

Council Guidebook

City of Olympia, Washington

This guidebook was adopted by the Olympia City Council at a public meeting. The Guidebook is intended to be a working document that is a guide for Council actions and practices. It is expected that some laws, policies and ways of doing business will change over time and that this Guidebook will be amended.

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The most current, signed version of the Council Guidebook is filed with the Olympia City Clerk. A copy is posted on the City of Olympia website under the City Government/City Council section, www.olympiawa.gov.

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Signed: Cheryl Selby – signed copy on file with City Clerk



February, 14, 2017

Cheryl Selby, Mayor

Date

Forward

In the course of serving as a public official, you will become involved with many issues. This manual attempts to centralize information on common practices related to local government and your role as a member of the Olympia City Council. The Guidelines and issues addressed in this publication are often complex and subjective.

Use this guide only as a reference; it is not intended to establish law. Many formal policies that impact the City Council are included in the Appendices. However, it is not possible for this guide to incorporate all material and information necessary for undertaking Council business. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices.

This guide is intended to be a helpful resource, and should not be used as a substitute for the guidance or opinion of the City Attorney.

Information contained in this guide will be reviewed by the General Government Committee as needed, or every two years in conjunction with orientation for new City Councilmembers.

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Section 1: Introduction and Overview

As an Olympia City Councilmember, you establish important and often critical policies for the community. You are also a board member of a public corporation with an annual budget in the millions of dollars. State laws and local ordinances grant the powers and responsibilities of the Council. New Councilmembers learn early on that the scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings. In addition, the City Council is subject to certain City of Olympia Administrative Guidelines, of which the applicable guidelines are included in Appendix A of this document.

1.1 History of Olympia City Government

Olympia was named the capital city of Washington Territory on November 28, 1853. In 1859, Olympia incorporated as a Town, and the city celebrated its 150th birthday in 2009.

The governing body elected in 1859 was a five-member Board of Trustees; the Office of Mayor was not created until November 11, 1873. At that time, the mayor and six Councilmembers (from three wards) were elected for one-year terms.

On November 16, 1925 the City government was changed to a three-member elected commission composed of the Mayor, Commissioner of Finance, and Commissioner of Public Works. The Commission began with three 3-year terms that were increased to four year terms in 1950.

On May 18, 1982, the voters of Olympia approved the Council-Manager form of government. A new seven member City Council held their first meeting on November 23, 1982. The Mayor was selected by the Councilmembers for a two-year term in January of each even numbered year.

In 1991 the voters approved the selection of the Mayor through election by the citizens, rather than through appointment by the Council. The Mayor is elected to serve a 4-year term.

1.2 Council-Manager Form of Government

Olympia is a non-Charter Code City that has operated under the Council-Manager form of government since 1982. As described in the Olympia Municipal Code (OMC 2.04 and 2.08) and Revised Code of Washington ([RCW 35A.13](#)), certain responsibilities are vested in the City Council and the City Manager.

According to the International City/County Management Association (ICMA), “under the council-manager form, power is concentrated in the elected council, which hires a professional administrator to implement its policies. This appointee ... has responsibility for preparing the budget, directing day-to-day operations, hiring and firing personnel, and serving as the council's chief policy advisor.” The City Council’s role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines what public policy is and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

See Appendix B for more detailed information, including the Washington State Laws defining the council-manager form of government and the ICMA Code of Ethics for City Managers.

1.3 Orientation of New Members

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Manager and Department heads will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff.

At any time, if there are facilities or programs about which you would like more information, please make arrangements through the City Manager and Department heads to increase your awareness of these operations.

In addition, the Association of Washington Cities (AWC) and the Municipal Research and Services Center (MRSC) offer much advice for Councilmembers beyond what is contained in this guidebook (See Appendix B for a list of local government support organizations). AWC hosts a newly elected officials’ orientation training opportunity for new members. In addition, see the MRSC Code City Handbook in Appendix B.

1.4 Overview of Basic City Documents

(Links to each of these documents and others can be found on the City's website at <http://www.olympiawa.gov/citygovernment/codes/>)

1.4.1 Revised Code of Washington (RCW)

Cities in Washington derive their powers from the State, and State laws contain many requirements for the operation of city government and the conduct of City Council business. Olympia is an “optional code city” which means it operates under the general laws of the state. As an optional code city of the State of Washington, Olympia is vested with all the powers of incorporated cities as set forth in the Revised Code of Washington (RCW), Constitution of the State of Washington, and Olympia Municipal Code.

1.4.2 Olympia Municipal Code (OMC)

The [Olympia Municipal Code \(OMC\)](#) contains local laws and regulations adopted by City Council ordinance. Title 2 of the OMC addresses the role of the City Council, describes the organization of City Council meetings, responsibilities and appointment of certain city staff positions, advisory boards and commissions.

In addition to these administrative matters, the OMC contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

1.4.3 City Policies

The [City Policies](#) are personnel policies approved by the City Manager for City of Olympia employee status, conduct, benefits, personnel actions and remedies. The City Council at prior annual retreats has indicated that the City Policies apply to the City Council, too, as appropriate. Accordingly, City Policies applicable to the City Council are included in Appendix A of this document.

1.4.4 Comprehensive Plan

A comprehensive plan is required by the State of Washington Growth Management Act (GMA), which was adopted in 1994. [The Comprehensive Plan](#) is a blueprint for how the City intends to accommodate its share of growth and still be a great place to live. It is

reviewed on an ongoing basis, but may only be revised once a year, except as provided by State law. The plan includes goals, policies, maps and other information to guide the City's vision. The plan is based on four major concepts:

1. Sustainability
2. Accommodating regional growth
3. Good Urban Design
4. Contributing to the goals of the Regional Transportation Plan

Comprehensive Plan amendments may be made to comply with changes in the GMA, better achieve city goals based on new information or circumstances, or consider land use and zoning map amendments. It is the City Council's decision whether or not to amend the Olympia Comprehensive Plan and the nature of the amendment.

Olympia's Comprehensive Plan Review Process is coordinated by the City's Community Planning and Development Department (CP&D). The department, on behalf of the City Council, solicits amendment proposals in the fall of each year for consideration the following year.

In January, the City Council reviews all of the proposals for amendment and identifies the amendments it is willing to consider that year (this is called the Comprehensive Plan Amendment docket). Once established by the City Council, the docket is referred by the Council to the Olympia Planning Commission. The Planning Commission studies and discusses each proposal on the docket and conducts a hearing to receive public comment. Also, City staff conducts and publishes environmental impact reviews, as appropriate, and develops a staff recommendation on each proposal.

The comprehensive plan amendments are considered by the City Council annually in the fall, after Planning Commission and staff review. The City Council considers the proposed amendment, Planning Commission and staff recommendations, the public record and other public testimony. The City Council may schedule a public hearing on the proposed amendments in addition to the Planning Commission hearing.

1.4.5 Shoreline Master Plan/Program (SMP)

The Shoreline Master Program for the Thurston Region is maintained on the website of the Thurston Regional Planning Council (<http://www.trpc.org>). The document includes Thurston County local jurisdictions' adopted common goals, policies and development

regulations and an inventory of all marine, lake, and river shorelines for the area.

1.4.6 Six-Year Capital Facilities Plan (CFP)

The [Capital Facilities Plan \(CFP\)](#) is a multi-year plan of capital projects, with projected beginning and completion dates, estimated costs, and proposed methods of financing. The Plan is reviewed and updated annually according to the availability of resources, changes in City policy and community needs, unexpected emergencies and events, and changes in cost and financial strategies.

It is important to understand that a multi-year Capital Facilities Plan does not represent a financial commitment. City Council approval DOES NOT automatically authorize funding. It does approve the program in concept and provides validity to the planning process. Appropriations are made in the Capital Budget, which is the first year of the capital program. Projects beyond the current year capital budget should not be viewed as a commitment to fund the project, but instead as an indication that given the information available at the time, the City PLANS to move forward with the project in the future.

1.4.7 Annual Budget

The [annual operating budget](#) is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget each December, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

For more information, see the Financing Section.

Section 2: Olympia City Council - General Powers and Responsibilities

2.1 Overview

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety and general welfare of the citizenry. Accordingly, the City of Olympia values personal honesty and integrity, open and accessible government, fiscal responsibility, fair treatment of individuals and a customer service emphasis in our organization.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal.

Policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy.

It is the City Manager's responsibility to ensure the policy of the Council is enacted. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Councilmembers who held a minority opinion on an issue.

2.1.a Affirmation of Council Expectations

Adopted: May 21, 2013

The City Council will adjust and modify operating procedures and guidelines to respond to evolving needs. The Council seeks to establish commonly held expectations and to clarify roles and procedures to further Council and staff effectiveness. Council retreats generally include efforts to affirm and establish practices and rules of engagement. The City's Administrative Guidelines work in concert with the Council Guidebook and a lengthy set of regulations to guide appropriate actions. These various initiatives must not suppress the dynamic engagement which is so valuable to policy development.

Central to an understanding of the role of Councilmembers is a confirmation of an appropriate relationship with staff. Members of the City Council must not intrude into those areas that are exclusively the responsibility of staff. Individual Councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole.

In addition, the City Council is committed to a set of internal behaviors, intended to create a high level of trust, creativity, and productivity.

These include:

1. Staying focused on top priority goals.
2. Engaging in proactive, on-going communication and working to ensure all members are fully informed about planned actions or items.
3. Seeking common ground and coming together.
4. Focusing on others' actions and assuming their good intentions
5. Building trust by being transparent, ethical, and acting with integrity
6. Engaging in and encouraging direct communication
7. Taking initiative to maintain good working relationships
8. Respecting all citizens and all members
9. Remaining realistic

This set of behavioral expectations is extended to include the actions of its members when they are representing the City in other venues, such as interjurisdictional assignments and coordinating bodies.

For all Councilmembers, when participating in Council meetings, including Council Committee meetings:

1. All views are welcomed, helping the group consider options outside its ordinary range of thought.
2. Each Councilmember has equal responsibility and ownership in the operation and outcomes of Council meetings.
3. Everyone speaks with courtesy and respect, even when laboring under heartfelt emotion.
4. Members may argue their views strongly during discussion, but once a decision is made, the minority accepts the majority decision as the decision of the body.
5. Members are curious and transparent – they ask rather than assume.

6. Decisions to shift the group's purposes are explicit and consensual.
7. Members will make overt agreements about how they want to communicate or deliberate. If such agreements are not supporting the Council's purpose, members will work together to revise them.

For the Mayor, Mayor Pro Tem, or other facilitator of a City Council or a Council Committee meeting:

The individual -

1. Will collaborate with participants in order to foster shared responsibility for the conversation and to build understanding and trust between all participants.
2. Will foster clarity about each agenda item's purpose.
3. Functions as the servant of the group, takes cues from the group, and turns to the group when tough decisions need to be made.
4. Will segregate meeting facilitation from advocacy – explicitly acknowledging when changing between these important roles.
5. When intervening within Council deliberations, the purpose is to:
 - a. Be legitimate. The Mayor's or facilitator's authority is rooted in the group's acceptance of their role.
 - b. Be positive and compassionate. Avoid judgment or shaming; assume good intentions; suggest alternative approaches.
 - c. When there is an infraction, be helpful. Lead the group to understanding and offer appropriate means of resolution.
 - d. Always attend to the wellbeing of the group and its members, and support progress toward achieving its purposes.
 - e. The full Council is the best resource for addressing group process dilemmas. The Mayor and Mayor Pro Tem can serve the Council by asking for input from the group.

2.2 Council Non-Participation in Administration

The City Council is the legislative branch of Olympia City Government, and the City Manager and his/her staff is the executive/administrative branch. In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, members of the City Council refrain from becoming directly involved in the administrative activities of the City. [RCW 35A.13.120](#) specifically prohibits interference by Councilmembers in the city's administrative service, including the hiring, firing, and work of city staff, with the exception of the City Manager.

Except for the purpose of inquiry, the Council should deal with City staff solely through the City Manager, and neither the Council nor any committee member shall give orders to any staff member without the City Manager's authorization. The City Manager may choose to establish formal or informal norms for routine Council-staff interaction and staff support of Council committees. In addition, Council can fully and freely discuss with the City Manager in open session anything pertaining to appointments and removals of City officers and employees and City affairs.

2.3 Council Non-Participation in Judicial Matters

The City has a separately elected Judge. The City Manager, staff and Council may not interfere with judicial processes or decisions. Furthermore, the City Council has no policy direction over judicial matters.

2.4 Role of Councilmembers

Members of the Olympia City Council are collectively responsible for establishing policy, adopting an annual budget, providing vision and goals, and hiring and supervising the City Manager. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

2.4.1 OBLIGATORY DUTIES

Summary of Council duties and responsibilities as provided in, but not limited to, the Washington Administrative Code (WAC), the Revised Code of Washington (RCW) and the Olympia Municipal code (OMC).

1. Establish Policy
 - a. Adopt goals and objectives
 - b. Establish priorities for public services
 - c. Approve and/or amend the operating and capital budgets
 - d. Approve intergovernmental agreements and certain contracts
 - e. Adopt resolutions
2. Enact Local Laws
 - a. Adopt ordinances
3. Supervise Appointed Officials
 - a. Appoint City Manager, Police Auditor and Hearings Examiner
 - b. Evaluate performance of City Manager
 - c. Establish advisory boards and commissions
 - d. Make appointments to advisory bodies
 - e. Provide direction to advisory bodies
4. Decide annually which Councilmembers will serve on outside boards, councils, commissions or committees.
5. Call Special Elections when necessary

2.4.2 COUNCIL'S ROLE IN THE COMMUNITY

Summary of implied or traditional Council duties and responsibilities

6. Provide Public Leadership
 - a. Relate wishes of constituents to promote representative governance
 - b. Mediate conflicting interests while building a consensus
 - c. Communicate the City's vision and goals to constituents
 - d. Represent the City's interest at regional, county, state, and federal levels
7. Decision-Making
 - a. Study problems
 - b. Review alternatives
 - c. Determine best course of public policy

2.5 Council Committees

The Olympia City Council has established three (3) standing committees by City ordinance (OMC 02.06.010):

- Finance Committee
- General Government Committee
- Land Use and Environment Committee

Each Council committee has three members.

Committee members are selected by the City Council at its annual goal-setting retreat and the appointments are ratified by Council at a regular business meeting. Also at its annual retreat, the Council selects a Chair for each committee.

Council Ad Hoc Committees will be created by vote of the City Council and consistent with Robert's Rules of Order.

2.6 Committee Meetings and Agendas

Each committee shall set a regular meeting date at its first meeting of the year following the confirmation of member appointments for that year. The committee chair or a majority of the committee may cancel a regular meeting or schedule a special meeting of the committee.

A draft work plan, including tentative schedule, is developed by the Committee at its first meeting of the year. The work plan is based on referred items carried over from the prior year, plus committee member and staff knowledge of emerging issues/policies. The draft work plan is forwarded to the full Council for review and approval as a Consent Calendar item.

During the year, items are added to the work plan as a result of referrals from the Council's retreat or by concurrence with a referral request by a majority of Councilmembers at a Council meeting. Written requests for a *referral to a committee* may be made by the Mayor, individual Councilmembers, or the City Manager.

Throughout the year, a council majority may refer an item to a committee agenda during the regular meeting. Afterwards, the staff liaison will consult with the committee chair to determine when this referral can be added to the committee's current work plan. Due to time constraints and/or heavy workloads,

the committee chair may decide the item should be added to the committee work plan for the next year. In this case, if a majority of Councilmembers still feel the item should go to the committee in the current year, they may request the committee chair add an extra meeting to the committee agenda.

2.7 Committee Recommendations

Council committee recommendations will be presented to the full Council by the respective Committee Chair. Usually, the committee chair will report the committee's findings during member reports at the Council meeting, or findings may appear as an action item on the consent calendar. If an item does not have a unanimous recommendation from the committee, it shall not be placed on the Council's consent calendar. A Council committee chair may request that a specific item from the committee be placed on the Council's agenda as an "Other Business" item, even if committee support is unanimous. When a committee recommendation is forwarded to the Council for action, the staff (transmittal) report will include an explanation from the committee chair of the Committee's rationale for its recommendations. The rationale will be presented in a designated area on the transmittal ("staff") report.

2.8 Non-Committee Member Attendance at Council Committee Meetings

There are implications toward the Open Public Meetings Act when four City Councilmembers are present at a committee meeting. Therefore, if a Councilmember who is not a member of the committee wishes to attend a meeting of that committee, s/he should notify the committee's chair no later than the Wednesday prior to the committee meeting date so that the meeting can be noticed appropriately.

Councilmembers are welcome to attend and observe, but they cannot act as a voting member. All Council committee meetings are intended to be meetings of the committee, even if Councilmembers not assigned to the committee are in attendance. Council committee meetings will be chaired by a member of the committee, and Councilmembers will respect the role of the committee.

2.9 Representation on Interlocal and Community Boards by Councilmembers

The City of Olympia has a number of interagency agreements which require representation by a member of the Olympia City Council on that agency's board (such as LOTT Alliance, Animal Services, etc). In addition, other community boards, councils, commissions, or committees often request City Council representation on their board (such as the Visitor and Convention Bureau, Economic Development Council, etc). This type of representation facilitates communication and provides interaction with other governmental bodies and community agencies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Membership appointment to these groups is made after each Council election by consensus of the Council at its annual goal setting retreat and ratified by Council at a subsequent business meeting. If more than one Councilmember desires to serve as a member of a particular outside group, the member for that group will be appointed by a majority vote of the Council.

Where applicable, the Council will appoint an alternate to attend outside boards, councils, commissions, or committees in the event the main delegate to such group is unable to attend. The main delegate should notify the alternate as soon as possible after the main delegate realizes they will be unable to attend an upcoming meeting of the outside group.

Councilmembers participating in policy discussions at board meetings will represent the consensus of the Council. Personal positions will be identified and not represented as the position of the City. Councilmembers are responsible for reporting inter-agency actions and positions to the full Council. Time for such reports is regularly scheduled on the Council meeting agenda.

Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

2.10 Role of Mayor

Olympia Municipal Code (OMC) 02.04.060 establishes the following role and powers of the Mayor, which are also consistent with State law (RCW 35A.13.030). "The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and

immunities of a member of the council. The mayor shall be recognized as the head of the City for ceremonial purposes.”

The term of the office of Mayor shall be four years to run concurrently with the term for Position One of the Council.

In Olympia, the Mayor votes on all items before the City Council in the same manner as the other members of the Council.

2.10.a. Mayoral Proclamations.

The Council has authorized the Mayor to sign, on behalf of the Council, proclamations which, in the opinion of the Mayor, are non-controversial in nature and which cannot be timely acted upon by the full Council because of its meeting schedule. The Mayor shall sign proclamations only if requested to do so by a member of the Council, including the Mayor, and shall provide the Council with a copy of the same at the next scheduled meeting.

2.11 Absence of Mayor and Councilmembers/Forfeiture of Office

The Mayor Pro Tem shall serve in the absence of the Mayor. In the absence of both the Mayor and the Mayor Pro Tem, the council shall, by majority vote, elect a chairperson to preside over the meeting(s) of the council.

Per OMC 02.04.040, “In the event of the extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve during his/her absence or disability.”

Per OMC 02.04.030 (Forfeiture of Office), “A Councilmember shall forfeit his/her office if he/she is absent for three consecutive regular meetings of the council without being excused by the council, or if he/she ceases to have the qualifications prescribed for such office by law or ordinance, or is he/she is convicted of a crime involving moral turpitude or an offense involving a violation of his/her oath of office.”

2.12 Mayor ProTem

The Council can appoint a Mayor ProTem annually at its first business meeting of the year or at another time as the Council deems appropriate.

2.13 Personnel Appointments

The City Council is responsible for appointing three positions: the City Manager, Police Auditor and Hearings Examiner.

The City Manager serves the Council and is responsible for all personnel within the city organization.

The Police Auditor is an independent contractor, who, on behalf of the City Council, reviews completed internal investigations of complaints about police personnel to determine if they were conducted in a thorough, fair and impartial manner, and in keeping with accepted investigatory standards. [The City of Olympia has not hired a Police Auditor since 2010.]

The Hearing Examiner is responsible for hearing appeals of administrative decisions rendered by the City's employees and for reviewing certain development review applications as required by the Unified Land Development Code. The Hearing Examiner is an independent contractor appointed by the City Council to hear such cases and render decisions in a quasi-judicial manner.

All other City officers and personnel, including the City Attorney, are appointed by and report to the City Manager.

2.13a. City Manager Performance Review.

The City Council shall meet annually in December with the City Manager to review performance and establish priority expectations for the coming year. The City Council shall also meet mid-year in June with the City Manager to review performance. The meetings shall be held in Executive Session scheduled according to the Council's Agenda Scheduling procedures.

2.14 Incompatibility of Offices

There are certain restrictions on a Councilmember holding any other public office or employment within city government. RCW 35A.12.030 provides that a mayor or Councilmember cannot hold other public office or employment within city government unless permitted under the code of ethics for municipal officers, 42.23 RCW or other statute. RCW.11.110 permits Councilmembers to serve as volunteer firefighters or reserve law enforcement if authorized by resolution passed by a two-thirds vote of the full council.

2.15 Emergency Response

OMC 02.04.080 gives the Mayor power to proclaim a civil emergency whenever riot, unlawful assembly or insurrection, or the imminent threat thereof, occur in the city and result in, or threaten to result in, the death or injury of persons or the destruction of property to such extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety and welfare. In addition, OMC 02.04.090 outlines the powers of the Mayor during an emergency.

The City of Olympia has an Emergency Operations Center (EOC). In the case of an emergency, a wing of the main fire station converts into the EOC and EOC staff (a group of trained employees from across departments) will support an Incident Command Structure. The Council in an emergency is one of policy support. The Council has a very limited role in emergency management operations. Please refer to Ordinance 6632 in Appendix A.

Section 3: City Council Meetings

Each regular meeting of the Olympia City Council shall be conducted in accordance with a printed agenda setting forth the business to be transacted.

3.1 Meeting Schedule

3.1.a. Annual and Mid-Year Goal Setting Retreats.

The Council's annual goal setting retreat shall be held as early in January as possible taking into account Councilmember and staff schedules, facility and facilitator availability.

The Council shall also hold a mid-year retreat in June.

The annual and mid-year retreats shall be facilitated by a professional meeting facilitator who is not a member of the current Council or staff.

3.1.b. Meeting Schedule Established.

The Olympia City Council usually establishes its yearly meeting calendar, including vacation weeks, at its annual goal-setting retreat. Council business meetings are held on Tuesday evenings, 7:00 p.m., at Olympia City Hall Council Chambers, 601 4th Avenue E, unless otherwise noticed.

When any of the above scheduled Council meetings occur on a legal holiday, the next succeeding day shall be the date of the regular meeting.

If Council is meeting the week of the General Election Primary (August) or General Election (November), the meeting shall be on Monday instead of Tuesday (see OMC 01.04.050).

There are no regular meetings on the 5th Tuesday of a month unless scheduled by the City Council at its annual retreat.

3.2 Public Notice of Meetings and Hearings

The agenda and accompanying reports and documents are posted on the City of Olympia website, www.olympiawa.gov, typically no later than 3:00 p.m. the Thursday before a meeting.

Paper copies of the agenda are available for in-person pick up at the Council's office during regular office hours. In addition, a paper copy of the entire Council packet is available for viewing at City Hall.

Notice of special meetings will be consistent with RCW 42.30.080.

3.3 Advancing a Policy Issue

It takes a majority of the City Council to bring a policy item before the full Council or a committee. Following are the routes a Councilmember may take to advance a policy issue:

- **Annual Goal Setting Retreat:** At the retreat Councilmembers decide on the council goals and implementation items for staff to focus on during the year.
- **Advisory Committee Work Plans:** The General Government Committee will draft committee work plans at the end of each year, and the committee chairs will come to Council in January with a year-long agenda. At that time, a majority of Councilmembers may request other items be added to the work plan.
- **Regular Meetings:** At any time during a regular Council meeting, a member may make a referral for an item to be addressed by a committee or by the full Council in the form of a study session. This request is subject to concurrence by a majority of the Council present. Also, such matter shall not be considered by the Council at the same meeting it is submitted to the Council without the concurrence of the majority of the Council present.
 - **Referral to Committee:** Councilmembers will work with City staff to scope referred issues and complete a written referral. The written referral will be brought to full council for concurrence and assignment to the appropriate committee. The item will then be scheduled on the committee work plan agenda for a future date, and the committee chair will report back to full council on findings during a regular meeting.
 - **Referral to Study Session:** Item will be scheduled on the Council agenda for a future date.
- **During Budget Deliberations:** At the end of each year, the full Council sets priorities for the future year in setting the budget. This is a time of deliberation and decision-making.

- **City Manager’s Performance Review:** Council can decide on items that need to be addressed during the City Manager’s semi-annual review.

3.4 Legislative Process

All measures proposed for Council consideration must have the endorsement and sponsorship of at least one member or be recommended by a Council committee or be advanced by staff as a Consent Calendar item.

All proposed measures, except Consent Calendar items, must be referred to a Council committee of proper jurisdiction, unless the majority of the Councilmembers present approve a suspension of the rules and one of the following alternative dispositions of the proposal:

1. Referral to the Committee of the whole for later consideration, or
2. Immediate consideration, or
3. Referral to an advisory committee, or
4. Referral to staff for investigation and report.

3.5 Scheduling the Agenda

The agenda is the schedule of items the Council has determined it will address at a meeting. Agenda items may also be certain items proposed for the Council to address (i.e., lot vacations, ordinances to accept grants, etc.). The proposed agenda is set by the Mayor and/or Mayor Pro Tem in consultation with the City Manager, and is usually available by 3:00 p.m. on the Thursday immediately preceding the meeting.

Each Monday morning the City Manager meets with Department Directors to go over proposed future agendas, at which time any issues that need to be brought forth to the City Council are discussed with the City Manager.

3.6 Agenda - Order of Business

The City Council has established the following order of business for its regular meetings:

1. Opening and Roll Call
 - a. Changes to Agenda
 - b. Approval of Agenda
2. Special Recognition (Including Proclamations)
3. Public Communications – not to exceed 30 minutes
 - a. Council response to public communications
4. Consent Calendar
5. Public Hearings
6. Other Business or Study Session
7. Continued Public Communications
8. Reports and Referrals
 - a. Council Intergovernmental/Committee Reports and Referrals
 - b. City Manager’s Report and Referrals
9. Adjournment

The order of business may be revised by a majority vote of the Council. Items pulled from the Consent Calendar for substantive discussion will be moved to a later place on the Agenda at the discretion of the Council with placement recommendation made by the Mayor.

3.7 Procedure for Public Communication

The City Council appreciates hearing from citizens about items relating to city business and normally sets aside up to thirty minutes near the beginning of Council business meetings for public communication. This forum is a limited public forum and all matters discussed shall relate to city business.

The manner and extent to which members of the public participate in the Public Communication portion of the agenda is under the control of the Mayor. Therefore, to the extent necessary to prevent unreasonable interference with the meeting, the Mayor is empowered to curtail or prohibit testimony that is overly repetitive or lengthy, beyond the reasonable scope of City business, or of a nature that would endanger the safety or wellbeing of the persons attending the meeting or individual city employees, or that is a personal attack upon a Councilmember’s or other person’s honesty, integrity, reputation, race, creed,

national origin, ethnic background, color, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. The Mayor is also empowered to establish time constraints on testimony, if necessary, to prevent unreasonable delay of the Council meeting.

Interested citizens may sign up to speak before the Council regarding any item related to City business, except issues (1) for which the City Council either held a Public Hearing in the last 45 days or will hold a Public Hearing within 45 days; or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity; or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure. Individuals will be asked to indicate on the sign-in sheet whether or not they have addressed the Council as part of Public Communication within the past 30 days. The Mayor has the discretion to move to the end of Public Communication testimony from those individuals who indicate on the sign-in sheet that they have testified in the last 30 days or who are known to the Mayor to have testified in the last 30 days.

Sign-in for Public Communication begins when the lobby doors to the Council Chambers are open (about 30 minutes in advance of the start of the meeting) and continues until after the Mayor gavels the meeting to order, with the exact time at staff's discretion. Everyone who has signed in by the time registration is closed will be provided an opportunity to comment at that evening's meeting, either during the initial 30 minutes scheduled on the agenda for Public Communication, at the end of the meeting if everyone is not accommodated within the initial 30 minutes, or in another order if proposed by the Mayor at any time during a meeting and agreed to by a majority of Councilmembers in attendance at the meeting.

If time allows during the initial 30 minutes set aside on the agenda for Public Communications, the Mayor may ask if anyone else in the audience wishes to speak. In this circumstance, Public Communication will not exceed 30 minutes total of testimony time, and additional comment will not be carried forward to the end of the meeting.

Individual comment during Public Communication is generally limited to three minutes or less. Comments shall be directed to the Council as a whole, not to the audience. Speakers may not cede all or a part of their time to another speaker, or play recorded comments of other persons not present and signed in as speakers for the meeting. The Mayor is empowered to explain at the beginning of Public Communications that clapping, shouting and other

demonstrations are not permitted at any time so that all persons wishing to speak, or in attendance, are not intimidated and feel safe to express their views or be present.

In order to hear as many people as possible, the Council will refrain from commenting on individual statements until all public comment has been taken, or at the end of the 30-minute time allotment.

Out of respect for the time of our citizens, Council and staff – the Mayor, on behalf of the entire Council, will thank the individuals who spoke. Councilmembers may request additional information from the persons who spoke, information or a report from the City Manager, or make brief comments to help inform the issues.

3.8 Consent Calendar

The City Manager, Mayor and Mayor ProTem will propose which items are on the Consent Calendar.

The Consent Calendar consists of items of a routine nature that do not require discussion. An ordinance or budget resolution typically requires two separate readings at a regularly scheduled council meeting. Final passage typically occurs on second reading, although second reading may be waived by an affirmative vote of at least two-thirds of the Councilmembers present, unless precluded by law. Resolutions may be passed in one reading.

During the regular meeting, any Councilmember may pull a Consent Calendar item for discussion prior to approval of the Consent Calendar.

3.9 Councilmember Reports

Councilmember Reports are intended to allow Councilmembers an opportunity to share brief updates on committee and Council assignments and to seek guidance and direction. Councilmembers should do their best to be concise and restrict their remarks to these topics. Generally, Councilmember Reports should be no more than 5 minutes each.

For reports about Council Committee actions, the Committee's chair should give a brief recap of the substance of the Committee's discussion and recommendations. Items needing Council action or discussion will be scheduled

for a subsequent Council meeting, so that all Councilmembers and the public have background information on the topic and any recommendations.

3.10 Public Hearings

For Frequently Asked Questions about Public Hearings, see the MRSC website at <http://www.mrsc.org/subjects/governance/hearings.aspx>

Sign in for Public Hearings is similar to Public Communication. Please refer to that section.

Individual comment during Public Hearings is generally limited to three minutes or less. Comments should be directed to the Council as a whole. Speakers may not cede all or a part of their time to another speaker. The mayor will determine the order and protocols for Public Hearing testimony.

Testimony on a topic subject to public hearing will not be accepted by the Council at a meeting either 45 days before or after the public hearing. The Mayor shall announce. at the start of Public Communication, a list of any public hearings scheduled within the upcoming 45 days or held in the previous 45 days. However, by concurrence of a majority of Councilmembers, testimony for a public hearing may be continued or remain open until a specified date and time.

3.11 Council Action

Any action of the Council shall be by ordinance, resolution, proclamation, or motion and shall be conducted only in open public meetings unless otherwise provided by law. Any such action (except for the passage of any ordinance or the granting or revocation of any license or franchise) shall be deemed approved by an affirmative vote of a majority of those Councilmembers who are present and vote (i.e. do not abstain). The passage of any ordinance that grants or revokes a license or franchise, and any resolution for payment of money requires the affirmative vote of at least a majority of the whole membership of the Council. Public emergency ordinances that take effect immediately must be passed by a majority of the whole membership, plus one. (RCW 35A.13.190).

A vote on any matter shall be taken by voice vote except where the Mayor or Council Chair is unable to discern whether the ayes or nays prevail, in which case a roll call vote shall be taken. Any Councilmember may abstain from voting on any matter.

An ordinance or budget resolution shall undergo two separate readings, and final passage may not be accomplished before the second reading. The readings shall occur at regular meetings. This guideline may be suspended by an affirmative vote of at least two-thirds of the Councilmembers present, in which case final passage may be accomplished at the same meeting the ordinance or budget resolution was introduced, unless precluded by law. As a general practice, the City Manager will not recommend that the Council take action as first and final reading.

3.12 Open Public Meetings Act

[RCW 42.30](#) outlines the Open Public Meetings Act, which applies to all city and town councils and to all county councils and boards or county commissions, boards and committees. Basically, the Act requires that all “meetings” of such bodies be open to the public and that all “action” taken by such bodies be done at meetings that are open to the public. The terms “meetings” and “action” are defined broadly in the Act.

Please see Appendix B for the Municipal Research and Services Center (MRSC) Guide to the Open Public Meetings Act. For Frequently Asked Questions about Open Public Meetings, see the MRSC website at <http://www.mrsc.org/askmrsc/pastingsubject.aspx?sid=22>.

3.13 Study Sessions

A Study Session is an informal opportunity for Councilmembers to learn about and discuss policy issues. Participants in the discussion may include Council, staff, representatives of other agencies or groups, advisory committee/ commission members, community members and other individuals.

Requests to refer a topic to a Study Session may be made by any Councilmember or the City Manager during the Reports/Referrals time at any Council business meeting. The person making the request or anyone eligible to make a request for a Study Session may ask that the topic be considered for priority scheduling. A majority of Councilmember must approve the Study Session request.

The Council’s Secretary will maintain a list of topics referred for Study Session and publish it on a list of *Upcoming Council Agenda Items*. The list should include the topic name, date of referral, and the name of the person who requested the referral.

3.14 Special Meetings

A special meeting may be called at any time by the Mayor or by a majority of the Council. Notice will be provided in keeping with [RCW 42.30](#). If more than three Councilmembers attend and participate in an official capacity at any meeting, it shall be considered a special meeting and notice shall be given. In addition, the City Manager shall follow up with City Councilmembers by telephone, email or such other convenient communication method reasonable to apprise the members of special meetings. The City Manager may also, at his/her discretion, provide notice to interested parties.

Only Agenda items noticed for the Special Meeting may be discussed or considered by the Council at the meeting. The Agenda may not be amended at the Special Meeting to add items.

3.15 Executive Sessions

Executive Sessions are scheduled at the request or concurrence of the Mayor, or by a majority vote of the full Council during a meeting. The Council may hold Executive Sessions before, after, or during a regular or special meeting to consider such matters permitted by RCW 42.30 or other applicable state law, although the preferred time is before a regular or special meeting.

Such matters may include, but are not limited to, national security, purchase or sale of real estate, litigation, collective bargaining, appointment of Councilmembers and/or advisory board members, performance of publicly bid contracts, complaints against or evaluation of the performance of a public employee, and quasi-judicial matters. Decisions on any of the above subjects may be made at a subsequent regular meeting.

3.16 Televised Meetings

Olympia's weekly City Council meetings, Special Meetings, and Study Sessions when held in the City Council Chambers on Tuesday evenings, are televised live on Thurston Community Television (TCTV) and video streamed through the City's website by a third-party service, barring technical difficulties.

When City Council meetings are held in another location that does not allow for live telecast or on a day other than Tuesday, the meetings are taped for replay

on TCTV and the City's video streaming service, if requested by Council and if TCTV has staff and equipment available to provide the service.

3.17 Council Attendance Policy

At the start of each City Council meeting, the Mayor will call the roll. Any absent Councilmember who has left a message by 5:00 p.m., or reached the Mayor or City Manager's Office directly before the start of the meeting on the day of the meeting to advise of such absence, will be considered excused.

3.18 Councilmember Resignations

A council position shall become vacant if the Councilmember fails to attend three consecutive regular meetings of the Council without being excused by the Council. (RCW 13A.13.020, also see OMC 2.04.030).

As a courtesy, a member who wishes to resign should submit a letter to the City Clerk that clearly states his/her intention to resign and the effective date.

3.19 Meeting Minutes

Robert's Rules of Order define minutes as the record of the proceeding which state what action was taken. The essentials of the record include all main motions (except those that were withdrawn) and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.

3.20 Parliamentary Procedure

The City Council uses *Robert's Rules of Order* to help run its meetings. Robert's Rules works within the Council's process, and not the other way around.

3.21 Parliamentarian

The City Attorney shall assist the City Council on questions of parliamentary procedure and the application of the parliamentary rules contained in *Robert's Rules of Order*. Before deciding any question of parliamentary procedure, the Mayor may request advice from the City Attorney. In cases where serious errors

in procedure are being used or being contemplated, the City Attorney may give advice even when it has not been requested.

Please refer to Appendix B for more detailed information about Parliamentary Procedures, including a summary of Robert's Rules, scripts and quick reference guide to motions.

3.22 Attendance via Speakerphone

On rare occasions, a Councilmember will not be able to be physically present at a Council or committee meeting, but will want to be involved in Council or committee discussions and/or decisions. The procedure and guidelines for permitting a Councilmember to remotely attend a Council or committee meeting via speakerphone shall be as follows:

1. If a Councilmember wishes to attend a Council or committee meeting via speakerphone, the Councilmember shall notify the Mayor or the City Manager's office no later than 2:00 PM on the day of the meeting to advise of such absence and to request remote attendance at the Council or committee meeting via speakerphone.
2. The Councilmember attending remotely via speakerphone shall provide the Mayor or City Manager's office with a telephone number where the Councilmember may be contacted at the start of the Council or committee meeting. The Councilmember attending via speakerphone must be able to hear the discussions at the Council or committee meeting and taking place in Council Chambers or before the committee. Likewise, the Councilmember must be able to be heard by all present in Council Chambers or before the committee.
3. If possible, the Councilmember should also log in by computer or iPad/tablet to view the internet streaming video website of the Council meeting.
4. At the commencement of the Council or committee meeting, the Mayor (or presiding officer if the Mayor is not physically present at the Council or committee meeting) shall state for the record that a Councilmember, identifying the member by name, is attending the Council or committee meeting via speakerphone and the reason for the Councilmember's remote attendance (i.e., illness, business travel, vacation, etc.). The Mayor shall establish that the Councilmember attending remotely via speakerphone can hear the Mayor's or committee chair's voice. There must be a clearly audible response from the Councilmember attending

remotely. The Mayor or committee chair shall then state on the record that the remotely attending Councilmember is attending via speakerphone and can be heard by all present in Council Chambers or before the committee.

A Councilmember attending a Council or committee meeting remotely via speakerphone should review all of the applicable material on the agenda. Any technical prohibitions or difficulties that prevent all parties present at the Council or committee meeting from communicating or hearing one another will negate the ability of the Councilmember to participate remotely via speakerphone in the Council meeting or committee. Such inability to participate in the Council or committee meeting, due to technical prohibitions or difficulties, shall be deemed an excused absence for the Councilmember attempting remote attendance.

The Mayor and Mayor Pro Tem may attend remotely, however, they will not be able to preside over the meeting remotely. The presiding officer for the Council or committee meeting must be in physical attendance at the Council or committee meeting. In the event the Mayor and Mayor Pro Tem must both attend a Council meeting remotely, the Councilmember having the longest service on the Council shall be acting presiding officer for purposes of the Council meeting.

Remote attendance via speakerphone shall constitute attendance for quorum purposes and voting. A request for remote attendance via speakerphone shall be exercised on rare and infrequent occasions by a Councilmember and it shall not be a substitute for regular, physical attendance at Council or committee meetings. The Council, as a legislative body, retains the ability upon motion to deny an individual Councilmember's request for remote attendance.

3.23 Interrupted Meetings

The Open Public Meetings Act (RCW Chapter 42.30) provides a procedure for the Council to continue its business in the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such Council or committee meeting “. . . unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting . . .” In that event, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the Council's or committee's agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend

any session held pursuant to RCW 42.30.050. Nothing in RCW 42.30.050 “. . . shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.” In accord with this statute, the Mayor or Committee Chair may admit individuals to the meeting who have not participated in the disturbance and are not responsible for disturbing the orderly conduct of the meeting.

Section 4: Advisory Boards and Committees

For more information about Advisory Bodies, see the City's website olympiawa.gov. Also, see Appendix A for the Board and Commission Membership & Qualification Matrix.

Boards, commissions and citizen committees provide a great deal of assistance to the Olympia City Council when formulating public policy and transforming policy decisions into action. The City has the following standing boards and commissions which are appointed by Council:

- Arts Commission
- Bicycle & Pedestrian Advisory Committee
- Design Review Board
- Heritage Commission
- Lodging Tax Advisory Committee
- Parks & Recreation Advisory Committee
- Planning Commission
- Utility Advisory Committee

In addition, special purpose committees and task forces are appointed from time-to-time by the City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

While membership on most committees is by Council appointment, the following exceptions apply:

- [Civil Service Commission](#) (appointed by the City Manager)
- [LEOFF Disability Board](#) (elected and member appointed)
- [Parking and Business Improvement Area Board/PBIA](#) (elected by ratepayers)

The City Council appoints one (1) citizen member to each of this community boards:

- [Thurston Community Television Board](#) (TCTV)

4.1 Establishment of Advisory Committees/Commissions/ Boards Appointed by the City Council

Council appointed Committees/Commissions/Boards are established by action of the entire Council, usually by ordinance. Short term or Ad Hoc Committees may not necessitate an ordinance and may be established by majority Council approval of the scope for the committee and the term of its appointment.

Most of the positions are citizen-at-large, without specific affiliations, and a majority of each committee's members must reside in the City of Olympia or Olympia's Urban Growth Area. Most Olympia advisory committees have eleven (11) members, with terms for about 1/3rd of the members ending on March 31 each year.

The General Government Committee has adopted Rules of Procedure and conduct expectations for City Advisory Committees and its members. The Rules of Procedure outline such things as number of members, term of office, etc. See Appendix A for the City Advisory Committee Rules of Procedure.

4.2 Appointment to Advisory Bodies

The General Government Committee, on behalf of the entire Council, accepts applications annually at a time specified by the committee, and makes appointment recommendations to the full City Council following review of applications and personal interviews with qualified candidates.

The General Government Committee will establish the procedures for public notification of advisory committee openings and the method for individuals to apply for appointment consideration.

Partial-term vacancies will be filled when appropriate, as determined by the Council's General Government Committee.

4.3 Committee/Commission Resignations

In the interest of timely noticing of vacancies and to minimize the impact of vacancies on boards and commissions, the City Council delegates to the Mayor or the chair of the General Government Committee the authority to accept resignations.

4.4 Staff Relationship to Advisory Bodies

The City's Communications Manager serves as a liaison from the City Manager's office to all advisory committees and provides professional staff support to the General Government Committee. Other staff support and assistance may be provided to advisory boards, commissions, and task forces; however, advisory bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager.

The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws.

Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations. Staff support includes: 1) preparation of a summary agenda after approval by the chairperson; 2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and 3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

4.5 Councilmember's Role and Relationship with Advisory Bodies

The City Council annually reviews and approves work plans for each advisory committee, except for the Design Review Board (primarily a quasi-judicial group).

The General Government Committee is the Council's liaison with advisory committees for membership, procedural and general oversight purposes.

For communication and policy development purposes, the City Council's Land Use and Environment Committee is liaison with the Design Review Board and the Olympia Planning Commission. A Councilmember serves as the Chair of the Lodging Tax Advisory Committee as required by State law. By City ordinance, the Council may appoint a liaison with the Parking and Business Improvement Area Advisory Board. The General Government Committee is liaison with the other Council-appointed committees.

Each year, the General Government Committee shall facilitate the identification of a Councilmember to serve as liaisons to the Arts Commission, Bicycle and

Pedestrian Advisory Committee, Heritage Commission, Parks and Recreation Advisory Committee, and the Utility Advisory Committee. The purpose of the liaison role is to serve as a communication contact with the committee(s) on behalf of the City Council. The liaison shall not attempt to influence the committee(s) to endorse or validate their personal point of view on an issue. The liaisons shall briefly report their contacts with committees at City Council meetings, as appropriate.

Unless required by State law (such as with the Lodging Tax Advisory Committee) Olympia Councilmembers do not serve on Council-appointed committees. It is expected that any newly elected Councilmember who is serving on a City advisory board or committee at the time of election will resign from their committee appointment at the time of assuming Council office.

In general, individual Councilmembers may attend advisory committee meetings to observe the committee's discussion and action, and should refrain from any comments or actions intended to influence the committee.

If an advisory committee chair requests the presence of a Councilmember at a committee meeting, the Councilmember shall inform the full Council of the request. If requested by the committee or committee chair to express an opinion on a policy topic being discussed by the committee, the Councilmember shall make it clear that the opinion they express is their own and should not be construed as reflecting the opinions of other Councilmembers or of the full Council.

4.6 Work Plans and Referrals to Advisory Bodies

Each year, advisory boards and committees form a work plan for the year. If an item is referred during the year, the staff liaison will notify the Committee Chair of the referral. The Committee Chair will usually report back to the Council regarding their ability to absorb the referral into their current work plan.

It is expected the chair of the advisory committee or their designee, rather than a staff person, report the findings of the committee to the Council. Accordingly, committee chairs should attend the Council meeting when the recommendation is presented and be available for questions or clarifications on the committee recommendation.

Typically, items of a policy nature are presented to Council in written form. Accordingly, committee chairs should review staff materials representing the committee recommendation to assure they accurately convey the committee's intent prior to completion of the council packet.

Section 5: Interaction with City Staff/ Officials

5.1 Overview

City Council policies are implemented through a dedicated and professional staff. It is critical to understand the Council/staff relationship so that policies and programs may be successfully implemented.

5.2 Council-Manager Plan of Government

The introduction of this guidebook gives a brief overview of the Council-Manager form of government, which is outlined in 35A.13 RCW and 2.04 and 2.08 OMC. The responsibilities and duties of the City Manager include:

- Generally supervise the administration of the City
- Appoint and remove department directors and employees
- Attend all meetings of the Council at which the manager's attendance is required by Council
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency
- Make policy recommendations to the City Council
- Prepare and submit reports to the Council
- Keep the Council fully advised of the financial condition of the City and its future needs
- Prepare and submit to the Council a proposed budget for the fiscal year, and a six year capital facilities plan
- Perform such other duties as the Council may determine by ordinance or resolution.

5.3 Roles and Information Flow

5.3.a Council Roles

The City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must not intrude into those areas that are the responsibility of staff. Individual Councilmembers may not intervene in staff

decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. Individual Councilmembers will refrain from asking City staff to work outside normal hours. This is necessary to keep staff focused on established Council priorities and avoid undue influence and pressure from individual Councilmembers. It also allows staff to execute priorities given by management and the Council as a whole using their best professional judgment without fear of reprisal. If a Councilmember wishes to influence the actions, decisions, recommendations, workload, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

5.3.b Significant Requests

Councilmembers are free to directly contact staff for general information. If the request is significant in nature or initiates any significant project or study the consent of a majority of the Council must be obtained before redirecting work to this new effort. Individual Councilmembers also should not request or direct the City Manager or Department Directors to initiate any significant action or prepare any report that is significant in nature, without majority Council approval. Councilmembers may discuss ideas with the City Manager, and s/he will determine whether or not the request is significant and needs Council direction.

5.3.c Access to Information

The City Manager is the liaison between Council and City staff other than for general information or routine service requests (e.g., potholes). Requests from Councilmembers are to be directed to the City Manager and will be responded to promptly. The information or response will generally be copied to all members of Council so that each member may be equally informed. The equal sharing of information with City Council is one of the City Manager's highest priorities.

There are limited restrictions regarding when information can and cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (i.e., access to restricted or confidential information related to crimes) may not be available to members of the City Council. The City Attorney can advise Councilmembers in these areas.

5.4 City Council/ City Manager Relationship

The employment relationship between the City Council and City Manager recognizes that the City Manager is the chief executive of the City. All dealings with the City Manager, whether in public or private, should acknowledge the authority of the City Manager in administrative matters.

The City Manager must respect and be sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

5.4.a Administrative Issues

The City Council is to work through the City Manager when dealing with management of the City. In no manner, either directly or indirectly, shall a Councilmember become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City procurement code/procedures.

5.4.b Performance Evaluation

The City Council evaluates the City Manager on a bi-annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance is evaluated in the areas as mutually agreed by the Council and Manager. (See Section 2.13.a)

5.4.c Code of Ethics

There is a code of ethics for municipal officers found in [42.23 RCW](#) that outlines prohibited acts with respect to contract interests. The City Manager may also be a member of the International City/County Management Association (ICMA) and, as such, is subject to a professional code of ethics through that organization. These principles appear in Appendix B of this guidebook. The code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by ICMA.

5.5 City Council/ City Staff Relationship

The primary functions of staff are to execute Council policy and actions and to keep the Council informed. Staff is to take guidance and direction only from the City Manager or Department Director. This direction shall follow the policy guidance of the City Council as a whole.

City Councilmember contact with City staff members, exclusive of the City Manager, will be during regular business hours as much as possible, except in the case of unforeseeable circumstances.

5.5.a Political Involvement

Olympia is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy and are not to be influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender rights to be involved in political activities during their non-working hours. They may register to vote, sign nominating or recall petitions, and they may vote in any election.

There are restrictions against the use of public funds, public property or public facilities to support or oppose ballot propositions or individual candidates. The basic concepts to keep in mind are that public facilities should not be used for campaign purposes, and employees should not promote or oppose a ballot measure or a candidate during work hours.

5.6 City Council/ City Attorney Relationship

The City Attorney is an employee appointed by the City Manager. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The City Attorney supervises other attorneys in the city Attorney's Office to ensure coverage of the City's civil and criminal matters and may hire special counsel as necessary. The general legal responsibilities of the City Attorney's Office are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;

2. Represent the City's interest in criminal prosecution, civil litigation, administrative hearings, negotiations, and similar proceedings;
3. Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

It is important to note that the City Attorney does not represent individual members of Council, but rather the City Council as a whole.

Section 6: Support Provided to City Council

6.1 Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Manager's Office.

Secretarial services, including scheduling of appointments, receipt of telephone messages, and word processing, are available as needed.

Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Please note that individuals may have work assignments with high priority. Should requested tasks require significant time commitments, Councilmembers should consult with the City Manager prior to making assignments.

6.2 Office Equipment

Standard office equipment, such as phones, copiers and fax machines are available at City Hall for the Council to use. All City Councilmembers will receive a personal laptop for use regarding city business. Please refer to the Technology Policy in Appendix A for guidance.

6.3 Meeting Rooms

Please contact the appropriate staff to insure conference rooms are properly scheduled. Use of the Executive Conference Room at City Hall may be scheduled with the City Manager's Executive Secretary. Use of the Fire Station Training Room may be scheduled with the Administrative Secretary at the Fire Department.

6.4 Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of email and individual mailboxes. Individual mailboxes are maintained for each Councilmember by the City Manager's staff. Councilmembers are encouraged to check mailboxes often.

Written letters to the Mayor and/or Council are usually scanned by Executive Office staff and distributed via email to the entire Council and the City Manager.

All correspondence to Councilmembers is a public record, potentially eligible for release.

See the Communications Section for procedures regarding Council correspondence and response to citizens.

Section 7: Financial Matters

7.1 Council Compensation

The Olympia Municipal Code outlines a modest compensation for members of the City Council. A seated City Council may not increase or decrease its own compensation. Councils may only pass an ordinance to adjust the compensation of an incoming City Council. See OMC Section 02.04.100, in Appendix A, for more detail.

The City Annual Operating Budget includes appropriations for expenses necessary for members to undertake official City business. Funding provided includes membership in professional organizations; attendance at conferences or educational seminars; travel to Olympia's sister City, Kato City, Japan; and the purchase of publications and office supplies.

7.2 Annual Operating Budget and Capital Facilities Plan (CFP)

The City's annual Operating and Capital budgets are prepared on a calendar year basis. The Operating Budget is prepared each year. The Capital Facilities Plan (CFP) is updated each year as it is the estimated amount planned to be expended for capital facilities in the next six years. Capital facilities are fixed assets such as roads, parks, buildings and equipment. The CFP folds into the Operating Budget process. There are five distinct phases in the City's budget cycle:

7.2.a Development and Preparation

A preliminary CFP is usually submitted in July, followed by a public hearing in October and adoption as part of the Annual Operating Budget in December. The Planning Commission and other advisory boards and commissions review the document and provide comment to the Council.

Each summer, City departments develop and submit their budget requests to a Budget Review Team. The Budget Review team balances projected revenue and projected expenses and develops the City Manager's proposed budget. The Budget Review team meets several times during August and September.

7.2.b Review and Adoption

The City Manager's Annual Operating Budget must be presented to the City Council no later than the first Tuesday in November. In November, the City

Council reviews the City's Manager proposed budget, holds public hearings, and makes budget adjustments. The City Council then adopts the annual budget for the next fiscal year. The Annual Operating Budget must be balanced and adopted prior to December 31 of the preceding year.

7.2.c Implementation

Services financed by the approved budget are carried out.

7.2.d Monitoring

Expenditures are monitored by department and the City Treasurer throughout the year to ensure that funds are used in an approved and adopted manner.

7.2.e Evaluation

Financial and Compliance audits are conducted annually by the State Auditor's Office and annual Comprehensive Annual Financial reports are produced by the City Treasurer's office. Performance Audits may be performed by the State Auditor's on specific topics at the sole discretion of the State Auditor.

Please refer to the current year Operating and CFP budgets for more information, including State policies and guidelines for the municipal budget process. These are available on the City's website, olympiawa.gov.

7.3 Long-Term Financial Strategy

The Council adopted the following long-term financial strategy:

7.3.a Key Principals:

- Make Trade-offs (Do not initiate major new services without either (a) ensuring that revenue to pay for the service can be sustained over time, or (b) making trade-offs of existing services.)
- Do it Well (If the City cannot deliver a service well, the service will not be provided at all.)
- Focus Programs on Olympia Residents and Businesses (Give priority to existing infrastructure.)

- Use Unexpected One-Time Revenues for One-Time Costs or Reserves (One-time revenues, or revenues above projections, will be used strategically to fund prioritized projects.)
- Invest in Employees (The City will invest in employees and provide resources to maximize their productivity.)
- Pursue Innovative Approaches to Service Delivery (Continue to implement operational efficiencies and cost saving measures in achieving community values. Pursue partnerships and cost sharing strategies with others.)
- Contract In/ Contract Out (Consider alternative delivery to maximize efficiency and effectiveness.)
- Maintain Capacity to Respond to Emerging Community Needs
- Pursue Entrepreneurial Initiatives
- Address Unfunded Liabilities
- Selectively Recover Costs (On a selective bases, have those who use a service pay the full cost.)
- Recognize the Connection Between the Operating Budget and The Capital Budget.

7.3.b Guidelines:

What should the City do in the following year's budget when the financial forecast is positive?

- Assess the situation
- Maintain adequate reserves
- Use one-time revenues only for one-time expenses
- Use recurring revenues for recurring costs OR for one-time expenses
- Stay faithful to City goals over the long run
- Think carefully when considering revenue cuts
- Think long-term

What should the City do every year, whether the financial forecast is positive or negative?

- Increase operating cost recovery
- Pursue cost sharing

What should the City do in the following year's budget when the financial forecast is negative?

- Assess the situation
- Use revenues sparingly
- Reduce services
- Continue to think carefully when considering tax increases

7.4 Council "Goal Money"

During the development of the Operating Budget, money deemed "Council Goal Money" may be set aside for the Council to use at its discretion throughout the year. The decision to use the money and how much will be determined by a motion and a majority vote of the Council. The amount set aside varies each year, according to the flexibility of the General Fund.

7.5 Financial Disclosure

Candidates for the office of Councilmember must file a financial disclosure statement with the Washington State Public Disclosure Commission within two weeks of filing a nomination paper. When appointed to fill a vacancy on the Council, the appointee must file a financial disclosure statement with the Commission, covering the preceding 12-month period, within two weeks of being so appointed. Councilmembers are required to file a financial disclosure statement with the Commission on an annual basis after January 1 and before April 15 of each year covering the previous calendar year. Councilmembers whose terms expire on December 31 must file the statement for the year that ended on that December 31. Statements filed in any of the above cases will be available for public inspection.

7.6 Contracting

The City's contracting procedures and contract documents are reviewed by the Legal Department.

7.7 Gift of Public Funds

Article 8, section 7 of the Washington Constitution prohibits the city from giving money or property, or lending money or credit, except for the necessary support of the poor and infirm. Most commonly referred to as "the gift clause," it reads as follows:

"No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation."

Transactions in which the city pays money, gives property or lends money or credit must be carefully scrutinized in light of the restrictions concerning the gift of public funds.

7.8 Travel Policy

It is the general policy of the City to pay for mileage, transportation, lodging, meals, and other necessary travel expenses incurred while on official City business. This Policy applies to staff and Councilmembers and only for travel outside the metropolitan Thurston County area. Reimbursements will be made only when valid receipts are presented.

Please see Appendix A for a full copy of the Travel Policy.

7.9 Miscellaneous Expense Policy (Reimbursements)

The Miscellaneous Expense Policy establishes policies and procedures related to employee expenses incurred when conducting City business in the Metropolitan Thurston County area (Olympia, Lacey, and Tumwater). Expenses under this policy shall be paid only if the activity serves a public purpose, involves specific City business, and expenses are incurred by or for individuals directly involved

with the City business being conducted. This policy applies to expenses not covered under the Travel Policy.

Reimbursements will be made only when valid receipts are presented. Please see Appendix A for a full copy of the Miscellaneous Expense Policy.

7.10 Food Policy

The City policy regarding meal reimbursements is described in detail in the Miscellaneous Expense Policy (see Appendix A). In general, City funds may be used to pay for meals for Councilmembers and staff during intergovernmental meetings so long as the meeting deals with issues directly involving the City of Olympia, and it is shown that it is not practical or reasonable to schedule the meeting at a time other than during a meal time.

7.11 Recognition Policy

The City's Recognition Policy establishes policies and procedures related to expenses incurred for Council recognition, celebration, retirement or resignation events.

Please see Appendix A for more detailed information

7.12 Credit Card/ Merchant Card Procedures and Guidelines

Please see Appendix A for information and forms to obtain a city credit card.

Section 8: Communications

8.1 Overview

Perhaps the most fundamental role of a Councilmember is communication:

- Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents; and
- Communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

8.2 Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue. Please see the Attorney General: Ballot Measures & Campaigns memo in Appendix B for more information.

8.3 Proclamations

The City prepares two types of proclamations, regular and Mayoral. A regular proclamation goes to the full Council and is read aloud. The Council then hands it to a representative from the audience. A Mayoral proclamation is given to the Mayor in his mail box for signature and then it is usually mailed to the organization.

The Mayor is authorized to sign, on behalf of the Council, proclamations which, in the opinion of the Mayor, are non-controversial in nature and which cannot be timely acted upon by the full Council because of its meeting schedule. The

Mayor shall sign proclamations only if requested to do so by a member of the Council, including the Mayor, and shall provide the Council with a copy of same at the next scheduled Council meeting.

8.4 Washington Public Disclosure Act

The following is a summary. Please refer to the Public Records Act and Electronic Records Guide and the Public Disclosure Law Interpretation in Appendix B for more information.

To ensure that business communications submitted to and by elected and appointed officials comply with the State Public Record Act, RCW 42.56, and the State Open Public Meetings Act, RCW 42.30, the following is set forth:

Public Records Act

Almost **everything** we handle is a public record. According to RCW 42.56.010(2), a "public record" is defined to include "... any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

"Writing" is also defined in the disclosure statutes: "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound records, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(3))."

8.4.a Electronic Communications

- As soon as an email hits the server it may be subject to public disclosure.
- Email is automatically saved in an archive and retained in accordance with State law.

E-mail communications that are intended to be shared among four or more Councilmembers, whether concurrently or serially must be considered in light of the Open Public Meetings Act. Such emails should be restricted to the providing of information such as materials for later review or notice of a potential new agenda item. Responses to such emails should be limited to ensure that Council

business is conducted only at its scheduled meetings. Discussion of City business by a majority of the Council should be done at an open meeting.

Councilmembers agree that emails will not be exchanged by Councilmembers during public Council meetings.

E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other “confidential” City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not removed from the archive system. Confidential e-mail 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.

Email between Councilmembers and between staff and Councilmembers may be disclosed to the public or news media if a public disclosure request is filed with the City Clerk.

Email on a Councilmember’s private computer pertaining to city business may be considered open to public disclosure.

The City accepts public records requests via email if the request is addressed to cityclerk@ci.olympia.wa.us.

An online form to register and submit a public record request can be found on the City’s website at this link: www.olympiawa.gov/online-services

8.5 Correspondence to/from Councilmembers

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City’s position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

8.5.a Response to Emails

If any Councilmember receives an email sent directly to his/her address, s/he is not required to share his/her response with the full Council. However, if s/he would like the full Council to be aware of the response, it is up to him/her to copy to the “citycouncil” email address on that response. However, keep in mind

the discussion above on limiting such emails to a one-way exchange of information in light of requirements under the Open Public Meetings Act.

When correspondence is sent to the citycouncil@ci.olympia.wa.us address, the Executive Secretary will generally send the writer an initial reply stating “Thank you for your letter. It has been forwarded to the City Council (and appropriate staff)”. S/he will copy the full Council on that response.

If the Executive Secretary recognizes such letter needs a response (i.e., it asks a specific question) s/he will identify a staff member who will respond. Accordingly, she will name the staff member in the initial response as well as copy that staff member. S/he will then notify the Executive Office Program Specialist, who will record the response task in a database. The Program Specialist will then follow-up two weeks later to make sure staff has responded to the letter. The staff responder should always copy to the “citycouncil” address on the response to close the loop.

If the nature of the letter is only one of opinion, the Executive Secretary will not identify a staff person to respond. If a Councilmember wishes to respond to any letter, it is up to him/her to copy the full Council on the response.

8.5.b Response to Paper Letters

All paper letters (whether addressed to all or one) will be scanned and emailed to the full Council. If the Executive Secretary deems the letter needs a response (i.e., it asks a specific question) s/he will identify a staff member to respond, and follow the same procedure listed above (except s/he will not send an initial response to the sender, and the staff responder should forward a paper copy of his/her response to the Executive Secretary so s/he can forward it to the full Council).

On occasion, members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

City letterhead and staff support cannot be utilized for personal or political purposes.

8.6 Posting of Councilmember Information on the City's Website

Each Councilmember has the opportunity to post a biographical page on the City's website. Councilmembers will work with the City's Communications Manager to draft biographical information and a list of Councilmember assignments and areas of focus. The City's Communications Manager or designee will post, publish, and update each biographical information page once it has been reviewed and approved by the respective Councilmember.

Individual Councilmembers may initiate a request to the full Council to post information on the City's website. The initiating Councilmember must draft the copy to be posted and present it at the public meeting of the full Council for approval. The City's Communications Manager or designee will publish the copy after approval by a majority of Councilmembers. The information will be posted on or linked from the individual Councilmember's biographical page unless otherwise agreed to by the Council. Only information about activities approved by the Council will be considered for posting (e.g., report of attendance by a Councilmember at a City funded or endorsed conference; participation by a Councilmember in a Sister City exchange, etc.). Activities that have been approved by the Council are those activities for which consensus has been reached or a formal motion has been made and passed.

Any posting shall state that "the views and comments expressed in this document represent those of the individual authoring the report and do not represent the views of the City or other City Councilmembers unless otherwise noted."

The City website will not be used in support of or opposition to a ballot measure or campaign for election of an individual to public office.

Section 9: Conflicts of Interest, Appearance of Fairness Doctrine, and Liability of Elected Officials

9.1 Conflicts of Interest

The conflict of interest law is one of the State’s most complicated laws on the books. To understand its effect on a Councilmember’s actions, it is suggested that members discuss the law and potential conflicts with a private attorney or the City Attorney. It is imperative that Councilmembers identify potential conflicts in advance.

Municipal officers are required to declare a conflict of interest and are prohibited from participating or otherwise being involved in discussions on issues or contracts where such an interest exists. Violations of the conflict of interest law may result in voiding the contract involving civil or criminal penalties, and could result in forfeiture of office.

In circumstances where only a “remote interest” (see below) exists, after disclosure of the interest to other Councilmembers and in the meeting minutes, the Council may approve the contract to which a Councilmember has a remote interest, absent participation in the voting by the Councilmember with the remote interest, but only if the Councilmember refrains from any attempt to influence other members to approve the contract.

9.1.a Applicability

All City officers, elected and appointed, are subject to the conflict of interest law in 42.23 RCW. This includes Councilmembers.

9.1.b Definition

Remote Interests are those deemed so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a City official is:

- A non-salaried officer or member of a nonprofit corporation doing business or requesting money from the City. Therefore, being such an officer or member would not constitute a conflict.
- The landlord or tenant of a contracting party. For instance, a Councilmember may lease office space to a party which has a private interest in a public matter without it resulting in a conflict of interest.

- The owner of less than 1 percent of the shares of a corporation or a cooperative doing business with the City.
- An employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary.

9.1.c Acts not Constituting a Conflict of Interest

- Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Councilmember who owns a business within the City votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits.
- An officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Councilmember who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember.
- A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

9.1.d Declaration of a Conflict

When a substantial interest exists, the City official must:

1. Refrain from voting or in any way influencing a decision of the City Council; and
2. Declare that a conflict of interest exists and make it known in the official records of the City.

Should a situation arise wherein a majority of Councilmembers or a majority of a quorum of those present at a Council meeting have a substantial conflict of interest, state law provides that if the conflict of interest statutes prevent the City Council from acting as required by law in its official capacity, such action shall be allowed if the members of the Council with the apparent conflicts of interest make them known.

9.1.e City Attorney Opinions

A Councilmember's request for an opinion from the City Attorney concerning conflict of interest is confidential. Councilmembers may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.

9.1.f Prohibited Acts (RCW 42.23.070)

- No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

9.2 Liability

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk- and loss-control activities.

For risk management purposes, never admit liability unless authorized to do so by the City Attorney. It is best to not comment on such issues, and let the proper investigative authorities determine liability. Councilmembers should consult the City Attorney on liability issues.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Chapters 2.70 and 2.72 of the Olympia Municipal Code address defense of employees and officers.

Elected and appointed officials will participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

Section 10: Leaving Office

10.1 Return of Materials and Equipment

During their service on the City Council, members may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as keys, etc. These items are to be returned to the City at the conclusion of a member's term.

10.2 Filling Council Vacancies

10.2.a Purpose

The purpose of this section is to provide guidance to the City Council when an Olympia Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled by appointment only until the next regular municipal election is certified.

According to OMC 02.04.040 (Vacancies—Filling), “in the event of the extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve his or her absence or disability. In the event of an absence resulting from death, resignation or removal of a Councilmember from office, the remaining members by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If thirty days pass after the occurrence of the vacancy and Council is unable to agree upon a person to be appointed to fill a vacancy in the Council, the mayor may make the appointment from among the persons nominated by members of the Council. If the vacant position is the mayor's position, the mayor pro tem shall make the appointment from among those persons nominated by the Council, within thirty days after the occurrence of the vacancy if the Council is unable to agree.”

10.2.b References

[RCW 42.30.110\(h\)](#) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective office.

[RCW 42.30.060](#) – Prohibition on Secret Ballots.

[RCW 42.12](#) – Vacant Position.

[RCW 35A.13.020](#) – Vacancies – Filling of Vacancies in Council/Manager Form of Government.

10.2.c Appointment Process

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process.

The City Council shall request that the City Manager prepare a recruitment and interview process proposal and scope of work to present to the City Council for discussion and concurrence within a timeline agreed to by a majority of the Council. It has been the past practice of the Olympia City Council to conduct an open call of applications within a specified application timeline, to post all applications on the City's website after the close of the application timeline, and to interview all candidates who submit an application that meets the minimum requirements of State law.

If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the declared vacancy, RCW 42.12.070 delegates appointment powers to Thurston County.

Section 11: Retirement Options

City Councilmembers may be eligible to enter the State of Washington Public Employee Retirement System (PERS) at the beginning of their term. By law, staff is not allowed to recommend benefit or retirement options. Please contact Washington State Department of Retirement Systems (DRS) for more information:

Web site: www.drs.wa.gov

E-mail: recap@drs.wa.gov

Information: (360) 664-7000
1-800-547-6657

TDD: (360) 586-5450

Address: PO Box 48380
Olympia, WA 98504-8380