

**CASE NUMBER
2520071032
SN:35.0 PC:86**

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Timothy W Fitzgerald
Spokane County Clerk

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7 SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY
8 CITY OF SPOKANE VALLEY, a municipal corporation,
9 Plaintiff,
10 v.
11 ALBERT W. MERKEL, an individual,
12 Defendant.
13 NO. 25-2-00710-32
DECLARATION OF JOHN HOHMAN IN SUPPORT OF PLAINTIFF'S MOTION TO STRIKE DECLARATION OF ALBERT W. MERKEL IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

I, JOHN HOHMAN, declare as follows:

1. I am over the age of 18, competent to testify, and I make the following statements based on my own personal knowledge.

2. I am currently employed as the City Manager for the City of Spokane Valley ("City").

I have been employed as the City Manager since 2022. I began employment with the City as the Development Services Engineer when the City initially incorporated in 2003. For the 5 years before I became the City Manager, I was the City's Deputy City Manager.

3. As the City Manager, I am the head executive employee, oversee all programs and operations of the City that have been authorized by Council, and have supervisory authority over all City employees (which does not include elected Councilmembers).

4. I file this declaration in connection with the City’s motion to strike the false, vague, and unsubstantiated allegations in the “Declaration of Albert W. Mekel [sic] in Support of Motion for Protective Order” (hereinafter “Defendant’s Declaration”).

DECLARATION OF JOHN HOHMAN: 1

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1 5. In regard to the statements in paragraph 5 of Defendant's Declaration, I want to make
2 it clear that the purpose of the City's discovery requests is strictly to advance the City's claims and
3 resolve this matter as expeditiously as possible by having the Court determine whether such
4 records constitute public records under the Washington Public Records Act. That is why, in regard
5 to communications, the City is only seeking production of Defendant's communications using his
6 personal social media, email address(es), and mobile phone(s) **that relate to City business** or the
7 conduct of City government and therefore are public records. The City needs all of these records
8 without regard to whether Defendant considers them to be "public" or "private" records.

9 6. Moreover, so long as the Defendant commits to delivering the requested material to the
10 City in response to the discovery requests, the City is agreeable to the Court entering a protective
11 order that (1) restricts use of those materials to purposes related to this pending litigation, and (2)
12 prevents the City from providing these discovery materials to third parties (including in response
13 to public records requests) absent agreement of the parties or the Court entering an order allowing
14 the disclosure. The City is and has been agreeable to such an arrangement. The City's objection is
15 to any order that prevents production of the materials to the City until after the Court identifies
16 which constitute public records (i.e. which records are "public").

17 7. Despite signing a declaration under the penalty of perjury, the Defendant's statements
18 in paragraph 6 of Defendant's Declaration are false, incomplete, unsubstantiated, and misleading.
19 To wit:

20 7.1. Council did not meet on January 11, 2024 (which was a Thursday). Council
21 holds its regular Council meetings on Tuesdays, and no special meeting was scheduled for
22 Thursday, January 11, 2024. Therefore, no public comments were received by Council on
23 that date.

24 7.2. Video (with audio) of all Council meetings are available to the public through
25 the City's public website. I reviewed the video footage of all public comments made during
the Council meetings on January 9th and January 23rd, 2024. Contrary to Defendant's
declaration, no speaker stated they were "coming after them" or anything similar – whether

1 they gave comments in person at the podium or online via Zoom conference. These
2 meetings can be accessed via the following link:
3 <https://www.spokanevalleywa.gov/129/Agendas-Minutes-Videos>.

4 8. The following are in regard to Defendant's false and uncorroborated statements in
5 paragraph 7 of Defendant's Declaration:

6 8.1. I have never threatened to bring legal action against Defendant for being or
7 having been associated with the Painted Hills Preservation Association or allegedly using
8 " a private social media account to help the group raise funds . . . "

9 8.2. In mid-January 2024, I did have a conversation with Defendant about his
10 intention to testify to the City Hearing Examiner at an upcoming land use hearing. The
11 hearing was to consider Black Realty's application to develop the former Painted Hills
12 Golf Course into a large residential development. I understood that the Painted Hills
13 Preservation Association was opposed to the development. I was also aware from prior
14 interactions with Defendant that, prior to becoming a Councilmember, he too was opposed
15 to the development and worked with the Association in the past.

16 8.3. Given the above and the fact that Defendant had only been a Councilmember
17 for a few weeks, I wanted to make sure he knew that testifying at this or any other land use
18 hearing had the potential to expose the City to risk that it would not otherwise be exposed.
19 The conversation was held in a City Hall conference room with only Defendant and I
20 present. I explained to Defendant my understanding that cities have a greater risk of being
21 exposed to litigation and potential damages for land use decisions when elected legislative
22 officials (i.e. councilmembers) testify in favor of or opposition to a land use application. I
23 then asked him to limit risk to the City by choosing not to testify at the land use hearing.
24 Despite these concerns, Defendant stated that he still intended to testify at the hearing.
25 Again, at no time during this conversation did I threaten to bring any legal action against
 him. Nor did I give him any command or direction. I merely expressed my concerns and
 asked him to mitigate the City's risk by refraining from testifying at the land use hearing.

1 8.4. Because Defendant stated he still intended to testify at the hearing, I asked City
2 Attorney Kelly Konkright to assess whether a councilmember's testimony at a land use
3 hearing can increase the risk of a lawsuit being filed against the City and, if so, to send an
4 advisory email to all Councilmembers (1) explaining the risks, and (2) identify steps a
5 Councilmember should make if they nonetheless decide to testify at a land use hearing.
6 The email Mr. Konkright sent is dated January 19, 2024, and is attached to the *Declaration*
7 *of Kelly Konkright Supporting the City's Motion to Strike Declaration of Albert Merkel*
8 that was simultaneously filed with the Court along with this declaration. Please take note
9 that I, with agreement from the Acting Mayor/Deputy Mayor Tim Hattenburg, have waived
10 the City's attorney-client privilege to that communication solely for purposes of this
11 motion and opposing Defendant's protective order motion. The City has not and is not
12 waiving, nor does it intend to waive, the attorney-client privilege as to any other document.

13 9. In paragraph 8 of Defendant's Declaration, Defendant claims I initiated a
14 "politically motivated investigation" against him and coordinated "behind closed doors with
15 elected officials to plan and execute efforts to attack and discredit him." As demonstrated in more
16 detail below, this is a false statement:

17 9.1. Every investigation into Defendant's actions was initiated only because the City
18 received written complaints regarding Defendant.

19 9.2. The only investigation for which there are interview transcripts is the workplace
20 harassment investigation that occurred in early 2024.

21 9.3. The workplace harassment investigation was initiated on advice of outside legal
22 counsel with the City Attorney's concurrence. The attorney who completed the
23 investigation is Brenda Bannon with the Seattle law firm Ogletree Deakins. Ms. Bannon
24 was hired to conduct the investigation in a non-representative investigatory capacity. I did
25 not direct any portion of Ms. Bannon's investigation – either directly or indirectly.

9.4. The purpose of the investigation was solely to determine if unlawful gender
discrimination/harassment had occurred and, if so, identify steps to stop it from re-

1 occurring. Conducting the independent investigation also furthered the City's efforts to
2 remain in compliance with it's obligation under the Washington Law Against
3 Discrimination (RCW 49.60 *et seq.*) to ensure employees have a discrimination-free work
4 environment.

5 9.5. Ms. Bannon's investigation, findings, and conclusions are in her report, a true
6 and correct copy of which is attached hereto as **Exhibit A**. In summary, the investigation
7 was initiated after a female City employee submitted a written complaint to Human
8 Resources that Defendant was creating a hostile work environment for women. While Ms.
9 Bannon concluded that Defendant subjected multiple City employees to objectively
10 offensive behavior, his behavior was not gender discrimination because he was offensive
11 to both men and women. Ms. Bannon did not conclude or otherwise indicate that the
12 complaint was frivolous or motivated by any political ideology or improper motive.

13 10. Defendant claims in paragraph 11 of his declaration that the City did not stop a
14 private investigator from making "libelous" comments at a public Council meeting. As far as I
15 know, the only comment made by a private investigator at a Council meeting since Defendant has
16 been a Councilmember was made at the June 4, 2024, Council meeting. See
17 https://spokanevalley.granicus.com/player/clip/1396?view_id=3&redirect=true.

18 10.1. I did not communicate with the private investigator or otherwise participate in
19 their investigation. Nor have I seen any report, witness statements, or evidence collected
20 by the private investigator. As such, I have no information indicating the private
21 investigator's statements were "libelous" as claimed by Defendant.

22 10.2. It is not within the scope of the City Manager's authority to edit or end a
23 speaker's comment period at Council meetings. That authority is held by the Mayor and
24 City Council.

25 10.3. Defendant, as a Councilmember, has the authority to object (i.e. make a "point
of order") to public comment and ask the Mayor and Council to end those comments.
Defendant could have exercised this authority, but chose not to. I do not see how any

improper motive could be inferred from the other Councilmembers' silence when Defendant himself did not object to the private investigator's comments.

10.4. Lastly, Defendant claims that the “libelous” information was gained from interviews occurring on June 8, 2024. However, the private investigator only spoke at the June 4, 2024, Council meeting. Thus, the supposed interviews could not have occurred on June 8th – it would have been impossible for the private investigator to report information on June 4th that they supposedly learned from interviews that were conducted on June 8th.

11. In his declaration at paragraph 12, Defendant falsely alleges – without providing any corroborating witness testimony or other evidence – that I (1) personally visited the properties of Mike Dolan and Tracy Christian, (2) “hand-selected alleged code violations” against them, and (3) “prioritized” enforcement thereof “bypassing hundreds of citizen-reported cases.” For the reasons identified below and in the declaration of Jenny Nickerson filed simultaneously with this declaration, Defendant’s statements could not be further from the truth:

11.1. I have never been to a property owned by either Mike Dolan or Tracy Christian. Defendant's Declaration does not provide any evidence to the contrary. Rather, he only launched a false allegation against me without providing any evidentiary support whatsoever.

11.2. The investigations of the Dolan and Christian properties were initiated only because, in each case, the City had received a citizen complaint reporting nuisance conditions on their property within the City.

11.3. As a general matter, I do not direct City staff on whether or what code violations to enforce in any given code enforcement complaint. That is determined by the City's Code Enforcement staff, sometimes in consultation with the City Attorney's Office. The investigations of the complaints regarding these two properties are no exception. I did not identify or otherwise influence City Code Enforcement staff to enforce any code violation against either Mr. Dolan or Tracy Christian.

12. In paragraph 13 of Defendant's Declaration, Defendant claims Councilmember

1 Rod Higgins “threatened to investigate whether Ms. Buehler’s dog was a certified service dog . . .
2 .” during the February 25, 2025, Council meeting. I was present during the entirety of this Council
3 meeting. I did not hear Councilmember Higgins make such a threat at this or any other Council
4 meeting. I also went back and reviewed this video in its entirety. The link to this Council meeting
5 is https://spokanevalley.granicus.com/player/clip/1505?view_id=3&redirect=true. The video
6 confirms that Councilmember Higgins did not threaten to investigate whether Ms. Buehler’s dog
7 was a certified service dog.

8 13. The City does not employ anybody having “Russell” as their first or last name. I
9 am not aware of any City employee having a Facebook or other social media count with the handle
10 “NW Russell.” There is no information otherwise indicating he/she to be a City employee.
11 Moreover, there is no information in Defendant’s Declaration indicating the statement was caused
12 by any action of the City or City Council rather than some other factor, such as their own
13 observations of Defendant’s behavior and conduct.

14 I certify under penalty of perjury under the laws of the State of Washington that the
15 foregoing is true and correct.

16 DATED this 14th day of July, 2025 at Spokane Valley, Washington.

17 
18 JOHN HOHMAN
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of July, 2025, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all entities as follows:

Patrick J. Kirby
Patrick J. Kirby Law Office, PLLC
4353 S. Greystone Lane
Spokane, WA 99223
pkirby@pkirbylaw.com

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Via E-Filing
- Via Email

Attorney for Defendant

LUKINS & ANNIS, P.S.

kuo

KIRSTEN PRICE, Legal Assistant

DECLARATION OF JOHN HOHMAN: 8

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CONFIDENTIAL MEMORANDUM

To: Summit Law Group; John Hohman; John Whitehead

FROM: Brenda L. Bannon, Investigator



DATE: April 26, 2024

SUBJECT: *City of Spokane Valley; Workplace Investigation Summary Report*

I. SCOPE OF INVESTIGATION AND SUMMARY

On or around March 6, 2024, Summit Law Group retained my services to conduct an independent workplace investigation concerning allegations of improper communications and behaviors by a sitting Councilmember in the City of Spokane Valley (“COSV” or “City”) workplace. The need for the investigation grew from several sources including a written complaint lodged by a member of the City staff and safety concerns articulated by a group of City employees that were raised during a routine City facilities safety consultant meeting. Witnesses raised harassment and hostile work environment concerns, and stated a perspective that gender animus may be a factor in the allegations of misconduct.

The City Manager has stated that his role is to support the City Council on behalf of the City, and in so doing, his intent in initiating this investigation was to provide (i) a safe working environment for City staff and (ii) an environment and culture of inclusion, listening, responding and serving the City employees. The decision to initiate the investigation was driven by City Policy. (Policy 200.025(3)(c)). The same policy commits to conducting the investigation in a manner intended to preserve the confidentiality of the investigation. (200.025(3)(c)). The City policy highlights that if the definition of “harassment” is met, “it may include conduct by supervisors, co-workers, customers, citizens, or vendors that affects an employee’s work environment.” (200.025(3)(a)).

Brenda L. Bannon (206) 693-7057

I have interviewed twenty-two witnesses; thirteen of the witnesses were female and nine were male.¹ The witnesses included six of the seven sitting Councilmembers. Additionally, I have reviewed various policy provisions, memoranda, miscellaneous email, notes and other documentation and communications. I have also compiled publicly available contextual information. It is the Investigator's normal practice to accept business records prepared in the ordinary course of business as conclusive regarding dates and events. In an effort to protect the confidentiality of the investigation and to preserve the overall integrity of the general investigative process, I have only referenced participating witnesses' titles in the narrative of the report where important to the overall context.² The Councilmember who is the subject of this investigation ("subject"), opted against presenting himself to the Investigator for an interview unless the Investigator consented to (i) allow a third-party member of the public to be present during the interview, and (ii) allow video recording of the interview, along with other preconditions. Consistent with all other witnesses, this request was denied. Instead, the Investigator offered to (i) allow the subject's attorney to be present during the interview, and (ii) allow a certified court reporter to record the interview at the City's expense. Through his legal counsel, the subject declined this offer. The subject's participation in this investigation was entirely voluntary, yet the Investigator would have preferred to have conducted the subject's interview in order to be provided his perspective of the events described by the witnesses in this investigation.

II. POLICY PROVISIONS AND LEGAL STANDARD

The Investigator utilized as the policy framework for this investigation the applicable COSV policy regarding harassment and discrimination (AP&P No. 200.015 & 025), and the COSV Governance Manual. (Appendix A).

The findings and conclusions set forth in this report are based on the entirety of the record considered by the Investigator and are not limited to the factual information contained in this report. The findings are based on a "preponderance of the evidence" standard which means that based on the available credible evidence gathered during the investigation, it is "more likely than not" that an event occurred or did not occur as alleged. Background information is presented as context for the current workplace analysis. *The examples discussed in this report are intended to be illustrative and not comprehensive.* If information is a direct quote, it will be notes as such with quotation marks. Finally, this report is not intended to provide any legal conclusions or offer any legal advice and should not be construed as such.³

¹ Interviews were conducted both remotely using a video-conferencing platform, and in-person depending on scheduling logistics. Remote witnesses were interviewed while the Investigator was in a private remote office and the witness was in a private location with no one else present. The in-person interviews occurred in a City Hall conference room with no one else present.

² See RCW 42.56.250(1)(f).

³ Because the investigation subject opted against being interviewed absent his preconditions, the Investigator's findings are independently based on the credible evidence reviewed to include corroborative documentation. Generally speaking, credibility is not merely a determination of whether a witness is being truthful -- it involves consideration of a number of factors which include, but are not limited to: (i) ability to observe; (ii) ability to recall and consistency of recollection; (iii) reputation for truthfulness; (iv) statements by other witnesses that are consistent or inconsistent with those of the declaring witness; (v) self-contradiction; (vi) bias/unusual interest in the outcome of the case or a friendly or hostile relationship with one of the parties; (vii)

III. SUMMARY OF INVESTIGATION AND FINDINGS

The COSV was incorporated in 2003. It has a Council-Manager form of government, and an elected body of seven Councilmembers. The subject of this investigation was elected into office as a Councilmember in November 2023. He was provided formal training and orientation regarding his new role in November and December 2023, and he began serving in his elected office in January 2024. Newly elected councilmembers -- to include the subject -- are provided with a binder full of information, and that includes the COSV Council Governance Manual.

Based on the weight of the evidence evaluated in this investigation, the Investigator concludes that the subject has not readily adhered to training and traditional workplace expectations for decorum and respectful workplace interactions with City staff and Council colleagues. By many accounts, the subject can be strident in routine conversations and “attention grabbing,” and has a naturally loud, carrying voice. Taken as a whole, and as will be described in summary fashion below, witnesses describe that he can be intimidating (i.e., yelling, invading personal space, interrupting work, ignoring greetings or comments, and trying to make staff/others feel stupid by pretending not to understand statements being made). His naturally loud voice carries even more forcefully when the subject yells. Witnesses have described the subject yelling in the COSV workplace several times. This yelling occurred while the subject was a candidate for office, and it has also occurred since the subject was elected into office. The yelling has occurred in public spaces easily witnessed by many employees.

Some of the “type” of behaviors and communications described in this summary report occurred before 2023. Beyond passing reference to a few examples of earlier conduct and communications that were witnessed by City employees and recounted in the workplace, this report will primarily focus on allegations that were witnessed by City employees in 2023 or afterwards.

1. Fall 2023, Campaign Signs Dispute and Conduct With City Employees at City Hall.

In fall 2023, the subject’s campaign signs were seen placed in a City roundabout and a WSDOT median. Both locations are considered traffic control devices contraindicating placement of campaign signs. Citizens called to complain. Several City employees report having had contact with the subject on this topic; the issue was escalated from one level of staff through the chain of command to the Public Works Director. The subject was called by a City staff member and asked to remove the signs. The subject argued his perspective of campaign sign placement and became “very upset;” per the witness, “the tone in his voice, he was agitated.” The subject demanded to speak with the Public Works Director. This witness alerted the Public Works Director that the subject would likely be stopping by to speak to him.

The subject then came to City Hall’s first floor lobby front counter, and he demanded to be able to discuss the City directive to remove the signs. He reportedly came to City Hall to address this topic

contemporaneous documentation; and (viii) an individual’s conduct during the investigation, including demeanor and body language during interviews and/or other tangible and intangible conduct that goes to a witness’s sincerity. Life and work experiences are also factored in as to a witness’s perspective.

2-3 times; according to the Development Services Coordinator, the subject's "body gestures, and his loudness and anger were very visible and very noticed." The subject "...was upfront, angry loud, not really wanting to talk to any of [the] staff, somewhat directing that [he needed] to talk to the city manager about this." This raised voice could be heard by other City employees to include an uninvolved employee who was wearing his headphones.

On September 20, 2023 the subject also sent an email to the Public Works Director demanding that the City "cease and desist" all such activity. Though all known candidates were provided notice of proper sign placement, the subject alleged "political targeting" in his case.

In September 2023, while at the City Hall lobby front counter, the subject was asked by the Building Official to remove the signs. The subject raised his voice and became irate. The Building Official described to the Investigator that she was used to dealing with difficult members of the public and placed this experience in that category of her workplace duties. She further described, "[a]nd he was getting pretty loud. And I remember that because I intentionally made my voice very quiet to bring the volume down as I tend to do. And so just as I was bringing my voice down to be very quiet, I saw [the Public Works Director] coming down the stairs and I said, aha. Well ... let's let you guys talk a little further." One witness who observed this scenario described the subject "yelling at" the Building Official.

The Public Works Director came to the City Hall lobby front counter to meet with the subject and address the campaign signs issue; the Director escorted the subject to a first floor, side conference room that had a closed door. The subject's loud and demanding voice could still be heard outside of the conference room. The subject became "confrontational." He yelled at the Public Works Director, and became "very loud and boisterous," while asserting that he was right and the City was wrong.

When the Director put the subject on the phone with the relevant point of contact at WSDOT,⁴ the subject yelled at the phone, and he continued to yell over his shoulder at the Director as he left the conference room, walked through the public first floor lobby, and as he "stormed out of City Hall." This conduct was heard and witnessed by many City employees.

Several witnesses have reported that the subject's behavior was more than unpleasant. The Director self-described to the Investigator being "thick-skinned," and he reported that he was more amused by this loud, confrontational behavior than offended. The front counter staff supervisor similarly agreed that the behavior was "obnoxious," but he reported that it did not impact him on a personal level. Based on a review of the evidence gathered in this investigation as a whole, the Investigator concludes that the subject treated male and female employees the same regarding the campaign signs dispute.

2. Since January 2024, Conduct at First Floor Lobby Entrance/Employees' Cubicles.

Witnesses described to the Investigator that after the subject Councilmember was elected, he established a habit of walking into City Hall without greeting the front desk reception. Instead, it was

⁴ Washington State Department of Transportation.

not uncommon for him to loudly announce his entry by stating that he was there to “cause trouble,” “cause a fight,” or that he is here to “cause chaos.” One witness described this behavior to be “disturbing and disrespectful.” Another employee described these communications and behavior to be awkward and unprofessional (“...saying that very loudly so that everyone in that front lobby area can hear him. And so sometimes it is a bit awkward having to have people in applying for permits or land use applications hear, that doesn’t feel very professional.”) Some witnesses gave the subject the benefit of the doubt that he may have been trying to be funny.

Several witnesses described the subject disregarding their greetings, efforts to say hello, or attempts to see if they could be of help (witnesses on the first and third floors). A few witnesses recall the subject returning their greeting. One employee described to the Investigator that before and after the election, the subject’s interactions with City staff were “loud,” and “pushy;” and that after the election, he was heard declaring at City Hall before a Council Meeting, “I’m here to be difficult.” The subject has also loudly criticized employees if they are speaking to one another on the first floor of City Hall (i.e., “I see a lot of standing around.”) Reportedly, this behavior is more than unsettling. This conduct occurs in full view of the City employee cubicle space that is arranged on the first floor of City Hall in order to greet and assist the public.

Witnesses have variously described feeling rattled, upset, and unnerved by the subject’s manner and communications, in addition to his apparent efforts to generate or perpetuate public anger. One witness stated, “[a]nd I’m not somebody who typically has any sort of fear. I’ve worked in government a long time. Yes, you get angry people a lot, but I have had much more concern of my own safety at the front counter since [the subject] has been a councilmember just because the amount of public that come in angry with us.” By contrast, some witnesses stated to the Investigator that dealing with frustrated, angry behavior goes with the territory of being a City employee.

Additionally, on Tuesday evening City Council nights, the subject has reportedly allowed members of the public to have entry into the City Hall lobby before the 5:30 p.m. time frame that has been traditionally used by City employees. According to witnesses with knowledge, there is a stated operational need to get the Council Chambers set up for the evening’s session, finalize the City business of the day, and get cash and in-process documents put away before unlocking the doors. City staff efforts to apprise the subject about these important issues have been disregarded, or “fallen on deaf ears.” Based on a review of the evidence as a whole, the Investigator concludes that male and female employees on the first floor of City Hall are treated the same by the subject. The subject has outwardly shown more respect towards the City Manager when there is a public encounter on the first floor of City Hall (i.e., a polite or cordial greeting).

3. Since early January 2024, Conduct at Third Floor Administrative Offices.

After the subject Councilmember was elected, he was provided a third floor cubicle to be able to manage administrative issues before Tuesday evening Council meetings. Because the Council role is part-time, and most Councilmembers have daytime employment, it is not typical for a Councilmember to spend daytime office hours in the cubicle space on a regular basis.

Beginning in early January 2024, the subject Councilmember began to intermittently spend much of the Monday through Friday work day in his third floor cubicle. By many reports, his “very loud, booming voice” could be easily heard in the administrative staff work area even when the staff tried to dampen the noise by wearing headphones or closing doors. According to witnesses, the subject spent much time speaking loudly on the phone while making derogatory comments about the City and City staff. Though the subject was in his own cubicle across a hallway from the administrative staff, he could be heard on the phone loudly belittling staff, the City and City projects and programs. Words and phrases such as “incompetent,” “not know what [he/she/they] are doing,” and they “are not running things right” were frequently heard. According to witnesses, this behavior and communication disrupted staff’s work and was at times demeaning.

According to several witnesses, the subject also began to unexpectedly walk into the administrative staff work space and demand to know where the City Manager was, or make strident requests for information or answers to questions. Such usually occurred without a greeting, a “please” or a “thank you.” He sometimes stated he was “there to cause trouble.” One witness described the subject’s interactions with the Executive Assistant as follows: “And he would get right over her and look down upon her in, I believe, intentional body language, and [he used] very loud and very fast target, rapid fire questions at her.” This reportedly occurred several times. This witness described that observing such interactions was “incredibly uncomfortable” for her.

According to several witnesses, at times, the subject encroached on the personal space or work space of others. This took the form of physically leaning over a counter, moving around behind an employee to look over her shoulder, looking at her computer monitor, hovering over a shoulder, or “barging into” an office and coming up within inches of someone to ask terse questions. In one example, a seasoned witness described, “I was in the U part [of my desk configuration] sitting down and he pretty much blocked [me] into my desk space, and I can’t remember what the subject matter was about, but it was a large man dressed in orange with a loud voice and it was intimidating.”

Descriptions from witnesses include, in her “personal bubble,” in his/her “face,” or “tower over.” Additionally, many witnesses described the subject ignoring the Executive Assistant’s inquiry(s) about helping him, or informing the subject that the City Manager was not available, and brusquely walking right past her straight into the City Manager’s office.

Witnesses described to the Investigator examples of off-putting conduct such as having their work interrupted by loud questions about “where is he” (referring to the City Manager) or loud, gruff statements, “I can wait.” Witnesses told the Investigator that the subject sounded very irritated and one employee described him sounding “ill tempered.” Witnesses also described that it became difficult to effectively get their work done in that atmosphere. One seasoned City employee, who has extensive experience in a different City, stated that the conduct and communications were “extremely disruptive.”

Several witnesses reported that most of the time, the subject seemed to make little if any effort to modulate or lower his voice for the small office environment.⁵ In one instance, the subject reportedly

⁵ Witnesses variously reported the subject generally does not use an “inside voice” or “library voice.”

lowered his voice when a male Councilmember sat down in a nearby cubicle; reportedly, the same courtesy was not provided when a female colleague sat in a nearby cubicle. One witness overheard the subject yelling by the administrative staff offices while asking questions about an operations matter. Reportedly, these behaviors cumulatively have led to several employees' feelings of "angst." Some witnesses reported feeling less discomfort for their own treatment and more discomfort at witnessing a co-workers' mistreatment.

Witnesses reported that in one instance, after the Councilmembers packed up their belongings in preparation for some third floor construction and painting, the subject came to the third floor looking for his lost wallet and key card. He reportedly insinuated that a staff person took it since his phone last "pinged it" up on the third floor; he stated he knew it was not in his boxes. He later reported he found it elsewhere but did not apologize.

Overall, by most accounts, the evidence supports a conclusion that the subject was rude, disrespectful and oppressive to male and female employees alike. The seasoned Executive Assistant chose to "shrug off" the described communications and behaviors rather than lodge a complaint.

4. Early January 2024, Confrontation in Council Chambers after a Council Meeting.

After a January 9, 2024 COSV Council meeting, the subject asked a female Councilmember to hang back to talk. This request was accommodated. After the rest of the public, Council and all-but-one staff member had filtered out of the first floor, the subject positioned himself between the other Councilmember and the door and got close to her face and started yelling at her (according to a witness, "he was very short with her, very much what I would've said in her personal space and not allowing her to exit the room. He was between her and the door..."). The subject is much larger than the other Councilmember and several inches taller.

According to the Councilmember, the subject "...was super aggressive. He gets really close to you. I tried to leave. He would not let me leave. He blocked the door, continued to yell at me, and I just kind of shut down. I was trying to leave."⁶ The remaining staff member had cleared out City equipment and documents and was observing the interaction.

By witness accounts, the subject yelled, and berated the Councilmember personally and professionally. The subject repeated iterations of his opinions regarding the Councilmember's incompetence, a theme of his "people" voting him into office, and that she needed to get used to it even if she did not like him.

According to the Councilmember, when she grabbed her purse to leave and made a step towards the door, he shifted his position to maintain his control of her egress ("And then when I would back up, he would back up with me, and then if I tried to go around him, he would move over to not let me around him.") The staff member witnessed the scene and the Councilmember's apparent distress; the

⁶ Allegedly, the subject had previously come right up to this Councilmember's face after a public political event and yelled at her regarding her personally (calling her names such as "stupid"); he also loudly criticized her political abilities.

staff member reported becoming uncomfortable to the point of going to the third floor to grab her own belongings and find “backup.” She located the City Services Administrator to assist with the situation.

The Administrator came downstairs and saw the subject loudly arguing at the Councilmember. The Administrator also observed the demeanor of the subject: “He seemed angry. His hands movement was high, almost like he was encroaching onto her and almost like he was preventing her from leaving.” It reportedly “looked very aggressive.” It looked like “...his body was hovering over hers.” The subject was doing most of the talking, and the scene was described as a loud heated argument. The Administrator walked into Council Chambers to create a ruse of getting a document signed and needing to leave in order to disengage the Councilmember from the subject. This interruption dissipated the situation. The subject stopped yelling. These two City employees then walked with the Councilmember to the parking lot and watched her get into her car reportedly to assure her safe exit from City Hall.

In the aftermath of this incident, staff members told the Investigator that they routinely walk the Councilmember to her car after Tuesday meetings and sometimes her husband does the same.

5. Miscellaneous Contextual Incidents.

In summer 2022, a male Code Enforcement Officer responded to the subject’s home in Spokane Valley in response to a nuisance/junk vehicle citizen complaint; the subject engaged in a challenging, “heated” discussion with the Code Enforcement Officer -- loudly lecturing the City employee about what the employee needed to do. It reportedly became intense and uncomfortable for the employee; he cut short the conversation and left the property. Under current circumstances with the ongoing 2024 nuisance/junk vehicle citizen complaints -- and the related need for current license and registration on the complained of vehicles -- the City’s Code Enforcement Officers have been directed by the Building Official that it is advisable to respond to the subject’s home for enforcement purposes in a team of two. The subject has complained that the current enforcement action is politically motivated, and he took the issue to the local newspapers.

In February 2024, a City Planner was waiting in line at the DOL Office across the street from City Hall when he witnessed the subject, dressed in his campaign shade of bright orange, yelling and swearing at DOL employees about logistics for updating vehicle license/registration. It is a small office space, and the incident was reportedly distressing. This incident was reported back to other City employees and to management.

In late February 2024, a group of approximately a dozen administrative staff were in a meeting with a safety consultant in a routine effort by the City to gauge City Hall facility safety issues, and whether any related adjustments needed to be made. Fear of active shooters was discussed along with safety perspectives about the physical layout of the facility. A consensus of attendees volunteered to the outside consultant that the subject was one of their “top” safety concerns that was “volatile” and “internal” as a threat to their safety. The attendees expressed “fear” of the subject Councilmember.

IV. CONCLUSION

The Investigator finds that virtually since beginning his official role as an elected COSV Councilmember, the subject has engaged in repetitive communications and behaviors that have been upsetting to various City employees. Similar communications and behaviors were openly demonstrated in City Hall while the subject was a candidate in 2023.

Administrative Policy and Procedure No. 200.025(3)(a) “Harassment” states in part as follows:

Harassment encompasses unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, veteran or military status, citizenship status, or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Harassment is defined in RCW 10.14.020. It may include conduct by supervisors, co-workers, customers, citizens, or vendors that affects an employee's work environment. (bold emphasis added).

The weight of the credible evidence evaluated in this investigation fails to support a finding that there is a factual predicate to support a violation of Policy 200.025(3)(a). For example, there have been no allegations of swearing at City employees, making derogatory or sexually suggestive comments or slurs, or making protected class-based or off-color jokes.

Instead, the overwhelming weight of the evidence evaluated in this investigation supports a finding that the subject Councilmember has been unreasonably loud, pushy, curt, rude and disrespectful to male and female employees alike unrelated to any individual employee's protected class traits. Male and female employees have described the subject yelling, “getting in their face” or invading their personal space when he disagrees with a discussion topic, or at times, for no particular discernible reason. Both male and female employees have reported to the Investigator feeling intimidated by these communications and behaviors.

The COSV Governance Manual sets out an expectation of respect and decorum as follows:

6. Respect and Decorum

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public...

The COSV Governance Manual states its Core Beliefs in Resolution 07-019 in Section No. 7 as follows:

We believe that Councilmembers set the tone for civic discussion and should set an example by:

(a) *Setting high standards of decorum and civility.*

- (b) Encouraging open and productive conversation amongst themselves and with the community about legislative matters.
- (c) *Demonstrating respect for divergent points of view expressed by citizens, fellow Councilmembers and the staff.*
- (d) Honoring each other and the public by debating issues within City Hall and the Community *without casting aspersions on members of Council, the staff, or the public.*
- (e) Accepting the principle of majority rule and *working to advance the success of “corporate” decisions.*

The weight of the credible evidence as a whole overwhelmingly supports a finding that the subject Councilmember's communications and conduct, as described above in summary fashion, support a factual predicate for a violation of the COSV Governance Manual regarding expectations of respect, decorum and the City Council's Core Beliefs, to include standards for workplace civility (pertinent sections from "Core Beliefs" are italicized for emphasis above).

Please advise should you need further investigation, clarification, or elaboration.

APPENDIX A



Administrative Policy & Procedure No. 200.015
Equal Employment Opportunity

1. POLICY

The City affords equal treatment and services to employees and City representatives, and promotes equal employment opportunity based on ability and fitness in accordance with applicable state and federal law.

2. REFERENCES

- a) U.S. Civil Rights Act of 1964 and 1991
- b) RCW 49.60
- c) Spokane Valley Municipal Code 2.50.030
- d) Administrative Policy 200.025: Harassment
- e) Administrative Policy 200.220: Hiring Process
- f) Administrative Policy 200.240: Change in Position: Advancements, Demotions, and Transfers

3. DESCRIPTION AND IMPLEMENTATION

- a) **Equal Employment.** The City promotes equal employment opportunities by establishing and following fair and equitable procedures for the recruitment of new employees, and the advancement of existing employees.
- b) **Reporting Perceived Discrimination.** An employee subjected to any form of discrimination should report such activity immediately to his/her non-involved supervisor, department director or directly to the Deputy City Manager.
- c) **Investigation.** The Deputy City Manager or designee will investigate and appropriately respond to all complaints of discrimination. If the Deputy City Manager or the City Manager is the subject of the complaint, an outside agency may be asked to investigate the complaint.
- d) **Accommodation.** The City will provide reasonable accommodation to qualified, disabled employees and applicants as required by law.



City Manager/Deputy City Manager



Administrative Policy & Procedure No. 200.025 Harassment

1. POLICY

The City does not condone harassment or retaliation. Employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The City also prohibits employees from retaliating against anyone who has made a good faith complaint of harassment or participated in the investigation of such a complaint.

2. REFERENCES

- a) Civil Rights Act of 1964
- b) RCW 49.60
- c) RCW 10.14.020
- d) SVMC 2.50.040
- e) Administrative Policy No. 200.030: Whistleblower

3. DESCRIPTION AND IMPLEMENTATION

a) Harassment Applicability and Scope.

- i) The City is committed to providing a workplace that is free from discrimination or any kind of unlawful harassment. In keeping with this commitment, the City will not tolerate harassment by City personnel or of City personnel by anyone, including any co-worker (including members), contractor, vendor, member of the public, client, or other third party. Harassment encompasses unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, veteran or military status, citizenship status, or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Harassment is defined in RCW 10.14.020. It may include conduct by supervisors, co-workers, customers, citizens, or vendors that affects an employee's work environment.
- ii) Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as counseling, correction, deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

- iii) **Sexual Harassment.** Sexual harassment is one form of prohibited, unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.
- iv) Each individual must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of unlawful harassment include, but are not limited to:
 1. Verbal: repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
 2. Visual/Non-verbal: derogatory posters, cartoons, drawings or emails, suggestive objects or pictures, graphic commentaries, leering, or obscene gestures;
 3. Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
 4. Other: making or threatening reprisals as a result of a negative response to harassment.

b) **Reporting.**

- i) **Employee Experiencing Harassment.** An employee subjected to any form of harassment should first confront the harasser and ask that the conduct cease. If an employee is uncomfortable confronting the harasser, or if the conduct does not cease, she/he should report such activity immediately to his/her non-involved supervisor, Department Director, or directly to Human Resources.
- ii) **Employee Witnessing Harassment.** An employee who witnesses harassing conduct toward another or who becomes aware of such conduct should report such activity immediately to his/her non-involved supervisor, Department Director, or directly to the Human Resources Manager.
- iii) **Supervisor Responsibility.** A supervisor receiving a harassment complaint or witnessing harassment is required to report to his/her Department Director, who, in turn, is required to report the matter to the Human Resources Manager. Such reports are to be made regardless of how knowledge of the case was acquired.

- c) **Investigation.** The City Manager or designee investigates and appropriately responds to complaints of harassment. If the City Manager is the subject of the complaint, an independent outside agency may be asked to investigate the complaint. The results of the investigation and the nature of the disciplinary action, if any, are communicated by the City Manager to both the complainant and the alleged offender, as well as to the affected Department Director, except where such disclosure is prohibited. Investigations shall be conducted in a manner to preserve confidentiality to the extent possible. Disclosure shall occur when necessary to investigate the complaint or when required by law.
- d) **No Retaliation.** In accordance with state and federal law, the City does not permit retaliation against any employee who makes a good faith complaint of harassment or participates in an investigation. Concerns of retaliation should be promptly reported to the Human Resources Manager.
- e) **Disciplinary Action.** The City will take prompt effective corrective action to end any harassing or retaliatory behavior. An employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, up to and including termination from employment. Similarly, any employee who violates the no-retaliation policy may be subject to discipline up to and including termination.
- f) **Training.** The Human Resources Manager shall be responsible for disseminating information on Spokane Valley's Policy against harassment and retaliation, and provide training programs for employees and supervisors.
- g) **Policy Implementation.** All officers, supervisors and managers are responsible for the implementation of this Policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior.



Mark Calhoun
City Manager/Deputy City Manager



Governance Manual

Adopted by Resolution 23-104
A Comprehensive Collection of
Rules and Procedures

Adopted December 19, 2023

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INTRODUCTION

In December 2002, prior to our City's official incorporation, then Mayor DeVleming appointed three members of Council to serve on an ad-hoc Governance Coordination Committee for the purpose of drafting Council Rules of Procedure, to serve as an aid to effective legislative and organizational harmony, and to provide procedural rules to conduct meetings efficiently, fairly, and uniformly. The end-product legislation of that Committee's four-month process was approved by Council at the May 13, 2003 Council meeting. That historic first manual also included Resolution 03-027, a General Policy Resolution of Core Beliefs, which was amended by Resolution 07-019, which can be found in full in Appendix B on page 47. RCW 35A.12.120 states in part, that "The council shall determine its own rules and order of business and may establish rules for the conduct of council meetings and the maintenance of order."

City Council meetings shall be governed by the most recent edition of Robert's Rules of Order, a copy of which is maintained in the office of the City Clerk. However, in the event of a conflict between the Council's Governance Manual and Robert's Rules, the Council's Governance Manual shall prevail.

This Manual has undergone several changes since its inception, with some sections remaining static over the years, such as Council meeting time and location, and other sections having been modified to include Internet use, filling Council vacancies, the use of social media, and the option for Councilmembers to view their packet electronically. This Manual is usually reviewed annually and at times amended to recognize additional topics or for clarification as the need arises.

This Manual is designed to provide guidance for the City Council and is not intended to be an amendment or substitute for any state statutes, City ordinances, court decisions, or other authority. The rules and policies in this Manual do not constitute land use regulations, official controls, public hearing rules or other substantive rules binding upon or to be used or relied upon by members of the public, and do not amend statutory or other regulatory requirements.

EXECUTIVE SUMMARY

FOUNDATION: The City of Spokane Valley incorporated March 31, 2003, and is a non-charter code city operating under a Council-Manager plan of government as outlined in chapter 35A.13 RCW Optional Municipal Code for Council-Manager plan of government. Under this form of government, there are two branches of government: legislative and administrative.

PURPOSE OF CITY GOVERNMENT: The general purpose of local government is to promote the social, economic, environmental and cultural well-being of the community, to ensure that resources are used efficiently and effectively, to ensure transparency and accountability in decision-making, and to provide the prudent use and stewardship of local community resources. These statements should be considered the lens through which this Manual is intended and through which the actions of the City Council and staff are viewed. The City recognizes that individual rights are critically important in our society, and the City is committed to not infringe upon those rights whenever possible. Good governance should reflect the will of the citizenry and can only occur as a result of an open public process: “All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.” (Washington State Constitution Article I, Section 1)

OBLIGATIONS: The City acknowledges the importance of complying with the Open Public Meetings Act and the Public Records Act: “The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” RCW 42.30.010 and 42.56.030.

RCW 42.30.010 Open Public Meetings Act: “The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people’s business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.” Unless as part of an executive session, Councilmembers shall not meet as a quorum of four or more in a non-public meeting. Unless as part of a duly noted Council meeting, a quorum of four or more Councilmembers shall not meet as part of a web conference dealing with City business, nor a conference call, serial communication, social media or even a “straw poll” in executive session. The Open Public Meetings Act does not prohibit a quorum or more of Councilmembers meeting at social gatherings or events provided City issues are not discussed. If Councilmembers are involved in a violation of the Open Public Meetings Act, and are aware that their actions violate the Act, they may be personally liable. If the violation is not intentional, the City may still be liable for attorney’s fees. However, elected officials’ right to speak freely and gather publicly is protected by the First Amendment of the U.S. Constitution.

RCW 42.56.030 Public Records Act: “This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.”

PRIORITIES: The City’s priorities are public safety, pavement preservation, transportation and infrastructure (including grade separations and park related projects), and economic development. Additional information on priorities and Council goals can be found in each year’s budget.

BASIC TENETS: Council’s core values and basic tenets of governing can be found in Resolution 07-019, which is included in its entirety in Appendix B on page 47 of this Manual.

BRANCHES OF CITY GOVERNMENT: The Council is the legislative branch of the City government. Council appoints an officer whose title shall be “City Manager” and who shall be the chief executive officer and head of the administrative branch of the City government. “The City

Manager shall be responsible to the Council for the proper administration of all affairs of the code city.” RCW 35A.13.010.

Legislative Branch: City Council.

The City Council consists of seven elected officials, each elected to four-year terms. Individual Councilmembers do not have governing power as individuals, but only when meeting as a Council when a quorum (four or more) are present. Council represents the City residents and business owners of the City of Spokane Valley, and is the law-making, policy-making, and budget and spending approval authority of the City government. Council hires, directs, guides and evaluates the performance of the City Manager. The City Manager shall be appointed for an indefinite term and may be removed by a majority vote of the Council (RCW 35A.13.130), or as otherwise agreed to by contract. For functions of the Mayor and Deputy Mayor, see also Chapter 1(A)(3), page 8 of this Manual.

Some of the duties, responsibilities, and limitations of **each** Councilmember:

- Brings the experience, concerns and knowledge of a typical City resident to City government.
- Is cognizant of the needs, wants and concerns of City residents and businesses as a whole.
- Contacts residents and businesses to gather feedback and ideas. The resulting information may be shared with staff or other Councilmembers individually, or with fewer than two simultaneously (but not serially), or with all Councilmembers at a Council meeting.
- Studies internal and external written and documented information related to the government and administration of the City.
- Is prohibited from giving City employees directives, or saying anything that could be taken as an attempt to influence the conduct of the employee’s job.
- Gives feedback and ideas regarding City government and administration to the City Manager.
- Participates in assigned City and regional committees and all Council meetings.
- When acting in the capacity of Councilmember outside of Council meetings, communicates that any personal opinion is the opinion of the individual Councilmember and not that of the collective Council, unless pre-authorized to speak, as Council does not want the public to assume that any individual personal opinion represents that of the entire Council. Councilmember’s freedom of speech is protected by the U.S. and Washington State Constitutions. Provided there is no quorum, Councilmembers may work together on City Council-related projects and discuss City business in non-public meetings. No permission is needed, nor is notice required to be given for such gathering.

Administrative Branch: The City Manager, and City Staff.

The City Manager is the City’s chief executive officer and head of the administrative branch. The City Manager is an at-will position and reports directly to the Council. The City Manager is directly accountable to the City Council for the execution of the City Council’s policy directives, for the administration and management of all City departments, and for the supervision of staff. (See Chapter 3(B), page 39 of this Manual and chapter 35A.13.RCW for a description of the role of the City Manager.)

Although this summary is provided as an overview of the Governance Manual, reading the entire Manual is strongly encouraged.

CHAPTER 1

Council Meetings



A. General

1. Council Meetings - Time and Location

Through the end of 2023, regular meetings of the City Council shall be held at CenterPlace Regional Event Center, 2426 N. Discovery Place, Spokane Valley, Washington. The regular meetings of City Council will be held at Spokane Valley City Hall Council Chambers, 10210 E. Sprague Avenue, Spokane Valley, Washington, after notice thereof has been posted on the City's official website (www.spokanevalleywa.gov) for at least 72 hours. Regardless of location, regular meetings are held on Tuesdays beginning at 6:00 p.m. Pursuant to RCW 42.30.070: "If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day." As noted, in such case, the meeting held on the next business day after a holiday would also be a regular meeting, as opposed to a special meeting. The Council always has the option of cancelling such meeting.

2. Council Meetings - Open to the Public

All meetings of the City Council and of committees thereof shall be open to the public except as provided for in RCW 42.30.110 (Executive Sessions), or RCW 42.30.140 (Open Public Meetings Act).

3. Presiding Officer

The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties unless specifically set forth herein. In case of the Mayor's absence or temporary disability, the Deputy Mayor shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Deputy Mayor, an acting Mayor Pro Tempore selected by majority vote of the remaining members of the Council, shall act as Mayor during the continuance of the absences [RCW 35A.13.035]. The Mayor, Deputy Mayor (in the Mayor's absence) or Mayor Pro Tem are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

B. Meetings

1. Regular Meetings: Formal Format

a. Normally held 2nd and 4th Tuesdays. The City Clerk, under the direction of the City Manager in consultation with the Mayor, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. On or before close of business on a Friday preceding a Tuesday Council meeting, or at the close of business at least 24 hours preceding a special Council meeting, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, appropriate staff, and the media who have filed a notification request.

b. Requests for presentations from outside entities or individuals to be placed on a future agenda, will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, must be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting.

c. Forms of Address. The Mayor shall be addressed as "Mayor (surname)." The Deputy Mayor shall be addressed as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)" unless waived by the Presiding Officer.

d. Order of Business. The business of all regular formal meetings of the Council shall be transacted as follows, provided however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to

conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the “amended agenda.”

- i. *Call to Order by the Presiding Officer*
- ii. *Invocation*
- iii. *Pledge of Allegiance*
- iv. *Roll Call* (See Chapter 1, C5b [page 17] for procedure to excuse an absence)
- v. *Approval of Agenda/Amended Agenda*. In case of an emergency or an extremely time-sensitive issue which neither the administration nor the entire Council was aware of prior to the distribution of the agenda and accompanying materials, a new item may be introduced by a Councilmember, and suggested as an amended agenda item for the present meeting. If a new item(s) is added, Council shall then consider a motion to approve the amended agenda. (“Three-Touch Principle” should be followed whenever possible.) It is preferable that any motion to amend the agenda be made at the onset of the meeting in place of ‘Approval of Agenda,’ recognizing that there will be emergencies or other situations when such motion to amend the agenda might need to be made at other times during the meeting.
- vi. *Introduction of Special Guests and Presentations*.
- vii. *Councilmember Reports*. Council or government-related activities (e.g. synopsis of committee, commission, task force or other board meetings). These verbal reports are to be brief, City work-related reports of significance in keeping the Council informed of pertinent policy issues or events stemming from their representation of the City on a regional board, committee, task force or commission, whether as a formal or informal member. Individual Councilmember reports shall not exceed 3 minutes in duration. Extended reports shall be placed as future agenda items for presentation or submitted in writing as an informational memo.
- viii. *Mayor’s Report*. Same as ‘vii’ above except given by the Mayor.
- ix. *Proclamation*. The Mayor will announce the proclamation, announce who has requested this proclamation and after the Mayor or Councilmember reads the proclamation, invites that person or other appropriate person to the podium. The original proclamation will be handed to that appropriate person by the City Clerk or the Mayor, and the individual will be permitted to speak for one or two minutes.
- x. *Public Hearings* (See page 26 for procedural details)
- xi. *Public Comments* (See page 15 Meeting Rules and Procedures)
- xii. *Consent Agenda*. Items which may be placed on the Consent Agenda are those which have been previously discussed by the Council; can be reviewed by a Councilmember without further explanation; are so routine, technical or nonsubstantive in nature that passage without discussion is likely; or are otherwise deemed in the best interest of the City. The proper Council motion on the Consent Agenda is: “I move approval of the Consent Agenda.” This motion has the effect of moving to approve all items on the Consent Agenda. Prior to the vote on the motion to approve the Consent Agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting, or the matter may be addressed immediately after passage of the remaining items on the Consent Agenda.
- xiii. *Unfinished Business*. [includes matters that were pending when a previous meeting adjourned, or matters specifically postponed to the present meeting]
- xiv. *New Business* [Action items are designated as New Business] Any member of the public who wishes to verbally address the Council on an action item on the current agenda, shall proceed to the podium at the time when comments from the public are invited during the agenda item discussion. The Council may hear such comments before or after initial Council discussion. The Presiding Officer may also invoke a sign-in procedure. If necessary the Presiding Officer in consultation with the City Manager and/or City Attorney shall rule on the appropriateness of verbal public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that comment is heard in the most logical groupings.
- xv. *Administrative Reports (includes the Advance Agenda)* or tracking of an administrative issue or topic.

- xvi. *Information Only Items* These items are generally not discussed or reported.
- xvii *Council Comments*
- xviii. *City Manager Comments*
- xix. *Executive Session (as required)*
- xx. *Adjournment.* No Council meeting should be permitted to continue beyond approximately 9:00 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be established before taking a Council vote to extend the meeting. When a motion is made to adjourn into Executive Session for a specified period of time, and if the executive session is the last item on a regular agenda, no additional motion is needed to extend the meeting beyond 9:00 p.m. since that is implied as part of the motion to adjourn into Executive Session. In the event that a meeting has not been closed or continued by Council as herein specified, the items not acted on shall be deferred to the next regular Council meeting, unless the Council by a majority vote of members present determines otherwise.

2. Regular Meetings: Study Session Format

- a. Normally held 1st, 3rd and 5th Tuesdays. The purpose of the study session format is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. Action items are normally not included on a study session agenda, although there will be times when due to deadlines or other pressing or time sensitive issues, action items must be included. Study sessions shall be in a less formal setting than regular formal meetings. Council may be seated other than at the dais, but shall not discourage public observation. If an item is designated as an action item, public comment will be permitted on that motion/item unless a public hearing on the item was previously held. There shall be one general public comment at study session for the public to comment on items that relate to the operation of the City. The City Clerk, under the direction of the City Manager, shall arrange a Council study session agenda for the meeting. A copy of the agenda and accompanying background materials shall be prepared for Councilmembers, the City Manager, appropriate staff and the press, on or before close of business on a Friday preceding a Tuesday Council meeting. Councilmembers have the option of accessing their Council packet via the City's website. Unless notified otherwise, the City Clerk shall prepare a hard copy agenda packet for individual Councilmembers.
- b. Action Items. Although action items may be included on a study session agenda, it is the preference of Council to keep those instances to a minimum. Because a study session is a recognized meeting according to the "Open Public Meetings Act," it is permissible for Council to take final action during these meetings. As in the formal format meetings, public comment will be allowed on action items.
- c. Unscheduled Motions. Because study sessions are usually understood by the public and media as referring to meetings at which Council considers and discusses items and does not take final action or vote, it could be misleading to the public as to the purpose of the meeting if a motion is made unexpectedly. As it is Council's practice to invite public comment after most motions, it would be inappropriate to make a "surprise" motion unless there is a rare special circumstance. Voting or making a motion when neither is included on an agenda does not violate state law, but for consistency sake and to avoid any surprises to the public and media, the practice is discouraged.
- d. Presiding Officer's Role. The role of the Presiding Officer is to facilitate free flowing discussion without the necessity of each Councilmember being recognized by the Presiding Officer. The Presiding Officer retains the option of assuming the function of the discussion leader at any time in order to maintain decorum and ensure all Councilmembers have the opportunity to be heard, and to keep the discussion properly focused.
- e. Outside Request. Outside requests to be included on a Council agenda will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager or designee, who shall determine the appropriateness

of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, shall be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting.

f. **Forms of Address.** Councilmembers and staff have the option of addressing each other on a first name basis during the study session format meetings.

g. **Order of Business.** The business of all study session meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the “amended agenda.”

i. *Call to Order*

ii. *Roll Call.* The City Clerk shall conduct a roll call of Councilmembers (See page 17 for procedure to excuse an absence.)

iii. *Approval of Agenda/Amended Agenda.* In case of an emergency or an extremely time-sensitive issue which neither the administration nor the entire Council was aware of prior to the distribution of the agenda and accompanying materials, a new item may be introduced by a Councilmember, and suggested as an amended agenda item for the present meeting. If a new item(s) is added, Council shall then consider a motion to approve the amended agenda. (“Three-Touch Principle” should be followed whenever possible.) It is preferable that a motion to amend the agenda be made at the onset of the meeting in place of ‘Approval of Agenda,’ recognizing that there will emergencies or other situations when such motion to amend the agenda could be made at other times during the meeting.

iv. *Proclamation* (as needed)

v. *Public Comments:* See Section “C page 15 Meeting Rules and Procedures”

vi. *Action items* (as needed)

vii. *Non-action items*

Presenter’s Role. During the Council study session, the presenter should introduce the subject and give background information, identify the discussion goal, act as facilitator to keep the discussion focused toward the goal, and alert the Presiding Officer when it is appropriate, to schedule the topic for a motion or official direction of the Council.

viii. *Advance Agenda*

ix. *Information Only Items.* These items are generally not discussed or reported.

x. *Council Comments:* The purpose of this item is to allow Councilmembers an opportunity to report on an activity or key issue which either just arose, needs immediate or imminent action, or to simply report on something in connection with their role as a Councilmember, that transpired since the last Council meeting. It is also an opportunity for Councilmembers to bring up topics for clarification or to address other upcoming concerns. Individual Councilmember reports shall not exceed 3 minutes in length.

xi. *City Manager Comments:* The purpose of this agenda item is to allow the City Manager the opportunity to brief Council on activities or issues which either just arose, needs immediate or imminent action, or to simply inform Council of items that transpired since the last Council meeting, or will occur before the next Council meeting.

xii. *Executive Session* (as needed)

xiii. *Adjourn.* No Council meeting should be permitted to continue beyond approximately 9:00 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be established before taking a Council vote to extend the meeting.

3. Executive Sessions

a. Executive sessions shall be held pursuant to the Open Public Meetings Act chapter 42.30 RCW. Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall ask for a motion from Council to publicly announce the purpose for adjourning into

executive session; when the executive session will be concluded; and the likelihood of Council taking action at the close of the executive session and return to open session.

i. At the close of the executive session and upon Council's return to the meeting place, the Presiding Officer will declare Council out of executive session, and ask for the appropriate motion (i.e. an action motion or a motion to adjourn).

ii. To protect the best interests of the City, Councilmembers shall keep confidential all verbal and written information provided during executive sessions. Confidentiality also includes information provided to Councilmembers outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW 42.52) and/or the Public Records Act (RCW 42.56).

b. RCW 42.30.110 explains the purpose for holding an executive session, some of which include:

i. RCW 42.30.110(1)(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price (*pending land acquisition*).

ii. RCW 42.30.110(1)(g). To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. [The only employee subject to this evaluation is the position of City Manager.] However, subject to RCW 42.30.140(4) (*labor negotiations*), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public. [Note: stating that an executive session's purpose is to discuss a "personnel matter" is not sufficient because only certain types of personnel matters are appropriate for discussion in an executive session.] (*review qualifications of a public employee*)

iii. RCW 42.30.110(1)(h). To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public (*review qualifications of an elected official*).

iv. RCW 42.30.110(1)(i). To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency *litigation or potential litigation* to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. For purposes of this subsection (1)(i), "potential/pending litigation" means matters protected by Rules of Professional Conduct (RPC) 1.6 or RCW 5.60.060(2)(a) concerning:

- (a) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
- (b) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
- (c) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

c. Council may adjourn into executive session even if it is not listed on the meeting agenda. There is a requirement in RCW 35A.12.160 that the public be made aware of the preliminary agendas of meetings in advance of the meeting, but that does not mean that an item that arises after the agenda has been posted cannot be discussed at the meeting, even in executive session. Since final action on the matter would not be taken at the executive session, it would not violate any provision in state law to hold an executive session at a regular Council meeting even if the executive session was not listed on the agenda. [MRSC Index-General Government-Executive sessions.] Although amending the agenda is not required in order to adjourn into

executive session, it is a good practice for the Mayor to announce at the beginning of the meeting, that Council will be adjourning into an executive session at the end of the regular meeting.

d. Attendance at Executive Sessions. Attendance shall only be in person. Except in extreme circumstances, there shall be no virtual attendance at an Executive Session. The City Attorney or Deputy City Attorney shall attend executive sessions which address litigation or potential litigation. The question of who may attend an executive session other than the Council, is determined by the City Manager.

4. Special Meetings

a. A special meeting may be called by the Mayor or any three members of the Council. (RCW 35A.13.170, 35A.12.110). Written notice of the special meeting shall be prepared by the City Clerk. The notice shall contain information about the meeting, including date, time, place, and business to be transacted and shall be posted on the City's website and displayed at the main entrance of the meeting location (RCW 42.30.080). The notice shall be delivered to each member of Council at least 24 hours before the time specified for the proposed meeting (RCW 35A.12.110). The noticing regarding such decision to hold a special meeting (made by the Mayor or any three Councilmembers), shall be handled by the City Clerk's Office through the City Manager.

b. The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080, that is: (a) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice; (b) As to any member who was actually present at the meeting at the time it convenes; and (c) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.

c. Agendas shall be drafted in a form submitted by the City Clerk, approved by the City Manager, and distributed in a manner similar to agendas for formal and study session meetings. The processes and rules for agenda content apply to regular formal, study session format, as well as special meetings.

d. Special meeting agendas may include action and non-action items. It is the practice of Council to allow time for the public to comment on action items and the "public comment" should be so noted on the agenda. Once the Special Meeting Agenda has been published and distributed, the agenda may be amended provided the amended agenda is distributed to Councilmembers and to the media, and posted on the City's website and at the meeting doorway, at least 24 hours in advance of the special meeting. Final disposition shall not be taken on any other matter at such meeting, which means that the governing body may address other matters not identified in the special meeting notice or agenda, provided 'final disposition' regarding such matters is not taken (RCW 42.30.080(3)) Council may not pass a franchise ordinance at a special meeting [RCW 35A.47.040].

e. There have been questions about whether it is necessary to call a special meeting in situations where Councilmembers are invited to attend a public meeting not called by the City as an official Council meeting, and whether it is legal for a quorum of Councilmembers to be present without violating the Open Meeting Act. According to the Washington State Attorney General Opinion 2006, No. 6, the "presence of a quorum of members of a city or county council does not, of itself, cause the Open Public Meetings Act to apply if councilmembers attend a public meeting called by a third party. The gathering of councilmembers would be a 'meeting' for purposes of the Act only if the councilmembers take 'action' as defined in the Act, such as voting, deliberating, or other official business of the council."

f. There are times when several Councilmembers desire to attend a meeting of a City Department, such as a meeting scheduled by the City Engineers to discuss a construction project, or a meeting scheduled through the Finance Department to hear a report from the State Auditors, or a meeting scheduled by the Parks & Recreation Department to discuss parks or other City business. Because these meetings can at times present questionable concern when it comes to the Open Public Meeting Act, Councilmembers who desire to attend such meetings shall notify the City staff at least two working days prior to the meeting, of their intent to attend, and only the

first three Councilmembers who indicate they will be attending any particular meeting, may attend. This is necessary in order not to violate, or perceive to violate the Open Public Meetings Act.

g. RCW 42.30.070 states in part: "It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular or special meeting provided that they take no action as defined in this chapter." [MRSC Research News – Summer, 2016] A quorum of Councilmembers traveling together for a scheduled tour would not be in violation of the Open Public Meetings Act provided they do not discuss City business. However, comments and discussion as a result of the tour, shall be done at a regular Council meeting and not during the tour or outside of a regular or special Council meeting.

5. Emergency Meetings: Emergency Council meetings may be called by the Mayor or any two Councilmembers, consistent with the provisions of chapter 42.30 RCW. Meeting time, location and notice requirements do not apply to emergency meetings called for emergency matters as permitted by RCW 42.30.070, 42.30.080, and 42.14.075:

"If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirement of this chapter shall be suspended during such emergency." [RCW 42.30.070]

"The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage." [RCW 42.30.080(4)]

"Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at a regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency." [RCW 42.14.075]

6. Pre-Agenda/Advance Agenda Meetings:

The City Manager, City Clerk, Mayor and Deputy Mayor generally meet at a fixed weekly time to review the Council agenda of the upcoming meeting, which gives all involved an opportunity to ask questions and gather any additional materials or research needed for the impending meeting. This meeting also serves as an opportune time to discuss the Advance Agenda, which is a planning document to aid in scheduling items on future Council agendas. (see also page 44, Agenda Committee under Chapter 4 internal committees)

7. Cancellation of Meetings:

State law does not require any specific procedure for canceling an upcoming meeting, however, notice of the cancellation to the public, Councilmembers, and staff should be given by the Clerk in a similar manner that notice is given for a special meeting. The decision to cancel a meeting will be made by the City Manager in consultation with the Mayor and/or Agenda Committee and time permitting, will be noted on the Advance Agenda. The noticing of such decision will be handled by the City Clerk through the City Manager. Upon cancellation of a formal meeting, either the study session immediately before such meeting or the study session immediately after such meeting, shall include an opportunity for general public comment.

C. Meeting Rules and Procedures

1. Public Comments

This is an opportunity for public comments regarding issues relating to the operation of the City, but which are not otherwise on the agenda for action. If the Presiding Officer is unclear whether comments relate to the operation of the City, the Presiding Officer shall ask how the comments are pertinent for consideration by the Council as business of the City. Speakers may sign in to speak, but it is not required. Under the general public comment opportunity, each speaker may only make comments once and comments are limited to three minute unless modified by the Presiding Officer. Members of the public shall be prohibited from allocating any of their own speaking time to other members of the public. This time is an opportunity to hear from various members of the public in a limited public forum on issues relating to City business, and not an opportunity for extended comments or dialogue. Although the City Council desires to allow the opportunity for public comment, the business of the City must proceed in an orderly, timely manner. Council meetings are considered a 'limited public forum' which means the time, place and manner of speech can be regulated. At any time the Presiding Officer, in the Presiding Officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption or undue delay of other necessary business. The desired total time for public comments shall not exceed 45 minutes; however, that time limit may change at the Mayor's discretion. The Council states that it is not the business of the City to have discussion about any past, current, or future possible/probable election or campaign-related issues during Council meetings. The only exception to this prohibition on discussion of election or campaign-related topics would be if the Council requests that Spokane County place a ballot item on for election. (See page 35, Chapter 2, F Ballot Measures.)

a. Verbal Comments:

i. Comments shall only be made from the podium microphone, first giving name, city of residence and subject. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting. An exception to this prohibition shall be allowed when public comment is only permitted via remote access due to emergency. The public shall be reminded that this is not an opportunity for dialogue or questions and answers, but public comment. When appropriate, staff shall research issues and report back to those making the comment as well as to Council. Public comments are opportunities for speakers to briefly address the entire Council, and those speaking are to address members of Council and not the audience. Speakers should refrain from personal attacks on individual Councilmembers. In order to prevent disruption of the Council meeting, members of the public are asked to refrain from distributing materials to the audience, since Council meetings are not a public forum to address the audience. Since this is an opportunity for public comment relating to City business, in the interest of time and keeping in mind all documents submitted during Council meetings become the property of the City, graphs, charts, posterboards, PowerPoint presentations, or other display materials are not permitted to be displayed or distributed at the place of the meeting, although written comments and written materials including photographs and petitions may be submitted to Council via the City Clerk.

ii. Demonstration, applause or other audience participation before, during or at the conclusion of anyone's public comments is prohibited because it is disruptive. Any disruptive conduct, as determined by the Presiding Officer, shall be cause for removal from the meeting room. Any ruling by the Presiding Officer relative to these subsections on public comments may be overruled by a vote of a majority of Councilmembers present.

iii. Council shall not permit public comments if they relate to any matter upon which a quasi-judicial hearing has been required, scheduled, or held. (See page 26 for procedure for taking public comment on legislative matters.)

iv. Disruptive public conduct:

a. Conduct in any form that interferes with Council's ability to timely conduct the business of the City will not be allowed. If a situation arises where a speaker exceeds the three minutes (unless permitted to continue by the Presiding Officer), is speaking on matters other than City business, or is otherwise disruptive in a manner that interferes with the ability of the Council to conduct the business of the City, the City Clerk, with permission of the Mayor, will turn off the microphone, and the Mayor will ask the

speaker to please stop talking and step away from the podium. In the case of remote meetings, the speaker will be muted.

b. If the speaker continues after the first request, the Mayor will ask the speaker once again to stop talking, and will warn the speaker that failure to stop will result in a suspension of their privilege to speak at public comment for 90 days. If the speaker continues, the Mayor will gavel in a five-minute recess.

c. Upon return from recess, public comment will start again with a caution from the Mayor that if any other speaker refuses to stop talking after being asked to do so after the three minutes or is otherwise disruptive, the remainder of the public comment for the night will be terminated.

d. If necessary in the discretion of the Presiding Officer, and in an attempt to reasonably calm a situation or resolve a conflict, the City Attorney or Deputy City Attorney shall act as a staff liaison with a member of the public who refuses to stop talking and refuses to move away from the podium.

b. Written Comments:

Citizens have the option of submitting written views, opinions, comments, data, and arguments to Council on any topic and at any time, not just prior to or during public Council meetings. Unless the Mayor asks the Clerk to read written mailed or e-mailed comments, or the citizen reads their own prepared written comments, such comments shall not be read aloud during regular or special Council meetings although they shall be included as part of the public record on the topic and if appropriate, may be publicly acknowledged. Any written comments submitted to Council via the City Clerk shall be distributed to Council by placing copies at each Councilmember's workstation or City desk; or in the case of e-mailed or other electronic comments, shall be forwarded to Council via e-mail, unless such e-mail has already been supplied to members of Council. If individual Councilmembers receive written (including electronic) public comments or materials for the purpose of reading/sharing those materials during Council meetings, those materials should be submitted to the City Clerk prior to the Council meeting so the Clerk can make copies for later distribution to members of Council.

c. Electronic Comments:

Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns to the entire Council at once. (See also page 18, C9 Internet Use)

2. Council Rules of Order

The City Clerk shall serve as the official parliamentarian for all Council meetings, and shall keep a copy of the most current "*Robert's Rules of Order*" (RONR) at meeting locations during Council meetings.

3. Quorum

At all regular and special meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior doors of the place where the meeting is held pursuant to RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170, 35A.12.120)

4. Seating Arrangement

Councilmembers shall occupy the respective seat in the meeting place assigned to them by the Mayor.

5. Attendance

a. Unexcused Absences: A Councilmember's responsibility to attend Council meetings should not be taken lightly, nor should a decision to remove a Councilmember for missing meetings. Pursuant to RCW 35A.12.060 "a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council." As soon as possible after two consecutive unexcused absences, and prior to a third consecutive unexcused absence, the absent Councilmember must request a leave

of absence if they desire to remain on the Council. At a third consecutive meeting where a Councilmember is not excused and there has been no request for a leave of absence, the absent Councilmember's office shall be forfeited effective immediately.

b. Excused Absences: Members of Council may be excused from meetings with prior notification to the Mayor, City Clerk, or City Manager prior to the meeting, and by stating the reason for the inability to attend. Acceptable absences may include death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, family or personal emergency, City related business, or unusual or unforeseen circumstances. Following or prior to roll call, the Presiding Officer shall inform the Council of the member's absence, and inquire if there is a motion to excuse the member. The motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk shall make an appropriate notation in the minutes.

c. Leave of Absence: A Councilmember whose serious health or physical condition would prevent them from performing the duties of Councilmember may ask to be placed on a leave of absence under the following conditions:

- i. Such serious health or physical condition must be certified in writing by a medical physician.
- ii. The request for a leave of absence shall be in writing, and hand-delivered or mailed to the Mayor, City Clerk, or City Manager at least one week prior to the date when such leave would commence.
- iii. The request for a leave of absence must state the anticipated date the Councilmember will resume their duties.
- iv. By majority vote of the whole Council, a leave of absence shall be granted as follows:
 - a. The absence shall not exceed 90 days from the date the motion is passed by Council
 - b. The absent Councilmember shall retain pay and medical benefits during the leave of absence
 - c. At the end of the 90-day leave of absence, the absent Councilmember shall either:
 - i. Return to normal Council duties commencing with the first Tuesday following the end of the 90-day leave; or
 - ii. be subject to RCW 35A.12.060 concerning three consecutive absences, beginning with the first Tuesday following the end of the 90-day leave.

d. A leave of absence may only be granted twice during a Councilmember's four-year term, with no less than six months between each request. Upon approval of a leave of absence, the absent Councilmember shall not be replaced with a pro-tem Councilmember during the absence.

6. Respect and Decorum

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall preserve order and decorum and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any Councilmember while speaking. Councilmembers and the public shall comply with the directives of the Presiding Officer. Any Councilmember making disruptive, disparaging or impertinent remarks, or unreasonably disturbing the business of the Council shall be asked to cease such disruption. Any other person attending a Council meeting who disrupts the meeting in such a fashion that the Council is impaired in its ability to attend to the business of the City, may be asked to leave, or be removed from the meeting. At any time during any Council meeting, any Councilmember may object to personal affront or other inappropriate comments, by calling for a "point of order." After the Councilmember is recognized by the Presiding Officer and the Councilmember explains their point concerning respect and decorum, or lack thereof, the Presiding Officer shall rule on the remark. If the person making the remark is a Councilmember, the Presiding Officer may ask the Councilmember to cease. If the person making the remark is a member of the public, the Presiding Officer shall determine if the remark is actually disruptive, and whether the remark has impaired the ability of the Council to attend to the business of the City. If so, the Presiding Officer shall seek the removal of that person from the meeting. Continued disruptions may result in a recess or adjournment as set forth in #10 below.

7. Dissents and Protests

Any Councilmember shall have the right to express dissent from or protest verbally or in writing, against any motion, ordinance or resolution of the Council and have the reason therefore entered in the minutes.

8. Remote Participation

a. Remote Council Meetings: In the event of unusual circumstances such as a pandemic or other health or safety emergency where Council meetings would need to be held in such a manner as to protect the health, safety and welfare of Council, staff and citizens, participation in such meetings shall be done remotely provided an option is available for the public to attend through internet or other electronic means. Council, staff and the public must be able to see and hear the meeting proceedings. At least a quorum of councilmembers must be able to participate.

b. Remote Broadcast: All City Council meetings shall be broadcast live using an online remote meeting platform, such as Zoom, Microsoft Teams, or another similar platform, to allow citizens to attend the meetings remotely. Public comment will be accepted from remote attendees at the appropriate portion(s) of the meeting as defined per the agenda.

c. Councilmembers may appear at a Council meeting by remote connection: Any Councilmember intending to attend a meeting remotely should notify the Mayor and City Clerk in advance of the meeting, such request shall be for reasons where the Councilmember cannot physically attend the meeting, and should be made only when necessary. Councilmembers' cameras should remain on for the duration of the remote meeting. If a technical problem prevents such participation where the remote Councilmember cannot hear or be heard, the Councilmember shall be counted as an excused absence and the technical difficulty shall be stated for the record. During any meeting that a Councilmember is attending remotely, the Mayor or presiding officer shall so state for the record at the beginning of such meeting. In instances where the Mayor is remotely attending a meeting, the Mayor may still function as the Presiding Officer. More than one member of Council may attend a meeting remotely, provided all together in person and remotely, there is a quorum of Councilmembers attending.

9. Internet Use

a. Use of the City's network systems implies Council is aware of and understands that the system is provided to assist in the performance of their roles as Councilmembers, and as such, Councilmembers are obligated to use, conserve and protect electronic information and information technology resources and to preserve and enhance the integrity of those resources which belong to the citizens of Spokane Valley.

b. As noted on page 16, Councilmembers shall avoid accessing any electronic message during Council meetings whether by e-mail, text, or other means,. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns. Likewise, Councilmembers shall avoid browsing the Internet during Council meetings in order that Council's full attention can be given to the topic at hand.

c. Information technology resources are provided for the purpose of conducting official City business. The use of any of the City's information technology resources for campaign or political use is prohibited unless it has been determined by the City Attorney, Washington State Attorney General, or Washington Public Disclosure Commission, that such use is not a violation of RCW 42.17A.555 or is otherwise authorized by law.

d. Confidential material shall not be sent via e-mail or text.

e. All letters, memoranda, and interactive computer communication (e-mail, text, tweet, etc.) involving Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, with specific exceptions stated in the Public Records Act (RCW 42.56) are public records. Copies of such letters, memoranda and interactive computer communication shall not be provided to the public or news media without the member of the public or news media filing a public record request with the City Clerk. With this in mind, texting and tweeting concerning City business is strongly discouraged.

f. E-mail communications that are intended to be distributed among all Councilmembers, whether concurrently or serially, shall be considered in light of the Open Public Meetings Act. If the intended purpose of an e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur, and Council discussion should wait until everyone has had ample opportunity to view the message before including such topic(s) on an upcoming agenda.

10. Adjournment Due to Emergency or Disruption

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

11. Permission Required to Address the Council

Persons other than Councilmembers and staff shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or City Manager.

12. Approaching the Dais by Members of the Public

Once a Council meeting has been called to order, members of the public are prohibited from stepping between the speaker's podium and the dais, or stepping behind any part of the dais or stepping behind those sections adjacent to the dais. If citizens wish Council to receive materials, those materials should be handed to the City Clerk prior to the meeting or during the public comment section of the agenda, and the Clerk will distribute the materials to members of Council. Council reserves the right to invite anyone forward to the podium to be addressed by Council.

13. Out of Order Requests

Occasionally a member of the public may wish to speak on an agenda item but cannot remain until the item is reached on the agenda. During "General Public Comment Opportunity," such person may request permission to speak by explaining the circumstances. The Presiding Officer in his/her sole discretion shall rule on whether to allow the out of order request. Alternatively, the member of the public could also discuss their request with the Mayor prior to or after the meeting.

14. Photographs, Motion Pictures or Videos Requiring Artificial Illumination – Prior Permission Required

No overhead projection, photographs, motion pictures, or videos shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

15. Placing Items on a Future Agenda:

a. New Item Council Business: During the Advance Agenda portion of a council agenda, a Councilmember may request to have items placed on a future agenda. Each request shall be treated separately. The City Manager is most familiar with staff's workload and shall determine when the item can be prepared and brought forward to Council, unless the Council wants to discuss the item prior to staff's involvement. The following process shall be used to propose an item for a future Council meeting:

- i. A Councilmember may propose an item and give a brief explanation of the issue and its importance to the City.
- ii. Councilmembers may ask clarifying questions.
- iii. By a show of hands, a consensus of four or more Councilmembers may move the item forward to a future agenda.

b. Except for routine items such as those found on most Consent Agendas, requests for items to come before Council shall be routed through the City Manager or come directly from the City Manager as part of the normal course of business.

16. Motions and Discussion

a. Order of Procedure:

- i. Member of Council makes a motion by stating: “**I move . . .**” After the motion is seconded, staff makes their presentation, then the Mayor will ask Council if there are any questions of staff. Once all questions have been addressed, the staff member shall step away from the podium to allow for any public comment.
- ii. The Mayor will invite public comments. Public comments should be limited to one comment per person per topic and limited to three minutes. The Mayor can remind the public this is time for comments and not discussion; and if the public has questions, those questions shall be addressed by staff at another time outside the meeting.
- iii. The Mayor will open the floor to Council for discussion. The maker of the motion normally begins the discussion. The discussion must have bearing on whether the pending motion should be adopted (RONR §43); and can be prefaced by a few words of explanation, but must not become a speech (RONR §4). All Council remarks should be addressed through the Mayor.
- iv. When discussion has ended, the Mayor will re-state the motion or ask the Clerk to re-state the motion. Once the motion is re-stated, the Mayor will call for the vote, which is normally taken by voice. The Mayor or the Clerk will then state whether the motion passed or failed.

b. In General:

- i. Except in rare circumstances, Council motions shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent “approval by default” of a failed negative motion.
- ii. Unless otherwise stated by the presiding officer, agenda items requiring Council action shall begin with a motion by a Councilmember prior to discussion. If a motion fails, the agenda item shall be considered concluded. However, said item could be reconsidered if done during the same meeting, or through Council majority vote it could be brought back at a later meeting to “rescind an action,” or to “amend something previously adopted.” (Mayoral appointments excepted. See Chapter 4, page 41 for further discussion on Committees.)
- iii. Councilmembers should direct questions to the City Manager or the designated presenter.
- iv. Main motions are made when no other motion is pending (see chart below). They are debatable and subject to amendment. Since seconding a motion means “let’s discuss it,” if there is no second but discussion ensues, the matter of having a second to proceed is moot and the motion can proceed. However, if there is no second and no discussion, the motion does not progress. Note that the motion does not “die for a lack of a second” but it merely does not progress.
- v. The maker of a motion can withdraw their motion with the approval of the majority of Councilmembers (see notes below table below). The person making the motion is entitled to speak first to the motion. A maker of the motion may vote against the motion but cannot speak against their own motion.
- vi. No Councilmember should be permitted to speak twice to the same issue until all Councilmembers wishing to speak have spoken. All remarks shall be directed to the Presiding Officer and shall be courteous in language and deportment (*Robert’s Rules of Order Newly Revised*, Article VII, Section 43, Decorum in Debate), keeping in mind it is not the Councilmember, but the measure that is the subject of debate.
- vii. When an amended motion is on the floor, the vote is taken on whether to adopt the amendment. If adopted, the next vote is on the fully amended motion.
- viii. Motions should be reserved for items marked on the agenda for action, so as to avoid any surprises for Council, staff and the public.

Parliamentary Procedure at a Glance

Roberts Rules of Order §	IF YOU WANT TO	YOU SAY	INTERRUPT	NEED 2 ND	Can be Debated	Can be Amended	VOTE
11	Postpone indefinitely (the purpose is to prevent action or kill an issue.)	I move to postpone . . . (an affirmative vote can be reconsidered; a negative vote cannot.) indefinitely	No	Yes	Yes	No	Majority
12	Modify wording of motion	I move to amend the motion by . . .	No	Yes	Yes	Yes**	Majority
14	Postpone to a certain time	Ex: I move to postpone the motion to the next Council meeting.	No	Yes	Yes	Yes	Majority
16	Close debate	I move the previous question, or I call for the question ***	No	Yes	No	No	Majority*
17	To Table a motion	I move to lay on the table, the motion to	No	Yes	No	No	Majority
19	Complain about noise, room temperatures etc	Point of Privilege	Yes	Yes	Yes	Yes	Chair decision
20	Take break	I move to recess for . . .	No	Yes	No	Yes	Majority
21	Adjourn meeting	I move to adjourn	No	Yes	No	No	Majority
23	Object to procedure or personal affront	Point of Order	Yes	No	No	No	Chair decision
25	Suspend rules	I move to suspend the rules and . . .	No	Yes	No	No	Majority*
34	Take matter from table	I move to take from the table the motion to	No	Yes	No	No	Majority
35	Reconsider something already disposed of	I move we reconsider action on . . .	No	Yes	Yes	Yes	Majority

It should be noted that **the purpose of tabling a motion** is not to simply postpone an issue or a vote. If the intended purpose is to postpone, then the motion to postpone should be used. If more information is needed or desired in order to make the most informed vote possible, then an option would be for the maker of the motion to simply withdraw the motion. The consent of the seconder is not needed to withdraw a motion, however, **withdrawal of a motion should be done with the approval of a majority of Councilmembers present** [Mayor, I request permission to withdraw my motion. The Mayor asks if there is any objection, and if none, the motion is withdrawn. If there is objection, the Mayor will call for a vote.] While a motion is still on the table, no other motion on the same subject is in order. The motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen. The motion to "Lay on the Table" is out of order if the evident intent is to kill or avoid dealing with a measure. (*Robert's Rules of Order Newly Revised, 10th Edition*)

**(Robert's Rules of Order Newly Revised states 2/3 vote required. Council direction is to base vote on majority except on matters where 2/3 (or majority plus one) is required by state statute.*

** If the main motion to amend can be amended.

***Call for the Question: if it is felt that debate on a motion on the floor has continued longer than warranted, a member of Council may "call the question." The "call for the question" is a motion to end debate and vote immediately. If this "call for the question" motion is passed by a majority vote, then the vote must be taken on the original debated motion on the floor.

17. Voting The votes during all meetings of the Council shall be transacted as follows:

- a. The Presiding Officer shall first call for a vote from those in favor of the motion, followed by a call for those opposed to the motion, and afterwards shall state whether the motion passed or failed. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice or a show of hands. At the request of any Councilmember or the City Clerk, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.
- b. Unless otherwise provided by statute, ordinance, or resolution, in case of a tie vote on a motion, the motion shall be considered lost.
- c. Every member who was present when the question was called, shall give his/her vote. If any Councilmember refuses to vote “aye” or “nay,” their vote shall be counted as a “nay” vote unless the Councilmember has recused themselves due to actual or perceived appearance of a conflict of interest, which shall be so stated prior to the vote at hand. Abstentions are not permitted as abstentions are equivalent to not voting, and the members of the public expect their elected officials to vote on issues.
- d. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council (RCW 35A.12.120). Except as provided in “e” below, all other motions or resolutions shall require an affirmative vote of at least a majority of the quorum present.
- e. Majority Plus One: The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190).

18. Recusal From Discussion and Consideration.

- a. Situations may arise when a Councilmember should consider whether to recuse themselves from the consideration and decision-making on a particular item. These situations can arise in various ways, including having an interest in a contract being considered by the City, or when a Councilmember has a bias in some fashion regarding an issue before the Council. For additional discussion and explanation, please see Appendix C – Spokane Valley Councilmembers’ Statement of Ethics. The overarching goal of the conflict of interest laws is to prevent municipal officers from engaging in self-dealing. *Seattle v. State*, 100 Wn.2d 232, 246 (1983). [Self-dealing is defined as a situation in which a fiduciary acts in his own best interest in a transaction rather than in the best interest of his clients. A fiduciary is legally obligated to act in the best interest of his clients. A fiduciary is a person to whom property or power is entrusted for the benefit of another.]

- b. *Prohibited acts.* There are some conflicts which cannot be waived, and some actions in which Councilmembers shall not engage. RCW 42.23.070 prohibits municipal officers from:

- i. Using “his or her position to secure special privileges or exemptions for himself, herself, or others.”
 - ii. Directly or indirectly giving or receiving or agreeing to receive “any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer’s services as such an officer unless otherwise provided for by law.”
 - iii. Accepting employment or engaging in business or professional activity that “the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.”
 - iv. Disclosing confidential information “gained by reason of the officer’s position, nor may the officer otherwise use such information for his or her personal gain or benefit.”

- c. *Conflict of interest – contracts.* In contractual matters, Councilmembers are required to avoid directly benefitting from contracts entered into by the City. When a Councilmember is aware that they may benefit from such a contractual relationship, they are required to recuse themselves. Other situations may arise where a Councilmember may indirectly benefit. In these circumstances, the determination of whether a conflict of

interest exists such that they should recuse themselves will have to be made by that Councilmember based on facts and circumstances known at the time.

d. Bias for or against a proposed action. There will be situations for each Councilmember where, based upon their current or prior work or personal relationships, that Councilmember may not be able to participate in a discussion and decision on a given issue because they likely can't be objective. In such an event, the Councilmember must give due consideration to their potential to be predisposed, and whether they believe they can objectively consider and decide on the issue. If the answer is yes, then the Councilmember may proceed. If this self-analysis is difficult as to whether the Councilmember can be objective, but the determination is that they can, the Councilmember should strongly consider disclosing the nature of the potential bias to the Council, and then announce whether they believe they can or cannot proceed. If the Councilmember does not believe they can be reasonably objective, they should recuse themselves from the discussion and consideration. The purpose for recusal under such circumstances is that the Council wants the public to have the utmost confidence that decisions are made objectively, and that all citizens and businesses will be treated equally and fairly.

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

f. The following is an example of appropriate language where recusal is warranted:

Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I have known the owners of * business for * years, am friends with them, and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room. OR

Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I own a business that competes directly with the business at issue, and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room.

g. The following is an example of appropriate language where the Councilmember determines that he/she does not need to recuse themselves from the matter: Following careful analysis and consideration, I think it is appropriate for me to participate in the discussion and decision on this matter. Although I am somewhat familiar with this matter from my prior association with *, I believe I can be objective and unbiased. As such, I will not recuse myself, and will participate with the rest of the Council in the discussion and decision.

19. Ordinances

a. Except for unusual circumstances or emergencies, ordinances and resolutions shall customarily be prepared, introduced and proceed in normal fashion with an administrative report, then first and second reading in accordance with the "Three Touch Principle." Prior to final passage of all ordinances or resolutions, such documents shall be designated as drafts.

b. A Councilmember may, in open session, request the City Manager bring forth an ordinance for a specific purpose.

c. Ordinances shall normally have two separate readings at separate Council meetings. Unless waived by the City Council at each reading, the title of an ordinance shall be read by the City Clerk prior to its passage. However, if a Councilmember requests that the entire ordinance or certain sections be read, such request shall be granted. Printed copies shall be available upon request to any person attending a Council meeting.

d. The provision requiring two separate readings of an ordinance may be waived at any meeting of the Council by a majority vote of all members present. This would require a successful motion to suspend the rules and pass the ordinance on a first reading.

e. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to a first reading.

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

g. Council may **not** pass a franchise ordinance at a special meeting [RCW 35A.47.040].

h. The **passage of any ordinance**, grant or revocation of franchise or license shall require the affirmative vote of **at least a majority of the whole membership** of the Council. [RCW 35A.13.170]

i. The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190).

j. Occasionally, an ordinance will be on an agenda the same night as a public hearing on the same topic, such as a public hearing on a budget, amended budget, proposed tax, or moratorium, and an ordinance approving that item. When that occurs, after the public hearing has been closed and Council moves to the ordinance action item, public comment shall not be taken on the ordinance since it was just taken as part of the public hearing process. Public comment will also not be taken during the ordinance's second reading at a subsequent Council meeting. This procedure will also be used if a public hearing on a specific issue is held before the Planning Commission; so that when the resulting ordinance comes before Council, public comment will not be taken on either the first or the second reading.

20. Resolutions

a. A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may ask the City Clerk to read the resolution title in order to facilitate public understanding and/or comment. A Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested. Printed copies shall be made available upon request to any person attending a Council meeting.

b. The passage of any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

c. Occasionally, a resolution will be on an agenda the same night as a public hearing on the same topic, such as a public hearing on an amended Transportation Improvement Program, and a Resolution approving that amendment. When that occurs, after the public hearing has been closed and Council moves to the resolution action item, public comment shall not be taken on the resolution since it was just taken as part of the public hearing process. This procedure will also be used if a public hearing on a specific issue is held before the Planning Commission, which would result in a resolution for Council consideration.

21. Community Recognition Program:

a. In an effort to acknowledge outstanding citizens, businesses and organizations who have made a significant contribution, or have had or continue to have, a positive impact on the citizens of our community, the Council has implemented a Community Recognition Program.

b. Eligibility: Must be a citizen/resident or an owner/operator of a business within Spokane Valley City limits. City of Spokane Valley elected officials, staff members and their relatives are not eligible for nomination, however, they may submit nominations. There is no limit to the number of nominations one may submit.

c. Selection: will be made by the Mayor with confirmation by the Council. If selected, recognition will take place at a City Council meeting and depending upon the nature of the nomination, the honoree will be presented with a proclamation, certificate of appreciation, and/or a key to the City.

d. Process: Nominations shall be submitted on a Community Recognition Form, addressed to the City Clerk, and may be made at any time.

e. Selection of these recipient(s) will typically be held during a formal format Council meeting, under the Agenda Item of *Introduction of Special Guests and Presentations*.

22. Proclamations:

a. Ceremonial proclamations not associated with the Community Recognition Program.

i. These proclamations are not statements of policy but are a means by which the City can recognize an event, group or individual. As part of the ceremonial duties of the Mayor, the Mayor is charged with approval of proclamations at his/her discretion; and reserves the right to decline any proclamation request as well as the right to make exceptions to these guidelines and procedures. Individual Councilmembers will not issue proclamations, and requests for a proclamation should be directed to the Mayor or the City Clerk.

ii. Proclamations will be considered for approval which will proclaim certain events or causes when such proclamation positively impacts the community and conveys an affirmative message to Spokane Valley residents. Proclamations will not be considered which are potentially controversial, political or religious in nature unless approved by the majority of Councilmembers.

iii. Proclamations can be issued at the discretion of the Mayor, and may be for organizations, individuals, or businesses within or outside Spokane Valley's jurisdiction.

b. Procedure for proclamations to be read at a Council Meeting:

i. The person making the request need not be a Spokane Valley resident

ii. Requests should be made at least four weeks in advance of the scheduled Council meeting

iii. The person asking for the proclamation should agree to be in attendance or have someone attend in their stead

iv. The City Clerk will inform the requestor whether the proclamation request is approved

v. The person making the request shall draft the proclamation and send it to the City Clerk once approval is given

vi. The City retains the right to modify and/or edit the proposed proclamation as it sees fit

vii. It is the Council's preference to have proclamations read at formal meetings, which are generally held the 2nd and 4th Tuesdays; however, proclamations may be read at Study Sessions due to scheduling conflicts.

c. For those instances where proclamations are requested for events other than to be read at an open Council meeting, the same procedure as above shall be followed, but instead of having someone at a Council meeting to officially receive the proclamation, the City Clerk will mail the proclamation to the requestor, or it can be hand-carried by the Councilmember attending the event to read the proclamation.

d. Reading of these proclamations will typically take place at a formal format Council meeting, immediately after the Mayor's report, or could take place as the first agenda item on a Study Session.

23. Taxes: Increasing or Imposing New Taxes The Council strongly believes in fiscal restraint, and that increasing the tax burden on its property owners and citizens by increasing or imposing new taxes should be avoided except as a last resort. In addition to complying with all applicable statutory requirements, increasing or imposing new taxes should only be done as follows:

a. As requested by the City Council, the City Manager in consultation with the Finance Director, shall notify the City Clerk of Council's desire for a proposed ordinance, and ask the City Attorney to prepare a draft ordinance.

b. Within 14 days following notice to the City Clerk, the City Clerk shall publish a notice of public hearing once a week for two consecutive weeks in the official newspaper of the City, stating

- i. the date, time and place of Council's public hearing
- ii. the purpose of the hearing: that a tax increase or new tax has been proposed
- iii. that a copy of the proposed draft ordinance shall be furnished to any City taxpayer who requests it; and
- iv. that any City taxpayer may appear and provide verbal or written comment for or against the proposed draft ordinance.

c. Preceding such public hearing, staff will provide an administrative report to Council describing the financial deficit and need for the increased or new tax; and if Council concurs and after the public hearing, the proposed draft ordinance shall proceed as follows:

- i. Proceed with a first reading of the proposed draft ordinance (same or different meeting as the public hearing)
- ii. Second reading of the proposed draft ordinance at a subsequent meeting.

d. Approval of increasing or imposing new taxes requires an affirmative vote of a majority plus one of the whole Council.

24. Hearings: [note: See Appendix A, page 46 for quasi-judicial hearings]

a. Purpose

- i. Held to obtain public input on legislative decisions on matters of policy
- ii. Are required by state law in such matters as comprehensive plan use plans, or annual budget
- iii. Do not involve legal rights of specific private parties in a contested setting
- iv. Affect a wide range of citizens or perhaps the entire jurisdiction
- v. Decisions reached as a result of these hearings are not second-guessed by the courts, and if challenged, are reviewed only to determine if they are constitutional or violate state law

b. Process

i. State statutes do not specify how public hearings should be conducted. Because legislative hearings are generally informal, the main concern is to provide an opportunity for all attending members of the public to speak if they desire. Individual comments shall be limited to a specific amount of time as determined by the Presiding Officer, and the public should be advised that comments must relate to the matter at hand. The "ground rules" for the conduct of the hearing may be stated by the Presiding Officer at the beginning of the hearing:

- a. All public comments shall be made from the speaker's podium, shall be directed to the Mayor and Council, and any individual making comments shall first give their name and city of residence. Speakers may be asked to spell their last name because an official recorded transcript of the public hearing is being made.

b. No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting.

c. Unless otherwise determined by the Presiding Officer, all public comments shall be limited to three minutes per speaker and members of the public are not permitted to give any of their own speaking time to other members of the public. This time is an opportunity to hear from various members of the public in a limited public forum, and not an opportunity for extended comments or dialogue.

d. At the discretion of the Presiding Officer, members of the public shall only speak once per issue.

e. There shall be no demonstrations, applause or other audience participation, before, during or at the conclusion of anyone’s presentation. Such expressions are disruptive and take time away from the speakers.

f. Unless read and/or handed in by the individual speaker during the public hearing, previously received written public comments shall be read by the City Clerk at the pleasure of the Mayor. In the interest of time, the Mayor may limit the reading of such comments to the Clerk reading who the letter or written material is from, and if easily discernible, whether that person is for or against the issue at hand. All written comments become an official part of the record.

g. These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard, and to ensure that individuals are not embarrassed by exercising their right of free speech.

ii. The Presiding Officer declares that the public hearing on the topic at hand is open, notes the time for such opening, and asks staff to make their presentation.

iii. After staff presentations, the Presiding Officer calls for public comments.

iv. The Presiding Officer asks if any members of Council have questions of any of the speakers or staff. If any Councilmember has questions, the appropriate individual shall be recalled to the podium.

v. The Presiding Officer declares the public hearing closed and notes the time for such closing.

25. Reconsideration

a. The purpose of reconsidering a vote is to permit change or correction of an erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. Any action of the Council, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider except:

- i. any action previously reconsidered;
- ii. motions to adjourn or motions to suspend the rules;
- iii. an affirmative vote to lay an item on, or take an item from, the table;
- iv. previously passed motion to suspend the rules; or
- v. a vote electing to office one who is present and does not decline.

b. Such motion for reconsideration:

- i. shall be reconsidered during the same Council meeting;
- ii. shall be called up when no business is pending (no action is pending);
- iii. if action is pending, the Mayor asks the Clerk to note that the motion to reconsider has been made and shall be taken up when a member calls the motion to reconsider the vote when no other business (action) is pending;
- iv. shall be made by a member who voted on the prevailing side on the original motion. This means a reconsideration can be moved only by one who voted aye if the motion involved was adopted, or no if

the motion was lost. It is permissible for a Councilmember who cannot make such a motion, but believes there are valid reasons for one, to try to persuade someone who voted on the prevailing side, to make such a motion.

- v. a member who makes this motion should state that he or she voted on the prevailing side;
- vi. needs a second, and can be seconded by any member;
- vii. is debatable if the type of motion it reconsiders is debatable; and
- viii. is not amendable and requires a majority vote to adopt.

c. Step 1: A member of Council who voted on the prevailing side makes the motion, such as "I move to reconsider the vote on the resolution relating to holidays. I voted for [or against] the resolution." This motion needs a second, which can be seconded by any Councilmember.

d. Step 2: If the motion for reconsideration is adopted, the original motion is then placed before Council as if that motion had not been voted on previously; and Council again takes that motion under discussion, followed by a new vote.

e. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter, may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five days advance notice of such discussion and/or action.

26. Council Materials

a. Council Material: Councilmembers and staff should read the agenda material and ask clarifying questions of the City Manager or other appropriate staff prior to the Council meeting when possible. A good opportunity to do this is at the Advance Agenda meeting. Council recognizes there are times when Councilmembers may wish to bring additional documentation to a meeting on a specific subject, whether that subject is on the agenda or not, in order to share with Council and staff. When possible, the materials should be distributed to Councilmembers and staff prior to the Council meeting, or if distributed during a meeting, Councilmembers should indicate they would like the materials considered for a future meeting, since except in an emergency, Councilmembers would normally not take time at the dais to read material just received. Pre-scheduled materials Council wishes to share as part of the Council packet could also be included on study session agendas under "Council Comments."

b. Council Packets: Councilmembers shall personally pick up their agenda packets from their City desk, unless otherwise arranged by the Councilmember or further directed by Council. Councilmembers have the option of accessing their Council packet via the City's website. Unless notified otherwise, the City Clerk shall prepare a hard copy agenda packet for individual Councilmembers.

c. Packet Materials: Request for Council Action form (RCA): This is a cover sheet used by staff to introduce an agenda item. It includes the agenda item title, citing of governing legislation associated with the topic, previous Council action taken, and background on the topic. Options for Council consideration are also included, as well as a staff recommended action or motion. The options and recommended action or motion should be viewed as aids to Council in making a motion or taking action, but should not be thought of as obligatory, as Council always has the option of making a motion different from what is included on the form. Generally, by the time an item is ready for a motion, Council has already read, heard, and/or discussed the item at least three times (such as an informational item, an administrative report, and lastly as an action item), and the wording of a motion would not normally be controversial, although it is important to state the motion as a motion, such as "I move to" or "I move that" or other similar language.

27. "Three Touch Principle"

Decision makers and citizens at all levels of the City should have adequate time to thoroughly consider the issues prior to final decisions. It is the intent of the Council that the Council and administration shall abide by the "Three Touch Principle" whenever possible. These procedural guidelines are designed to avoid "surprises" to the City Council, citizens and administrative personnel. Any request or proposal for adopting or changing public policy, ordinances, resolutions or City Council directives which require a decision of the City Council

or administration, should “touch” the decision makers three separate times. This includes verbal or written reports, “information only” agenda items, or any combination thereof. To facilitate the Council’s strategic use of legislative time at its meeting, staff may satisfy the first touch by issuing an informational memorandum, unless the subject matter is complex in nature. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the “Three Touch Principle.”

It is recognized that unexpected circumstances may arise wherein observance of the “Three Touch Principle” would be impractical. However, when unusual circumstances arise which justify a “first discussion” decision, the persons requesting the expedited decision should also explain the timing circumstances. This principle excludes staff reports and other general communications not requiring a Council decision.

CHAPTER 2
Legislative Process



A. Election of Officers Procedures for electing officers are as follows:

1. Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, election of a Deputy Mayor shall be conducted in the same manner. The term of the Deputy Mayor shall run concurrently with that of the Mayor. (RCW 35A.13.030) There are no term limits for the office of Mayor or Deputy Mayor.
2. The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one person, and a nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at that time. Nominations are then closed. The election for Deputy Mayor shall be conducted by the Mayor, and nominations shall be made in the manner previously described for the election of the Mayor.
3. Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Selection of Mayor and of Deputy Mayor shall each be determined by majority vote of Councilmembers present. The City Clerk shall publicly announce the results of the election. Thereafter, the City Clerk shall record the individual Councilmember's vote in the minutes of the meeting.
4. If the first round of votes results in no majority vote of Councilmembers present, the voting process shall be repeated no more than two more times. During subsequent votes, Councilmembers do not have to vote the same as they did in the previous vote. If after three attempts, Council is unable to agree on a Mayor by majority vote of Councilmembers present, the office of Mayor shall be temporarily filled by an Acting Mayor, which shall be the Councilmember who just previously served as Mayor if that person is still a member of Council, or if the previous Mayor is no longer a Councilmember, then by the Deputy Mayor, or if such person prefers not to serve as Mayor or if that person is no longer a member of Council, the Councilmember with the next highest seniority. The Acting Mayor shall continue in office and exercise such authority as is described in RCW 35A.13 until the members of the Council agree on a Mayor, which shall be determined at the next scheduled Council meeting, at which time the role of Acting Mayor shall cease and terminate.
5. At the next scheduled Council meeting voting for Mayor shall proceed in the same manner as the initial first round of voting from the previous Council meeting, but Councilmembers shall only vote on the Councilmembers who received the highest number of votes. If after three voting attempts, there is still no majority vote of Councilmembers present, the vote shall be determined by whichever Councilmember has the most votes at the third voting attempt. If at that time, there is a two-way tie of Councilmembers receiving the most votes, the tie shall be broken based on the flip of a coin. The City Manager shall flip the coin. If there are more than two Councilmembers tying with the most votes, that tie shall be determined by another means of chance to narrow the Councilmembers down to two, at which time the outcome shall be determined by written ballot.

B. Filling Council Vacancies

- 1. General Process:** (Note that public comment shall not be taken during this entire process.) If a vacancy occurs on the City Council, the Council shall follow the procedures outlined in RCW 35A.13.020 and Council's adopted procedure in compliance with RCW 35A.13.020, as well as RCW 42.12.070. The timeline will vary depending on when the process begins. Pursuant to RCW 35A.13.020, City Council has 90 days from the vacancy to appoint a qualified person to the vacant position. If this timeframe is not met, the City's authority in this matter would cease and the Spokane County Board of Commissioners would appoint a qualified person to fill the vacancy. In order to be qualified to run for Spokane Valley City Council, or hold such position, a person must be [RCW 42.04.020] a citizen of the United States, 18 years of age or older, a resident of the City of Spokane Valley for a year or more preceding his or her election, a registered voter in the City of Spokane Valley at the time of filing the declaration of candidacy and at the time of filing the declaration of candidacy

if the candidate had ever been convicted of a felony, they must no longer be under the authority of the Department of Corrections, or currently incarcerated for a felony.

Pursuant to RCW 42.12, remaining members of Council shall appoint a qualified person to fill the vacancy as an interim position who will serve from the date of appointment until the person elected in the November odd-numbered year general election takes office, which is the date the election results are certified, normally around the 26th of November. (See also 35A.12.040) Immediately upon the election being certified, that just-elected person will take the oath of office, take their position as a member of Council, and complete the remainder of the unexpired term.

a. Procedure for Filling a Council Vacancy, Timeline/Procedure-Publication: The City Clerk shall publish the vacancy announcement inviting citizens of the City who are interested and qualified to sit as a Councilmember, to apply on an application form provided by the City (see Appendix E page 53 for application). Qualifications to sit as a Councilmember are set forth in RCW 35A.13.020, which refers to RCW 35A.12.030: (1) must be a registered voter of the city at the time of filing his or her declaration of candidacy; (2) has been a resident of the city for a period of at least one year next preceding his or her election. Additional qualifications include those stated above under #1 General Process, and that Councilmembers shall not hold any other office or employment within the Spokane Valley City government [RCW 35A.12.030]. In order to avoid any real or perceived conflict of interest, no member of Council's immediate family may be currently employed by the City of Spokane Valley since employment is considered a contractual matter, and a councilmember would have a prohibited interest in a contract between a family member who is an employee of the city, and the city. (See Appendix G page 58 Definitions for description of immediate family.) If possible, the vacancy announcement shall be published for three consecutive weeks.

b. The City Clerk shall establish the deadline to receive applications, for example, no later than 4:00 p.m. on a certain date.

c. RCW 42.30.110(1)(h), set a special meeting with an executive session beginning at 5:00 p.m. Council shall meet and adjourn to executive session to review and discuss all of the applications. After the review and discussion, Council shall return to meeting place and the Special Meeting shall be adjourned.

d. Hold a regular 6:00 p.m. meeting, same evening as above special meeting. Pursuant to RCW 42.30.110(1)(h), Council shall meet in open session and part of this agenda shall include selection of applicants to interview. Selection shall be by nomination and second. A vote shall be taken and candidates receiving a majority vote of those councilmembers present, shall be interviewed. Immediately after this Council meeting or as soon as practicable, the Clerk shall send a list of potential questions to all those to be interviewed.

e. Schedule the conducting of the interviews for an upcoming Council meeting. Pursuant to RCW 42.30.110(1)(h), the interviews shall be conducted during an open Council meeting. Each interview shall be a maximum of 30 minutes.

f. Schedule a special 5:00 p.m. meeting with an executive session. Pursuant to RCW 42.30.110(1)(h), Council shall meet and adjourn to executive session (closed session) to discuss applicants. After the discussion, the Special Meeting shall be adjourned as usual.

g. Hold a regular 6:00 p.m. meeting, same evening as "f" above special meeting. Pursuant to RCW 42.30.110(1)(h), Council shall meet in open session; and the last action item of that agenda will include a vote to fill the vacancy. Upon selection of the new Councilmember, that person shall be sworn in by the City Clerk, and take their seat at the dais.

2. Nomination Options for Conducting Interviews:

a. After holding an executive session to review applications, during a subsequent open session, any Councilmember may

i. nominate an applicant to be interviewed

- ii. the nomination must be seconded
- iii. Councilmembers may make more than one nomination, but only one at a time
- iv. the Mayor shall ask if there are further nominations
- v. if no further nominations, the Mayor shall close the nominations
- vi. votes shall be taken on each applicant in the order of nomination
- vii. votes shall be by raised hand
- viii. applicants receiving a majority of votes of those Councilmembers present, shall be interviewed
- ix. once all voting has taken place, the City Clerk shall summarize which applicants shall be interviewed based on the voting outcome. As soon as possible after the Council meeting, the City Clerk shall notify each applicant to inform them if they will or will not be interviewed; notify those to be interviewed of the date and time for their interview, and send each person to be interviewed, the list of possible interview questions; or
- x. Instead of the above nomination process, after holding an executive session to review applications, Council may choose to interview all applicants

b. The length of the interview shall be determined based upon the number of applicants and interviews shall be done in last-name alphabetical order. The City Clerk shall notify all applicants of the date, time and procedure for their interview. To keep the process as fair as possible, on the date of the interview, applicants not yet interviewed shall be asked to wait in a waiting area outside the meeting place and away from viewing or hearing the meeting's proceedings.

c. If during open session, Council has nominated only one person to interview, or in the case of more than one vacancy, one person per vacancy, Council may forego the interview process and move to make the appropriate appointment.

3. Interview Questions/Process:

During the interview, each Councilmember may ask each candidate a maximum of three questions, which includes any follow-up questions. Candidates shall be interviewed in alphabetical order of last name.

4. Nomination and Voting Process to Select Applicant:

a. Nomination Process: Councilmembers may nominate an applicant to fill the vacancy. A second is required. If no second is received, that applicant shall not be considered further unless no applicant receives a second, in which case all applicants who were nominated may be considered again. Councilmembers may not make more than one nomination unless the nominee declines the nomination and unless there is no second to the nomination; in which case the Councilmember make another nomination. Once the nominations are given, the Mayor shall close the nominations and Council shall proceed to vote.

b. Voting Process. RCW 42.12.070 states that where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position. By adoption of this policy, Council has chosen the following process for making such appointment:

i. Except when there is only one nominee, a vote for an applicant shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it.

ii. The vacancy may only be filled when a majority of the remaining City Council (whether present or not) affirmatively votes for the applicant, i.e. if five City Councilmembers are present, this would require at least four Councilmembers voting for an applicant. If subsequent rounds of voting are needed, each round of voting follows the same process. The Mayor may ask for Council discussion between voting rounds.

iii. Round One Vote: The City Clerk shall publicly announce the results of the election. The applicant receiving the majority of votes shall be the new Councilmember. If no applicant receives a majority of votes from the City Council, then the three applicants receiving the most affirmative votes would be considered in a second round.

iv. **Round Two Vote:** Round Two proceeds the same as Round One. If one of the three applicants still fails to receive a majority of affirmative votes, then the two applicants of the three who received the most affirmative votes would then be considered in a third round; or if there are only two applicants and they receive tie votes, a third round shall be taken. Councilmembers may change their vote between rounds.

v. **Round Three Vote:** Round Three proceeds the same as Rounds One and Two. If after this round, the vote of the two applicants results in a tie, then the City Manager, with concurrence of Council shall flip a coin to determine who shall fill the vacancy, with the applicant whose last name is closest to the letter A being assigned “heads” and the other person assigned “tails.” In the rare circumstance where both applicants' last name begins with the same letter of the alphabet, the applicant whose entire last name is closest to the letter A shall be assigned “heads” and the other person assigned “tails.” In the equally rare circumstance where both applicants have the same last name, the applicant whose first name is closest to the letter A shall be assigned “heads” and the other person assigned “tails.”

5. Seating of New City Councilmember:

Once an applicant either has received a majority of votes or wins the coin flip, if the appointed applicant is at the meeting, the City Clerk shall administer the oath of office, and the new Councilmember shall be officially seated as a City Councilmember. If the appointed applicant is not at the meeting, such action is not official until the applicant takes the oath of office.

C. Legislative Agenda

Councilmembers work each year (or sometimes every two years) to draft a State and a Federal “legislative agenda” to address Council ideas, suggestions and specific legislative programs in terms of upcoming or pending legislative activity in Olympia and Washington, D.C. that would or could have an effect on our City. These agendas can also be addressed during Council’s participation in the Association of Washington Cities (AWC)annual conference, and the annual National League of Cities Conference held in Washington, D.C.

D. Council Travel Allocation

Council is allocated a budget to handle certain City business-related travel expenses. The total allocation of travel funding budgeted for the legislative branch for the fiscal year shall be apportioned equally among six Councilmembers, and the Mayor may receive additional funding based on the extra travel demands of the office. These monies may be used to defray expenses for transportation, lodging, meals and incidental expenses incurred in the conduct of City business. Periodic updated statements of expenditures are available to Councilmembers upon request to the Finance Department or the City Manager’s Executive Assistant. Should a Councilmember exhaust their apportionment of funds, that person shall be personally responsible for payment of any travel and related expenses unless they have requested and received written affirmation from another Councilmember of their voluntary allocation to grant the travel related expenses from that granting Councilmember’s travel apportionment. Such granting of travel allocations shall be documented with the appropriate completed form (see Appendix F, page 57). During the last six months of a Councilmember’s current term of office, Councilmembers shall not incur City business-related travel expenditures outside a 50 mile radius unless such travel fulfills the obligations of the Councilmember’s service on statewide or regional boards, commissions or task forces.

E. COUNCIL EXPENSE REIMBURSEMENT POLICY

1. Travel Approval and Expense.

a. General Travel: Councilmembers are entitled to payment of and reimbursement for lawful expenditures incurred on official City business when such expenditures are within the allotted budget. The City shall not reimburse Councilmembers for meals or beverages with constituents when there is not at least a quorum present as that would not be considered official City business. The City shall not reimburse an expense associated with fundraising or political events. The City shall also not reimburse an expense if that expense is reimbursable by another agency. Each Councilmember shall be permitted to travel within the constraints of each Councilmember’s allotted budget, which may also include donated allocation(s) from another Councilmember(s). (See Appendix F page 57 for Request Form.)

b. Allowable Travel Expense. Allowed travel expenses include transportation, lodging, meals, and other related expenditures lawfully incurred by Councilmembers in the course and scope of their Councilmember duties.

i. Meals are provided as a per diem rate at 35% above the amounts posted by the General Services Administration at www.gsa.gov/perdiem. For each full day of travel, all three meals are reimbursable unless they are provided by a third party. Meals provided through a third party such as through a conference registration, will be subtracted from the per diem amount. Per diems on the first and last day of a trip are governed as set forth below.

Departure Day

Depart before 8:00 am	Breakfast, lunch and dinner
Depart before 12:00 noon	Lunch and dinner
Depart after 12:00 noon	Dinner

Return Day

Return before 12:00 noon	Breakfast
Return between 12:00 noon & 7:00 p.m.	Breakfast and lunch
Return after 7:00 p.m.	Breakfast, lunch and dinner

ii. Lodging is reimbursed for the actual cost of the room, minus any room extras. If paid in advance, a receipt is required for reimbursement.

iii. Tips are allowable expenditures when they approximate 15% or less, unless the personal service provider sets a mandatory group rate at a higher percentage, or the tip is already included in the expenditure. Please carefully examine your bill and be aware of statements such as "A service charge of %/\$ will be added to your bill." Reimbursement for tips is limited to valet services, and taxi/ride share transportation. Tips on meals are included in the per diem rates above.

iv. When staff is making and paying for air travel arrangements, airline trip insurance may be purchased on a case-by-case basis at the discretion of the City Manager. Times when such trip insurance may be purchased include necessary travel when the weather is questionable.

v. A monthly mileage stipend of \$25 for each Councilmember, and \$50.00 for the mayor, shall be provided for local travel for City business within 15 miles from City Hall. If travel is beyond 15 miles from City Hall, mileage shall be reimbursed according to the current IRS mileage rates for traveled miles as determined by such websites as google maps, or other internet apps or mileage distance calculators, using the shortest route between two places.

c. Non-Reimbursement or Prohibition of Travel Expense.

Unauthorized travel expenses include but are not limited to the following items, for which no reimbursement shall be allowed:

- i. Liquor
- ii. Expense of a spouse or other persons not authorized to receive reimbursement under this policy
- iii. Personal entertainment/movies
- iv. Theft, loss, or damage to personal property
- v. Barber or beauty parlor
- vi. Airline or other trip insurance (see b iv directly above)
- vii. Personal postage
- viii. Reading material except for that associated with official City business
- ix. Personal telephone calls
- x. Personal toiletry articles, including toothpaste, toothbrush, comb, brush, candy, gum, tissues, and other miscellaneous items
- xi. Dry cleaning/laundry service

xii. Prohibited expenses charged to the City in error shall be immediately reimbursed.

d. Conferences/Meetings/Seminars.

i. Where a meal is included in a registration package, the cost of a meal eaten elsewhere shall not be provided in the per diem rate unless its purpose is to allow the conduct of City business.

ii. For meetings or seminars hosted by an organization for which the City pays membership dues, lodging is limited to the amounts that are reasonable and necessary based upon the government or conference rate offered by the host hotel(s).

iii. When an extra day's stay would reduce airfare beyond the extra day's hotel and meals, a Councilmember may stay an extra day.

2. Payment of Expenses.

a. Use of City Credit Cards. Use of City credit cards for travel is authorized pursuant to chapter 2.65 SVMC.

b. Prepayment. Examples of travel expenses subject to prepayment include registration fees, airline tickets, and certain lodging where the cost is part of the registration package. Prepayment is generally handled by the City Manager's Executive Assistant.

c. Direct Billing. Direct billing to the City for expenses such as meals and lodging is prohibited.

d. Expense Reimbursement Report. Expense Reimbursement Forms shall be completed no less than monthly. Councilmembers shall complete the Expense Reimbursement Form and submit it to Finance, documenting the amount due the Councilmember or City as appropriate. The actual amounts expended shall be written on the form with itemized receipts attached. The completed Expense Reimbursement Form shall be submitted to Finance within 45 days after completing travel. Expense Reimbursement Forms submitted more than 45 days after completing travel shall not be honored.

3. Use of Personal Vehicle.

a. Reimbursement. Expenses for the use of personally-owned vehicles in the course of City business are reimbursed at the then-current U.S. Government (IRS) rate. Councilmembers who use their personal car for City business shall carry, at a minimum, the Washington state required insurance coverage. Councilmembers shall be responsible for maintaining this coverage at their own cost.

b. Passengers. Should more than one Councilmember travel in the same personal vehicle on City business, only the individual owning the vehicle is entitled to reimbursement for transportation.

4. Cancellation.

A Councilmember shall adhere to cancellation deadlines when canceling conferences, seminars, regional meetings, hotel, and airfare, or any other pre-payment or obligation made on his/her behalf. Except in the case of a personal or family emergency, or in the event the cancellation was a City business decision, expenses incurred by the City resulting from failure to conform to cancellation deadlines are the personal responsibility of the Councilmember, and those expenses shall be repaid to the City within fourteen calendar days of the cancellation.

F. Ballot Measures:

1. State Law

RCW 42.17A 555. State law has enacted statutory prohibitions (with limited exceptions) against the use of public facilities to support or oppose ballot propositions:

"No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

- (1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.*
- (2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;*
- (3) Activities which are part of the normal and regular conduct of the office or agency.”*
[emphasis added]

2. City's Implementation of RCW 42.17A.555

In the City's implementation of RCW 42.17A.555, the City Council shall not, during any part of any Council meeting, consider requests from outside agencies or individuals, for Council to support or oppose ballot measures; nor shall Council permit any public comment on any past, current, or future possible/proposed ballot issue, whether or not such comments seek endorsement or are just to inform Council of upcoming or proposed ballot issues; nor shall Councilmembers disseminate ballot-related information.

3. Providing Informative Materials to Council

The requestor has the option of mailing materials to individual Councilmembers via the United States Postal Office. Because even the use of e-mail for ballot purposes could be construed as use of public facilities and could be interpreted as being in violation of RCW 42.17A.555, materials should be sent via regular mail through the United States Postal Office. Information shall be objective only and not soliciting a pro or con position.

4. Public Comment.

Council has determined that ballot issues (including past, current, or possible/proposed ballot issue) are not the business of the City, and has chosen not to support or oppose ballot issues as those are left to the will of the people voting. The use of any of the City's facilities including the use of the Council chambers, other meeting location, and/or broadcast system would likely be construed as being in violation of RCW 42.17A.555 and therefore, general public comment on ballot issues, or proposed ballot issues shall not be permitted. (See page 15, Chapter 1, C Public Comments for more specific direction on allowable public comment)

CHAPTER 3

Council Contacts



A. Citizen Contact/Interactions Outside of a Council Meeting

1. Mayor/Council Correspondence

Councilmembers acknowledge that in the Council/Manager form of government, the Mayor is recognized by community members as a point of contact. To facilitate full communications, staff shall work with the Mayor to circulate to Councilmembers, copies of emails and written correspondence directed to the Mayor regarding City business. This provision shall not apply to invitations for mayoral comments at various functions, nor requests for appointments or other incidental contact between citizens and the office of the Mayor.

2. Concerns, Complaints and Suggestions to Council

When citizen concerns, complaints or suggestions are brought to any, some, or all Councilmembers, the Councilmember should, when deemed appropriate and/or necessary, consult with the City Manager to, first determine whether the issue is legislative or administrative in nature and then:

- i. If legislative, and a concern or complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if such complaint suggests a change to an ordinance or resolution of the City, the matter may be referred, with Council consensus, to a future Council agenda for Council's recommendation in forwarding the matter to a committee, administration, or to the Council for study and recommendation.

- ii. If administrative, and a concern or complaint regards administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Councilmember should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief the Council when the City Manager's response is made.

3. Administrative Complaints Made Directly to Individual Councilmembers

a. When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember should then refer the matter directly to the City Manager for review and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. However, the City Manager shall not be required to divulge information he/she deems confidential, in conformity with applicable statutes, ordinances, regulations, policies or practices.

b. Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with customer service unless an unsatisfactory result has occurred in the past. In that case, refer to the paragraph above.

4. Social Media

Councilmembers shall comply with the City Councilmember Social Media Policy which is attached hereto as Appendix H and wholly incorporated herein.

5. Donations

On occasion, Councilmembers could be contacted by citizens or businesses regarding donations. See Spokane Valley Municipal Code 3.34. for policy on donations.

B. Staff Contacts and Interactions

1. Role of the City Manager

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

Council to allow the City Manager to perform legally defined duties and responsibilities without interference by the City Council in the management decisions of the City Manager.

2. City Staff Attendance at Meetings

a. The City Manager or his/her designee shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. (RCW 35A.13.080)

b. It is Council's intent that the City Manager schedule adequate administrative support during Council meetings for the business at hand, keeping in mind that the City Manager must also protect the productive capability of department directors and of all staff. Required attendance at meetings by City staff shall be at the pleasure of the City Manager.

3. City Clerk - Minutes

The City Clerk, or in the Clerk's absence the Deputy City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk and the Deputy City Clerk, the City Clerk shall appoint a replacement to act as Clerk during the Council meeting. The Clerk shall keep minutes which identifies the general discussion of the issue and complete detail of the official action or agreement reached, if any. As a rule and when possible and practical, regular meetings, or those Council meetings held at 6 p.m. on Tuesdays, (which includes formal format and study session format) shall be video-recorded. Special meetings shall not normally be video-recorded. Executive Sessions shall not be video or audio recorded. Original, signed and approved minutes shall be kept on file in the City Clerk's office and archived according to State Record Retention Schedules. Copies of the approved minutes shall also be posted on the City's website as soon as practical after such minutes are approved and signed. Whenever possible, video recordings of Council meetings shall be posted on the City's website.

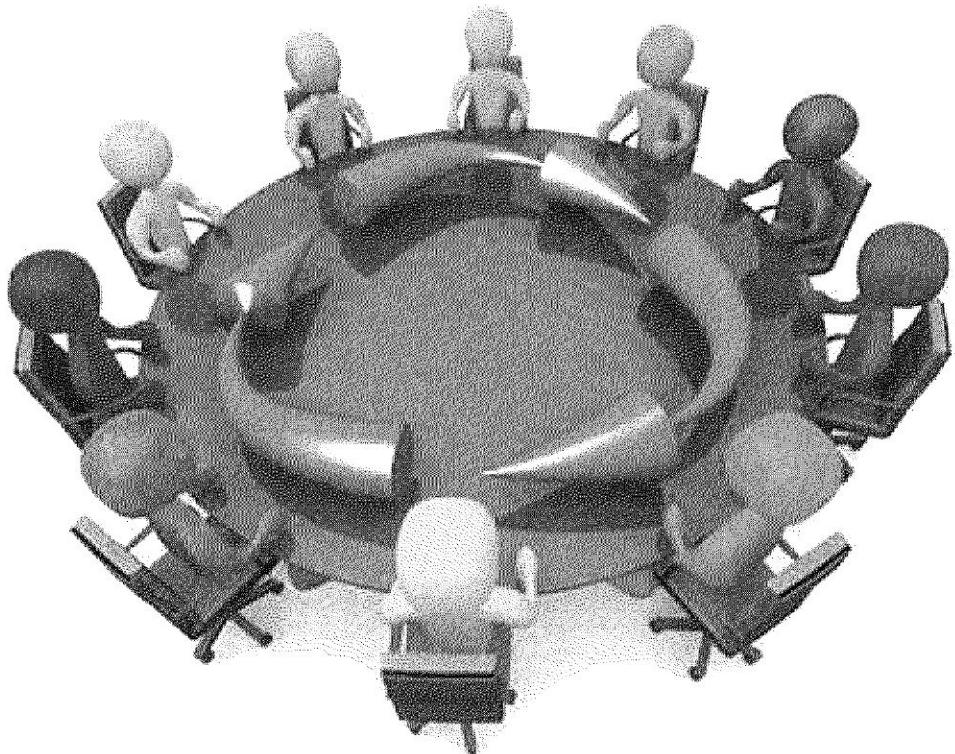
4. Administrative Interference by Councilmembers

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any directives, tasks, or orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A.13.120.)

5. Informal Communications Encouraged

RCW 35A.13.120 should not be construed as to prevent informal communications with City staff that do not involve orders, direction, or are meant to influence actions or administrative policy. Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining explanations of policies and programs or providing incidental information to staff relevant to their assignment. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers must be careful in such interaction to avoid giving direction or advice to members of City staff. While maintaining open lines of communication, City staff responding to information requests from Councilmembers shall inform their supervisor of such contact and provide the supervisor with the same information shared with the Councilmember.

CHAPTER 4
COMMITTEES, BOARDS, COMMISSIONS



A. Committees, Commissions and Boards of Outside Organizations in which City is a Member.

1. Appointment, Removal, and Attendance

a. Spokane Valley Councilmembers and/or residents who seek representation on any committee, board, or commission for which a representative of the City is required by Washington law or to which the City pays membership dues (collectively referred to herein as "Outside Organization Committees"), shall be appointed (or approved) by the Mayor with confirmation by the Council.

b. Appointment Process: Any committee, board, commission, task force, etc., requiring Mayoral appointment of committee members, shall also require confirmation by the Council, which shall be by majority vote of those present at the time the vote takes place. By majority vote, Council can reject the appointment. If Council fails to confirm the recommended appointment, the Mayor could either make another recommendation, or the appointment may be postponed to a later date, giving City staff opportunity to further advertise for committee openings. This process also applies to the annual appointment of Councilmembers to Committees and Boards, which is usually done during the first few weeks of January.

c. Attendance at Committee/Board meetings: Attendance at these meetings is important so that a report can be given to the full Council concerning the meeting's activities, plans, agenda, etc. If the assigned Councilmember cannot attend the committee meeting, every effort should be made to give advance notice to the committee alternate to attend in their stead if possible.

d. Removal Process of Councilmember. Any Councilmember on any committee, board, commission, task force, etc., requiring Mayoral appointment, may be removed by the Mayor, with confirmation by the Council, which shall be by majority vote of those present at the time the vote takes place.

e. Removal Process of Citizen: Any citizen on any committee, board, commission, task force, etc., requiring Mayoral appointment, may be removed by the Mayor, with confirmation by the Council, which shall be by majority vote of those present at the time the vote takes place. Reasons for removal include conflict of interest, unexcused multiple absences, or for those committees which require the appointee to be a Spokane Valley citizen, failure to qualify as to residency.

f. A Councilmember or citizen may resign due to conflicts of time or scheduling commitments, or other personal reasons. A vacancy caused by resignation, shall be filled as soon as appropriate, but not sooner than two weeks, with notation of such on the advance agenda.

g. These committee, commission board appointments as well as removals, shall be placed as action items on Council meeting agendas, and when possible and practical, will be noted on the Advance Agenda at least two weeks prior to such action.

h. If an Outside Organization Committee offers a Councilmember a position on said committee, and the Councilmember accepts the appointment without the official approval of the Mayor which has been confirmed by Council, then the Councilmember shall resign from the Outside Organization Committee. If the Councilmember does not so resign, then (1) the Councilmember is prohibited from using City funds or resources for purposes related to their participation on the committee, or to otherwise further the interests of any committee; (2) the Councilmember's service on said committee shall be in that Councilmember's personal capacity only – not as a representative of the City or Council; and (3) the Councilmember shall notify said committee in writing that his service thereon is only as a private citizen and not as a representative of the City or Council. The Mayor may also send formal written notification to the Outside Organization Committee that said Councilmember does not have authority to represent the City or Council on said committee.

2. Council Relations with Outside Boards, Commissions and Council Citizen Advisory Bodies to Which They Are Appointed

a. The purpose of these appointments is to provide Council with insight into areas of interest or concern within each board. As liaisons and representatives of the City, it is the duty of Councilmembers to remember that their sole purpose in attending these meetings and participating as an appointed board/committee member

is to represent the City; and as such during those meetings, Councilmembers may not act as a representative of any other business, group or organization without the express consent of the Council.

b. Councilmembers are encouraged to share with all Councilmembers, copies of minutes from any statutory boards, commissions, or committees on which they serve and participate. Communications from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter from the Mayor. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee, Board and Liaison Reports." If any member of the Council requests that any such communication be officially answered by the Council, the Presiding Officer may place the matter on an upcoming agenda for a specific Council meeting, or take other appropriate action.

B. In-House Committees, Boards, etc.

1. The members of standing committees, boards, and/or commissions of the City (collectively referred to under this subsection B as "in-house committees") shall be appointed by the Mayor for a time certain (not to exceed the term provided by law or the term of office of the appointing Mayor) with Council confirmation by majority vote. Such appointments are generally made at the first or second meeting in January. The Mayor, with approval by majority vote of those Councilmembers present at the time the vote occurs, has authority to remove and replace members from in-house committees. Following are established in-house committees:

a. Planning Commission -- 7 members.

"SVMC 18.10.010 Establishment and purpose.

There is created the City of Spokane Valley Planning Commission (hereafter referred to as the "Planning Commission"). The purpose of the Planning Commission is to study and make recommendations to the Mayor and City Council for future planned growth through continued review of the City's Comprehensive Land Use Plan, development regulations, shoreline management, environmental protection, public facilities, capital improvements and other matters as directed by the City Council.

18.10.020 Membership.

A. Qualifications. The membership of the Planning Commission shall consist of individuals who have an interest in planning, land use, transportation, capital infrastructure and building and landscape design as evidenced by training, experience or interest in the City.

B. Appointment. Members of the Planning Commission shall be nominated by the Mayor and confirmed by a majority vote of at least four members of the City Council. Planning commissioners shall be selected without respect to political affiliations and shall serve without compensation. The Mayor, when considering appointments, shall attempt to select residents who represent various interests and locations within the City.

C. Number of Members/Terms. The Planning Commission shall consist of seven members. All members shall reside within the City limits. Terms shall be for a three-year period, and shall expire on the 31st day of December.

D. Removal. Members of the planning commission may be removed by the Mayor, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from three consecutive regular meetings. Failure to qualify as to residency shall constitute a forfeiture of office. The decision of the City Council regarding membership on the planning commission shall be final and without appeal.

E. Vacancies. Vacancies that occur other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments.

F. Conflicts of Interest. Members of the planning commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers; Chapter 42.36 RCW, Appearance of Fairness; and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City. No elected official or City employee may be a member of the planning commission."

b. Lodging Tax Advisory Committee -- 5 members.

“SVMC 3.20.040 Lodging tax advisory committee.

The City Council shall establish a lodging tax advisory committee consisting of five members. Two members of the committee shall be representatives of businesses required to collect the tax, and at least two members shall be persons involved in activities authorized to be funded by this chapter. The City shall solicit recommendations from organizations representing businesses that collect the tax and organizations that are authorized to receive funds under this chapter. The committee shall be comprised equally of members who represent businesses required to collect the tax and members who are involved in funded activities. One member of the committee shall be from the City Council. Annually, the membership of the committee shall be reviewed. The Mayor shall nominate persons and the Councilmember for the lodging tax advisory committee with Council confirmation of the nominees. Nominations shall state the term of committee membership. Appointments shall be for one- and two-year terms.”

c. Finance Committee-- 3 members.

The Finance Committee generally consists of three Councilmembers. Meetings are conducted on an as-needed basis as determined by the City Manager. Matters that should be addressed by the Finance Committee, include, but are not limited to:

i. authorizing on short notice, approval of change orders that are in excess of the amounts authorized in SVMC 3.35.010(C), in circumstances where such a change order is necessary to avoid a substantial risk of harm to the City. In such an event, the City Manager shall provide appropriate information to the city council at its next regular meeting setting forth the factual basis for the action.

ii. during the last six months of a Councilmember’s current term of office, incurring City business-related travel expenditures requires the prior authorization of the Finance Committee, except when such travel fulfills the obligations of the Councilmember’s service on statewide or regional boards, commissions or task forces.

iii. a Councilmember shall adhere to cancellation deadlines when canceling conferences, seminars, regional meetings, hotel, and airfare, or any other pre-payment or obligation made on his/her behalf. Except in the case of a personal or family emergency, or in the event the cancellation was a City business decision, expenses incurred by the City resulting from failure to conform to cancellation deadlines are the personal responsibility of the Councilmember and those expenses shall be repaid to the City within fourteen calendar days of the cancellation. This is generally tracked by the City Manager’s Executive Assistant.

d. Governance Manual Committee – 5 - 6 members

This committee usually consists of two or three Councilmembers, the City Manager, the City Attorney, and the City Clerk. The purpose of this Committee is to periodically review the Governance Manual for edits needed for clarity or correction, or to add or edit specific sections by Council consensus, or by request of staff as the need arises. After discussion as a committee, the matter may be scheduled as an administrative report on a future Council agenda. The finalized Governance Manual shall be approved via Resolution. All edits, revisions, and additions to the Governance Manual shall be approved via a Resolution. All reports to Council regarding adoption of any proposed edits, revisions, and/or additions to the Governance Manual shall be presented by a Councilmember sitting on this Committee, who shall be chosen by (a) the Councilmembers on the Committee, or (b) the Mayor if the Committee Councilmembers are unable to agree on the same. This committee should strive to meet quarterly throughout the year, e.g. in February, May, August, and November.

e. Agenda Committee – Mayor, Deputy Mayor, City Manager, City Clerk

At the Mayor’s option, and either by a schedule determined by the Mayor or by personal individual invitation, the Mayor may invite a third Councilmember to attend this weekly meeting. The attendance by a third Councilmember is at the third Councilmember’s discretion. Other staff may be invited at the discretion of the City Manager. As noted in Chapter 1(B)(4), this committee generally meets at a fixed weekly time to review the Council agenda of the upcoming meeting as an opportunity to ask questions and/or request additional materials or research needed for the impending meeting, and to review the

Advance Agenda, which is a planning document to aid in scheduling items on future Council agendas. Since this is a standing committee of the Mayor, Deputy Mayor, City Manager, and City Clerk, no committee appointments are necessary.

2. When required by law, committee meetings should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the whole Council. All Council committee meetings shall be for the purpose of considering legislative policy matters, rather than administrative matters unless requested by the City Manager. Legislative policy considerations should be brought to the Council unless referred to a committee for pre-study.
3. The Mayor may appoint such other ad hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of “sunsetting” the committee at the conclusion of the assigned task. As with all committee vacancies, ads announcing a vacancy or soliciting membership or participation in a task force or other committee shall be placed on the City’s website, and in the City’s official newspaper.

C. Private Committees, Commissions, and Boards

The Council recognizes there are various other private committees, boards and commissions (collectively referred to under this subsection C as “committees”), such as Spokane Neighborhood Action Partners (SNAP), which appointments are made by their own board. These boards and committees do not require an appointment by our Mayor or confirmation by our Council, but are nonetheless important aspects of our community and we recognize the time commitment any Councilmember may extend as a member of any of those committees and/or boards. As well, Council appreciates hearing a periodic report or update on activities and issues surrounding those boards and committees.

However, a Councilmember sitting on such a committee, board, or commission may only participate in their capacity as a private citizen. Councilmembers are prohibited from (a) acting on such committees in any capacity as a representative of the City; (b) characterizing, either by omission or affirmative action, their committee participation as being on behalf of or as a representative of the City; and/or (c) using City funds or resources for purposes related to their participation on the committee, or to otherwise further the interests of any committee.

APPENDIX A

Quasi-Judicial Hearings

1. Purpose

Quasi-judicial public hearings involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the “record” developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Most quasi-judicial hearings held by local government bodies involve land use matters, including site specific rezones, preliminary plats, variances, and conditional uses. (*MRSC Public Hearings When and How to Hold Them* by Bob Meinig, MRSC Legal Consultant August 1998)

2. Specific Statutory Provisions

a. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning, pursuant to RCW 42.36.040, except that sitting Councilmembers shall not express their opinions on any such matter which is or may come before the Council.

b. *Ex parte* communications should be avoided whenever possible. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding unless the Councilmember: (1) places on the record the substance of such verbal or written communications; and (2) provides that a public announcement of the content of the communication and of the parties’ rights to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

3. Actions/Procedures for a Quasi-Judicial Public Hearing

See Spokane Valley Municipal Code Appendix C for City Council Appeal Hearing Procedures.

APPENDIX B: RESOLUTION 07-019

CITY OF SPOKANE VALLEY SPOKANE COUNTY, WASHINGTON RESOLUTION NO. 07-019

AMENDED GENERAL POLICY RESOLUTION OF CORE BELIEFS

A RESOLUTION OF THE CITY OF SPOKANE VALLEY AMENDING RESOLUTION 03-027, ESTABLISHING A *GENERAL POLICY RESOLUTION* EMANATING FROM THE CORE BELIEFS OF THE CITY COUNCIL AND COMMUNITY AND SETTING FORTH DUTIES OF BOTH ELECTED AND APPOINTED OFFICIALS OF THE CITY TO HELP GUIDE LEGISLATIVE AND EXECUTIVE DECISIONS TOWARD EFFECTIVE, RESPONSIVE, AND OPEN GOVERNMENT

WHEREAS, the City Council of the City of Spokane Valley, as the elective legislative body, is charged with promulgating Ordinances and Resolutions which become the law of the city; and

WHEREAS, such Ordinances and Resolutions must provide enforceable provisions subordinate to, and in harmony with, all other applicable federal and state statutes and regulations; and

WHEREAS, the City Council desires to provide a clear set of general policy guidelines for the conduct of city government;

Section 1. Modifying Resolution 03-027 as set forth below by adding new section 7. The remainder of the resolution 03-027 is unchanged:

NOW, THEREFORE, the City Council of the City of Spokane Valley does hereby affirm and resolve that the following **core beliefs** shall serve as guidelines for the conduct of affairs by all branches of Spokane Valley City Government.

Section 1. We believe that Spokane Valley should be a visionary city encouraging its citizens and their government to look to the future beyond the present generation and to bring such ideas to public discussion and to enhance a sense of community identity.

Section 2. We believe that elected body decision-making is the only lawful and effective way to conduct the public's legislative business and that careful observance of a clear set of Governance Coordination rules of procedure can best enhance public participation and decision making.

Section 3. We believe in the City Council as policy leaders of the City. One or more City Councilmembers are encouraged to take the lead, where practical, in sponsoring Ordinances or Resolutions excepting quasi-judicial or other public hearings and the statutory duties of the City Manager as set forth in RCW 35A.13.020.

Section 4. We believe in hearing the public view. We affirm that members of the public should be encouraged to speak and be heard through reasonable rules of procedure when the public business is being considered, thus giving elected officials the broadest perspectives from which to make decisions.

Section 5. We believe that the City of Spokane Valley's governance should be known as "user friendly," and that governance practices and general operations should consider how citizens will be served in the most responsive, effective and courteous manner.

Section 6. We believe that the economic and commercial job base of the community should be preserved and encouraged to grow as an alternative to increasing property taxes. We believe it imperative to have an expanded and diverse economic base.

Section 7. We believe that Councilmembers set the tone for civic discussion and should set an example by:

- (a) Setting high standards of decorum and civility.
- (b) Encouraging open and productive conversation amongst themselves and with the community about legislative matters.
- (c) Demonstrating respect for divergent points of view expressed by citizens, fellow Councilmembers and the staff.
- (d) Honoring each other and the public by debating issues within City Hall and the Community without casting aspersions on members of Council, the staff, or the public.
- (e) Accepting the principle of majority rule and working to advance the success of "corporate" decisions.

Section 8. We solicit the City Manager's support in conducting the affairs of the city with due regard for:

- (a) Promoting mutual respect between the Citizens, City staff and the City Council by creating the organizational teamwork necessary for effective, responsive and open government.
- (b) Providing the City Council and public reasonable advance notice when issues are to be brought forward for discussion.
- (c) Establishing and maintaining a formal city-wide customer service program with emphasis on timely response, a user-friendly atmosphere, and an attitude of facilitation and accommodation within the bounds of responsibility, integrity, and financial capability of the city, including organizational and job description documents while pursuing "best practices" in customer service.
- (d) Seeking creative ways to contain or impede the rising cost of governmental services, including examination of private sector alternatives in lieu of governmentally provided services.
- (e) Providing a database of future projects and dreams for the new City of Spokane Valley so that good ideas from its citizens and leaders are not lost and the status of projects can be readily determined.

Approved by the City Council this 11th day of December, 2007.

ATTEST:

/s/ CHRISTINE BAINBRIDGE
Christine Bainbridge, City Clerk

/s/ DIANA WILHITE
Diana Wilhite, Mayor

Approved as to form:

/S/ MICHAEL F. CONNELLY
Office of the City Attorney

APPENDIX C: STATEMENT OF ETHICS

SPOKANE VALLEY CITY COUNCILMEMBERS' STATEMENT OF ETHICS

By adoption of the Resolution which adopts this Governance Manual, the Spokane Valley City Councilmembers hereby agree to be bound by the following rules of ethics:

1. DECLARATION OF PURPOSE:

- Provide guidelines and set high ethical standards for Councilmembers to perform their duties in an open, honest, and unbiased manner.
- Establish procedures for prevention and/or elimination of possible conflicts of interest.
- Improve and strengthen the public's perception and trust in their local government.

2. DEFINITIONS:

- (a) **Compensation:** Anything of economic value regardless of amount, however designated, which is paid, loaned, advanced, granted, transferred, or gifted, or to be paid, loaned, advanced, granted, transferred or gifted for or in consideration of personal services to any person or that person's immediate family as that term is defined in RCW 42.17A.005.
- (b) **Contract:** Includes any contract or agreement, sale, lease, purchase, or any combination of the foregoing. A contracting party is any person, partnership, association, cooperative, corporation, whether for profit or otherwise, or other business entity which is a party to a contract with a municipality.
- (c) **Confidential Information:** Includes any information provided during executive session to any Councilmember (whether written or oral), statements subject to the attorney-client privilege, and information considered exempt from disclosure under RCW 42.23 *et seq.* and/or the Washington Public Records Act (RCW 42.56 *et seq.*).

3. PROHIBITED CONDUCT:

- (a) **Acceptance of Gifts:** No Councilmember, based upon their position with the City of Spokane Valley, shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value regardless of the amount, as a gift, gratuity, or favor from any person or entity outside the City organization. Exceptions to this prohibition are if an item less than \$50.00 value is provided to a Councilmember while that person is participating in business related to their position as a Councilmember. Campaign donations made and reported in conformance with Washington law are exempt from this provision. [RCW 42.23.070]
- (b) **Interest in Contracts, Exceptions:** Councilmembers must comply with all applicable provisions of RCW 42.23.030, including but not limited to those provisions prohibiting Councilmembers from being beneficially interested, directly or indirectly, in any contract where the City of Spokane Valley is named as a party to the contract; and preventing Councilmembers from accepting, directly or indirectly, any compensation, gratuity or reward in connection with such contract. This prohibition shall not apply to the exceptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth.
- (c) **Special Privileges Prohibited:** Councilmembers are prohibited from using their position as a member of City Council to secure special privileges or exemptions for himself, herself, or others.
- (d) **Conflict of Interest/Incompatible Service:** No Councilmember shall engage in or accept private employment or render services for any person, or engage in any business or professional activity when (1) the Councilmember might reasonably expect doing so would require or induce them by reason of their official position to disclose confidential information acquired by reason of their

official position, or (2) doing so is otherwise incompatible with the faithful discharge of his/her official duties as a Councilmember.

- (e) **Confidential Information:** Councilmembers are prohibited from disclosing confidential information acquired by reason of such official position, nor shall such information be used for the Councilmember's personal gain or benefit.
- (f) **Inappropriate Councilmember Intervention:** Councilmembers shall not intervene or interfere with the administration or operation of the City's executive branch of government in violation of Chapter 3 of the Governance Manual, paragraphs A.2 - .4 and/or B.3.

PERSONAL OR PRIVATE INTERESTS, PUBLIC DISCLOSURE: Any Councilmember who has a financial or other private or personal interest in any ordinance, resolution, contract, proceeding, or other action pending before the City Council or any of its committees, shall promptly disclose such interest at the first public meeting when such matter is being considered by the City Council, and a summary of the nature of such interest shall be incorporated into the official minutes of the City Council proceedings. Any Councilmember who feels disqualified by reason of such interest in any matter before the City Council, shall make a public statement and disclose the reasons why that Councilmember feels disqualified, and state that they are recusing themselves from the issue, and with permission of the Presiding Officer, will leave the meeting place until such time as the issue at hand has been disposed of in the regular course of business.

Appendix D: Frequently Used Acronyms

AACE - American Association of Code Enforcement

ADA - Americans with Disabilities Act

ADT - Average Daily Traffic

ATF - Bureau of Alcohol, Tobacco & Firearms

AWC - Association of Washington Cities

BOCC - Board of County Commissioners

CAFR - Comprehensive Annual Financial Report

CDBG - Community Development Block Grant

CIP - Capital Improvement Plan

CM - City Manager

CM/AQ - Congestion Mitigation & Air Quality Program

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

CTED - Community, Trade, & Economic Development (now Department of Commerce)

CTR - Commute Trip Reduction (legislation)

CUP - Conditional Use Permit

DEIS - Draft Environmental Impact Statement

DEM - Department of Emergency Management

DNR - Department of Natural Resources

DNS - Declaration of Non-Significance

DOC – Department of Commerce

DOE - Department of Ecology; Department of Energy

DOT - Department of Transportation (also WSDOT)

E911 - Enhanced 911

EA - Environment Assessment

EDC - Economic Development Council

EEO/AA - Equal Employment Opportunity/Affirmative Action

EEOC - Equal Employment Opportunity Commission

EIS - Environmental Impact Statement

EOE - Equal Opportunity Employer

EPA - Environmental Protection Agency

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

ESU - Equivalent Service Unit (for measuring stormwater utility fees)

F & WS - Federal Fish & Wildlife Service

FAA - Federal Aviation Administration
FCC - Federal Communications Commission
FEIS - Final Environmental Impact Statement
FEMA - Federal Emergency Management Agency
FICA - Federal Insurance Contribution Act
FIRM - Flood Insurance Rate Maps
FLSA - Fair Labor Standards Act
FMLA - Family Medical Leave Act
FMSIB - Freight Mobility Strategic Investment Board
FY - Fiscal Year
GAAP - Generally Accepted Accounting Principles
GASB - Governmental Accounting Standards Board
GIS - Geographic Information System
GMA - Growth Management Act
GPM - Gallons Per Minute
HOV - High-Occupancy Vehicle
HR - Human Resources
HUD - Housing & Urban Development (Department of)
ICMA - International City/County Management Association
L & I - Labor & Industries (Department of)
LID - Local Improvement District
MGD - Million Gallons per Day
MOA - Memorandum of Agreement
MOU - Memorandum of Understanding
MPO - Metropolitan Planning Organization
MRSC - Municipal Research Services Center
NEPA - National Environment Policy Act
NIMBY - Not In My Backyard
NPDES - National Pollutant Discharge Elimination System
PE - Preliminary Engineering; Professional Engineer
PERC - Public Employment Relations Commission
PMS - Pavement Management System
PPE - Personal Protective Equipment
PPM - Parts Per Million; Policy & Procedure Manual
PUD - Public Utility District
PW - Public Works

QA - Quality Assurance

RCW - Revised Code of Washington

REET - Real Estate Excise Tax

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

ROW - Right of Way

SAO - State Auditor's Office

SBA - Small Business Administration

SEPA - State Environmental Policy Act

SMA - Shorelines Management Act

SWAC - Solid Waste Advisory Committee

TIB - Transportation Improvement Board

TIP - Transportation Improvement Program

TMDL - Total Maximum Daily Load

UBC - Uniform Building Code

UFC - Uniform Fire Code

UGA - Urban Growth Area

WAC - Washington Administrative Code

WACO - Washington Association of County Officials

WCIA - Washington Cities Insurance Authority

WCMA - Washington City/County Management Association

WHO - World Health Organization

WSDOT - Washington State Department of Transportation

WSP - Washington State Patrol

WUTC - Washington Utilities & Transportation Commission

WWTP - Wastewater Treatment Plant

APPENDIX E



CITY OF SPOKANE VALLEY
10210 E. Sprague Avenue
Spokane Valley, WA 99206
(509) 720-5000

APPLICATION FOR INTERIM COUNCIL POSITION

Thank you for your interest in serving the Spokane Valley community as an Interim Council Member. An Interim Council Member is the term used for someone to serve in a vacated council position until that vacated position can be filled as a result of the next general municipal election (held odd years) [RCW 42.12.070]

To be considered, **applicants must use this form**. Applications shall be completed, signed, and received at the City Clerk's office, 10210 E. Sprague Avenue, no later than _____ p.m. on _____ (late arriving applications will not be considered). Applications may be hand-delivered or mailed. Faxed or e-mailed applications will not be accepted because the original application with the original signature must be received by the City.

During the interview process, Current Councilmembers will ask applicants several questions on a variety of topical subjects, which could include but are not limited to: budget, pavement preservation, transportation, infrastructure, public safety, economic development, planning and development, open space, familiarity with Council meetings, Open Public Meetings Act, Public Records Act, and Council/Manager form of government.

Name (please print): _____

Complete Residence Address: _____

Complete Mailing Address: (if different from above address): _____

Length of time lived at current address: _____

U.S. Citizen? [] yes [] no

WA State Registered Voter? [] yes [] no

If you have lived at your current address less than one year, please list your previous addresses and state how long you lived at those residences:

Complete Previous Address

Length of Time at this Address

Which is your preferred way for us to contact you: [Note: If you have an unlisted phone number, or do not wish your e-mail address made public, do not include that information. Once this document is submitted to the City, it becomes subject to public disclosure.]

[] Home Phone _____ [] work phone _____

[] Cell Phone _____ [] other message phone _____

[] e-mail address: (please print plainly): _____

[] regular mail to residence or mailing address shown above

EMPLOYMENT: Start with most recent

1. [] present [] previous

Name of Employer: _____
Address: _____ Phone: _____
Position held: _____ Dates of Employment: _____

2. [] present [] previous

Name of Employer: _____
Address: _____ Phone: _____
Position held: _____ Dates of Employment: _____

3. [] present [] previous

Name of Employer: _____
Address: _____ Phone: _____
Position held: _____ Dates of Employment: _____

EDUCATION:

Name of High School _____ Address: _____
Diploma or GED: [] yes [] no

Trade School/College/University:

Name of School _____ Address: _____
Diploma: [] yes [] no Degree or Certification Earned: _____

Trade School/College/University:

Name of School _____ Address: _____
Diploma: [] yes [] no Degree or Certification Earned: _____

Other Certifications/Licenses:

VOLUNTEER EXPERIENCE: name of social, fraternal, organizations, etc.

1. [] current [] previous

2. [] current [] previous

3. [] current [] previous

4. [] current [] previous

5. [] current [] previous

**LOCAL, STATE OR NATIONAL PROFESSIONAL ORGANIZATIONS, INCLUDING
GOVERNMENT BOARDS, COMMITTEES, OR COMMISSIONS**

1. [] current [] previous

2. [] current [] previous

3. [] current [] previous

4. [] current [] previous

5. [] current [] previous

1. Are you a registered voter in the City of Spokane Valley? Yes [] No []

2. Have you continuously resided within the city limits of the City of Spokane Valley for a year or more? (State law requires a councilmember to be a resident of Spokane Valley for at least a year prior to appointment, and to be a registered voter at the time of application.) Yes [] No []

3. Have you ever been convicted of anything other than a minor traffic infraction? Yes [] No []

4. If you answered "YES" to #3 above, please explain: _____

5. Do you or your spouse or any immediate family member (spouse, children, siblings, parents) have a financial interest in, or are you an employee or officer of any business or agency which does business with the City of Spokane Valley? Yes [] No [] If yes, please explain: _____

6. Is any member of your immediate family currently employed, either full time or part time, by the City of Spokane Valley, or currently perform any volunteer work for the City of Spokane Valley?

Yes [] No []

If yes, please explain: _____

7. Would your appointment create a conflict of interest or an appearance of a conflict of interest?

Yes [] No []

If yes, please explain: _____

8. Why are you interested in serving in this position? _____

9. What do you feel is the primary responsibility of a Councilperson? _____

10. Have you ever attended a live meeting of the Spokane Valley City Council? Yes [] No []

If yes, give an estimate of how many meetings you have attended in the past twelve months:

11. Appointment to the City Council will require your attendance at regularly scheduled Council meetings, which generally occur on Tuesday evenings, as well as other special meetings that may be scheduled from time to time. This meeting commitment includes preparation time, such as reading the Council packet materials. Councilmembers also participate on various boards and committees (such as STA, Visit Spokane, Health Board, etc.) as assigned by the Mayor and confirmed by Council. Many of these groups meet during regular work hours. Can you commit the appropriate time and energy to participate as an interim member of the Spokane Valley City Council. Yes [] No []

12. References: Please list name, address and phone number:

1. _____
2. _____
3. _____

Once submitted, applications and related materials become a public record subject to public disclosure, and could be included in Council agenda packets. Selection of the applicant must be approved by a majority vote of the remaining Councilmembers. No City officer shall hold any other office or employment within the Spokane Valley City government.

By signing this application, I certify under penalty of perjury, that such appointment would not represent a conflict of interest or an appearance of a conflict of interest; that I recognize this application is subject to public disclosure; and that the information entered hereon by me is true and correct to the best of my knowledge and belief.

Signature

Date Signed

APPENDIX F



CITY COUNCIL

10210 E Sprague Avenue ♦ Spokane Valley WA 99206
Phone: (509) 720-5000 ♦ Fax: (509) 720-5075 ♦ www.spokanevalley.org

Request to Transfer Travel/ Registration Budgets

Transfer from	
Councilmember's name	
Account number	Amount
Signature	Date

Transfer to	
Councilmember's name	
Account number	Amount
Signature	Date

Appendix G: Definitions

Action: All transactions of a governing body's business, including receipt of public testimony, deliberations, discussions, considerations, reviews, and evaluations, as well as "final" action. [RCW 42.30.010, 42.30.020(3)].

Codified: The process of forming a legal code (i.e., a municipal code or book of laws) by collecting and including the laws of a jurisdiction or municipality.

Consensus: A collective judgment or belief; solidarity of opinion: "*The consensus of the group was that they should meet twice a month.* General agreement or harmony. [Random House Webster's College Dictionary, April 2001] [Wikipedia: explains it as a group decision making process, or Does anyone object?] It is not unanimity, but more a process for deciding what is best overall. Members of the group reach a decision to which they **consent** because they know it is the best one overall. It differs from voting which is a procedure for tallying preferences. It does not require each member of the group to justify their feelings. [Taken from: *Consensus Is Not Unanimity: Making Decisions Cooperatively*, by Randy Schutt.] Similar to a type of verbal "show of hands" on who feels particularly strong on this?" Sometimes thought of as preliminary approval without taking final "action." A show of hands is not an action that has any legal effect. ["Voting and Taking Action in Closed Sessions" by Frayda Bulestein.]

Ex-parte: from a one-sided or partisan point of view; on the application of one party alone. An ex-parte judicial proceeding is conducted for the benefit of only one party. Ex-parte may also describe contact with a person represented by an attorney, outside the presence of the attorney.

Immediate Family: includes a spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half-sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person (RCW 42.17A.005(24)).

Motion: An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. Once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing state or federal statutes, City ordinances or resolutions.

Ordinance: An enacted ordinance is a law passed [enacted] by a municipal organization legislatively prescribing specific rules of organization or conduct relating to the corporate affairs of the municipality and those citizens and businesses therein. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. Special ordinances such as adopting the budget, vacating a street, amending the Comprehensive Plan and/or Map, and placing a matter on an election ballot, including general obligation bonds, are not codified into the City's municipal code.

Resolution: An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

Regular Meeting: Any Council meeting that meets on a Tuesday at 6:00 p.m. shall be deemed a "regular meeting."

Social Media: A term used to define the various activities that integrate technology, social interaction and content creation. Through social media, individuals or collaborations of individuals create on-line web content, organize content, edit or comment on content, combine content, and share content. Includes many technologies and forms including syndicated web feeds, weblogs (blogs), wiki, photo-sharing, video-sharing, podcasts, and social networking. (From MRSC, and Social Media and Web 2.0 in Government, WebContent.gov)

City Councilmember Social Media Policy**Official Councilmember-Specific Social Media Accounts.**

Councilmembers may choose to create and maintain a Councilmember-specific social media account, such as on Facebook, X (formerly Twitter) and/or Instagram, to communicate with constituents as part of their Councilmember role. When doing so, Councilmembers agree to the following guidelines:

Requirements:

1. Before setting up a social media account on any given platform, you must receive written verification from the City's IT manager that the social media platform is sufficiently compatible with the City's social media archiving platform to assure that all content, including posts and comments, is archived for public records retention. Such verification may be by email from the IT manager to you. If the IT manager does not provide the above verification, then you are not able to establish a Councilmember specific account on that particular social media platform.
2. Create the account using your @SpokaneValleyWA.gov email alias. On Facebook, per Facebook policy, create a 'page' from your personal 'profile'.
3. When creating Councilmember accounts, include:
 - Title including your official role of "Councilmember" in the name (Ex. Councilmember first last name)
 - Category of "Government Official"
 - Identifiable, official Councilmember photo (can be provided by city staff)
 - Disclaimer, "All content is mine and does not represent the views of the Spokane Valley City Council or City of Spokane Valley."
4. Familiarize yourself with and adhere to the City of Spokane Valley Social Media Policy, outlined in Administrative Policy and Procedure No. 300.020 Communications Policy.
5. Contact the City's IT manager regarding your new account(s) and provide the account handles. The IT manager or designee will associate your account with the City's social media archiving platform, currently Page Freezer, to assure that all content, including posts and comments, is archived for public records retention. Content may be public record if it relates to the conduct of government or the performance of your office.
6. Be aware that the Open Public Meetings Act (OPMA) applies to social media/electronic platform interactions between elected officials just as it does to in-person or phone interactions. Please do not have a discussion of agency business publicly or privately on social media, because if it constitutes a quorum, you may be in violation of the OPMA. An OPMA prohibited meeting may be deemed to have occurred electronically when a quorum is ultimately involved and a discussion of city business occurs.
7. Once a Councilmember term ends, close the page. All records will be archived through the City's archiving platform.
8. Be aware that all posts, comments and content are public records when they are set forth on an official city account, and may constitute speech protected by the constitutions of Washington and the United States of America. Do not delete posts, comments or content unless they violate the city's Social Media Policy as outlined in Administrative Policy and Procedure No. 300.020 Communications Policy.

9. The Council desires to ensure Council remains in compliance with the OPMA. The Council therefore agrees that this policy prevents any individual Councilmember from (a) following another Councilmember's social media accounts, and (b) engaging (such as liking, sharing, and commenting) on any fellow Councilmember's social media pages.

Recommendations:

10. For best practices, post regularly (suggested minimal post of once per week). Accounts that are not actively used should be closed or hidden.
11. Keep your followers informed of city events, projects and opportunities to get involved and inform city decision-making by sharing City of Spokane Valley social media messages.

Personal or Campaign Social Media Accounts of Individual Councilmembers.

Councilmembers who maintain a personal or campaign social media account shall:

1. Use a personal or campaign email alias. Do not use an @SpokaneValleyWA.gov alias to set up and manage any personal or campaign account. State law prohibits the use of official city accounts for campaign purposes so all campaign-related social media communications must be made on personal or campaign accounts. Campaign purposes include supporting or opposing any candidate for public office and supporting or opposing any ballot proposition.
2. Post a disclaimer on your personal account that identifies the account purpose and that the opinions expressed are your own.
3. Not write posts on personal or campaign accounts that relate to the conduct of city government or the performance of your office. Merely posting Council agendas or information regarding city events or providing general information regarding the City's activities is not conducting city business and will not convert your personal post or the posts of others into public records. Personal communications that are not related to the conduct of government or the performance of your office are not public records. However, if you use your personal account to transact city business, any posts or comments generated in doing so may be public records.
4. Not link private or campaign accounts to a city account, with the exception of Facebook requirements for setting up a Facebook page.
5. Refrain from discussing personal accounts in public meetings or documents.
6. Not use city devices to maintain or access private accounts.

Resources.

- City of Spokane Valley Social Media Policy
- Association of Washington Cities social media guidelines for elected officials
- MRSC social media policies

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