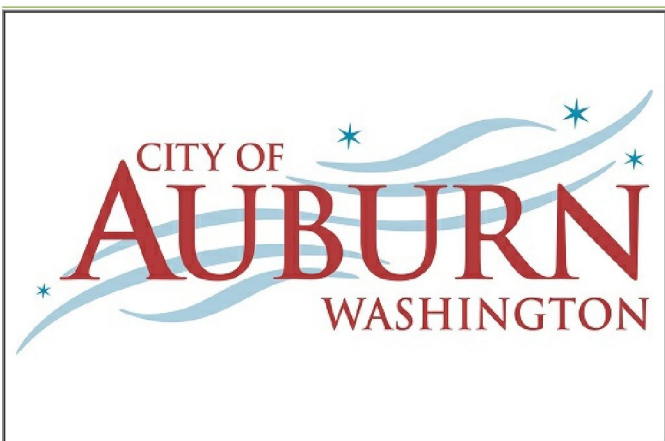


	City Council Study Session Finance, Technology and Economic Development Special Focus Area January 9, 2023 - 5:30 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. PUBLIC PARTICIPATION

A. Public Participation

The Auburn City Council Study Session Meeting scheduled for Monday, January 9, 2023 at 5:30 p.m. will be held in person and virtually.

Virtual Participation Link:

To view the meeting virtually please click the below link, or call into the meeting at the phone number listed below. The link to the Virtual Meeting is:

<https://www.youtube.com/user/watchauburn/live/?nomobile=1>

To listen to the meeting by phone or Zoom, please call the below number or click the link:

Telephone: 253 215 8782

Toll Free: 877 853 5257

Zoom: <https://us06web.zoom.us/j/89435420919>

B. Roll Call

III. AGENDA MODIFICATIONS

IV. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Ad-Hoc Council Vacancy Committee Presentation (Council)

V. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6889 (Martinson)

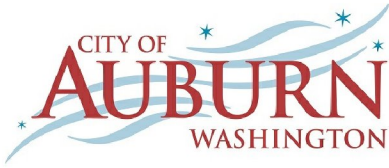
An Ordinance amending Section 2.03.020 of the Auburn City Code (ACC) related to the salary and employment benefits for the City Mayor position

B. Ordinance No. 6890 (Martinson)

An Ordinance amending and repealing certain Sections within Articles II and III of Auburn City Code (ACC) Chapter 2.63 related to vacation, leave and insurance coverage for City employees, and adding new Sections to ACC Chapter 2.63 related to employee leave

VI. 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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6889 (Martinson)

Date:

January 5, 2023

Department:

Human Resources

Attachments:

[Ordinance No. 6889](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:

Ordinance No. 6889 relocates the City Code language in ACC 2.63.120 and 2.63.160 pertaining to vacation and leave for the City Mayor into ACC 2.03, the City Code chapter pertaining exclusively to the City Mayor position.

Background Summary:

Sets forth the current practices of setting the City Mayor's salary, and moves the Mayor's leave provisions from other sections of City Code to the section that applies specifically to the Mayor. Human Resources and Risk Management are updating sections of the City Code to reflect current practices and procedures.

Reviewed by Council Committees:

Councilmember: Jeyaraj

Staff:

Martinson

Meeting Date: January 9, 2023

Item Number:

ORDINANCE NO. 6889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTION 2.03.020 OF THE AUBURN CITY CODE (ACC) RELATED TO THE SALARY AND EMPLOYMENT BENEFITS FOR THE CITY MAYOR POSITION

WHEREAS, ACC 2.03.020 sets forth the manner in which the City Mayor's salary is established;

WHEREAS, the language in that ACC section no longer matches current City policy or practices related to establishing the Mayor's salary;

WHEREAS, vacation and sick leave provisions specific to the Mayor are located elsewhere in the City Code and should be moved into this section to consolidate the salary and benefits code provisions that apply specifically to the Mayor; and

WHEREAS, other language within ACC 2.03.020 should be updated for clarity and precision.

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

Section 1. Amendment of City Code section. Auburn City Code sections 2.03.020 is hereby amended to read as set forth as follows:

ACC 2.03.020 **Mayor's Salary and leave benefits.**

A. Salary. The City Mayor's salary for the office of the mayor shall be established by the City's Independent Salary Commission in accordance with ACC Chapter 2.08. on an annual basis through the adoption of the yearly budget ordinance.

B. Leave benefits. The Mayor shall be entitled to accrue the leave benefits available to other City employees set forth in City policy, except that due to the demands and responsibilities of the position, the Mayor's vacation leave accrual shall be unlimited, and the Mayor shall be

authorized to receive payment for any unused accrued sick leave upon leaving office.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives 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 of it to any person or circumstance, will 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 will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

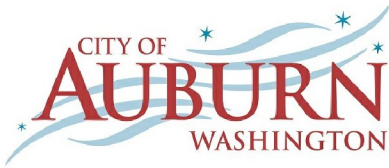
ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6890 (Martinson)

Date:

January 5, 2023

Department:

Human Resources

Attachments:

[Ordinance No. 6890](#)

[Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:

Ordinance No. 6890 repeals ACC 2.63 sections providing for City employee vacation benefits, allowing City administration to provide and regulate those benefits according to City administrative policy. This Ordinance also updates City code sections regarding employee leave to conform to State Law and City practice.

Background Summary:

Provide for vacations within the City's policies. Sections of ACC 2.63 have been repealed. Additional updates to ACC 2.63 are to bring the code into compliance with State Law and City practice. Additional updates have been made for clarity to ensure that they are consistent with State Law and City practice.

Human Resources and Risk Management have been reviewing revisions to the City Code to make sure that they are in compliance with State Law and City practices. The revisions of ACC 2.63 allows us to be in compliance.

Reviewed by Council Committees:

Councilmember: Jeyaraj

Staff:

Martinson

Meeting Date: January 9, 2023

Item Number:

ORDINANCE NO. 6890

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING AND REPEALING CERTAIN SECTIONS WITHIN ARTICLES II AND III OF AUBURN CITY CODE (ACC) CHAPTER 2.63 RELATED TO VACATION, LEAVE AND INSURANCE COVERAGE FOR CITY EMPLOYEES, AND ADDING NEW SECTIONS TO ACC CHAPTER 2.63 RELATED TO EMPLOYEE LEAVE

WHEREAS, Articles II and III of ACC Chapter 2.63 provide for vacation, leave benefits and insurance coverage for City employees;

WHEREAS, employee vacation benefits are not legally required, and it is more appropriate to provide vacation benefits to City employees through the City's adopted employee vacation benefits policies. Accordingly, sections within Article II of ACC 2.63 pertaining to employee vacation should be repealed;

WHEREAS, several other sections within Articles II and III of ACC 2.63 require revision and/or repeal to bring the ACC chapter into compliance with changes to State law and City practice that have occurred since their enactment;

WHEREAS, other revisions to these ACC 2.63 Articles should be made for clarity and precision, and to ensure that they are otherwise consistent with City policies and practices related to employee leave.

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

Section 1. Amendment of City Code sections. Auburn City Code sections 2.63.160, .165, .170, .180, and .190 within Article II of ACC 2.63 are hereby amended to read as set forth in Exhibit A attached to this Ordinance.

Section 2. Repeal of City Code sections. Auburn City Code sections 2.63.060, .110, .113, .120, .130, .140, .150, .155 and .162 are hereby repealed.

Section 3. New sections to City Code. New sections 2.63.161 (pertaining to employee sick leave) and 2.63.195 (pertaining to other forms of City employee leave) are hereby adopted and added to the City Code, to read as set forth in Exhibit A attached to this Ordinance.

Section 4. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 5. 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 of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

EXHIBIT A—ORD. 6890

~~ACC 2.63.060 — Definitions.~~

~~In construing the provisions of this article, the following definitions shall apply:~~

~~A. “Duty shift” means a 24-hour workday and refers to those persons of the fire department whose working days consist of a 24-hour shift.~~

~~C. “Full-time employee” means any person occupying a position budgeted by the city on a wage or salary basis who devotes full time to their job during working hours, on a year round basis.~~

~~D. “Part-time employee” means any person employed by the city who devotes only a part of their time during working hours to the service of the city, or who spends full time during working hours for the city, but is hired on the basis of less than year-round employment.~~

~~E. “Years’ continuous service” shall not mean a calendar year but shall be computed on the basis of units of 12 consecutive calendar months of service which have fully accrued prior to the commencement of the leave period.~~

~~ACC 2.63.110 — Vacation — Longevity leave time — General employees.~~

~~Full-time employees of the city, excluding employees designated in ACC 2.63.113 and excluding employees covered by a collective bargaining agreement, shall be entitled to vacation — longevity leave time according to the following schedule:~~

~~From zero years through four full years of continuous service, 12 days per year;~~

~~Starting in the fifth year through nine full years of continuous service, 15 days per year;~~

~~Starting in the tenth year through 14 full years of continuous service, 18 days per year;~~

~~Starting in the fifteenth year through 20 full years of continuous service, 20 days per year;~~

~~More than 20 full years of continuous service, 22 days per year.~~

~~ACC 2.63.113~~ — ~~Vacation — Longevity leave time — Department directors.~~

~~A. The following designated employees, hereinafter referred to as department directors, shall accrue vacation — longevity leave time at the rate of 20 days per year. The department directors listed in ACC 2.03.040(A).~~

~~B. Longevity leave to the employees designated herein shall accrue as follows:~~

~~1. During the first calendar year of employment with the city, each of the above-designated department directors would be entitled to a block of up to 20 days of vacation — longevity leave. The actual number of days shall be computed based upon the date on which the above-listed department directors commenced employment with the city;~~

~~2. During the second year of employment with the city and each year thereafter, each department director will accrue vacation — longevity leave on a monthly basis, to a maximum of 20 days per year.~~

~~ACC 2.63.120~~ — ~~Vacations — Accumulation~~

~~Vacations of employees shall not ordinarily be accumulative, except where the department head finds that there are special circumstances justifying an extended vacation, they may authorize the employee to accumulate up to five days or two duty shifts for fire department employees of unused vacation leave each year for the purpose of extending the employee's annual vacation period in the year following, but in no event shall an employee not subject to a collective bargaining agreement accumulate more than that which would be earned in two years at the employee's accrual rate. Any vacation leave accumulated in excess of this amount shall be automatically removed from the employee's vacation balance by the finance department. Due to the demands of the office and the responsibilities pertaining thereto, the mayor of the city shall not be subject to the aforementioned provision and shall be authorized to accumulate unlimited annual leave at their discretion. In the event that a collective bargaining agreement is silent on the issue of vacation accumulation, then accumulation shall be limited to a maximum of one year annual vacation leave plus five days additional unused and accrued vacation leave carried over from a previous year or two duty shifts for fire department employees working shift work.~~

~~ACC 2.63.130~~ — ~~Vacation — Payment in lieu of.~~

~~Payment for up to five days of accrued and unused vacation leave may be made to an employee upon approval of their department head and the mayor, where the employee was not able to take all of their accrued annual vacation leave during the year authorized.~~

~~ACC 2.63.140~~ — ~~Vacation — Scheduling.~~

~~Vacations shall be taken at a time mutually agreed upon between the department head and the employee. Department heads shall take their vacations at a time mutually agreed upon between themselves and the mayor. The minimum vacation allowance to be taken by an employee shall be one hour even increments or one duty shift for fire department employees.~~

~~ACC 2.63.150~~ — ~~Vacation — Other than full-time employees.~~

~~Part-time personnel who are regularly employed shall be entitled to vacation leave allowances in proportion to hours worked, except that no part-time employee who does not work at least 20 hours per week and for 10 consecutive months from the beginning of employment shall be eligible for vacation allowances. Workmen on a daily wage basis, engaged or working upon detached or independent pieces of construction work, temporary in character, of the class which may be done by contractor to the lowest bidder, but which the city council has determined shall be done by day labor, shall not be entitled to the vacation allowances provided by this article.~~

~~ACC 2.63.155~~ — ~~Vacation — Bonus days for unused sick leave.~~

~~All full-time nonaffiliated city employees who use no sick leave during any calendar year, will be entitled to two bonus vacation days during the following calendar year. All full-time nonaffiliated employees who use only one or two sick leave days during any calendar year will be entitled to one additional bonus vacation day during the following calendar year.~~

ACC 2.63.160

Sick leave - Employees hired before January 1, 1985.

This section applies only to City employees hired before January 1, 1985.

- A. All full-time employees of the city, except those covered by a union agreement, shall be entitled to sick leave when they are incapacitated for the performance of their duties by reason of sickness or injury or when, through exposure to contagious disease, the presence of the employee would jeopardize the health of others. Such sick leave shall be at the rate of eight hours for each calendar month of employment and if not used shall accumulate to a maximum of 960 hours, exclusive of the ordinary vacation time of the employee.
- B. Sickness shall be reported at the beginning of any period of illness to the department as soon as practically possible.
- C. A doctor's certificate will be furnished at the discretion of the department head or personnel director whenever an employee claims sick leave for the protection of the employee and fellow employees.
- D. Part-time employees shall not be entitled to sick leave unless approved by the mayor.
- E. An employee shall be allowed up to three days' sick leave for illness in the immediate family that requires their presence, upon the approval of the department head. Immediate family includes under this caption only father, mother, spouse or children of the employee.
- F. Any employee found to have abused the sick leave privilege by falsification or misrepresentation may be subject to dismissal at the discretion of the mayor.
- G. In the case of injury or illness which is covered by industrial insurance, an amount of sick leave may be used to pay the difference between industrial insurance, workman's compensation and the employee's regular rate of pay and no combination of payments received added to sick leave will exceed the regular rate of pay.
- H. No portion of this article regarding sick leave shall conflict with or cancel rules and regulations set by the civil service commission as it pertains to the fire and police department.
- I. Upon termination shall be reimbursed at the current rate of pay for unused accrued sick leave up to a maximum of 960 hours in accordance with the following schedule based on continuous years of service:

Upon Completion of Years of Service	Percent of Accrued Unused Sick Leave
--	---

0 through 4 years

0%

Upon Completion of Years of Service Percent of Accrued Unused Sick Leave

5 through 14 years	25%
15 through 24 years	50%
25 years and over	100%

~~This section shall not apply to employees hired on or after January 1, 1985; provided, however, due to the demands of the office and the responsibilities pertaining thereto, the mayor of the city shall be authorized to receive payment for 100 percent of accrued unused sick leave upon leaving office.~~

[NEW SECTION] ACC 2.63.161 Sick leave for City employees

A. Sick leave for City employees subject to RCW 49.46.

1. Employees shall be entitled to accrue a minimum of 1 hour of paid sick leave for every 40 hours worked as an employee.

2. Employees shall be entitled to use sick leave for the purposes specified in RCW 49.46.210 and other applicable law. Employee sick leave accrual, use and verification shall be managed in accordance with City administrative policies and procedures.

3. Up to 40 hours of employee accrued sick leave that is unused in a calendar year will carry forward to the next calendar year.

B. Sick leave for City employees exempt from RCW 49.46. The accrual, use, carryover and other provisions related to sick leave for City employees exempt from RCW 49.46 shall be as set forth in City administrative policies and procedures.

C. Any employee that falsifies or misrepresents sick leave usage may be subject to discipline up to and including dismissal at the discretion of the mayor.

~~ACC 2.63.162~~ ~~Payment for accumulated sick leave.~~

~~Retroactive to January 1, 1983, Auburn city employees accumulating in excess of 960 hours sick leave during a calendar year will be paid 25 percent of said accumulated and unused sick leave during January of the following calendar year.~~

ACC 2.63.165 Bereavement leave.

Employees shall be allowed up to 3 three days of paid leave with pay following a for death in the employee's immediate family upon approval of the department head.

For purposes of this section, "Immediate family" includes only the employee's parents (or parents-in-law), father or father-in-law, mother or mother-in-law, spouse, siblings (or siblings in law), grandparents (or grandparents in law), brother, sister or children (including stepchildren), and grandchildren of the employee. Sick leave will be charged if the employee is off the job exceeding three days. Leave under this section shall be in addition to family leave defined and available pursuant to RCW 50A.05.

Employee eligibility and use of leave under this section shall be managed in accordance with City administrative policies and procedures.

ACC 2.63.170 Leave to perform civil duties.

Department Directors may allow employees leave as needed. Any necessary leave may be allowed by the head of the department to permit any employee to serve on as a member of a jury or to exercise their other civil duties. Employee leave under this section shall be managed in accordance with City administrative policies and procedures. Each employee who is granted sick leave and who, for the performance of the civil duties involved, receives any compensation shall be paid by the city for the time they is absent only in the amount of their salary less the compensation received.

ACC 2.63.180 Military leave.

Employees may be allowed mMilitary leave, subject to the requirements of as provided in RCW 38.40.060, and City administrative policies and procedures. over and above annual vacation or sick leave, may be allowed any employee who is a member of the National Guard or reserve corps. The employee shall be paid their regular salary from the city for the period of their military leave.

ACC 2.63.190**Leave without pay and unauthorized absences.**

~~Except as otherwise provided in RCW 41.12.130, No employee shall be granted leave without pay will be granted an employee until the employee has first used all available and appropriate forms of paid leave. taken advantage of all their usable earned vacation credits, and such~~ Employees may not use leave without pay will not be granted for the purpose of the employee gaining personal advantage or profit.

[NEW SECTION] ACC 2.63.195 Other forms of leave at City Discretion – Article not applicable to collective bargaining agreements.

A. The City may provide employees with other forms of paid leave. Unless otherwise provided by law, employee entitlement to and use of any such other leave types shall be administered in accordance with City administrative policies and procedures.

B. Unless otherwise required by law, the provisions of this Article shall not apply to or affect the terms of any collective bargaining agreement in effect between the City and the members of a collective bargaining unit.

ACC 2.63.200**Insurance coverage for City employees. Generally.**

The city shall provide insurance coverage for its employees as required by law and in accordance with City administrative policies and procedures. ~~pay the costs of premiums for:~~

~~A. Employee accident insurance covering each employee, officer and official of the city for an amount not to exceed \$100,000 each, payable to the beneficiary named by the insured, while traveling on city business authorized by a competent authority;~~

~~B. Policies of insurance insuring the chief of police and all duly commissioned police officers of the city against false arrest;~~

~~C. Policies of insurance insuring city officials and employees while driving city vehicles operating in any municipal capacity against liability for bodily injury and property damage resulting from said operation.~~