Only permitted fireworks are authorized for use.

3. If, in the opinion of the fire chief or his authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

4. If at any time high winds or unusually wet weather prevail such that, in the opinion of the fire chief, his authorized representative or the display operator, a definite danger exists, the public display shall be postponed until weather conditions improve to permit safe discharge of fireworks.

5. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.

6. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.

7. No smoking or open flames shall be allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

8. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the planned landing area.

9. The mortars shall be re-angled or reset if necessary at any time during the display.

10. When a shell fails to ignite in the mortar, the mortar shall not be touched for a minimum of five minutes. After five minutes it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

11. Operators shall not attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

12. Operators shall not dry a wet shell, lance, or pot for reuse.

13. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

14. When fireworks are displayed in darkness the sponsor shall ensure that the firing range is inspected early the following morning.

15. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the city to the supplier from which they were purchased or to a location approved by the fire chief or his designee.

16. The debris from discharged fireworks shall be properly disposed of.

H. The denial by the ~~fire-police~~ chief of a permit for the public display of fireworks may be appealed to the ~~appropriate~~-Auburn city council-~~committee~~. (Ord. 5679 § 1, 2002; Ord. 5385 § 6, 2000; Ord. 3976 § 8, 1984. Formerly 8.24.080.)

Section 10. Amendment to City Code.

That Section 10.41.010 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.41.010 Restricted parking zones – Establishment.

A. In conformity with the standards and policies of the city council, The the city engineer ~~upon approval by the municipal services committee~~ is authorized to establish and remove restricted parking zones when, in the city engineer's professional judgment, a restricted parking zone will reduce or eliminate a parking problem and the public interest will be served. The city engineer shall report to the mayor and city council any such changes to parking zones.

B. Restricted parking zones may reserve on-street parking for the exclusive use of abutting properties and/or residents in a prescribed vicinity; vehicles used by their visitors; and service vehicles of persons having business in the street. They may also reserve on-street parking only during certain posted hours, allowing unrestricted parking at all other times.

C. Application for parking permits shall be made on a form provided by the city of Auburn. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit within the designated residential parking zone (RPZ). The address of vehicle registration and driver's license must coincide with the residential address of the person requesting a permit.

D. The city shall issue permits or other means of identification, maintain lists of vehicles used by residents, or adopt any other reasonable means of distinguishing vehicles that may validly be parked in any restricted parking zone from other vehicles. Restricted parking zones shall be appropriately signed and/or marked. Any vandalism or destruction of parking control signs shall not affect the validity of a restriction upon

parking on any street segment designated by the city engineer if other signs or traffic control devices give notice that parking in the street segment is restricted. (Ord. 6267 § 1, 2009.)

Section 11. Amendment to City Code. That Section 10.64.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.64.020 Definitions.

For the purposes of this chapter the following words shall have the meanings ascribed to them as follows:

A. "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

B. "Parade permit" is a permit as required by this chapter.

C. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

~~D. "Public safety committee" is the public safety committee of the city council.~~
(Ord. 3311 § 2, 1978.)

Section 12. Amendment to City Code. That Section 10.64.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.64.090 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the ~~public safety committee~~city council. The appeal shall be taken within three days after notice of denial. The ~~public safety committee~~city council shall act upon the appeal within seven days after its receipt. (Ord. 3713 § 6, 1981; Ord. 3311 § 7, 1978.)

Section 13. Amendment to City Code. That Section 10.64.120 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.64.120 Public conduct during parades.

A. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade, unless directed to do so by an Auburn police officer.

C. Parking on Parade Route. The ~~public safety committee~~police chief and the city engineer shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The ~~public safety committee~~police chief or the city engineer shall cause to be

posted signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Ord. 3311 § 11, 1978.)

Section 14. Amendment to City Code. That Section 12.04.010 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.04.010 Adoption of engineering construction standards and engineering design standards.

A. Adopted – Engineering Construction Standards. The engineering construction standards include the following documents and manuals which are herein referred to as the “engineering construction standards” and are adopted by reference:

1. The Standard Plans (M21-01) for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation, the latest publication and amendments thereto, as determined appropriate for city infrastructure by the city engineer and for conformance with adopted city engineering design standards.

2. The Standard Specifications for Road, Bridge and Municipal Construction, the latest (English) edition publication and amendments thereto as issued by the Washington State Department of Transportation as supplemented and amended through special provisions by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

3. The City of Auburn Engineering Standard Details, a manual of specific plans or drawings developed and adopted by the city of Auburn department of public works which show frequently recurring components of work that have been standardized for repetitive use, as supplemented and amended by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

B. Adopted – Engineering Design Standards. The engineering design standards as approved ~~by the public works committee~~, supplemented and amended by the city engineer for specific design applications ~~to the extent authorized by the public works committee and in consultation with the City Council on Policy issues or broad city-wide implications shall~~ include the following documents and manuals which are herein referred to as the “engineering design standards” and are adopted by reference:

1. A manual of specific design requirements which shows frequently recurring public transportation and utility infrastructure standards.

2. The City of Auburn Surface Water Management Manual (SWMM) which is the 2008 City of Tacoma Surface Water Management Manual as amended for use in the city of Auburn. The SWMM is a manual of specific requirements related to storm drainage management.

C. Adopted – Highway Access Management. Chapter 468-52 WAC, Highway Access Management – Access Control Classification System and Standards, and

amendments thereto, with the exception of WAC 468-52-060 and 468-52-070, is adopted by reference with the following amendments:

1. All references to the "Department" shall be changed to "city of Auburn."
2. All references to Chapter 468-51 WAC or sections thereof shall be changed to "City of Auburn Engineering Design Standards." (Ord. 6283 § 1, 2009; Ord. 6258 § 1, 2009; Ord. 6157 § 1, 2008; Ord. 5042 § 1 (Exh. B), 1998.)

Section 15. Amendment to City Code.

That Section 12.04.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.04.050 Authorities for public infrastructure and right-of-way management.

A. Develop and Publish City Engineering Standards. The city engineer or his/her designee shall develop, implement and publish engineering design standards manuals ~~after review and approval by the public works committee in accordance with Section 12.04.010(B) of the city code.~~ The city engineer or his/her designee shall develop, implement and publish engineering construction standards manuals and establish engineering standard construction practices for regulation of all work within the public way by all persons to include, but not be limited to, franchise public/private utilities and entities possessing a right-of-way agreement and/or permit to assure the public's safety, welfare and interest is protected.

B. Survey Record Controls. The city engineer or his/her designee shall develop office procedures for establishing horizontal and vertical control registration of existing and future development within the urban growth areas of the city. Procedures will utilize both city and private development record drawings and survey efforts to continue to maintain an accurate current database for future reference. The city will provide the most current benchmark geodetic survey data to new developers and for city construction projects at the administrative cost of providing the service, and require in exchange, at no cost to the city, the developer and/or city project sponsors to provide equal quality record drawings in AutoCAD drawing file format at completion of the development and/or city project to update records reflecting survey controls of the new development and/or city infrastructure.

C. Subdivision Records. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all recorded plats and short plats.

D. Management of Record Drawings. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public transportation, water, sanitary sewer, and storm drainage infrastructure as defined in ACC 13.40.010.

E. Management of Right-of-Way and Easements. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public right-of-way, public access easements, city utility easements, cross drainage easements, and public facilities developed and dedicated to the city.

The acquisition of real property and relocation of inhabitants required for the completion of city projects shall be pursuant to ACC 2.03.030 and Chapter 3.10 ACC.

The city engineer may accept easements granted to the city as part of an approved development project or capital projects of the city for city utilities, drainage, slope protection, public access, and right-of-way, and may also accept public facility extensions that are not dedicated through plats and short plats. ~~After review by the public works committee~~, the city engineer may execute a release or partial release of any city utility, drainage, temporary road, or slope protection easements that are not needed or are no longer needed for city purposes. All other city-held easements shall be released only by city council action, and public right-of-way easements shall be subject to the vacation provisions set forth in Chapter 12.48 ACC, and in accordance with Chapter 35.79 RCW. (Ord. 6312 § 1, 2010; Ord. 6265 § 2, 2009; Ord. 6258 § 1, 2009; Ord. 6013 § 1, 2006; Ord. 5042 § 1 (Exh. B), 1998.)

Section 16. Amendment to City Code.

That Section 12.32.020 of the

Auburn City Code be, and the same hereby is, amended to read as follows:

12.32.020 Prohibitions.

It is unlawful for any person, firm or corporation, or for any agent, representative, servant or employee thereof, to deposit, place, erect or maintain, or cause to be deposited, placed, erected or maintained, upon any sidewalk located in any public street, alley or place of the city, or upon any portion of such sidewalk, any bench, chair, rack, stand, structure, sign, merchandise or other object, except as approved by the ~~street committee~~city engineer, or to place, erect or maintain, or cause to be placed, erected or maintained, over such sidewalk, or over any portion of such sidewalk, any structure, sign or other object at such height or in such manner as to prevent or interfere with the free and unobstructed use of all of such sidewalk by pedestrians. (1957 code § 8.18.020.)

Section 17. Amendment to City Code.

That Section 12.60.040 of the

Auburn City Code be, and the same hereby is, amended to read as follows:

12.60.040 Type B short-term permit.

- A. Type B is a short-term permit for uses of less than 30 days.
- B. Type B permit uses include, but are not limited to, right-of-way closures for sidewalk sales, rallies, block parties, or other similar events.
- C. In the event a Type B permit involves a street, sidewalk, or parking closure, additional fees are required per the city of Auburn fee schedule.
- D. Issuance of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy implications shall require ~~public works committee~~ approval of the city engineer.

E. Applicant shall be an individual or organization that does not discriminate in regard to race, religion, color, gender, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6125 § 1, 2007; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998.)

Section 18. Amendment to City Code. That Section 12.60.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.60.050 Type C long-term permit.

A. Type C is a long-term permit for uses of 30 days to five years.

B. Type C permit uses include, but are not limited to, installation of groundwater monitoring wells, landscaping, fences, awnings, underground storage tanks, bus shelters, underground or overhead facilities such as fiber optic cables or utility vaults except when a franchise or public way agreement applies, use of the right-of-way to paint or repair a building or to stage for construction, sidewalk cafes, and sidewalk vending units.

C. In the event a Type C permit involves a street, sidewalk, or parking closure, additional fees are required per the city of Auburn fee schedule.

D. Issuance of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy implications shall require ~~public works committee~~ approval of the city engineer.

E. Applicant shall be an individual or organization that does not discriminate in regard to race, religion, color, gender, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6125 § 1, 2007.)

Section 19. Amendment to City Code. That Section 12.60.070 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.60.070 Right-of-way use permit term, extension, renewal and termination.

A. No permit term shall exceed five years unless it has been approved by the full council.

B. The city has authority to grant a single 30-day extension to the applicant upon receipt of a written request, absent any known reasons for denial. Extensions of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy or broad city-wide implications shall require ~~public works committee~~ approval of the city engineer.

C. Once a permit has expired or been revoked, the applicant must apply for a new permit. No permit shall be automatically renewed.

D. All right-of-way use permits are wholly of a temporary nature, and vest no permanent rights whatsoever.

E. Right-of-way use permits are approved for the location and applicant listed on the permit and cannot be transferred for another location or for another applicant unless first approved by the city.

F. The city shall have the authority to restrict, suspend, or revoke a permit upon 30 days' notice; provided, however, the city shall have the authority to immediately suspend or revoke a permit without such notice in situations that present, in the city's determination, a health or safety hazard or constitute a public nuisance. The grounds for restricting, suspending, or revoking a right-of-way use permit shall include, but not be limited to:

1. Any other license or permit that the applicant is required to have for the same use as the right-of-way use permit is not acquired or is suspended, revoked, or canceled.

2. The applicant has violated or failed to meet any of the provisions of this chapter or is in violation of any other ordinances or regulations of the city relating to the use by the applicant for which the permit is applied for or issued.

3. The applicant has failed to meet the conditions of the permit.

4. The use for which the permit was approved has changed.

5. The permit was procured by fraud or misrepresentation of fact or was issued in error or on the basis of incorrect information supplied to the city.

6. The abutting property owner or legal representative withdraws consent in writing for a sidewalk vending unit. (Ord. 6125 § 1, 2007.)

Section 20. Amendment to City Code.

That Section 14.18.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.18.030 Public hearing.

A. Upon determination of a complete application for development, other than an individual single-family home, the director shall tentatively set a date for a public hearing to be held before the ~~planning and development committee~~ city's hearing examiner. Every hearing held for the purposes of this chapter shall be open to the public, and a record of the hearing shall be kept and made available for public inspection.

B. Any notice of public hearing required by this section shall include the hour, date and location of the hearing and a description of the property. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

C. The planning director shall cause notice of the hearing to be given in the following manner:

1. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation within the county where the real property is located;

2. Requiring the subject property posted in accordance with the applicable requirements of Chapter 1.27 ACC. (Ord. 6287 § 2, 2010; Ord. 5811 § 3, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

Section 21. Amendment to City Code.

That Section 14.18.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.18.050 ~~Planning and development committee~~Hearing examiner.

The ~~planning and development committee~~hearing examiner, following the closure of the public hearing, shall recommend to the city council that the city sign a development agreement with the applicant or to not sign a development agreement with the applicant. The ~~planning and development committee~~hearing examiner shall not recommend approval of the development agreement unless it finds the proposal is in conformance with the findings of fact as outlined in ACC 14.18.070(A). (Ord. 6287 § 2, 2010; Ord. 4872 § 1, 1996.)

Section 22. Amendment to City Code.

That Section 14.18.060 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.18.060 City council review.

A. Upon receipt of the ~~planning and development committee's~~hearing examiner's recommendation, the city council shall, at its next public meeting, approve, remand the recommendation to the ~~committee~~hearing examiner or schedule a closed record hearing. Any aggrieved person may request the council to conduct its own closed record hearing. The council can only amend or reject the ~~committee's~~hearing examiner's recommendation.

B. If the council holds its own closed record hearing on a proposed development agreement, the council shall consider the findings, conclusions and recommendations of the ~~planning and development committee~~hearing examiner's public hearing. After conducting its own closed record hearing the council may approve, approve with conditions, reject or return the application to the applicant for corrections or modifications.

C. When the council makes its decision on the development agreement, it shall pass a resolution prepared by the city attorney. A resolution prepared under this subsection shall include formal findings of fact and conclusions supporting the decision. If the development meets all city development standards, the findings shall affirm that the development conforms with all applicable city development standards. If the development agreement allows modifications from some city standards, the modifications shall be specified in the resolution. (Ord. 6287 § 2, 2010; Ord. 5785 § 1, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

Section 23. Amendment to City Code.

That Section 14.22.040 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.22.040 Definitions.

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A. "Amendment" means any change in the wording, context or substance of the comprehensive plan or a change to the comprehensive land use map or any other map contained or referenced within any plan chapter or element.

B. "Area-wide map amendment" means an amendment to the comprehensive land use map involving four or more contiguous or adjacent parcels under different ownership that would be similarly affected by a proposed map amendment.

C. "City-initiated planning program" means a planning program begun by resolution of the city council, ~~any city council committee~~, or the planning commission, addressing a geographic sub-area of the city's urban growth area (such as a special area plan) or addressing a specific functional area (such as a utility plan).

D. "Director" means the director of the department of planning and development or his/her designee.

E. "Docket" means a list of suggested amendments to the comprehensive plan maintained by the director.

F. "Planning commission" is an appointed group serving in an advisory capacity to the city council as specified in Chapter 2.45 ACC. (Ord. 6287 § 2, 2010; Ord. 6172 § 1, 2008.)

Section 24. Amendment to City Code.

That Section 14.22.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.22.080 Docketing.

A. In accordance with RCW 36.70A.470, suggested changes to the comprehensive plan which are not specific to any site may be submitted by any individual, organization or general or special purpose government and shall be coordinated by the director. The director shall create appropriate forms for such submittals that require the submittal to address the criteria outlined in subsection C of this section. The list shall be known as the "docket" and is the means to suggest a change or identify a deficiency in the comprehensive plan. An item may be submitted to the docket at any time during the calendar year. There is no fee associated with submitting an item to the docket.

B. Annually, the director shall review such suggestions with the city council ~~or committee thereof~~ and determine whether to direct them to the planning commission for consideration. The city council ~~or committee thereof~~ may decline to consider any item from the docket.

C. Proposed amendments on the docket may be considered appropriate for action if the following criteria are met:

1. A proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the plan;

2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the plan;

3. The proposal addresses the interests and changed needs of the entire city as identified in the plan;

4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the city council;

5. The proposal can be reasonably reviewed and evaluated, given existing staff and budget resources; and

6. The proposal has not been voted on by the city council in the last three years. This time limit may be waived by the city council if it is demonstrated that there exists either an obvious technical error or a change in circumstances that justifies the need for the amendment.

D. Any item on the docket that is not determined to be appropriate for action may be proposed under ACC 14.22.090, provided it is timely and properly filed. (Ord. 6172 § 1, 2008.)

Section 25. Amendment to City Code.

That Section 14.22.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.22.090 Proposals for amendments.

A. Privately Initiated Amendments. A proposed amendment to the comprehensive plan, other than docketing pursuant to ACC 14.22.080, may be submitted by any individual, organization, corporation or partnership; general or special purpose government other than the city; or entity of any kind; provided, that if the proposal involves specific real property, the property owner has provided written consent to the proposal.

B. City-Initiated Amendments. The city council ~~or committee thereof~~ or the planning commission may initiate a planning program or any type of amendment to the comprehensive plan, regardless of whether site-specific or area-wide in scope.

C. Application. Except for city-initiated planning programs or individual amendments, all proposed amendments shall be submitted to the director on an approved form, together with required filing fees. An environmental checklist shall also be submitted if required. A proposed amendment request shall include the following information:

1. Name, address, phone number and e-mail address of the applicant and contact person and written consent of the property owner if the proposal affects specific property;

2. If the amendment concerns specific property, both a general description and legal description of the property;

3. A description of the plan amendment being requested;

4. Written statements addressing the purpose of the amendment, why it is being requested, and how it is consistent with the criteria listed in ACC 14.22.110;

5. If the request is for an amendment to the comprehensive land use map, an indication of what concurrent change in zoning is also being requested.

D. Department Report. The director shall prepare an assessment and recommendation on all proposed amendment requests and include this within a report that evaluates all requests concurrently. (Ord. 6172 § 1, 2008.)

Section 26. Amendment to City Code. That Section 16.08.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

16.08.020 Definitions.

As used in this chapter:

A. "Act" means the Shoreline Management Act of 1971 (Chapter 90.58 RCW) and state departmental regulations pursuant thereto, including any amendments thereto.

B. ~~"Committee" means the planning and development committee of the city council.~~

~~C.~~ "Definitions by reference" means the definitions and concepts set forth in Chapter 6 of the Auburn shoreline master program attached to the ordinance codified in this chapter, the Act (RCW 90.58.030), and state departmental definitions (WAC 173-27-030 and 173-27-250) adopted pursuant thereto which shall also apply as used in this chapter as they would pertain to shorelines within the city limits.

~~D.~~ "Director" means the director of ~~the department of planning and community development and public works~~ of the city, or his/her duly authorized designee. (Ord. 6287 § 2, 2010; Ord. 6235 § 1, 2009; Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 71, 1985; 1957 code § 11.94.020.)

Section 27. Amendment to City Code. That Section 17.02.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

17.02.090 Amendments.

A. Initiation of Amendments.

1. The city council, ~~or the planning and development committee of the city council~~, upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

B. Public Hearing and Notice.

1. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance

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under the authority established by Chapter 58.17 RCW. The director shall cause notice of such hearing to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment can be obtained; and

b. By publishing in a newspaper of general circulation in the area a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment may be obtained.

2. For all proposals to make purely administrative or procedural amendments to this title, the planning director shall cause notice of such proposed amendment to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

b. By publishing in a newspaper of general circulation in the area advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

3. For the purposes of this section, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: substantive matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development), and procedural or administrative matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, procedural or administrative matters are the mechanical rules by which substantive issues may be pursued).

C. Planning Commission Recommendation. After the public hearing has been closed, the planning commission shall recommend to the council either adoption, adoption with modifications, or rejection of the proposed ordinance or amendment. In formulating its recommendation, the commission shall consider, among other things, the relationship between the proposed ordinance or amendment and the comprehensive plan, other applicable city policies, and other existing land use controls.

D. City Council Action. The planning director shall forward the planning commission's recommendation, in writing, to the council. The council may elect to hold its own public hearing, ~~either before the full council or before a council committee~~, in which case the city clerk shall cause adequate notice to be given. The council shall consider, but shall not be bound by, the planning commission's recommendation in reaching its own decision. (Ord. 6287 § 2, 2010; Ord. 6239 § 1, 2009.)

Section 28. Amendment to City Code.

That Section 18.08.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

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18.08.090 Amendments.

Amendments to this chapter may be initiated by the city, the proponent, or the proponent's successor, and shall occur as follows:

A. The ~~planning~~ director ~~or of community development and public works director, in their area of responsibility,~~ may interpret the words and meaning of certain conditions in order to resolve conflicts in implementation. All words in the ordinance codified in this chapter shall carry their customary and ordinary meaning.

B. If changes to the language of the ordinance codified in this chapter are required, such proposed changes shall be reviewed by the ~~planning and development committee of the city council, or its successor~~ director of community development and public works. If, in the estimation of the director of community development and public works, the ~~proposed~~ change is minor, then the ~~committee shall make a recommendation~~ proposed change shall be forwarded directly to the city council for its consideration. If, in the estimation of the director of community development and public works, the change is major, the ~~committee proposed change~~ shall be referred to the ~~change to the hearing examiner~~ planning commission which. For major changes the ~~examiner~~ shall conduct a public hearing and make a recommendation to the city council. (Ord. 6382 § 2, 2011.)

Section 29. Amendment to City Code.

That Section 18.29.070 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.29.070 Design standards.

Adopted by reference are the "Downtown Auburn Design Standards" and the "Auburn Junction Design Standards," a copy of which shall be maintained by the city clerk. These documents contain standards for development of the built environment in the DUC zone. The director shall have the authority to apply the standards to specific development proposals. These standards may be amended upon approval by the ~~planning and community development committee of the Auburn~~ city council. (Ord. 6419 § 2, 2012; Ord. 6287 § 2, 2010; Ord. 6190 § 1, 2008; Ord. 6071 § 6 (Exh. A), 2007.)

Section 30. Amendment to City Code.

That Section 18.68.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.68.020 Initiation of amendments.

A. Zoning Map.

1. One or more property owners of the parcel may submit an application requesting a reclassification of the parcel;

2. The city council, ~~or planning and development committee of the city council, upon its own motion~~ may request the planning commission or hearing examiner to conduct a public hearing on the reclassification of a parcel or parcels of property;

3. The planning commission may upon its own motion call for a public hearing on the reclassification of a parcel or parcels of property.

B. Text.

1. The city council, ~~or planning and development committee of the city council, upon its own motion~~ may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations of the planning commission;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

C. For the purposes of this chapter, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development, what public infrastructure may be required of certain developments), and "procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). (Ord. 6287 § 2, 2010; Ord. 6198 § 3, 2008; Ord. 4840 § 1, 1996; Ord. 4304 § 1(46), 1988; Ord. 4229 § 2, 1987.)

Section 31. Amendment to City Code.

That Section 18.76.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.76.080 Public infrastructure requirements.

The applicant for the PUD must provide all necessary public facilities to include, as a minimum, the following:

A. Dedication of Public Utilities. Public utilities being provided by the city must be dedicated to the city unless allowed to be private by the city.

B. Water, Sewer and Drainage Facilities. All water, sanitary sewer and drainage facilities must be constructed and installed in accordance with applicable city codes and standards, including design criteria, construction specifications, operational criteria, and approved engineering submittals.

C. Underground Facilities. All public utilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, power vaults, telephone pedestals and open watercourses. The applicant is responsible for making the necessary arrangements with the appropriate entities for the installation of such services.

D. Streets.

1. All streets must be constructed to the city's standards. Variations from minimum standards for pavement and right-of-way widths or other dimensional or construction standards may be permitted when special design features of the PUD or topographic considerations warrant the variation. The applicant must submit a written justification for any proposed variation along with evidence that the minimal functional requirements of the proposed street improvements are being met. The city engineer shall review the proposed variation and shall determine if the minimal functional requirements are being met and shall make a recommendation to the city council~~public works committee~~ whether the variation should be approved. The ~~public works committee~~city council shall act upon the request and may require conditions of approval to ensure the minimal functional requirements are being met.

2. Private streets may be permitted within the PUD provided they meet the following criteria:

a. Use of the private street is limited to those accessing property within the planning area or immediately adjacent to the planning area and is not needed by non-PUD residents to travel from one public street to another. The design of the private street shall be such that it will discourage any through traffic that is not related to the planning area itself.

b. The minimum pavement width for private streets shall be 28 feet; provided, that on-street parking is allowed only on one side of the street or 20 feet for alleys. The roadway section pavement depth for asphalt, crushed rock, and gravel base and the material specifications of these materials shall be the same as Auburn standards for public streets. Additional width may be required if determined to be needed to provide adequate circulation for the residents of the PUD. Factors to be considered include but are not limited to providing emergency equipment access, preventing conflicts between pedestrians and vehicle traffic, on-street parking, number of units, the need for sidewalks and bike paths. The pavement width and construction standards, to include but not limited to illumination, signing, storm drainage, curbs, gutters, channelization, e.g., shall be determined by the city engineer at the time of preliminary plat or site plan approval. Private streets and/or access tracts and shared driveways that provide a second or additional access to lots/units shall be constructed to standards, as determined by the city engineer, considered to be appropriate for the situation. Factors to be considered include the number of units served, emergency access and traffic circulation.

c. All sites served by a private street greater than 600 feet in length shall have at least two access connections to a public street and provide for adequate emergency equipment access.

d. A legally incorporated property owners' association assumes the responsibility and cost to repair and maintain the proposed private streets. If the association fails to maintain the street, the by-laws of the association give the city the right to maintain the street and charge the cost of the maintenance, including any administrative costs, to the association members.

e. The by-laws establishing the association must state that if future owners should request that private streets be changed to public streets, then the owners fully agree that, before acceptance of such streets by the city, the owners will bear full expense of reconstruction or any other action necessary to make the streets substantially consistent to the requirements of public streets, applicable at that time. (Ord. 5092 § 1, 1998.)

Section 32. Amendment to City Code.

That Section 20.04.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

20.04.030 Notice of complete application and scheduling of ~~public hearing~~meeting.

A. Within 30 calendar days after receipt of the public way agreement application, the city will complete review of the application to determine whether the application contains sufficient information as outlined in ACC 20.04.020 to proceed with processing. If during the 30-calendar-day review period, the city engineer determines that the application is incomplete, the city engineer will issue a letter to the applicant specifying the additional information necessary to complete the application. The applicant will be given 30 calendar days to respond to the request for additional information. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided following the procedure outlined in this subsection. If the applicant needs additional time to respond, the applicant may request up to an additional 30 calendar days. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. When satisfied that the application is complete, the city engineer will notify the applicant in writing that the application is complete and inform the applicant of the schedule for consideration by the ~~public works committee. If the public works committee determines that the application merits a separate public hearing, it shall recommend to the city council that it schedule a public hearing.~~ The city clerk will notify the applicant in writing of the scheduled hearing~~meeting~~. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

Section 33. Amendment to City Code.

That Section 20.06.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

20.06.030 Notice of complete application and scheduling of public hearing.

A. Notice of Complete Application. Within 30 calendar days after receipt of the franchise application, the city will complete review of the application to determine whether the application contains sufficient information as outlined in ACC 20.06.020 to proceed with processing. If during the 30-calendar-day review period, the city engineer determines that the application is incomplete, the city engineer will issue a letter to the applicant specifying the additional information necessary to complete the application.

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The applicant will be given 30 calendar days to respond. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided. If the applicant needs additional time to respond the applicant may request up to an additional 30 calendar days. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. Scheduling of Public Hearing. When satisfied that the application is complete, the city engineer will notify the applicant in writing that the application is complete and inform the applicant of the schedule for consideration by the ~~public works committee. The public works committee shall review the proposal to include the planned use of the public ways and recommend any modifications required prior to recommending setting the public hearing by the~~ city council. ~~Once satisfied as to the terms of the negotiated draft franchise agreement, the public works committee shall recommend that the city council set the date for the public hearing.~~ The city council will schedule the hearing and the city clerk will notify the applicant in writing of the scheduled hearing. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

Section 34. Amendment to City Code. That Section 20.08.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

20.08.030 Notice of complete application and scheduling of public hearing.

A. Within 30 calendar days the city will complete an initial review of the application to determine whether the application contains sufficient information as outlined in ACC 20.08.020 to proceed with processing. Once satisfied that the proposal is clear, the mayor will appoint a negotiation team to meet with the applicant and determine whether additional information is needed. The team shall as a minimum consist of the finance director, a legal representative, and the department director affiliated with the property being considered for lease. If during the 30-calendar-day review period, the application is deemed incomplete, the city will issue a letter to the applicant specifying the additional information necessary in order to proceed with processing. The applicant will be given 30 calendar days to respond. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. When satisfied that the application is complete, the finance director will issue a letter of completeness and notifying the applicant of the ~~schedule the issue will be considered by the appropriate council committee. The appropriate committee will~~

~~give initial considerations to the negotiation team to facilitate completion of a negotiated draft lease agreement process for consideration of the matter by the city council. Once the team returns to the committee with a an acceptable draft lease agreement has been prepared, the committee will determine if the issues merit a separate public hearing, and recommend to the city council whether a public hearing should be held. The city council city clerk will schedule the a hearing before the city council, and the city clerk will notify the applicant in writing of the scheduled hearing. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)~~

Section 35. Amendment to City Code. That Chapter 2.06 of the Auburn City Code be, and the same hereby is, amended to read as follows:

Chapter 2.06
CITY COUNCIL¹

Sections:

- 2.06.010 Meetings – Time.
- 2.06.020 Meetings – Place.
- 2.06.030 Regular meetings.
- 2.06.040 Special meetings.
- ~~2.06.045 Committee of the whole meetings.~~
- 2.06.050 Meetings – Attendance failure – Office forfeiture.
- 2.06.060 Rules of procedure of the city council.

2.06.010 Meetings – Time.

A. Regular City Council Meetings. Commencing with the first regular council meeting in January, 1984, the city council shall hold regular meetings on the ~~first second~~ and ~~third fourth~~ Mondays of each month, at ~~7:30~~7:00 p.m. ~~and concluding no later than 11:00 p.m.~~; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday.

B. Council Study Sessions. The city council shall hold, as regular meetings, study sessions on the first, third and fifth Mondays of each month, at 5:30 p.m.; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday. (Ord. 5802 § 1, 2004; Ord. 3916 § 1, 1983; 1957 code § 1.04.010.)

¹ For statutory provisions on council meetings in code cities, see RCW 35A.12.110 and 35A.12.120; for provisions on forfeiture of office, see RCW 35A.12.060.

2.06.020 Meetings – Place.

Except as specifically set in locations in Auburn other than at City Hall for particular meetings, and with appropriate public notice, All-all regular meetings of the city council, including regular council meetings and study sessions, shall be held in the council chambers situated in the City Hall building, 25 West Main Street, Auburn, King County, Washington, and shall be open to the general public. (Ord. 5802 § 1, 2004; Ord. 3759 § 1, 1982; 1957 code § 1.04.020.)

2.06.030 Regular meetings.

Regular meetings of the city council shall be held on the times and dates as may be heretofore or hereafter set forth by ordinance. (Ord. 5802 § 1, 2004; 1957 code § 1.04.060.)

2.06.040 Special meetings.

Special meetings of the city council may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting. (Ord. 5802 § 1, 2004; 1957 code § 1.04.070.)

~~2.06.045 Committee of the whole meetings.~~

~~Committee of the whole, consisting of the entire membership of the city council and the deputy mayor as presiding officer, shall meet at 5:005:30 p.m. on the fifth Monday of the month throughout the year, at the Council Chambers at Auburn City Hall, 25 West Main Street, Auburn, Washington, unless a different time and/or location is specially set and noticed, or unless such meeting is cancelled by the mayor or deputy mayor for lack of an agenda with proper notice. The purpose of such meetings of the committee of the whole shall be to address specific issues of city wide importance or special reports or presentations that do not lend themselves to the agendas of the standing committees study sessions, and that do not, in their present form or stage of development, lend themselves to the agendas of the or regular council meetings. The city council shall not take final action on any matters coming before it at a meeting of the committee of the whole unless the meeting is noticed as a special meeting for such purpose, pursuant to the requirements of ACC 2.06.040. (Ord. 5831 § 1, 2004.)~~

2.06.050 Meetings – Attendance failure – Office forfeiture.

A councilmember shall forfeit his/her office if he/she fails to attend three consecutive regular meetings of the council without being excused by the mayor. (Ord. 5802 § 1, 2004; Ord. 2907 § 2, 1976.)

2.06.060 Rules of procedure of the city council.

The rules of procedure of the city council of Auburn, Washington, shall be as approved by a majority vote of the city council. (Ord. 5802 § 1, 2004.)²

Section 36. Repeal of Section of City Code. That Section 12.20.050 of the Auburn City Code be, and the same hereby is, repealed.

Section 37. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 38. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 39. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law, and on January 1, 2015.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

² The rules of procedure of the city council are adopted by reference as Exhibit "A" to Ordinance 5802, and amended by Resolution No. 4282, Resolution No. 4429, Resolution No. 4467, Resolution No. 4615, Resolution No. 4686, Resolution No. 4740, Resolution No. 4813, Resolution No. 4909 and Resolution No. 5105, and may be found on file in the city clerk's office.

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____

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October 2, 2014
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TEXT OF REPEALED CODE SECTION

12.20.050 Width. [DRIVEWAYS]

Unless deviation is granted by the public works committee of the city council, the widths shall be in conformance with the city of Auburn design and construction standards and the city of Auburn construction details. (Ord. 5143 § 1, 1998; Ord. 3866 § 2, 1983; Or. 2980 § 1, 1976; 1957 code § 8.14.040.)

2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the city council and/or or by the committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

2.07.080 Subcommittee structure.

A. The junior city council may informally divide its members into subcommittees to consider different topics of interest, or into subcommittees that it deems helpful to its tasks.

B. The subcommittees will meet on an as-needed basis.

C. The subcommittees shall consist of at least three members of the junior city council, but shall consist of less than a quorum of the junior city council (less than five members).

D. Any discussions or recommendations of any subcommittees shall be communicated to and shared with the full junior city council.

E. The subcommittees shall not constitute legislative or agency bodies so as to trigger the requirement that the subcommittees comply with the Washington State Open Public Meetings Act (Chapter 42.30 RCW). (Ord. 6441 § 1, 2013.)

2.12.010 Duties.

The city attorney shall advise authorities and officers on all legal matters pertaining to the business of the city and shall approve all ordinances as to form. He shall represent the city in all actions brought by or against the city, or against city officials in their official capacity. He shall perform such other duties as the city council by ordinance may direct. Included in the foregoing and in addition thereto, the city attorney shall:

A. Attend all meetings of the city council, including regular, special and interim meetings, as well as all regular meetings of the planning commission and board of adjustment of the city;

B. Attend meetings, upon request, of all other official boards and commissions of the city, as well as all ad hoc committees or subcommittees of the city council;

C. Maintain an office in space furnished by the city in the city hall building during regular business hours Monday through Friday, except during those periods of

time when the presence of either himself/herself or his/her assistant is required out of the office in the performance of official legal business for the city;

D. Answer inquiries from citizens for information concerning city matters;

E. Consult interested officials and officers concerning, and prepare all resolutions, ordinances, petitions, contracts, leases, easements, deeds, notices and other legal documents, and suggest legislation, where the responsibility for preparation is upon the city, or requested by city officials; examine and approve or suggest changes in all such instruments when the duty of preparation rests upon others than the city;

F. Advise the council, boards, commissions, department heads and other city officials and officers, rendering formal legal opinions when requested, or when it appears to the attorney necessary or advisable;

G. Prosecute in the court of criminal jurisdiction, and on appeal in appellate courts, all alleged violations of city ordinances, and actions to recover licenses, penalties and forfeitures. Advise the proper officials and officers on the filing of complaints therefor;

H. Prosecute and/or defend, in courts of original jurisdiction, and on appeal, all civil actions brought by or against the city, or against officials, officers and employees in their official capacity, including condemnation proceedings. Participate in consultations concerning settlement of claims against the city, or its officials, officers and employees in their official capacities; provided, that where insurance counsel also defends the city, the main burden of such actions may be left to such counsel. See to the ultimate enforcement of all judgments and decrees rendered in favor of the city in any action or suit;

I. Participate in the expedition of bond issues, providing this shall not require an opinion of the validity of the bonds in any case where special bond counsel is retained by the city or any prospective bond buyer;

J. On request, participate in and consult concerning intergovernmental relations in which the city is concerned;

K. Perform such other duties as may be required by the laws of the state.

Provided, however, the duties of the city attorney as prescribed in this section shall not prohibit the employment of special counsel to assist the city attorney in unusual cases of a specialized nature, when such employment is authorized by the city council. (1957 code § 1.05.010.)

3.04.270 Landscaping and community beautification and gift cumulative reserve fund – Use.

The Auburn landscaping and community beautification and gift cumulative reserve fund shall be used for the purpose of receiving gifts and donations of moneys to the fund and the cumulative reserve funds shall be used for the purpose of city landscaping and community beautification projects and for such special purposes as any donors of any such money or gifts to such fund might specify, as approved by the mayor. (1957 code § 1.36.200.)

3.04.280 Landscaping and community beautification and gift cumulative reserve fund – Designation of use of gifts.

Any person or party making a gift or donation to the fund referred to in ACC 3.04.270 may, in doing so, designate that the materials purchased with the gifts or donations shall be inscribed in a suitable manner with a dedication or memorial to a person, place or thing, as directed by the donor; provided, however, that the city reserves the right to reject any such gift or donation at the option of the city for whatever reason the city deems proper. The mayor shall recommend to the city council the acceptance or rejection of the gifts or donations. (1957 code § 1.36.210.)

3.10.028 Approval of asset and/or system expansions, additions, and betterments.

Asset and/or system expansions, additions, and betterments that have been recognized as authorized capital projects exceeding \$25,000.00 in the budget shall be reviewed by the mayor or his/her designee to formally initiate the project prior to a call for bids. (Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)

5.20.050 License application – Approval or disapproval procedure.

The business license clerk shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

A. Adopt all forms and prescribe the information required to implement this chapter;

B. Submit all applications, to department heads as listed below for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing:

1. Ambulance services license: fire and police departments;
2. Amusement device license: police (four or under) and building, planning and police (five or more);
3. Auto races license: building, fire, planning and police departments;
4. Cabaret licenses: fire and police departments;
5. Carnivals, circuses, shows, etc., licenses: building, fire, police and planning departments;
6. Dance licenses: fire and police departments;
7. Fire extinguisher service licenses: fire department;
8. Massage business, health salon, etc., licenses: building, fire, planning, police departments and health officer;
9. Merchant patrol and private detective licenses: police department;
10. Motor vehicle wreckers licenses: building, fire, planning and police departments;
11. Outdoor musical entertainment licenses: building, fire, planning and police departments;
12. Pawnbrokers/secondhand dealers licenses: police department;
13. Solicitor license: police department;

14. Tow truck business license: fire, planning and police departments.

C. Notify any applicant of the acceptance or rejection of his application and shall, upon denial of any license state in writing the reasons therefor, the process for appeal and deliver them to the applicant.

D. Deny any application for license upon written findings that the granting would be detrimental to the public peace, health or welfare:

1. Whenever any such license is denied the applicant may within 15 days from date of action, file written notice of appeal to the city's director of community development and public works. Action of the city's director of community development and public works may be appealed 15 days from date of action to the hearing examiner, and action of the hearing examiner shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued pursuant to a judgment ordering the same. (Ord. 5897 § 9, 2005; Ord. 4012 § 2, 1984.)

5.20.070 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the police chief and/or building official for any reason if the further operation thereof would be detrimental to public peace, health or welfare, or the violation of any federal or state law or any ordinance or regulation of the city. The city clerk or the director of community development and public works shall cause to be served upon such parties as may be deemed to be interested therein such reasonable notice as may be determined to be proper of intention to revoke such license.

B. Where deemed necessary to prevent further detriment to public peace, health or welfare, or violation of any federal or state law or any city ordinance or regulation the police chief or building official may immediately revoke any license issued under the provisions of this chapter.

C. Whenever any such license is revoked, the licensee may within 15 days from date of action file written notice of appeal to the city's director of community development and public works. Action of the director of community development and public works may be appealed within 15 days from date of action to the hearing examiner and action of the hearing examiner shall be conclusive and not subject to review. (Ord. 4012 § 2, 1984.)

8.24.040 Public display of fireworks.

A. Every public display of fireworks shall be handled by a competent operator approved by the police chief or his designee and shall be of such character, and so located, discharged, or fired, that, in the opinion of the police chief or his designee, after proper investigation, it will not constitute a hazard to property or endanger any person. Should the police chief or his designee deny a permit for public display of fireworks, the applicant therefor shall have the right to appeal that denial to the Auburn city council,

which shall consider such application, recommendation and denial, and in its discretion shall either uphold the denial or grant the permit applied for.

B. A state pyrotechnics license is required for operators of a public display of fireworks.

C. A bond or certificate of insurance must be furnished to the fire chief before a permit is issued. The bond shall be in the amount of \$1,000,000.00 and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by such public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability, including automobile coverage, insurance policy providing limits of \$1,000,000.00 combined single limit, per occurrence and annual aggregate, no deductible, and naming the city of Auburn as an additional insured.

D. Transportation and Storage.

1. All fireworks shall be transported within the city in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.

2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.

3. All shells shall be inspected upon delivery to the display site by the display operator. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.

4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing line) from the nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flame-proof water-repellent canvas cover until emptied.

5. The shell storage area shall be located at a minimum distance of not less than 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of Site and Crowd Control.

1. All dry grass, weeds and other combustible waste matter within 50 feet of the firing site shall be removed.

2. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.

3. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.

4. The firing and storage site shall be located not less than 200 feet from any building.

5. The operator shall provide sufficient personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This

requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment and fireworks have been removed from the site.

6. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of Mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of not less than 10 degrees, pointing toward the water.

3. Mortars shall be either buried securely into the ground to a depth of between two-thirds and three-fourths of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

6. Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down-range side of the discharge site.

G. Operation of the Display.

1. The operator shall provide fire protection at the site as required by the fire chief or his designee.

2. Only permitted fireworks are authorized for use.

3. If, in the opinion of the fire chief or his authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

4. If at any time high winds or unusually wet weather prevail such that, in the opinion of the fire chief, his authorized representative or the display operator, a definite danger exists, the public display shall be postponed until weather conditions improve to permit safe discharge of fireworks.

5. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.

6. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.

7. No smoking or open flames shall be allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

8. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the planned landing area.

9. The mortars shall be re-angled or reset if necessary at any time during the display.

10. When a shell fails to ignite in the mortar, the mortar shall not be touched for a minimum of five minutes. After five minutes it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

11. Operators shall not attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

12. Operators shall not dry a wet shell, lance, or pot for reuse.

13. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

14. When fireworks are displayed in darkness the sponsor shall ensure that the firing range is inspected early the following morning.

15. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the city to the supplier from which they were purchased or to a location approved by the fire chief or his designee.

16. The debris from discharged fireworks shall be properly disposed of.

H. The denial by the police chief of a permit for the public display of fireworks may be appealed to the Auburn city council. (Ord. 5679 § 1, 2002; Ord. 5385 § 6, 2000; Ord. 3976 § 8, 1984. Formerly 8.24.080.)

10.41.010 Restricted parking zones – Establishment.

A. In conformity with the standards and policies of the city council, the city engineer is authorized to establish and remove restricted parking zones when, in the city engineer's professional judgment, a restricted parking zone will reduce or eliminate a parking problem and the public interest will be served. The city engineer shall report to the mayor and city council any such changes to parking zones.

B. Restricted parking zones may reserve on-street parking for the exclusive use of abutting properties and/or residents in a prescribed vicinity; vehicles used by their visitors; and service vehicles of persons having business in the street. They may also reserve on-street parking only during certain posted hours, allowing unrestricted parking at all other times.

C. Application for parking permits shall be made on a form provided by the city of Auburn. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit within the designated residential parking zone (RPZ). The address of vehicle registration and driver's license must coincide with the residential address of the person requesting a permit.

D. The city shall issue permits or other means of identification, maintain lists of vehicles used by residents, or adopt any other reasonable means of distinguishing vehicles that may validly be parked in any restricted parking zone from other vehicles. Restricted parking zones shall be appropriately signed and/or marked. Any vandalism or destruction of parking control signs shall not affect the validity of a restriction upon parking on any street segment designated by the city engineer if other signs or traffic control devices give notice that parking in the street segment is restricted. (Ord. 6267 § 1, 2009.)

10.64.020 Definitions.

For the purposes of this chapter the following words shall have the meanings ascribed to them as follows:

A. "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

B. "Parade permit" is a permit as required by this chapter.

C. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 3311 § 2, 1978.)

10.64.090 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within three days after notice of denial. The city council shall act upon the appeal within seven days after its receipt. (Ord. 3713 § 6, 1981; Ord. 3311 § 7, 1978.)

10.64.120 Public conduct during parades.

A. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade, unless directed to do so by an Auburn police officer.

C. Parking on Parade Route. The police chief and the city engineer shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The police chief or the city engineer shall cause to be posted signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Ord. 3311 § 11, 1978.)

12.04.010 Adoption of engineering construction standards and engineering design standards.

A. Adopted – Engineering Construction Standards. The engineering construction standards include the following documents and manuals which are herein referred to as the “engineering construction standards” and are adopted by reference:

1. The Standard Plans (M21-01) for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation, the latest publication and amendments thereto, as determined appropriate for city infrastructure by the city engineer and for conformance with adopted city engineering design standards.

2. The Standard Specifications for Road, Bridge and Municipal Construction, the latest (English) edition publication and amendments thereto as issued by the Washington State Department of Transportation as supplemented and amended through special provisions by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

3. The City of Auburn Engineering Standard Details, a manual of specific plans or drawings developed and adopted by the city of Auburn department of public works which show frequently recurring components of work that have been standardized for repetitive use, as supplemented and amended by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

B. Adopted – Engineering Design Standards. The engineering design standards as approved, supplemented and amended by the city engineer for specific design applications and in consultation with the City Council on Policy issues or broad city-wide implications shall include the following documents and manuals which are herein referred to as the “engineering design standards” and are adopted by reference:

1. A manual of specific design requirements which shows frequently recurring public transportation and utility infrastructure standards.

2. The City of Auburn Surface Water Management Manual (SWMM) which is the 2008 City of Tacoma Surface Water Management Manual as amended for use in the city of Auburn. The SWMM is a manual of specific requirements related to storm drainage management.

C. Adopted – Highway Access Management. Chapter 468-52 WAC, Highway Access Management – Access Control Classification System and Standards, and amendments thereto, with the exception of WAC 468-52-060 and 468-52-070, is adopted by reference with the following amendments:

1. All references to the “Department” shall be changed to “city of Auburn.”

2. All references to Chapter 468-51 WAC or sections thereof shall be changed to “City of Auburn Engineering Design Standards.” (Ord. 6283 § 1, 2009; Ord. 6258 § 1, 2009; Ord. 6157 § 1, 2008; Ord. 5042 § 1 (Exh. B), 1998.)

12.04.050 Authorities for public infrastructure and right-of-way management.

A. Develop and Publish City Engineering Standards. The city engineer or his/her designee shall develop, implement and publish engineering design standards manuals in accordance with Section 12.04.010(B) of the city code. The city engineer or

his/her designee shall develop, implement and publish engineering construction standards manuals and establish engineering standard construction practices for regulation of all work within the public way by all persons to include, but not be limited to, franchise public/private utilities and entities possessing a right-of-way agreement and/or permit to assure the public's safety, welfare and interest is protected.

B. Survey Record Controls. The city engineer or his/her designee shall develop office procedures for establishing horizontal and vertical control registration of existing and future development within the urban growth areas of the city. Procedures will utilize both city and private development record drawings and survey efforts to continue to maintain an accurate current database for future reference. The city will provide the most current benchmark geodetic survey data to new developers and for city construction projects at the administrative cost of providing the service, and require in exchange, at no cost to the city, the developer and/or city project sponsors to provide equal quality record drawings in AutoCAD drawing file format at completion of the development and/or city project to update records reflecting survey controls of the new development and/or city infrastructure.

C. Subdivision Records. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all recorded plats and short plats.

D. Management of Record Drawings. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public transportation, water, sanitary sewer, and storm drainage infrastructure as defined in ACC 13.40.010.

E. Management of Right-of-Way and Easements. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public right-of-way, public access easements, city utility easements, cross drainage easements, and public facilities developed and dedicated to the city.

The acquisition of real property and relocation of inhabitants required for the completion of city projects shall be pursuant to ACC 2.03.030 and Chapter 3.10 ACC.

The city engineer may accept easements granted to the city as part of an approved development project or capital projects of the city for city utilities, drainage, slope protection, public access, and right-of-way, and may also accept public facility extensions that are not dedicated through plats and short plats., the city engineer may execute a release or partial release of any city utility, drainage, temporary road, or slope protection easements that are not needed or are no longer needed for city purposes. All other city-held easements shall be released only by city council action, and public right-of-way easements shall be subject to the vacation provisions set forth in Chapter 12.48 ACC, and in accordance with Chapter 35.79 RCW. (Ord. 6312 § 1, 2010; Ord. 6265 § 2, 2009; Ord. 6258 § 1, 2009; Ord. 6013 § 1, 2006; Ord. 5042 § 1 (Exh. B), 1998.)

12.32.020 Prohibitions.

It is unlawful for any person, firm or corporation, or for any agent, representative, servant or employee thereof, to deposit, place, erect or maintain, or cause to be

deposited, placed, erected or maintained, upon any sidewalk located in any public street, alley or place of the city, or upon any portion of such sidewalk, any bench, chair, rack, stand, structure, sign, merchandise or other object, except as approved by the city engineer, or to place, erect or maintain, or cause to be placed, erected or maintained, over such sidewalk, or over any portion of such sidewalk, any structure, sign or other object at such height or in such manner as to prevent or interfere with the free and unobstructed use of all of such sidewalk by pedestrians. (1957 code § 8.18.020.)

12.60.040 Type B short-term permit.

- A. Type B is a short-term permit for uses of less than 30 days.
- B. Type B permit uses include, but are not limited to, right-of-way closures for sidewalk sales, rallies, block parties, or other similar events.
- C. In the event a Type B permit involves a street, sidewalk, or parking closure, additional fees are required per the city of Auburn fee schedule.
- D. Issuance of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy implications shall require approval of the city engineer.
- E. Applicant shall be an individual or organization that does not discriminate in regard to race, religion, color, gender, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6125 § 1, 2007; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998.)

12.60.050 Type C long-term permit.

- A. Type C is a long-term permit for uses of 30 days to five years.
- B. Type C permit uses include, but are not limited to, installation of groundwater monitoring wells, landscaping, fences, awnings, underground storage tanks, bus shelters, underground or overhead facilities such as fiber optic cables or utility vaults except when a franchise or public way agreement applies, use of the right-of-way to paint or repair a building or to stage for construction, sidewalk cafes, and sidewalk vending units.
- C. In the event a Type C permit involves a street, sidewalk, or parking closure, additional fees are required per the city of Auburn fee schedule.
- D. Issuance of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy implications shall require approval of the city engineer.
- E. Applicant shall be an individual or organization that does not discriminate in regard to race, religion, color, gender, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6125 § 1, 2007.)

12.60.070 Right-of-way use permit term, extension, renewal and termination.

- A. No permit term shall exceed five years unless it has been approved by the full council.

B. The city has authority to grant a single 30-day extension to the applicant upon receipt of a written request, absent any known reasons for denial. Extensions of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy or broad city-wide implications shall require approval of the city engineer.

C. Once a permit has expired or been revoked, the applicant must apply for a new permit. No permit shall be automatically renewed.

D. All right-of-way use permits are wholly of a temporary nature, and vest no permanent rights whatsoever.

E. Right-of-way use permits are approved for the location and applicant listed on the permit and cannot be transferred for another location or for another applicant unless first approved by the city.

F. The city shall have the authority to restrict, suspend, or revoke a permit upon 30 days' notice; provided, however, the city shall have the authority to immediately suspend or revoke a permit without such notice in situations that present, in the city's determination, a health or safety hazard or constitute a public nuisance. The grounds for restricting, suspending, or revoking a right-of-way use permit shall include, but not be limited to:

1. Any other license or permit that the applicant is required to have for the same use as the right-of-way use permit is not acquired or is suspended, revoked, or canceled.

2. The applicant has violated or failed to meet any of the provisions of this chapter or is in violation of any other ordinances or regulations of the city relating to the use by the applicant for which the permit is applied for or issued.

3. The applicant has failed to meet the conditions of the permit.

4. The use for which the permit was approved has changed.

5. The permit was procured by fraud or misrepresentation of fact or was issued in error or on the basis of incorrect information supplied to the city.

6. The abutting property owner or legal representative withdraws consent in writing for a sidewalk vending unit. (Ord. 6125 § 1, 2007.)

14.18.030 Public hearing.

A. Upon determination of a complete application for development, other than an individual single-family home, the director shall tentatively set a date for a public hearing to be held before the city's hearing examiner. Every hearing held for the purposes of this chapter shall be open to the public, and a record of the hearing shall be kept and made available for public inspection.

B. Any notice of public hearing required by this section shall include the hour, date and location of the hearing and a description of the property. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

C. The planning director shall cause notice of the hearing to be given in the following manner:

1. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation within the county where the real property is located;

2. Requiring the subject property posted in accordance with the applicable requirements of Chapter 1.27 ACC. (Ord. 6287 § 2, 2010; Ord. 5811 § 3, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

14.18.050 Hearing examiner.

The hearing examiner, following the closure of the public hearing, shall recommend to the city council that the city sign a development agreement with the applicant or to not sign a development agreement with the applicant. The hearing examiner shall not recommend approval of the development agreement unless it finds the proposal is in conformance with the findings of fact as outlined in ACC 14.18.070(A). (Ord. 6287 § 2, 2010; Ord. 4872 § 1, 1996.)

14.18.060 City council review.

A. Upon receipt of the hearing examiner's recommendation, the city council shall, at its next public meeting, approve, remand the recommendation to the hearing examiner or schedule a closed record hearing. Any aggrieved person may request the council to conduct its own closed record hearing. The council can only amend or reject the hearing examiner's recommendation.

B. If the council holds its own closed record hearing on a proposed development agreement, the council shall consider the findings, conclusions and recommendations of the hearing examiner's public hearing. After conducting its own closed record hearing the council may approve, approve with conditions, reject or return the application to the applicant for corrections or modifications.

C. When the council makes its decision on the development agreement, it shall pass a resolution prepared by the city attorney. A resolution prepared under this subsection shall include formal findings of fact and conclusions supporting the decision. If the development meets all city development standards, the findings shall affirm that the development conforms with all applicable city development standards. If the development agreement allows modifications from some city standards, the modifications shall be specified in the resolution. (Ord. 6287 § 2, 2010; Ord. 5785 § 1, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

14.22.040 Definitions.

A. "Amendment" means any change in the wording, context or substance of the comprehensive plan or a change to the comprehensive land use map or any other map contained or referenced within any plan chapter or element.

B. "Area-wide map amendment" means an amendment to the comprehensive land use map involving four or more contiguous or adjacent parcels under different ownership that would be similarly affected by a proposed map amendment.

C. “City-initiated planning program” means a planning program begun by resolution of the city council or the planning commission, addressing a geographic sub-area of the city’s urban growth area (such as a special area plan) or addressing a specific functional area (such as a utility plan).

D. “Director” means the director of the department of planning and development or his/her designee.

E. “Docket” means a list of suggested amendments to the comprehensive plan maintained by the director.

F. “Planning commission” is an appointed group serving in an advisory capacity to the city council as specified in Chapter 2.45 ACC. (Ord. 6287 § 2, 2010; Ord. 6172 § 1, 2008.)

14.22.080 Docketing.

A. In accordance with RCW 36.70A.470, suggested changes to the comprehensive plan which are not specific to any site may be submitted by any individual, organization or general or special purpose government and shall be coordinated by the director. The director shall create appropriate forms for such submittals that require the submittal to address the criteria outlined in subsection C of this section. The list shall be known as the “docket” and is the means to suggest a change or identify a deficiency in the comprehensive plan. An item may be submitted to the docket at any time during the calendar year. There is no fee associated with submitting an item to the docket.

B. Annually, the director shall review such suggestions with the city council and determine whether to direct them to the planning commission for consideration. The city council may decline to consider any item from the docket.

C. Proposed amendments on the docket may be considered appropriate for action if the following criteria are met:

1. A proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the plan;
2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the plan;
3. The proposal addresses the interests and changed needs of the entire city as identified in the plan;
4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the city council;
5. The proposal can be reasonably reviewed and evaluated, given existing staff and budget resources; and
6. The proposal has not been voted on by the city council in the last three years. This time limit may be waived by the city council if it is demonstrated that there exists either an obvious technical error or a change in circumstances that justifies the need for the amendment.

D. Any item on the docket that is not determined to be appropriate for action may be proposed under ACC 14.22.090, provided it is timely and properly filed. (Ord. 6172 § 1, 2008.)

14.22.090 Proposals for amendments.

A. Privately Initiated Amendments. A proposed amendment to the comprehensive plan, other than docketing pursuant to ACC 14.22.080, may be submitted by any individual, organization, corporation or partnership; general or special purpose government other than the city; or entity of any kind; provided, that if the proposal involves specific real property, the property owner has provided written consent to the proposal.

B. City-Initiated Amendments. The city council or the planning commission may initiate a planning program or any type of amendment to the comprehensive plan, regardless of whether site-specific or area-wide in scope.

C. Application. Except for city-initiated planning programs or individual amendments, all proposed amendments shall be submitted to the director on an approved form, together with required filing fees. An environmental checklist shall also be submitted if required. A proposed amendment request shall include the following information:

1. Name, address, phone number and e-mail address of the applicant and contact person and written consent of the property owner if the proposal affects specific property;

2. If the amendment concerns specific property, both a general description and legal description of the property;

3. A description of the plan amendment being requested;

4. Written statements addressing the purpose of the amendment, why it is being requested, and how it is consistent with the criteria listed in ACC 14.22.110;

5. If the request is for an amendment to the comprehensive land use map, an indication of what concurrent change in zoning is also being requested.

D. Department Report. The director shall prepare an assessment and recommendation on all proposed amendment requests and include this within a report that evaluates all requests concurrently. (Ord. 6172 § 1, 2008.)

16.08.020 Definitions.

As used in this chapter:

A. "Act" means the Shoreline Management Act of 1971 (Chapter 90.58 RCW) and state departmental regulations pursuant thereto, including any amendments thereto.

B. "Definitions by reference" means the definitions and concepts set forth in Chapter 6 of the Auburn shoreline master program attached to the ordinance codified in this chapter, the Act (RCW 90.58.030), and state departmental definitions (WAC 173-27-030 and 173-27-250) adopted pursuant thereto which shall also apply as used in this chapter as they would pertain to shorelines within the city limits.

C. "Director" means the director of community development and public works of the city, or his/her duly authorized designee. (Ord. 6287 § 2, 2010; Ord. 6235 § 1, 2009; Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 71, 1985; 1957 code § 11.94.020.)

17.02.090 Amendments.

A. Initiation of Amendments.

1. The city council, upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

B. Public Hearing and Notice.

1. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance under the authority established by Chapter 58.17 RCW. The director shall cause notice of such hearing to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment can be obtained; and

b. By publishing in a newspaper of general circulation in the area a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment may be obtained.

2. For all proposals to make purely administrative or procedural amendments to this title, the planning director shall cause notice of such proposed amendment to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

b. By publishing in a newspaper of general circulation in the area advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

3. For the purposes of this section, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: substantive matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what

requirements apply to development), and procedural or administrative matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, procedural or administrative matters are the mechanical rules by which substantive issues may be pursued).

C. Planning Commission Recommendation. After the public hearing has been closed, the planning commission shall recommend to the council either adoption, adoption with modifications, or rejection of the proposed ordinance or amendment. In formulating its recommendation, the commission shall consider, among other things, the relationship between the proposed ordinance or amendment and the comprehensive plan, other applicable city policies, and other existing land use controls.

D. City Council Action. The planning director shall forward the planning commission's recommendation, in writing, to the council. The council may elect to hold its own public hearing, in which case the city clerk shall cause adequate notice to be given. The council shall consider, but shall not be bound by, the planning commission's recommendation in reaching its own decision. (Ord. 6287 § 2, 2010; Ord. 6239 § 1, 2009.)

18.08.090 Amendments.

Amendments to this chapter may be initiated by the city, the proponent, or the proponent's successor, and shall occur as follows:

A. The director of community development and public works may interpret the words and meaning of certain conditions in order to resolve conflicts in implementation. All words in the ordinance codified in this chapter shall carry their customary and ordinary meaning.

B. If changes to the language of the ordinance codified in this chapter are required, such proposed changes shall be reviewed by the director of community development and public works. If, in the estimation of the director of community development and public works, the proposed change is minor, then the proposed change shall be forwarded directly to the city council for its consideration. If, in the estimation of the director of community development and public works, the change is major, the proposed change shall be referred to the planning commission which shall conduct a public hearing and make a recommendation to the city council. (Ord. 6382 § 2, 2011.)

18.29.070 Design standards.

Adopted by reference are the "Downtown Auburn Design Standards" and the "Auburn Junction Design Standards," a copy of which shall be maintained by the city clerk. These documents contain standards for development of the built environment in the DUC zone. The director shall have the authority to apply the standards to specific development proposals. These standards may be amended upon approval by the city council. (Ord. 6419 § 2, 2012; Ord. 6287 § 2, 2010; Ord. 6190 § 1, 2008; Ord. 6071 § 6 (Exh. A), 2007.)

18.68.020 Initiation of amendments.

A. Zoning Map.

1. One or more property owners of the parcel may submit an application requesting a reclassification of the parcel;

2. The city council may request the planning commission or hearing examiner to conduct a public hearing on the reclassification of a parcel or parcels of property;

3. The planning commission may upon its own motion call for a public hearing on the reclassification of a parcel or parcels of property.

B. Text.

1. The city council may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations of the planning commission;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

C. For the purposes of this chapter, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development, what public infrastructure may be required of certain developments), and "procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). (Ord. 6287 § 2, 2010; Ord. 6198 § 3, 2008; Ord. 4840 § 1, 1996; Ord. 4304 § 1(46), 1988; Ord. 4229 § 2, 1987.)

18.76.080 Public infrastructure requirements.

The applicant for the PUD must provide all necessary public facilities to include, as a minimum, the following:

A. Dedication of Public Utilities. Public utilities being provided by the city must be dedicated to the city unless allowed to be private by the city.

B. Water, Sewer and Drainage Facilities. All water, sanitary sewer and drainage facilities must be constructed and installed in accordance with applicable city codes and standards, including design criteria, construction specifications, operational criteria, and approved engineering submittals.

C. Underground Facilities. All public utilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, power vaults, telephone pedestals and open watercourses. The applicant is responsible for making the necessary arrangements with the appropriate entities for the installation of such services.

D. Streets.

1. All streets must be constructed to the city's standards. Variations from minimum standards for pavement and right-of-way widths or other dimensional or construction standards may be permitted when special design features of the PUD or topographic considerations warrant the variation. The applicant must submit a written justification for any proposed variation along with evidence that the minimal functional requirements of the proposed street improvements are being met. The city engineer shall review the proposed variation and shall determine if the minimal functional requirements are being met and shall make a recommendation to the city council whether the variation should be approved. The city council shall act upon the request and may require conditions of approval to ensure the minimal functional requirements are being met.

2. Private streets may be permitted within the PUD provided they meet the following criteria:

a. Use of the private street is limited to those accessing property within the planning area or immediately adjacent to the planning area and is not needed by non-PUD residents to travel from one public street to another. The design of the private street shall be such that it will discourage any through traffic that is not related to the planning area itself.

b. The minimum pavement width for private streets shall be 28 feet; provided, that on-street parking is allowed only on one side of the street or 20 feet for alleys. The roadway section pavement depth for asphalt, crushed rock, and gravel base and the material specifications of these materials shall be the same as Auburn standards for public streets. Additional width may be required if determined to be needed to provide adequate circulation for the residents of the PUD. Factors to be considered include but are not limited to providing emergency equipment access, preventing conflicts between pedestrians and vehicle traffic, on-street parking, number of units, the need for sidewalks and bike paths. The pavement width and construction standards, to include but not limited to illumination, signing, storm drainage, curbs, gutters, channelization, e.g., shall be determined by the city engineer at the time of preliminary plat or site plan approval. Private streets and/or access tracts and shared driveways that provide a second or additional access to lots/units shall be constructed to standards, as determined by the city engineer, considered to be appropriate for the situation. Factors to be considered include the number of units served, emergency access and traffic circulation.

c. All sites served by a private street greater than 600 feet in length shall have at least two access connections to a public street and provide for adequate emergency equipment access.

d. A legally incorporated property owners' association assumes the responsibility and cost to repair and maintain the proposed private streets. If the association fails to maintain the street, the by-laws of the association give the city the right to maintain the street and charge the cost of the maintenance, including any administrative costs, to the association members.

e. The by-laws establishing the association must state that if future owners should request that private streets be changed to public streets, then the owners fully agree that, before acceptance of such streets by the city, the owners will bear full expense of reconstruction or any other action necessary to make the streets substantially consistent to the requirements of public streets, applicable at that time. (Ord. 5092 § 1, 1998.)

20.04.030 Notice of complete application and scheduling of meeting.

A. Within 30 calendar days after receipt of the public way agreement application, the city will complete review of the application to determine whether the application contains sufficient information as outlined in ACC 20.04.020 to proceed with processing. If during the 30-calendar-day review period, the city engineer determines that the application is incomplete, the city engineer will issue a letter to the applicant specifying the additional information necessary to complete the application. The applicant will be given 30 calendar days to respond to the request for additional information. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided following the procedure outlined in this subsection. If the applicant needs additional time to respond, the applicant may request up to an additional 30 calendar days. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. When satisfied that the application is complete, the city engineer will notify the applicant in writing that the application is complete and inform the applicant of the schedule for consideration by the city council. The city clerk will notify the applicant in writing of the scheduled meeting. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

20.06.030 Notice of complete application and scheduling of public hearing.

A. Notice of Complete Application. Within 30 calendar days after receipt of the franchise application, the city will complete review of the application to determine whether the application contains sufficient information as outlined in ACC 20.06.020 to proceed with processing. If during the 30-calendar-day review period, the city engineer determines that the application is incomplete, the city engineer will issue a letter to the applicant specifying the additional information necessary to complete the application. The applicant will be given 30 calendar days to respond. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined

complete, written notice will be provided. If the applicant needs additional time to respond the applicant may request up to an additional 30 calendar days. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. Scheduling of Public Hearing. When satisfied that the application is complete, the city engineer will notify the applicant in writing that the application is complete and inform the applicant of the schedule for consideration by the city council. The city council will schedule the hearing and the city clerk will notify the applicant in writing of the scheduled hearing. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

20.08.030 Notice of complete application and scheduling of public hearing.

A. Within 30 calendar days the city will complete an initial review of the application to determine whether the application contains sufficient information as outlined in ACC 20.08.020 to proceed with processing. Once satisfied that the proposal is clear, the mayor will appoint a negotiation team to meet with the applicant and determine whether additional information is needed. The team shall as a minimum consist of the finance director, a legal representative, and the department director affiliated with the property being considered for lease. If during the 30-calendar-day review period, the application is deemed incomplete, the city will issue a letter to the applicant specifying the additional information necessary in order to proceed with processing. The applicant will be given 30 calendar days to respond. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. When satisfied that the application is complete, the finance director will issue a letter of completeness and notifying the applicant of the —process for consideration of the matter by the city council. Once an acceptable draft lease agreement has been prepared, the city clerk will schedule a hearing before the city council, and the city clerk will notify the applicant in writing of the scheduled hearing. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

Chapter 2.06 CITY COUNCIL¹

Sections:

¹ For statutory provisions on council meetings in code cities, see RCW 35A.12.110 and 35A.12.120; for provisions on forfeiture of office, see RCW 35A.12.060.

- 2.06.010 Meetings – Time.
- 2.06.020 Meetings – Place.
- 2.06.030 Regular meetings.
- 2.06.040 Special meetings.
- 2.06.050 Meetings – Attendance failure – Office forfeiture.
- 2.06.060 Rules of procedure of the city council.

2.06.010 Meetings – Time.

A. Regular City Council Meetings. Commencing with the first regular council meeting in January, 1984, the city council shall hold regular meetings on the second and fourth Mondays of each month, at 7:00 p.m.; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday.

B. Council Study Sessions. The city council shall hold, as regular meetings, study sessions on the first, third and fifth Mondays of each month, at 5:30 p.m.; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday. (Ord. 5802 § 1, 2004; Ord. 3916 § 1, 1983; 1957 code § 1.04.010.)

2.06.020 Meetings – Place.

Except as specifically set in locations in Auburn other than at City Hall for particular meetings, and with appropriate public notice, all regular meetings of the city council, including regular council meetings and study sessions, shall be held in the council chambers situated in the City Hall building, 25 West Main Street, Auburn, King County, Washington, and shall be open to the general public. (Ord. 5802 § 1, 2004; Ord. 3759 § 1, 1982; 1957 code § 1.04.020.)

2.06.030 Regular meetings.

Regular meetings of the city council shall be held on the times and dates as may be heretofore or hereafter set forth by ordinance. (Ord. 5802 § 1, 2004; 1957 code § 1.04.060.)

2.06.040 Special meetings.

Special meetings of the city council may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting. (Ord. 5802 § 1, 2004; 1957 code § 1.04.070.)

2.06.050 Meetings – Attendance failure – Office forfeiture.

A councilmember shall forfeit his/her office if he/she fails to attend three consecutive regular meetings of the council without being excused by the mayor. (Ord. 5802 § 1, 2004; Ord. 2907 § 2, 1976.)

2.06.060 Rules of procedure of the city council.

The rules of procedure of the city council of Auburn, Washington, shall be as approved by a majority vote of the city council. (Ord. 5802 § 1, 2004.)²

² The rules of procedure of the city council are adopted by reference as Exhibit “A” to Ordinance 5802, and amended by Resolution No. 4282, Resolution No. 4429, Resolution No. 4467, Resolution No. 4615, Resolution No. 4686, Resolution No. 4740, Resolution No. 4813, Resolution No. 4909 and Resolution No. 5105, and may be found on file in the city clerk’s office.

Mayor:

The question has surfaced whether it is advisable for a member of the City Council to serve as chair of Study Sessions (in a strong Mayor form of government). *Roberts Rules of Order* does not address that issue, and a review of what cities actually do shows that cities do a wide variety of different things with respect to who chairs what meetings.

Roberts Rules of Order does identify a concern when a chair who is a voting member wants to bring a motion. In such an instance, *Roberts Rules of Order* would have the chair actually step down from the role as chair, allowing another to take his or her place in presiding over the meeting - so that the (initial) chair could make a motion and discuss that motion along with other members of the body. To avoid this musical chairs scenario, some organizations consciously choose to have a non-member of the board/voting body serve as chair.

This concern may not be very salient for City of Auburn Study Sessions, since Study Sessions would not normally be where motions occur (unless the procedural rules deferring motions to Regular Meetings were suspended).

It may also be that the chair of the Study Session, if also a member of the City Council, would want to be able to discuss the merits of a proposal before the City Council (at a Study Session) and that may be more difficult if the same person is trying to fill the roles of chair and proponent or opponent of a particular proposition. The Chair is typically supposed to be impartial.

I would also point out that in government, it is not unusual to see a legislative body presided over by a chair from the executive branch, such as in the U.S. Senate which has as its presiding officer the Vice President. Similarly, the Washington State Senate has the Lieutenant Governor preside over its meetings.

To answer the question, there is nothing in the rules of parliamentary procedure that precludes a member of the City Council from serving as chair (a number of cities do that). But, there are some things that would need to be handled more cautiously with that arrangement. Again, I think that these issues are why some cities and other governmental bodies have chosen to have the executive preside over all meetings of the City Council.

Please let me know if you have any questions.

Dan
10-6-14



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5105

Date:

October 8, 2014

Department:

Administration

Attachments:

[Res 5105](#)

[Council Rules and Procedures - with Mark-ups](#)

[Council Rules and Procedures - Clean](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: October 13, 2014

Item Number: DI.B

RESOLUTION NO. 5105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING THE CITY COUNCIL
RULES OF PROCEDURE AS ADOPTED BY ORDINANCE
NO. 5802 AND AMENDED BY RESOLUTION NOS. 4282,
4429, 4467, 4615, 4686, 4740, 4813 and 4090

WHEREAS, on February 2, 2004, the Auburn City Council adopted Ordinance No. 5802 approving the Rules of Procedure of the City Council; and

WHEREAS, Ordinance No. 5802 also provided that future amendments or modifications to the Council Rules of Procedure could be accomplished by Resolution properly introduced and passed by the City Council; and

WHEREAS, on December 12, 2007, December 15, 2008, April 6, 2009, July 6, 2010, February 22, 2011, August 15, 2011, May 21, 2012, and February 19, 2013, the City Council passed Resolution Numbers 4282, 4429, 4467, 4615, 4686, 4740, 4813 and 4909, respectively, which Resolutions adopted certain modifications to the Council Rules of Procedure; and

WHEREAS, in connection with the change of City Council Meeting formats from Council Committees to Council Study Sessions, the Council Operations Committee has recommended additional modifications to the Rules of Procedure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, IN A REGULAR MEETING DULY ASSEMBLED, HEREWITH RESOLVES AS FOLLOWS:

Section 1. The Rules of Procedure of the City Council, as adopted by Ordinance No. 5802 on February 2, 2004, amended by Resolution No. 4282 on December 12, 2007, Resolution No. 4429 on December 15, 2008, Resolution No. 4467

on April 6, 2009, Resolution No. 4615 on July 6, 2010, Resolution No. 4686 on February 22, 2011, and Resolution No. 4740 on August 15, 2011, Resolution No. 4813 on May 21, 2012, and Resolution No. 4090 on February 19, 2013, are hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. This Resolution shall take effect and be in full force and effect upon passage and signature hereon, and on January 1, 2015.

DATED and SIGNED this ____ day of _____, 2014.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

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RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

SECTION 1 - AUTHORITY

The Auburn City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk shall be responsible for preparing agendas for all City Council meetings pursuant to the authority of Section 2.03.100 of the City Code¹.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.1 **Regular Meetings** - In accordance with Sections 2.06.010(A) and 2.06.020 of the City Code, the regular meetings of the City Council shall held on the ~~first~~ second and ~~third~~ fourth Mondays of every month at in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Regular Council meetings will begin at the hour of ~~7:30~~ 7:00 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Regular Council meeting falls on a legal holiday, the meeting shall be held at ~~7:30~~ 7:00 p.m. on the first business day following the holiday.

The Presiding Officer shall be as set forth in Section 5.1 herein.

The Presiding Officer shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the Presiding Officer's immediate left. When the Deputy Mayor is acting as the Presiding Officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as directed by the City Council Operations Committee pursuant to a motion duly made and seconded and approved by a majority of the City Council, following the recommendation of an ad-hoc committee of three Councilmembers called for that purpose.

¹ 2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the ~~various council committees~~ city council and/or or by the committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

2.2 **Study Sessions** - - In accordance with Sections 2.06.010(B) and 2.06.020 of the City Code, Study Sessions of the City Council shall held on the first, third and fifth Mondays of every month at in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Study Sessions will begin at the hour of 5:30 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Study Session falls on a legal holiday, the meeting shall be held at 5:30 p.m. on the first business day following the holiday.

The Deputy Mayor shall preside over Study Sessions.

No particular seating arrangement shall be required for the Deputy Mayor or other members of the Council, or of the Mayor or any other persons invited to sit at the table of Study Sessions.

2.3 **Special Meetings** - In accordance with Section 2.06.040 of the City Code and Section 35A.12.110 RCW, a special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting.

[See ACC 2.06.040 (1957 code § 1.04.070).]

2.32.4 **Emergency Meetings** - Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.

2.42.5 **Executive Sessions** - A Council meeting that is closed except to the Council, the Mayor, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.

Executive sessions may be held during Regular and Special meetings of the City Council ~~and during Council Committee meetings~~, and will be announced by the Presiding Officer. Executive session subjects are limited to considering such matters as permitted by State law.

[See former ACC 2.06.070 (1957 code § 1.04.080).]

2.52.6 Cancellation of Meetings - Meetings may be canceled by a majority vote of the Council and proper notice given by the City Clerk.

SECTION 3 - ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

In connection with the action of the City Council at Regular Council Meetings, certain items of business shall be subject to First and Second Readings prior to final approval by the City Council.

3.1 The protocol for First and Second Readings shall be as follows:

- A. First and second readings apply to Ordinances only.
- B. Resolutions/consent items/contract awards, etc. would still be acted on at only one Regular Council Meeting.
- C. Ordinance action, especially those resulting in changes to City codes – to which First and Second Readings would apply – may take more consideration and discussion than other types of action.
- D. First and Second Readings would be beneficial to a transparent public process.
- E. First Reading — discussion only at one Regular Council Meeting.
- F. Second Reading — action at next Regular Council Meeting or could be a future subsequent Council meeting depending on Council's discussion and any needed staff follow-up.

G. Provides Council with opportunity to ask questions and get information at First Reading.

3.2 The agenda format of the Regular City Council meeting shall be as follows:

3.1 A. Call to order.

The Presiding Officer shall call the meeting to order.

3.2 B. Roll call.

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor in advance of the meeting. The reason for the request shall be given at the time of the request.

3.3 C. ~~Flag salute~~ Pledge of Allegiance.

The Presiding Officer, Councilmembers and, at times, invited guests will lead the flag salute.

3.4 D. Announcements, Proclamations and Presentations

A proclamation is defined as an official announcement made by the Presiding Officer or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

3.5 E. Appointments

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

3.6 F. Agenda modifications

Changes to the Council's published agenda are announced at this time.

3.7 G. Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may

be added, and argument on the appeal may only deal with information, evidence and documents in the record. The Presiding Officer will state the public hearing and/or appeal procedures before each hearing.

3.8 H. Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the Presiding Officer.

Citizens may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the Presiding Officer.

3.9 I. Correspondence

3.10 Council Committee Reports

~~Council Committee Chairs report on action and activities of their respective Council Committees. In giving Committee Reports, the Chair or other committee member giving the Report is encouraged to defer detailed reporting regarding resolutions and ordinances that are on the current Council agenda. Then, during discussion on a motion, the Chair or other committee member is encouraged to give a description of the intention, or process of consideration of the ordinance or resolution.~~

3.11 J. Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

A1. Approval of minutes.

B2. Fixing dates for public hearings and appeals.

C3. Approval of claims and vouchers, bid awards and contracts.

D4. Approval of surplus property.

E5. Other items designated by the City Council.

3.12_K Unfinished Business

Unfinished business of a general nature and that it was removed from the Consent Agenda for separate discussion and action.

3.13_L. New Business

Business, other than ordinances and resolutions, that has not been previously before the City Council.

3.14_M. Ordinances

1. All ordinances shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their adoption, provided that any councilmember may upon request, have a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

2. First & Second Reading

Prior to the vote on a motion to adopt or otherwise address an Ordinance, each Ordinance shall be submitted to the City Council for its consideration at a First and Second Reading, as follows:

a. First Reading. The First Reading of an Ordinance shall take place at a Regular City Council Meeting.

1. The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "First Reading."

2. The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.

3. The Ordinance shall be placed before the City Council by a motion to adopt or approve the Ordinance, which motion shall be seconded.

a) After the motion is seconded, Councilmembers may discuss the merits of or issues related to the Ordinance.

b) If there is no second to the motion, the motion dies.

c) Discussion on the motion shall be in accordance with Section 7 of these Rules.

d) There shall be no vote on the motion until after the Second Reading, unless the Second Reading is waived as provided for below.

b. Waiver of Second Reading. The City Council may choose to waive the Second Reading of an Ordinance if it feels the need for expedience in adopting or acting on the Ordinance.

1. Waiver of Second Reading shall be made by a motion to waive the Second Reading, duly seconded and approved by a majority of Councilmembers present.

2. If the Second Reading is waived, the city Council may approve or act on the Ordinance at the point in the agenda following the approval of the motion to waive Second Reading.

c. Second Reading. The Second Reading of an Ordinance shall take place at the Regular City Council Meeting next following the date of the Regular City Council Meeting of the First Reading of the Ordinance.

2. The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "Second Reading."

3. The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.

4. No new motion is necessary to place the Ordinance before the City Council if a motion to adopt or approve the Ordinance was duly made and seconded on the date of the meeting of the First Reading. Councilmembers may discuss the merits of or issues related to the Ordinance.

a) Discussion on the motion shall be in accordance with Section 7 of these Rules.

b) Following discussion on the motion, the City Council may vote on the motion or take such other action as is appropriate under these Rules of Procedure or other appropriate rules of parliamentary procedure.

After a motion to adopt an ordinance has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the ordinance, without simply repeating the ordinance title as read by the City Attorney and may choose to comment on any results of Committee preliminary Council discussion or action regarding the issue.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of a quorum of the City Council, provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

3.15- N.

Resolutions

All resolutions shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their passage, provided that any councilmember may upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. It shall not require a second to the request for a full reading of a resolution. It is further provided, however, that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

After a motion to pass a resolution has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the resolution without simply

repeating the resolution title as read by the City Attorney, and the councilmember may choose to comment on any results of Committee preliminary Council discussion or action regarding the issue.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, Provided that passage of any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council.

3.16O Mayor and Councilmember Reports

The Mayor and Councilmembers may report on their significant City-related activities since the last regular meeting. The Mayor and Councilmembers shall limit their reports to not more than three (3) to five (5) minutes, with sensitivity to avoiding duplicate reporting.

[OPTION: At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.]

3.17P. Adjournment

3.3. Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]

SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS

- 4.1 Councilmembers shall attend Regular Council meetings and Study Sessions. Councilmembers ~~will~~ shall inform the Mayor or the City Clerk if they are unable to attend any Regular Council meeting or Study Session, or if they knowingly will be late to any such meetings. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences ~~shall~~ may be addressed by the City Council on a case by case basis.

[See ACC 2.06.050 and RCW 35A.12.060]

- 4.2 Councilmembers ~~shall are expected to~~ attend the meetings of the ~~Ad-Hoc and Standing~~ Council Committees to which they are assigned, ~~including meetings of the Council Committee of the Whole to which all Councilmembers are assigned.~~ Councilmembers ~~will should~~ inform the Chair of such Ad-Hoc Council Committees or the City Clerk if they are unable to attend any meetings of such Ad-Hoc Council Committees, ~~or shall so and should~~ inform the Chair or City Clerk if they ~~knowingly will expect to~~ be late to any such Ad-Hoc Council Committee meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Ad-Hoc Committee meeting, the minutes for that meeting, ~~if minutes are required and/or taken, will shall~~ show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences ~~shall may~~ be addressed by the City Council on a case by case basis.
- 4.3 Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, ~~will shall~~ inform the Mayor or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor or City Clerk if they ~~knowingly will expect to~~ be late to any such Special meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such Special meeting, the minutes for that meeting ~~will shall~~ show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences ~~shall may~~ be addressed by the City Council on a case by case basis.
- 4.4 Attendance at Ad-Hoc Council Committee meetings and Special meetings will not be considered “regular meetings” for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused absences from any Regular or Special meetings, or Ad-Hoc Committee meetings, shall constitute a violation of these Rules of Procedure.

SECTION 5 - PRESIDING OFFICER - DUTIES

5.1 Conduct of Meetings

The Presiding Officer at all Regular Meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor. Additionally, the Deputy Mayor shall serve as the presiding officer for Council Study Sessions~~Committee of the Whole. It is~~

further provided that, though not the Presiding Officer of Study Sessions, the Mayor is encouraged to attend Study Sessions.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

5.2 The Presiding Officer:

- A. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct;
- B. Shall observe and enforce all rules adopted by the Council;
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- D. Shall recognize Councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;
- E. May affix approximate time limit for each agenda item;
- F. When matters on the agenda are placed, or are able to be placed under more than one classification or category, as defined by the Order of Business, and the matters involve or are closely related to other subject matter, then the Presiding Officer may, in the Presiding Officer's discretion, present such matters before the Council, for discussion, consider and vote, at a different place in the agenda without the necessity of any vote thereon, notwithstanding their initial different placement on the written agenda.

[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]

SECTION 6 - COUNCILMEMBERS

- 6.1 Remarks. - Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate.
- 6.2 Questioning. - Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under

no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being interrogated.

- 6.3 Obligation to the Public Agency. - Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 Council Training. - Councilmembers are expected to participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers.
- 6.5 Participation in Committees, Agencies and Organizations. - To better represent the interests of the City of Auburn, Councilmembers are encouraged to participate in assignments to local, regional, state and national committees, agencies and organizations.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 7 - DEBATES

- 7.1 Speaking to the Motion. - No member of the Council, including the Presiding Officer, shall speak more than twice on the same motion except by consent of the [Presiding Officer or a](#) majority of the Councilmembers present at the time the motion is before the Council.
- 7.2 Interruption. - No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2.A of these rules.
- 7.3 Courtesy. - All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

- 7.4 Transgression. - If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.
- 7.5 Challenge to Ruling. - Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS

- 8.1 All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).
- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege; therefore a second is not needed.
- 8.3 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.
- 8.4 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.6 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to

determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.

- 8.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.8 A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.
- 8.9 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.13 Motions that cannot be amended include: Motion to adjourn, lay on the table (table), roll call vote, point of order, reconsideration ~~and~~, take from the table ~~A~~, and a motion to amend an amendment ~~is not in order~~.
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).

- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The Presiding Officer, City Attorney or City Clerk should repeat the motion prior to voting.
- 8.17 The City Clerk will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law.
- 8.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. In order to afford Councilmembers who voted in the majority the potential basis for a motion for reconsideration, Councilmembers who voted in the majority may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote.
- 8.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council.

[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]

SECTION 9 - VOTING

- 9.1 Voice vote - A generalized verbal indication by the Council as a whole of "yea or nay" vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.
- 9.2 Roll call vote - A roll call vote may be requested by the Presiding Officer or by any Councilmember.
- 9.3 Abstentions - It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- 9.4 Votes by Mayor - Except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

[See former ACC 2.06.150 (1957 code § 1.04.150).]

SECTION 10 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk's desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 11 - PUBLIC HEARINGS AND APPEALS

- 11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:
- A. The Department Director of the department (most) affected by the subject matter of the hearing, or said Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.
 - B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
 - C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
 - D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
 - E. The City Clerk shall serve as timekeeper during these hearings.
 - F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.

11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:

- A. The Department Director or designee shall present the issue to the Council and respond to questions.
- B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The Presiding Officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the Presiding Officer.
- C. The City Clerk shall serve as timekeeper during these hearings.
- D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
- E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
- F. The Presiding Officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

SECTION 12 - DEPUTY MAYOR

12.1 Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, shall designate one of their members as Deputy Mayor for such period as the Council may specify.

[\[See RCW 35A.12.065.\]](#)

12.2 The Deputy Mayor shall perform the following duties:

Intra-Council Relations

- ~~Serve as the Chair of the Council Study Sessions~~~~Operations Committee (a standing committee of the City Council)~~
- Serve as an ex-officio member of all ~~other standing and ad-hoc~~ committees of the ~~city~~~~Council~~~~Council~~
- Assist in new councilmember training
- Support cooperative and interactive relationships among council members
- Work with Administration to prepare agendas for ~~Committee of the Whole meetings~~~~Council Study Sessions~~

Mayor-Council Relations

- Help maintain a positive and cooperative relationship between the ~~mayor~~ Mayor and the ~~city~~ City council Council
- Act as conduit between the ~~mayor~~ Mayor and the ~~city~~ City council Council on issues or concerns relating to their duties

Intergovernmental and Community Relations

- Act in absence of ~~mayor~~ Mayor as requested and/or as required
- Be aware of all ~~city~~ City regional and intergovernmental policies and activities in order to be prepared to step into the role of Mayor if necessary
- Serve as the Chair of the City's Emergency Management Compensation Board

[See former ACC 2.06.090 (1957 code § 1.04.100).]

SECTION 13 - COUNCIL POSITION VACANCY OR ABSENCE

- 13.1 In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.
- 13.2 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

SECTION 14 - COUNCIL MEETING STAFFING

- 14.1 Department Directors shall attend all meetings of the Council unless excused.
- 14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused.

[See former ACC 2.06.060 (1957 code § 1.04.160).]

SECTION 15 - COUNCIL RELATIONS WITH STAFF

- 15.1 There will be mutual courtesy and respect from both City staff and Councilmembers toward each other and of their respective roles and responsibilities.

- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 It is the intent of Council that all pertinent information asked for by individual Council members shall be made available to the full Council.
- 15.4 Individual Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters. ~~Councilmembers who serve council committee overseeing the activities involved may, with the consent of the Mayor and the committee chair, participate in discussions related to these matters to give policy guidance and legislative direction.~~
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council ~~or being initiated through the Council Committee process.~~ This provision, however, does not prohibit individual Councilmembers from discussing issues with the Mayor or making individual requests or suggestions to the Mayor.
- 15.7 All councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff. ~~Council committee chairs and the~~ The Deputy Mayor may work with the Mayor's designated staff to prepare Study Session agendas and facilitate ~~their committee~~ Study Session work.
- 15.8 Any written communication with staff shall also include the Mayor as a recipient.

**SECTION 16 - COUNCIL STUDY SESSIONS, COMMITTEES
AND CITIZEN ADVISORY BOARDS**

- 16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the firstsecond and thirdfourth Mondays of the month, City Council shall regularly schedule Study Sessions on the secondfirst, third and fourthfifth Mondays of the month for review of matters that would come back before the City Council at Regular Council Meetings. Different than the format for

Regular Council Meetings (identified in Section 3 hereof), Study Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. In addition to these regularly scheduled Council meetings and study sessions, the City Council shall also schedule Council Committee of the Whole meetings on fifth Mondays of the month. The format for these meetings shall be as follows:

A. Meeting Times:²

1. First meeting of the month - Regular Council meeting --- 7:00 PM Council Study Session - - 5:30 PM
2. Second meeting of the month - Council Study Session --- 5:30 PM Regular Council meeting - - 7:00 PM
3. Third meeting of the month - Regular Council meeting - - 7:00 PM Council Study Session - - 5:30 PM.
4. Fourth meeting of the month - Council Study Session --- 5:30 PM Regular Council meeting - - 7:00 PM
5. Fifth meeting of the month - Council Committee of the Whole Study Session - - 5:30 PM.²

B. Study Sessions should conform to the following:

1. Four or more Councilmembers shall constitute a quorum for Study Sessions.
2. Two and one half hours maximum timeframe (goal).
3. Maximum of five agenda items (goal).
4. Timeframe per agenda item - up to 30 to 40 minutes.
5. Meeting facilitation - the Deputy Mayor shall preside over/conduct Study Sessions.
6. Agenda items should relate to future policy-making, strategic planning or key state or federal issues affecting current or future city operations.

² ~~Council Committee of the Whole~~ Any of these meetings may be cancelled if not needed, but would be regularly scheduled.

7. Agenda items should be substantive only (e.g., traffic impact fee increase proposals, comprehensive plan updates, rather than day-to-day operational issues. [Non-substantive items (e.g., accepting a grant, authorizing contract bidding, etc.) should go directly to the Regular City Council meeting.

C. Study Session Meeting Format³

1. Call to Order

The Presiding Officer shall call the meeting.

2. Roll call

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor or City Clerk in advance of the meeting. The reason for the request shall be given at the time of the request.

3. Announcements, Reports and Presentations

The Presiding Officer shall provide any announcements, reports or presentations that need to be shared with the City Council in advance of the agenda discussion items. After that these announcements, reports or presentations, city Council members may have questions or wish to discuss the issues at this time or request that they be put on a future Study Session agenda for further discussion.

4. Agenda items for Council Discussion.

The Presiding Officer shall announce each of the various items that are on the agenda for Council discussion, and, as warranted, request a preliminary report from staff or a consultant or other individual(s) involved in the issue.

After such report(s), if any, the Presiding Officer shall open the floor for Council discussion on the agenda items in their order on the agenda, unless a different order is approved by a majority of the Councilmembers present.

Council discussion shall be in conformity with the provisions of Section 7 of these rules, other than the requirement that there be a motion before Council discussion.

³ Study Sessions shall not be televised initially, provided that the City council shall evaluate whether Study sessions should be televised in the future.

At the conclusion of the discussion, or at the point the Council feels its questions have been answered and discussion vetted, the Presiding Officer shall move the attention of the Council to the next discussion item on the agenda; provided that if, after a lengthy discussion on a particular agenda item, the Presiding Officer concludes that discussion should be continued to a later date, the Presiding Officer may conclude discussion on that agenda item and schedule the matter for a later Study Session.

With the support of a consensus of Councilmembers, the Deputy Mayor shall call for Study Session agenda items requiring formal Council action to be included in agendas for upcoming Regular Council Meetings.

5. Other Discussion Items

The Presiding Officer and/or members of the City Council may bring up other discussion items to be discussed at this time or to be scheduled for discussion at a future Study Session; provided that if the Presiding Officer concludes that there is not sufficient time to discuss or continue discussing the topic, the Presiding Officer may defer discussion or continued discussion to a future Study Session.

6. Council Motion on Ruling of Presiding Officer:

Any parliamentary ruling by the Presiding Officer may be overruled by the City Council, through a motion, duly seconded and approved by a majority of the Councilmembers present.

76. Adjournment

The Presiding Officer shall adjourn the Study Session after conclusion of discussion on the agenda items.

16.2 The Standing Committees of the City Council of the City of Auburn are is as follows:

A. PUBLIC WORKS COMMITTEE:

Makes recommendations to the City Council as a whole on policies relating to water and sanitary sewer utilities, storm drainage, streets and policy matters involving construction, engineering, right-of-way use, street vacation and equipment maintenance and operations. This Committee will coordinate equipment rental and utility matters with the Finance

~~Committee. The Committee will serve as the Council's liaison for the Transportation, Transit and Trails Committee and special transportation advisory committees.~~

~~B. FINANCE COMMITTEE:~~

~~In addition to the normal monitoring of the financial expenditures of the approved budget, this Committee will make recommendations to the City Council as a whole on policies relating to human resources, municipal court, legal, information services, and City real property transactions including sale, lease, acquisition, and donations. This committee will coordinate property transactions with other appropriate Council Committees. The Committee will serve as Council's liaison for the Tourism Board.~~

~~C. PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to land use planning and zoning, code enforcement, annexation, building permits, human services, parks (planning), cultural arts and public art, museum, Mary Olson Farm, communications, and economic development. The Committee will serve as the Council's liaison for the Arts Commission, King County Library, Urban Tree Board, Parks and Recreation Board, Planning Commission, Human Services Committee, Museum board and Multicultural Roundtable.~~

~~D. MUNICIPAL SERVICES COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to police, animal control, emergency planning, parks (operations), community services, telecommunications, solid waste, airport, senior center, Auburn International Farmers' Market, golf course and cemetery. The Committee will serve as the Council's liaison for the Airport Advisory Board, the Cemetery Board and the Auburn International Farmers' Market Advisory Board.~~

~~E. LES GOVE COMMUNITY CAMPUS COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to development and ongoing use of the Community Center and Activity Center facilities at Les Gove Community Campus. The Les Gove Community Campus Committee shall also coordinate with the Municipal Services Committee and the Planning and Community Development Committee in considering activities and issues that affect the Les Gove Community Campus as a whole.~~

~~F. COUNCIL OPERATIONS COMMITTEE:~~

~~There is created and established a Council Operations Committee for the city council, the appointment, duties and functions thereof to be as follows:~~

~~1. Appointment. Membership of the Council Operations Committee shall consist of the Deputy Mayor and the two other Councilmembers having the longest tenure on the City Council. Longest tenure is to be calculated as the total length of consecutive service as a Councilmember. The Deputy Mayor shall be the Chair of the Council Operations Committee. In the event two or more members have equal tenure, the Chair and members of the Council Operations Committee shall be selected on the basis of the largest number of votes received at the most recent general election(s) in which the Councilmembers were respectively elected. It is provided, however, that Councilmembers whose term of office will expire prior to or during the first meeting of a new City Council and who have not been re-elected or appointed to another term of office extending beyond the first meeting of a new City Council shall not be allowed to vote at Council on the approval of the membership of the new committees.~~

~~2. Powers and Functions. The function of the Council Operations Committee is to supervise the formation and membership of all standing committees of the City Council. The Council Operations Committee shall, subject to the approval of a majority of the entire City Council, designate all of the standing committees of the City Council. In addition, the Council Operations Committee shall, biennially at the first meeting of a new City Council, or periodically, submit a list of the proposed members of all standing committees of the City Council for approval by a majority vote of the entire City Council. The Council Operations Committee shall also recommend the Chair for each standing committee of the City Council, which recommendations shall also be subject to approval by a majority vote of the entire City Council. The membership of all standing committees of the City Council shall consist exclusively of Councilmembers. Each chair of any standing committee of the City Council shall, in the absence of a quorum at a meeting of his/her particular standing committee, have the authority to appoint a non-member of the standing committee, from the City Council to that standing committee for that meeting to create a quorum for that meeting, or in the chair's absence the vice-chairman shall be able to appoint another Councilmember to that particular committee in the absence of a quorum. The function of the Council Operations Committee is also to propose amendments to the Rules of Procedure of the City Council to the full City Council, and to address issues relating to the whole City Council and make recommendations for action by the full City Council relative to such issues.~~

~~The Council Operations Committee shall also evaluate and recommend to the whole City Council any actions, responses or sanctions for violations by Councilmembers of these Rules of Procedure, which recommendation shall be considered, voted and/or acted upon by the City Council in the normal course.~~

~~3. In cases of alleged misconduct or violations of the City Council Rules of Procedures (ROP), the person suspected of the alleged misconduct or violation of the ROP shall be afforded the opportunity to respond, which opportunity shall be given, with advance notice, in an open meeting of the Council Operations Committee (COC) prior to the COC making any recommendations regarding censure or reprimand or other disciplinary action.~~

~~4. Meeting Dates. The Council Operations Committee shall meet biennially upon the seating of each new City Council or more often as needed.~~

[See former ACC 2.06.220 (Ord. 4319 §§ 2, 3, 1989; Ord. 3937 § 1, 1984; Ord. 3606 § 1, 1981; Ord. 2786 § 1, 1974; Ord. 2745 § 1, 1973; 1957 code § 1.04.240).]

16.2 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, including such provided that the Deputy Mayor shall appoint Councilmembers to Council ad hoc committees. It is further provided that the Mayor shall appoint members to Council ad hoc committees if the Deputy Mayor is disabled or precluded from acting in that capacity. Councilmember appointments to intergovernmental councils, boards and committees, including ad hoc committees, shall be periodically reviewed to determine which councilmembers could best be able to represent the City on such councils, boards and committees.

16.3 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with a committee recommendation or with no committee recommendation.

16.4 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and

serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.

16.5 Committee Chairpersons shall have broad discretion in conducting their meetings. They will generally follow Roberts Rules of Order, Newly Revised.

16.6 ~~Committee Chairpersons, or a majority of the members of the Committee, may~~ Unless otherwise expressly provided for an ad hoc committee of the City Council, such committees shall not receive public testimony or allow audience participation ~~that is in connection with or~~ related to the agenda item being discussed by the Committee, ~~and audience participation regarding subjects falling within the areas of responsibility of the Committee may come from any non-member of the Committee, including members of the City Council who are in attendance. Unless otherwise expressly provided for such ad hoc committee, it is the intention of the City Council that such ad hoc committees function informally and not in any way that takes action in lieu of or on behalf of the full City Council. The purpose and function of such ad hoc committees shall be to review matters in advance of their consideration by the full City Council, and perhaps record and make recommendations to the full City Council. With that, it is the intention that these committees operate informally, without the need for compliance with the Open Public Meetings Act (Chapter 42.30. RCW).~~

16.7 Committee Chairpersons shall approve all agenda items and may, at their discretion, remove or add agenda items during the course of the meeting.

~~16.8 Prior to publication of the agenda in which minutes are to be approved by the Committee, the Committee Chairperson, or the person who will be presiding over the meeting, shall review the draft minutes of Committee meetings.~~

SECTION 17 - COUNCIL REPRESENTATION & INTERNAL COMMUNICATION

17.1 If a Councilmember meets with, attends a meeting or otherwise appears on before individuals, another governmental agency, a community organization, or a private entity or organization, including individuals, agencies, or organizations with whom or with which the City has a business relationship, and makes statements directly or through the media, commenting on an issue that does or could affect the City, the Councilmember shall state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position, and the statements are those of the Councilmember as an individual. Additionally, before a Councilmember discusses anything that does or could relate to City liability, the Councilmember should talk to the City Attorney or the City's Risk Manager, so that the Councilmember would have a better understanding of what

may be said or how the discussion should go to control or minimize the City's liability risk and exposure.

- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.
- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.
- 17.4 Communication among Councilmembers shall conform to the following parameters:
 - A. Except in connection with Council members meeting, informally, in committees not subject to the Open Public Meetings Act, To to assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used in a way that could constitute a public meeting, e.g., successive communications on City Council ~~or Council Committee~~ topics that involve a quorum of the Councilmembers ~~or Committee members~~. Councilmembers should refrain from emailing Councilmembers about such agenda items. Councilmembers should be prepared to communicate about matters that are on upcoming ~~Committee agendas~~ or Council agendas at the public meetings. If Councilmembers wish to share information with other councilmembers about matters that are on upcoming agendas, the councilmembers should forward that information to the Mayor for distribution in the ~~committee or~~ council meeting packets.
 - B. Councilmembers may communicate via email to other Councilmembers, including to a quorum of ~~a Council committee or~~ the full City Council about matters within the scope of the ~~Committee's~~ City Council's authority or related to City business, but not yet scheduled on upcoming ~~Committee or~~ Council agendas, to indicate a desire that certain items be included on upcoming meeting agendas; provided that Councilmembers shall never ask for responses from the other Councilmembers in that communication.
 - C. Email communication among Councilmembers relating to City operations should also include the Mayor as a recipient/addressee.

- D. Councilmembers may email the Mayor about City business without limitations or restrictions.

17.5 Internet & Electronic Resources/Equipment Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Auburn Administrative Policy and Procedure 500-03, "Internet & Electronic Resources/Equipment Use – Elected Officials" adopted hereby and incorporated herein by this reference.

It is important to note that all letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (RCW 42.56), are public records.

- B. Electronic Communications.

- (1) Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
- (2) All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
- (3) Electronic communications that are intended to be shared among a quorum of the City Council or of an ad hoc Council Committee, whether concurrently or serially, must be considered in light of the Open Public Meetings Act, if applicable. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further, the use of electronic communication to form a collective decision of the Council shall not occur.
- (4) Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with

individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.

- (5) Electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
- (6) As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.

17.6 Different than where a City Councilmember is appointed by the City Council or the Mayor to serve as a member of a board, commission, committee, task force or any other advisory body, the City Council may appoint a Councilmember to serve as a non-member Liaison to a board, commission, committee, task force or any other advisory body. Anytime a Councilmember is appointed as such a Liaison, the position or role of Liaison is subordinate to that of Councilmember, and the Councilmember's responsibility is first and foremost to the City and to the City Council. The role and responsibility of the Councilmember-Liaison is to keep the City Council ~~and Council Committees~~ apprised of the activities, positions and actions of the entity or organization to which the Councilmember has been appointed Liaison, and not to communicate to the board, commission, committee, task force or other advisory body a statement as the position of the City Council, except as authorized or directed by the City Council.

17.7 Whenever a member of the City Council attends any meeting of any other entity or organization, he or she should endeavor to be prudent in what he or she says or does at such meeting. Further, the Councilmember should avoid attending such meeting if that attendance would impose an interference with the meeting or the operations of the other entity or organization, or of the operations of the City.

SECTION 18 - TRAVEL AUTHORIZATION

18.1 In accordance with the City of Auburn travel policy, approvals or expenditure of travel related costs and/or approval of specific travel events or activities by Councilmembers beyond the authority provided in the travel policy and budget shall be as follows: the requesting Councilmember shall submit his/her request to expend travel related costs and/or request for authorization for specific travel purposes to the Mayor to be included on an upcoming Council meeting agenda in advance of the date(s) of such expenditure or travel. The City Council may

pursuant to a motion, approve the request by a majority vote of a quorum of the City Council at the meeting in which the matter is considered.

SECTION 19 - CONFIDENTIALITY

- 19.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

SECTION 20 – ENFORCEMENT OF RULES OF PROCEDURE

- 20.1.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.

City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009

Amended by Resolution No. 4615, July 6, 2010

Amended by Resolution No. 4686, February 22, 2011

Amended by Resolution No. 4740, August 15, 2011

Amended by Resolution No. 4813, May 21, 2012

Amended by Resolution No 4909, February 19, 2013

**RULES OF PROCEDURE OF THE CITY COUNCIL OF
THE CITY OF AUBURN, WASHINGTON**

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**RULES OF PROCEDURE OF THE CITY COUNCIL OF
THE CITY OF AUBURN, WASHINGTON**

SECTION 1 - AUTHORITY

The Auburn City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk shall be responsible for preparing agendas for all City Council meetings pursuant to the authority of Section 2.03.100 of the City Code¹.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

- 2.1 **Regular Meetings** - In accordance with Sections 2.06.010(A) and 2.06.020 of the City Code, the regular meetings of the City Council shall held on the second and fourth Mondays of every month at in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Regular Council meetings will begin at the hour of 7:00 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Regular Council meeting falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday.

The Presiding Officer shall be as set forth in Section 5.1 herein.

The Presiding Officer shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the Presiding Officer's immediate left. When the Deputy Mayor is acting as the Presiding Officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as directed by the City Council pursuant to a motion duly made and seconded and approved by a majority of the City Council, following the recommendation of an ad-hoc committee of three Councilmembers called for that purpose.

¹ 2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the city council and/or or by the committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

- 2.2 **Study Sessions** - - In accordance with Sections 2.06.010(B) and 2.06.020 of the City Code, Study Sessions of the City Council shall held on the first, third and fifth Mondays of every month at in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Study Sessions will begin at the hour of 5:30 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Study Session falls on a legal holiday, the meeting shall be held at 5:30 p.m. on the first business day following the holiday.

The Deputy Mayor shall preside over Study Sessions.

No particular seating arrangement shall be required for the Deputy Mayor or other members of the Council, or of the Mayor or any other persons invited to sit at the table of Study Sessions.

- 2.3 **Special Meetings** - In accordance with Section 2.06.040 of the City Code and Section 35A.12.110 RCW, a special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting.

[See ACC 2.06.040 (1957 code § 1.04.070).]

- 2.4 **Emergency Meetings** - Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.
- 2.5 **Executive Sessions** - A Council meeting that is closed except to the Council, the Mayor, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.

Executive sessions may be held during Regular and Special meetings of the City Council, and will be announced by the Presiding Officer. Executive session subjects are limited to considering such matters as permitted by State law.

[See former ACC 2.06.070 (1957 code § 1.04.080).]

- 2.6 **Cancellation of Meetings** - Meetings may be canceled by a majority vote of the Council and proper notice given by the City Clerk.

SECTION 3 - ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

In connection with the action of the City Council at Regular Council Meetings, certain items of business shall be subject to First and Second Readings prior to final approval by the City Council.

- 3.1 The protocol for First and Second Readings shall be as follows:
- A. First and second readings apply to Ordinances only.
 - B. Resolutions/consent items/contract awards, etc. would still be acted on at only one Regular Council Meeting.
 - C. Ordinance action, especially those resulting in changes to City codes – to which First and Second Readings would apply – may take more consideration and discussion than other types of action.
 - D. First and Second Readings would be beneficial to a transparent public process.
 - E. First Reading — discussion only at one Regular Council Meeting.
 - F. Second Reading — action at next Regular Council Meeting or could be a future subsequent Council meeting depending on Council's discussion and any needed staff follow-up.
 - G. Provides Council with opportunity to ask questions and get information at First Reading.

3.2 The agenda format of the Regular City Council meeting shall be as follows:

A. Call to order.

The Presiding Officer shall call the meeting to order.

B. Roll call.

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor in advance of the meeting. The reason for the request shall be given at the time of the request.

C. Pledge of Allegiance.

The Presiding Officer, Councilmembers and, at times, invited guests will lead the flag salute.

D. Announcements, Proclamations and Presentations

A proclamation is defined as an official announcement made by the Presiding Officer or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

E. Appointments

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

F. Agenda modifications

Changes to the Council's published agenda are announced at this time.

G. Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The Presiding Officer will state the public hearing and/or appeal procedures before each hearing.

H. Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the Presiding Officer.

Citizens may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the Presiding Officer.

I. Correspondence

J. Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

1. Approval of minutes.
2. Fixing dates for public hearings and appeals.
3. Approval of claims and vouchers, bid awards and contracts.
4. Approval of surplus property.
5. Other items designated by the City Council.

K Unfinished Business

Unfinished business of a general nature and that it was removed from the Consent Agenda for separate discussion and action.

L. New Business

Business, other than ordinances and resolutions, that has not been previously before the City Council.

M. Ordinances

1. All ordinances shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their adoption, provided that any councilmember may upon request, have a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

2. First & Second Reading

Prior to the vote on a motion to adopt or otherwise address an Ordinance, each Ordinance shall be submitted to the City Council for its consideration at a First and Second Reading, as follows:

a. First Reading. The First Reading of an Ordinance shall take place at a Regular City Council Meeting.

1. The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "First Reading."

2. The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.

3. The Ordinance shall be placed before the City Council by a motion to adopt or approve the Ordinance, which motion shall be seconded.

a) After the motion is seconded, Councilmembers may discuss the merits of or issues related to the Ordinance.

b) If there is no second to the motion, the motion dies.

c) Discussion on the motion shall be in accordance with Section 7 of these Rules.

- d) There shall be no vote on the motion until after the Second Reading, unless the Second Reading is waived as provided for below.
- b. Waiver of Second Reading. The City Council may choose to waive the Second Reading of an Ordinance if it feels the need for expedience in adopting or acting on the Ordinance.
 - 1. Waiver of Second Reading shall be made by a motion to waive the Second Reading, duly seconded and approved by a majority of Councilmembers present.
 - 2. If the Second Reading is waived, the city Council may approve or act on the Ordinance at the point in the agenda following the approval of the motion to waive Second Reading.
- c. Second Reading. The Second Reading of an Ordinance shall take place at the Regular City Council Meeting next following the date of the Regular City Council Meeting of the First Reading of the Ordinance.
 - 2. The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of “Second Reading.”
 - 3. The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.
 - 4. No new motion is necessary to place the Ordinance before the City Council if a motion to adopt or approve the Ordinance was duly made and seconded on the date of the meeting of the First Reading. Councilmembers may discuss the merits of or issues related to the Ordinance.
 - a) Discussion on the motion shall be in accordance with Section 7 of these Rules.
 - b) Following discussion on the motion, the City Council may vote on the motion or take such other action as is appropriate under these Rules of Procedure or other appropriate rules of parliamentary procedure.

After a motion to adopt an ordinance has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the ordinance, without simply repeating the ordinance title as read by the City Attorney and may choose

to comment on any results of Council discussion or action regarding the issue.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of a quorum of the City Council, provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

N. Resolutions

All resolutions shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their passage, provided that any councilmember may upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. It shall not require a second to the request for a full reading of a resolution. It is further provided, however, that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

After a motion to pass a resolution has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the resolution without simply repeating the resolution title as read by the City Attorney, and the councilmember may choose to comment on any results of Council discussion or action regarding the issue.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, Provided that passage of any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council.

O Mayor and Councilmember Reports

The Mayor and Councilmembers may report on their significant City-related activities since the last regular meeting. The Mayor and Councilmembers shall limit their reports to not more than three (3) to five (5) minutes, with sensitivity to avoiding duplicate reporting.

P. Adjournment

3.3. Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]

SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS

4.1 Councilmembers shall attend Regular Council meetings and Study Sessions. Councilmembers shall inform the Mayor or the City Clerk if they are unable to attend any Regular Council meeting or Study Session, or if they knowingly will be late to any such meetings. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences may be addressed by the City Council on a case by case basis.

[See ACC 2.06.050 and RCW 35A.12.060]

4.2 Councilmembers are expected to attend the meetings of the Ad-Hoc_Council Committees to which they are assigned. Councilmembers should inform the Chair of such Ad-Hoc Council Committees or the City Clerk if they are unable to attend any meetings of such Ad-Hoc Council Committees, and should inform the Chair or City Clerk if they expect to be late to any such Ad-Hoc Council Committee meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Ad-Hoc Committee meeting, the minutes for that meeting, if minutes are required and/or taken, shall show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences may be addressed by the City Council on a case by case basis.

4.3 Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, shall inform the Mayor or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor or City Clerk if they

expect to be late to any such Special meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such Special meeting, the minutes for that meeting shall show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences may be addressed by the City Council on a case by case basis.

- 4.4 Attendance at Ad-Hoc Council Committee meetings and Special meetings will not be considered “regular meetings” for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused absences from any Regular or Special meetings, or Ad-Hoc Committee meetings, shall constitute a violation of these Rules of Procedure.

SECTION 5 - PRESIDING OFFICER - DUTIES

5.1 Conduct of Meetings

The Presiding Officer at all Regular Meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor. Additionally, the Deputy Mayor shall serve as the presiding officer for Council Study Sessions. It is further provided that, though not the Presiding Officer of Study Sessions, the Mayor is encouraged to attend Study Sessions.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

5.2 The Presiding Officer:

- A. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct;
- B. Shall observe and enforce all rules adopted by the Council;
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- D. Shall recognize Councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;

- E. May affix approximate time limit for each agenda item;
- F. When matters on the agenda are placed, or are able to be placed under more than one classification or category, as defined by the Order of Business, and the matters involve or are closely related to other subject matter, then the Presiding Officer may, in the Presiding Officer's discretion, present such matters before the Council, for discussion, consider and vote, at a different place in the agenda without the necessity of any vote thereon, notwithstanding their initial different placement on the written agenda.

[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]

SECTION 6 - COUNCILMEMBERS

- 6.1 Remarks. - Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate.
- 6.2 Questioning. - Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being interrogated.
- 6.3 Obligation to the Public Agency. - Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 Council Training. - Councilmembers are expected to participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers.
- 6.5 Participation in Committees, Agencies and Organizations. - To better represent the interests of the City of Auburn, Councilmembers are encouraged to participate in assignments to local, regional, state and national committees, agencies and organizations.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 7 - DEBATES

- 7.1 Speaking to the Motion. - No member of the Council, including the Presiding Officer, shall speak more than twice on the same motion except by consent of the Presiding Officer or a majority of the Councilmembers present at the time the motion is before the Council.
- 7.2 Interruption. - No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2.A of these rules.
- 7.3 Courtesy. - All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Transgression. - If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.
- 7.5 Challenge to Ruling. - Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS

- 8.1 All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).

- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege; therefore a second is not needed.
- 8.3 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.
- 8.4 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.6 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.
- 8.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.8 A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.

- 8.9 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.13 Motions that cannot be amended include: Motion to adjourn, lay on the table (table), roll call vote, point of order, reconsideration, take from the table, and a motion to amend an amendment.
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The Presiding Officer, City Attorney or City Clerk should repeat the motion prior to voting.
- 8.17 The City Clerk will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law.
- 8.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. In order to afford Councilmembers who voted in the majority the potential basis for a motion for reconsideration, Councilmembers who voted in the majority may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote.
- 8.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council.

[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]

SECTION 9 - VOTING

- 9.1 Voice vote - A generalized verbal indication by the Council as a whole of “yea or nay” vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.
- 9.2 Roll call vote - A roll call vote may be requested by the Presiding Officer or by any Councilmember.
- 9.3 Abstentions - It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- 9.4 Votes by Mayor - Except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

[See former ACC 2.06.150 (1957 code § 1.04.150).]

SECTION 10 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk’s desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 11 - PUBLIC HEARINGS AND APPEALS

11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:

- A. The Department Director of the department (most) affected by the subject matter of the hearing, or said Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.
- B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
- C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
- D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
- E. The City Clerk shall serve as timekeeper during these hearings.
- F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.

11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:

- A. The Department Director or designee shall present the issue to the Council and respond to questions.
- B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The Presiding Officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the Presiding Officer.
- C. The City Clerk shall serve as timekeeper during these hearings.
- D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
- E. The hearing will then be closed to public participation and open for discussion among Councilmembers.

- F The Presiding Officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

SECTION 12 - DEPUTY MAYOR

- 12.1 Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, shall designate one of their members as Deputy Mayor for such period as the Council may specify.

[See RCW 35A.12.065.]

- 12.2 The Deputy Mayor shall perform the following duties:

Intra-Council Relations

- Serve as the Chair of the Council Study Sessions
- Serve as an ex-officio member of all other_ad-hoc committees of the City Council
- Assist in new councilmember training
- Support cooperative and interactive relationships among council members
- Work with Administration to prepare agendas for Council Study Sessions

Mayor-Council Relations

- Help maintain a positive and cooperative relationship between the Mayor and the City Council
- Act as conduit between the Mayor and the City Council on issues or concerns relating to their duties

Intergovernmental and Community Relations

- Act in absence of Mayor as requested and/or as required
- Be aware of all City regional and intergovernmental policies and activities in order to be prepared to step into the role of Mayor if necessary
- Serve as the Chair of the City's Emergency Management Compensation Board

[See former ACC 2.06.090 (1957 code § 1.04.100).]

SECTION 13 - COUNCIL POSITION VACANCY OR ABSENCE

- 13.1 In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.

- 13.2 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

SECTION 14 - COUNCIL MEETING STAFFING

- 14.1 Department Directors shall attend all meetings of the Council unless excused.
- 14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused.

[See former ACC 2.06.060 (1957 code § 1.04.160).]

SECTION 15 - COUNCIL RELATIONS WITH STAFF

- 15.1 There will be mutual courtesy and respect from both City staff and Councilmembers toward each other and of their respective roles and responsibilities.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 It is the intent of Council that all pertinent information asked for by individual Council members shall be made available to the full Council.
- 15.4 Individual Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters.
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council. This provision, however, does not prohibit individual Councilmembers from discussing issues with the Mayor or making individual requests or suggestions to the Mayor.

- 15.7 All councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff. The Deputy Mayor may work with the Mayor's designated staff to prepare Study Session agendas and facilitate Study Session work.
- 15.8 Any written communication with staff shall also include the Mayor as a recipient.

**SECTION 16 - COUNCIL STUDY SESSIONS, COMMITTEES
AND CITIZEN ADVISORY BOARDS**

- 16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the second and fourth Mondays of the month, City Council shall regularly schedule Study Sessions on the first, third and fifth Mondays of the month for review of matters that would come back before the City Council at Regular Council Meetings. Different than the format for Regular Council Meetings (identified in Section 3 hereof), Study Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. The format for these meetings shall be as follows:

A. Meeting Times:²

1. First meeting of the month - Council Study Session - - 5:30 PM
2. Second meeting of the month - Regular Council meeting - - 7:00 PM
3. Third meeting of the month - Council Study Session - - 5:30 PM.
4. Fourth meeting of the month - Regular Council meeting - - 7:00 PM
5. Fifth meeting of the month - Council Study Session - - 5:30 PM.

B. Study Sessions should conform to the following:

1. Four or more Councilmembers shall constitute a quorum for Study Sessions.
2. Two and one half hours maximum timeframe (goal).
3. Maximum of five agenda items (goal).
4. Timeframe per agenda item - up to 30 to 40 minutes.

² Any of these meetings may be cancelled if not needed, but would be regularly scheduled.

5. Meeting facilitation - the Deputy Mayor shall preside over/conduct Study Sessions.
6. Agenda items should relate to future policy-making, strategic planning or key state or federal issues affecting current or future city operations.
7. Agenda items should be substantive only (e.g., traffic impact fee increase proposals, comprehensive plan updates, rather than day-to-day operational issues. [Non-substantive items (e.g., accepting a grant, authorizing contract bidding, etc.) should go directly to the Regular City Council meeting.

C. Study Session Meeting Format³

1. Call to Order

The Presiding Officer shall call the meeting.

2. Roll call

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor or City Clerk in advance of the meeting. The reason for the request shall be given at the time of the request.

3. Announcements, Reports and Presentations

The Presiding Officer shall provide any announcements, reports or presentations that need to be shared with the City Council in advance of the agenda discussion items. After that these announcements, reports or presentations, city Council members may have questions or wish to discuss the issues at this time or request that they be put on a future Study Session agenda for further discussion.

4. Agenda items for Council Discussion.

The Presiding Officer shall announce each of the various items that are on the agenda for Council discussion, and, as warranted, request a preliminary report from staff or a consultant or other individual(s) involved in the issue.

³ Study Sessions shall not be televised initially, provided that the City council shall evaluate whether Study sessions should be televised in the future.

After such report(s), if any, the Presiding Officer shall open the floor for Council discussion on the agenda items in their order on the agenda, unless a different order is approved by a majority of the Councilmembers present.

Council discussion shall be in conformity with the provisions of Section 7 of these rules, other than the requirement that there be a motion before Council discussion.

At the conclusion of the discussion, or at the point the Council feels its questions have been answered and discussion vetted, the Presiding Officer shall move the attention of the Council to the next discussion item on the agenda; provided that if, after a lengthy discussion on a particular agenda item, the Presiding Officer concludes that discussion should be continued to a later date, the Presiding Officer may conclude discussion on that agenda item and schedule the matter for a later Study Session.

With the support of a consensus of Councilmembers, the Deputy Mayor shall call for Study Session agenda items requiring formal Council action to be included in agendas for upcoming Regular Council Meetings.

5. Other Discussion Items

The Presiding Officer and/or members of the City Council may bring up other discussion items to be discussed at this time or to be scheduled for discussion at a future Study Session; provided that if the Presiding Officer concludes that there is not sufficient time to discuss or continue discussing the topic, the Presiding Officer may defer discussion or continued discussion to a future Study Session.

6. Adjournment

The Presiding Officer shall adjourn the Study Session after conclusion of discussion on the agenda items.

[See former ACC 2.06.220 (Ord. 4319 §§ 2, 3, 1989; Ord. 3937 § 1, 1984; Ord. 3606 § 1, 1981; Ord. 2786 § 1, 1974; Ord. 2745 § 1, 1973; 1957 code § 1.04.240).]

16.2 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require

special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, provided that the Deputy Mayor shall appoint Councilmembers to Council ad hoc committees. It is further provided that the Mayor shall appoint members to Council ad hoc committees if the Deputy Mayor is disabled or precluded from acting in that capacity. Councilmember appointments to intergovernmental councils, boards and committees, including ad hoc committees, shall be periodically reviewed to determine which councilmembers could best be able to represent the City on such councils, boards and committees.

- 16.3 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with a committee recommendation or with no committee recommendation.
- 16.4 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.
- 16.5 Committee Chairpersons shall have broad discretion in conducting their meetings. They will generally follow Roberts Rules of Order, Newly Revised.
- 16.6 Unless otherwise expressly provided for an ad hoc committee of the City Council, such committees shall not receive public testimony or allow audience participation in connection with or related to the agenda item being discussed by the Committee,. Unless otherwise expressly provided for such ad hoc committee, it is the intention of the City Council that such ad hoc committees function informally and not in any way that takes action in lieu of or on behalf of the full City Council. The purpose and function of such ad hoc committees shall be to review matters in advance of their consideration by the full City Council, and perhaps record and make recommendations to the full City Council. With that, it is the intention that these committees operate informally, without the need for compliance with the Open Public Meetings Act (Chapter 42.30. RCW).
- 16.7 Committee Chairpersons shall approve all agenda items and may, at their discretion, remove or add agenda items during the course of the meeting.

SECTION 17 - COUNCIL REPRESENTATION & INTERNAL COMMUNICATION

- 17.1 If a Councilmember meets with, attends a meeting or otherwise appears on before individuals, another governmental agency, a community organization, or a private entity or organization, including individuals, agencies, or organizations

with whom or with which the City has a business relationship, and makes statements directly or through the media, commenting on an issue that does or could affect the City, the Councilmember shall state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position, and the statements are those of the Councilmember as an individual. Additionally, before a Councilmember discusses anything that does or could relate to City liability, the Councilmember should talk to the City Attorney or the City's Risk Manager, so that the Councilmember would have a better understanding of what may be said or how the discussion should go to control or minimize the City's liability risk and exposure.

- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.
- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.
- 17.4 Communication among Councilmembers shall conform to the following parameters:
 - A. Except in connection with Council members meeting, informally, in committees not subject to the Open Public Meetings Act, to assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used in a way that could constitute a public meeting, *e.g.*, successive communications on City Council topics that involve a quorum of the Councilmembers. Councilmembers should refrain from emailing Councilmembers about such agenda items. Councilmembers should be prepared to communicate about matters that are on upcoming Council agendas at the public meetings. If Councilmembers wish to share information with other councilmembers about matters that are on upcoming agendas, the councilmembers should forward that information to the Mayor for distribution in the council meeting packets.
 - B. Councilmembers may communicate via email to other Councilmembers, including to a quorum of the full City Council about matters within the scope of the City Council's authority or related to City business, but not yet scheduled on upcoming Council agendas, to indicate a desire that

certain items be included on upcoming meeting agendas; provided that Councilmembers shall never ask for responses from the other Councilmembers in that communication.

- C. Email communication among Councilmembers relating to City operations should also include the Mayor as a recipient/addressee.
- D. Councilmembers may email the Mayor about City business without limitations or restrictions.

17.5 Internet & Electronic Resources/Equipment Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Auburn Administrative Policy and Procedure 500-03, "Internet & Electronic Resources/Equipment Use – Elected Officials" adopted hereby and incorporated herein by this reference.

It is important to note that all letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (RCW 42.56), are public records.

- B. Electronic Communications.

- (1) Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
- (2) All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
- (3) Electronic communications that are intended to be shared among a quorum of the City Council or of an ad hoc Council Committee, whether concurrently or serially, must be considered in light of the Open Public Meetings Act, if applicable. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further, the use of electronic communication to form a collective decision of the Council shall not occur.

- (4) Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
 - (5) Electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
 - (6) As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.
- 17.6 Different than where a City Councilmember is appointed by the City Council or the Mayor to serve as a member of a board, commission, committee, task force or any other advisory body, the City Council may appoint a Councilmember to serve as a non-member Liaison to a board, commission, committee, task force or any other advisory body. Anytime a Councilmember is appointed as such a Liaison, the position or role of Liaison is subordinate to that of Councilmember, and the Councilmember's responsibility is first and foremost to the City and to the City Council. The role and responsibility of the Councilmember-Liaison is to keep the City Council apprised of the activities, positions and actions of the entity or organization to which the Councilmember has been appointed Liaison, and not to communicate to the board, commission, committee, task force or other advisory body a statement as the position of the City Council, except as authorized or directed by the City Council.
- 17.7 Whenever a member of the City Council attends any meeting of any other entity or organization, he or she should endeavor to be prudent in what he or she says or does at such meeting. Further, the Councilmember should avoid attending such meeting if that attendance would impose an interference with the meeting or the operations of the other entity or organization, or of the operations of the City.

SECTION 18 - TRAVEL AUTHORIZATION

- 18.1 In accordance with the City of Auburn travel policy, approvals or expenditure of travel related costs and/or approval of specific travel events or activities by Councilmembers beyond the authority provided in the travel policy and budget shall be as follows: the requesting Councilmember shall submit his/her request to expend travel related costs and/or request for authorization for specific travel purposes to the Mayor to be included on an upcoming Council meeting agenda in advance of the date(s) of such expenditure or travel. The City Council may pursuant to a motion, approve the request by a majority vote of a quorum of the City Council at the meeting in which the matter is considered.

SECTION 19 - CONFIDENTIALITY

- 19.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

SECTION 20 – ENFORCEMENT OF RULES OF PROCEDURE

- 20.1.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.

City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009

Amended by Resolution No. 4615, July 6, 2010

Amended by Resolution No. 4686, February 22, 2011

Amended by Resolution No. 4740, August 15, 2011

Amended by Resolution No. 4813, May 21, 2012

Amended by Resolution No 4909, February 19, 2013



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6519

Date:

October 8, 2014

Department:

Administration

Attachments:

[Ordinance No. 6519](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: October 13, 2014

Item Number: DI.C

ORDINANCE NO. 6 5 1 9

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF AUBURN, WASHINGTON, CREATING A NEW CHAPTER 2.92 OF THE AUBURN CITY CODE, PROVIDING FOR A CODE OF ETHICS

WHEREAS, state law, and specifically, Chapter 42.23 of the Revised Code of Washington (RCW), provides a Code of Ethics for Municipal Officers; and

WHEREAS, state law also provides a separate ethics code for state officials and employees found in Chapter 42.52 RCW; and

WHEREAS, the provisions of these two RCW Chapters set the framework for ethics and public service applicable to city officials, however, the two chapters are not completely consistent in all measures; and

WHEREAS, to address questions and issues related to these two chapters and to assist in defining provisions and, to some extent reconciling, inconsistencies between them, it is appropriate for the City of Auburn to adopt and implement its own Code of Ethics.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows

Section 1. Adoption of New Chapter to City Code. A new chapter 2.92 of the Auburn City Code, providing for a Code of Ethics, is created to read as follows:

Chapter 2.92 CODE OF ETHICS

Sections:

- 2.92.010 Policy.
- 2.92.020 Definitions.
- 2.92.030 Prohibited conduct.
- 2.92.040 Ethical standards.
- 2.92.050 No right of action created – Effective date.
- 2.92.060 Enforcement.

2.92.010 Policy.

A. Purpose. The city council has adopted herein a code of ethics for city-elected officials and city appointed officers and officials to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide

the basis for education and training for city officials to ensure that the highest ethical standards and best ethical practices will be followed.

B. Intent. The citizens and businesses of Auburn are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. It is further the intent that city officials be permitted to fulfill their duties to represent the public to the greatest extent possible unless circumstances exist where such engagement is impermissible. Nothing in this chapter is intended to reduce, limit, or restrict the pool of available candidates for service on the council or service on council-appointed public bodies, all of which are either part-time or volunteer positions. It is in the public interest to ensure that the provisions of this chapter do not create barriers to citizen public service. In keeping with the City of Auburn's commitment to excellence, the effective functioning of democratic government therefore requires that:

1. Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
2. Public officials be independent, impartial and fair in their actions;
3. Public office be used for the public good, not for personal gain;
4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility; and
5. There needs to be compatibility between City ethical codes and the ethic codes of state law.

2.92.020 Definitions.

A. "Official" means a city-elected official and a city-appointed official, officer or employee, and includes members of appointed city boards and commissions and other task forces, groups or committees.

B. "Quasi-judicial actions" means those actions of the city council/legislative body, planning commission, hearing examiner, or other City boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.

C. "Relative" means spouse, domestic partner, child, step-child, parent, step-parent, parent-in-law and sibling.

D. Definitions Incorporated by Reference. The definitions included in and referenced by sections 42.23.020 and 42.52.010 of the Revised Code of Washington (RCW), as hereinafter amended, are incorporated herein unless the language and context hereof clearly excludes the application thereof, provided that such definitions may nevertheless guide in the application and interpretation thereof.

2.92.030 Prohibited conduct.

A. Compliance with Ethics Laws. Officials shall comply with the individual conduct requirements of federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies, including but not limited to the below list. Councilmembers shall also comply with the

ethical, professional and courtesy requirements of the City of Auburn Council Rules of Procedure.

- Chapter 9A.72 RCW - Perjury and interference with official proceedings
- RCW 35A.12.060 - Vacancy for nonattendance
- Chapter 35A.12 RCW - Mayor-council plan of government.
- Chapter 40.14 RCW - Preservation and destruction of public records
- RCW 42.17A.555 - Use of public office or agency facilities in campaigns – Prohibition – Exceptions
- RCW 42.17A.565 - Solicitation of contributions by public officials or employees
- Chapter 42.23 RCW - Code of ethics for municipal officers – Contract interests
- Chapter 42.36 RCW - Appearance of fairness doctrine – Limitations
- Chapter 42.56 RCW - Public Records Act
- Chapter 42.52 RCW - Ethics in Public Service

B. Gifts and Favors. Officials shall not knowingly use their public position to secure any special advantage, services or opportunities for personal or family gain, where such services, opportunities or gains are not available to the public in general. Officials may also not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited or received or given, or where it would appear to a reasonable person to have been solicited or received or given, with intent to give or obtain consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as follows:

1. No official may accept gifts, other than those specified in subsection (B)(2) of this section, with an aggregate value in excess of Fifty Dollars (\$50.00) from a single source in a calendar year, or a single gift from multiple sources with a value in excess of Fifty Dollars (\$50.00) in accordance with RCW 42.52.150(1); provided, that if the Fifty Dollars (\$50.00) limit in RCW 42.52.150(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, “single source” means any person, corporation, or entity, whether acting directly or through any agent or other intermediary. “Single gift” includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs. The value of gifts given to an official’s family member or guest shall be attributed to the official for the purpose of determining whether the limit has been exceeded, unless an independent business, familial, or social relationship exists between the donor and the official, family member or guest.

2. The following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (B)(1) of this section:

- (a) Unsolicited flowers, plants and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;

(e) Informational materials, publications or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the official's duties for the city;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a governmental entity or organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature, Provided that if the value (identified or estimated) exceeds \$50, the gift shall be the property of the city's;

(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties; and

(j) Any gift which would have been offered or given to the official if he or she were not an official.

3. The presumption in subsection (B)(2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

C. The provisions of this section and of this chapter do not prohibit the city from funding, or contributing to the funding for, an event, activity, or function at which public officials attend and/or in which they participate, so long as, the city council finds that there is a corresponding benefit to the city to have its public officials attend or participate, and where city council expressly approves funding, or the contribution towards funding thereof. For the purposes hereof, including the funding of an event, activity, or function in the approved city budget for applicable public officials constitutes a finding by the city council that there is a corresponding benefit to the city to have its public officials attend or participate such event, activity, or function.

2.92.050 No right of action created – Effective date.

A. Nothing in this chapter shall be construed as creating or providing a basis for a private cause of action against the city or against any official by third parties.

B. No retroactive application is intended by the adoption of this chapter which shall only apply to acts that occur after the effective date thereof.

2.92.060 Enforcement.

A. The provisions of this chapter shall be enforceable in accordance with the statutory authority referenced herein.

B. Enforcement of a violation of this ethics code against a councilmember shall be reviewed by an ad-hoc committee comprised of three members of the city

council, which ad-hoc committee shall make a recommendation to the city council. The ad hoc committee shall be created for this purpose when called for by the deputy mayor, and members of such ad hoc committee shall be appointed by the deputy mayor; provided that the mayor shall act to call for the ad hoc committee and appoint members to such ad hoc committee the deputy mayor is disabled or precluded from acting in that capacity.

C. Enforcement of a violation of this ethics code against the public official of the city other than a councilmember shall be as directed by the mayor or the human resources director, in accordance with city policies.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____

Ordinance No. 6519
October 1, 2014
Page 5



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6536

Date:

October 8, 2014

Department:

Administration

Attachments:

[Ordinance No. 6536](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: October 13, 2014

Item Number: DI.D

ORDINANCE NO. 6 5 3 6

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
SECTION 2.03.030 OF THE AUBURN CITY CODE
RELATING TO THE SURPLUSING OF PERSONAL
PROPERTY OF THE CITY

WHEREAS, the current provisions of the Auburn City Code do not address administrative responsibilities for surplusing property that is no longer needed by the City or has reached the end of its useful life for City purposes; and

WHEREAS, it would be appropriate in handling the administrative duties relating to surplusing property to distinguish the treatment for personal property, as opposed to real property, by allowing the Mayor to determine, declare and handling surplusing responsibilities of personal property that is no longer needed by the City or has reached the end of its useful life for the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That section 2.03.030 of the Auburn City Code be and the same hereby is amended to read as follows:

2.03.030 Powers and duties generally.

A. The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove an executive assistant to the mayor, if so provided by ordinance or charter. The mayor may remove members of advisory boards and commissions in accordance with Chapter 2.30 ACC. He or she shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests.

B. The mayor shall also be authorized to negotiate the terms of and/or award contracts falling within the scope of the mayor's authority pursuant to ACC 3.10.020, as it currently exists or as it may be amended hereafter. Contracts that fall within the scope of the mayor's authority pursuant to ACC 3.10.020 may, but are not required to be, taken to the city council for approval as a part of the city

council consent agenda or may, but are not required to be, taken to the city council for information. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he or she may designate for approval or disapproval. He or she shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he or she may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of the council. The mayor shall also be authorized to negotiate agreements and execute all documents necessary to complete the acquisition of real property and the relocation of inhabitants required to complete city projects falling within the scope of the mayor's authority pursuant to ACC 3.10.020.

C. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the council members. He or she shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action.

D. The mayor shall prepare and submit to the council a proposed budget, as required by Chapter 35A.33 RCW.

E. The mayor shall have the power to veto ordinances passed by the council and submitted to him or her as provided in RCW 35A.12.130, but such veto may be overridden by the vote of a majority of all council members plus one more vote.

F. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no deputy mayor has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.

G. The mayor is also empowered, in extraordinary and compelling circumstances, to reduce or waive some or all of any city fee or charges when the mayor finds in his or her sole discretion that such reduction or waiver is necessary to provide support for the poor or infirm, in amounts of up to \$10,000 per incident or occasion; provided, that this authorization shall not apply to fees or charges for which state law prohibits reduction or waiver.

H. The mayor is also authorized to exempt the city from paying the charges or fees otherwise applicable to city projects, developments or applications where the charge or fee would be paid out of one of the city's governmental funds (including the general fund and those funds supported by the general fund) and the fund that would receive such payment, were it paid, is also one of the city's governmental funds (including the general fund and/or any of the funds supported by the general fund); and the mayor is also authorized to exempt the city from paying the charges or fees otherwise applicable to city projects, developments or applications where the charge or fee would be paid out of one of the city's enterprise funds and the fund that would receive such payment, were it paid, is the same enterprise fund.

I. The mayor is also empowered to develop and bring to the city council for approval pilot programs that promote and encourage the city council's goal of sustainability, as stated in Resolution No. 4368, seeking to balance and support the needs of the community, the environment, the economy, and the needs of future generations, which pilot programs may offset/alleviate current code requirements in exchange for strategies and methodologies that accomplish the intended purposes of the city codes and the goals of sustainability.

J. The Mayor is also empowered to identify, declare and dispose of personal property (not real property) when no longer needed by the city or when otherwise appropriate for replacement, which surplus action shall be in conformity with city policy. (Ord. 6312 § 1, 2010; Ord. 6192 § 1, 2008; Ord. 6191 § 1, 2008; Ord. 6163 § 1, 2008; Ord. 6051 § 1, 2006; Ord. 5914 § 1, 2005; Ord. 5803 § 1, 2003; Ord. 5583 § 1, 2001; Ord. 2943 § 1, 1976.)

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____