

Title 2

Administration and Personnel

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Langley Municipal Code

Chapter 2.04

City Council

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2.04.010 Regular meetings.

Section 2.04.010 Regular meetings.

The Langley city council and mayor shall meet regularly on the first and third Wednesday of each and every month at six-

thirty p.m., at Langley City Hall or, if not, the meeting will take place at a location which shall be announced in advance.

(Ord. 653, 1993:Ord. 641, 1993; Ord. 605, 1991: Ord. 592, 1991: Ord. 492, 1986) (Ord. 710, 1996)

Chapter 2.06

RULES OF PROCEDURE

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2.06.010 Regular council meetings.

The city council and mayor shall meet regularly on the first and third Wednesday of each and every month at six-thirty p.m. at the Langley City Hall or, if not, the meeting will take place at a location which shall be announced in advance. (Ord. 559, 1990, Ord 710, 1996)

2.06.030 Special meetings.

Procedures for a special meeting are as follows:

A. A special meeting may be called by the mayor or any three members of the council.

B. Notice of the special meetings shall be prepared in writing by the city clerk. The notice shall contain the following information about the meeting: time, place and business to be transacted. Publication will be made as required by the Revised Code of Washington and this code.

C. The notice shall be delivered by mail or personally to the residence of each council member, mayor and the business office of the local newspaper and posted at the Langley Post Office, Langley Library and Langley City Hall. The notice shall be delivered at least twenty-four hours prior to the meeting.

D. The notices in this section may be dispensed with in the circumstances provided by RCW 42.30.080:

1. As to any member who at or prior to the meeting convening, files with the city clerk/treasurer a written waiver of notice; 2. As to any member who was actually present at the meeting at the time it convenes; and

3. In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. (Ord. 559, 1990)

2.06.040 Meetings-Open to public-Public participation.

A. All meetings of the city council and of committees thereof shall be open to the public and held and conducted in accord with the Open Public Meetings Act of 1971, as provided for in RCW 42.30.

B. Citizens are welcome at all council meetings and are encouraged to attend, participate and contribute to the deliberations of the council. Recognition of a speaker by the presiding officer is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, council member or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. (Ord. 559, 1990)

2.06.050 Meetings-Quorum.

At all meetings of the council, three council members, who are present and eligible to vote, shall constitute a quorum for the transaction of business. Council meetings adjourned under the previous provision shall be considered a regular meeting for all purposes. (Ord. 559,1990)

2.06.060 Meetings-Attendance.

RCW 35A.12.060 provides that a council member shall forfeit his/her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Members of the council may be so excused by complying with this section. The member shall contact the presiding officer prior to the meeting and state the reason for his/her inability to attend the meeting. If a council member is unable to contact the presiding officer, the member shall contact the clerk/treasurer, who shall convey the message to the presiding officer. Following roll call, the presiding officer shall inform the council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the clerk/treasurer will make an appropriate notation in the minutes. If the motion is not passed, the clerk/treasurer will note in the minutes that the absence is unexcused. (Ord. 559, 1990)

2.06.070 Meetings-Agenda Preparation-Distribution.

A. The clerk/treasurer or designate shall accomplish the secretarial functions of the council by:

1. Preparing all agendas and providing all material as listed in the agenda: All items to be included on the agenda for council consideration which require research or typing must be submitted to the city clerk/treasurer on an agenda item form five working days prior to a scheduled meeting. More routine matters must be submitted to the clerk/treasurer no later than four working days prior to a scheduled meeting or no later than two p.m. on the Thursday preceding each council meeting. The city clerk/treasurer shall then prepare a proposed agenda with attachments according to the order of business. The mayor or presiding officer will normally review the proposed agenda with the city clerk/treasurer prior to the preparation of the final agenda. After the

proposed agenda has been approved by the mayor or presiding officer, the city clerk/treasurer shall prepare the final agenda, which shall be distributed to the mayor, council members, city attorney and administrative department heads no later than four-thirty p.m. on the Friday preceding the council meeting. A copy of the agenda shall be posted at the same time on the bulletin board at Langley City Hall, Langley Library and Langley Post Office. Minutes of the previous council meeting shall be available with the agenda packet. A copy of the approved agenda will be submitted for publication to the local newspaper no later than noon on the Friday before the meeting.

2. Providing an adequate level of research, information gathering and secretarial assistance to the individual council members in their pursuit of city business.

3. Recording and minute taking of all council meetings.

4. Preparation and distribution of all minutes.

5. Reports. Reports on special interest items from the mayor, city council, staff, city attorney, department heads and intergovernmental representatives.

a. Items to come before the city council shall first be placed on the agenda of the appropriate legislative review committee before they are placed on the agenda of a regular council meeting.

b. All items to be presented that are not routine in nature shall be submitted on a completed council agenda item (CAI) form. The format of the form shall be determined by the city clerk/treasurer. The clerk/treasurer or designated person shall be responsible for attaching a CAI number, keeping the original CAI and an index for future reference and forwarding to the appropriate legislative review committee.

B. The agenda shall contain items referred from committees, department heads, items referred by a council member, and items set by the presiding officer. The presiding officer will normally review the proposed agenda with the city clerk/treasurer.

C. The council packet, excluding all confidential material, will be available to review at City Hall after council members have received it. Citizens may request a copy of the packet at the current per page charge listed in the City's Municipal Code Fee Schedule. A copy of the council packet will also be available at the Langley Library. (Ord. 559, 1990)(Ord. 869, 2006)

2.06.080 Meetings-Order of business.

A. The business of all regular meetings of the council will be determined by the city council and shall be transacted in the following order, unless the council, by a majority vote of the members present, suspends the rules and changes the order.

B. The format of the city council agenda shall be as follows:

1. Call to order;
2. Flag salute;
3. Roll call;
4. Consent Agenda.

a. The consent agenda contains all consent agenda items approved by the presiding officer or forwarded by unanimous committee action or proposed by council members and routine items such as, but not limited to:

- i. Approval of minutes,
- ii. Payment of the bills.

b. The following rules shall apply to the consent agenda:

i. Any member of the city council may, by request, have an item removed from the consent agenda. That item will be forwarded under new business for further discussion,

ii. The remaining items shall be approved by one motion,

c. The consent agenda may contain items which are of a routine and non-controversial nature which may include, but are not limited to, the following: communications, memos and reports for information of council, resolutions, agreements, petitions, minutes of commissions and boards, applications, approval of bills, which may be accepted by consent of the council by a single vote

without reading, unless a member of the council or any person attending a council meeting should request such reading. If such a request is made, it shall be granted.

d. Minutes of the preceding meeting, and bills tendered for payments shall not be read in detail at each meeting prior to approval unless a member of the council or any person attending a council meeting should request such a reading. In such instances the request shall be granted. Any item on the consent agenda may be removed and considered separately as an agenda item at the request of any council member or any person attending a council meeting.

e. The city clerk/treasurer, in consultation with the mayor, shall place matters on the consent agenda which have been:

- i. Previously discussed by the council, or
- ii. Based on the information delivered to members of the council by administration that can be reviewed by a council member without further explanation, or
- iii. Are so routine or technical in nature that passage is likely, or
- iv. As directed by the members of the city council.

All materials to be included in the consent agenda must be filed with the clerk/treasurer, a minimum of four working days before or no later than two p.m. on the Thursday before the meeting.

f. The proper council motion on the consent agenda is as follows: "I move adoption of the consent agenda." The motion shall be non-debatable and will have the effect of moving all items on the consent agenda. Since adoption of any item on the consent agenda implies unanimous consent, any member of the council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the presiding officer shall inquire if any council member 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 further consideration or on the agenda of a future meeting.

5. Approval of the Agenda. Approval of the agenda is a non-debatable item. Amendments are allowed.

6. Audience - Comments from the Public on Nonpublic Hearing Topics.

a. Audience. To give the audience an opportunity to address the council on items not listed on the agenda;

b. Subjects Not on the Current Agenda. Any member of the public may request time to address the council after first stating their name, address and the subject of their comments. The presiding officer may then allow the comments subject to such time limitations as the presiding officer deems necessary. Following such comments, the presiding officer, with the consent of council, may place the matter on the current agenda or a future agenda, or refer the matter to administration or a council committee for investigation and report;

c. Subjects on the Current Agenda. Any member of the public who wishes to address the council on an item on the current agenda shall make such request to the presiding officer at the time when comments from the public are requested. The presiding officer shall rule on the appropriateness of public comments as the agenda item is reached. The presiding officer may change the order of the speakers so that testimony is heard in the most logical groupings, i.e., proponents, opponents, adjacent owners, vested interests, etc.;

d. Any ruling of the presiding officer relative to the preceding two subsections may be overruled by a vote of the majority of council members present;

7. Ordinances and Resolutions.

a. All proposed ordinances and resolutions shall be reviewed by the city attorney to see that they are in correct form prior to the final passage. All accompanying documents shall be available at a previous council meeting before the ordinances and resolutions can be passed,

b. Resolutions of the city council shall be signed by the clerk/treasurer and the

mayor and approved as to form by the city attorney,

c. A joint resolution of the city council and the mayor may be proposed when:

i. The subject matter of the resolution is of broad city concern, and the subject contains council policy and administrative procedure, or

ii. The nature of the resolution is of a ceremonial or honorary nature,

d. Joint resolutions will be subject to the voting rules of Section 2.06.090(K), and will be signed by the mayor and the clerk/treasurer. The council may provide for all council members signing the joint resolution enacted under subdivision (7)(c) of this subsection and approved as to form by the city attorney,

e. Refer to Section 2.06.220;

8. Public Hearings/Meetings. See Section 2.06.230;

9. Unfinished Business. This section of the agenda shall include committee progress reports and items of a general nature, including resolutions and ordinances previously discussed at a council meeting. The following procedures shall apply during this section of the agenda:

a. The sponsor or a designated spokesman of each item will give a presentation,

b. The council may then question the sponsor or designated spokesman of the presented item,

c. A motion at this time will be in order:

i. If a resolution or ordinance, the city clerk/treasurer shall read the item by title only, unless the council, by motion duly passed, wishes to have the resolution read in its entirety,

ii. The council, by motion, will act on the resolution or ordinance,

iii. All other items will be acted upon by council motion.

10. New Business. This section of the agenda shall include all items of a general nature, including resolutions and ordinances previously discussed at a committee meeting and put forward to the regular meeting for

first reading and items that have been removed from the consent agenda. The procedures that apply during this section shall be the same as under unfinished business;

11. Mayor's report;

12. Clerk/treasurer' report;

13. Council reports (committee reports);

14. Executive Session (if necessary).

See Section 2.06.100;

15. Adjournment. No meeting shall be permitted to continue beyond ten-thirty p.m. without approval of three-fourths of the council members who are present and eligible to vote. A new time limit must be established before taking a council vote to extend the meeting. In the event that a meeting has not been closed or continued by council vote prior to ten-thirty p.m., the items not acted on shall be deferred to the next regular council meeting as unfinished business, unless the council by a majority vote of members present, determines otherwise. If a meeting runs over one and one-half hours, the council may call a ten-minute recess. Refer to RCW 42.30.090. (Ord. 559 Exh. A, 1990)

2.06.090 Meetings-Conduct.

A. Items may be placed directly on the agenda at a regular meeting when the items are approved by the presiding officer or requested by a council member, and:

1. The items and routine in nature such as approval of vouchers, proclamations, acknowledgement or receipt of petitions or documents, or discussion of claims for damages; or

2. An emergency condition exists that represents a personnel hazard or risk or immediate financial loss. In such instances, the summary CAI required by miscellaneous agenda procedures should clearly define why the special procedure is necessary; or

3. In the event the sponsor of any item to come before the city council feels it both appropriate and beneficial to the city, he/she may bring such item directly to the regular meeting with concurrence of two council members for deliberation on the

appropriateness of that item being placed on the agenda.

B. The presiding officer shall affix an approximate time limit for each agenda item at the time of approval of the agenda.

C. Speaking Procedures. Council member speaking procedures for agenda items under consideration shall be as follows:

1. A council member desiring to speak shall address the chair and upon recognition by the presiding officer shall confine himself/herself to the question under discussion;

2. Any member, while speaking, shall not be interrupted unless it is to call him/ her to order;

3. No council member shall speak a second time upon the same motion before opportunity has been given each council member to speak on that motion.

D. Audience members addressing the council for items under council discussion shall proceed, in order, as follows:

1. A person designated by the presiding officer to introduce the subject under discussion;

2. Those whose request to be heard is contained in the written agenda;

3. Those who have submitted their request to be heard to the city clerk/treasurer before the meeting;

4. Those who ask recognition from the floor.

E. When addressing the council, each person shall raise their hand and after recognition, give their name and unless further time is given by the presiding officer, shall limit his/her address to five minutes. All remarks shall be made to the council as a body and not to any individual member.

F. No person shall be permitted to enter into any item discussion from the floor without first being recognized by the presiding officer.

G. Any person whose conduct is abusive or disruptive to the council meeting may be prohibited from further speaking and participation by the presiding officer, and may be removed from the council chambers

unless permission to continue is granted by a majority vote of the council. See also subsection N of this section.

H. Spokesperson for Group of Persons. In order to expedite matters and to avoid repetitious presentations, delay or interruption of the orderly business of the council, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the council and, in case additional matters are to be presented by any other member of the group, to limit the number of such persons addressing the council. Any person whose conduct is abusive or disruptive to the council meeting may be prohibited from further speaking and participation by the presiding officer, and may be removed from the meeting.

I. After Motion. After a motion has been made or public hearing has been closed, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so from the presiding officer or upon majority vote of the council members present.

J. Questions of Parliamentary Procedure. Questions of parliamentary procedure not covered by this chapter shall be governed by Robert's Rules of Order, newly revised (latest edition). See also subsection O of this section.

K. Voting.

1. Silence of a council member during a voice vote shall be recorded as an affirmative vote except where such a council member abstains. Each member present must vote on all questions before the council and may abstain only after expressing his/her reasons for abstention into the record;

2. A roll call vote may be requested by the presiding officer or any member of the council;

3. A motion to reconsider any action by the city council may be made only on the day such action was taken, or at the next regular meeting of the city council. Such

motion may be made only by one of the council members who voted with the prevailing side. Nothing in this subsection shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.

L. Forms of Address. The mayor shall be addressed as "Mayor (surname)" or as "Your Honor." Members of the council shall be addressed as "Council member (surname)."

M. Seating Arrangements. Council members shall occupy the respective seats in the council chambers assigned to them by the mayor.

N. Decorum.

1. Mayor and Council members.

While the council is in session, all members must preserve order, decency and decorum at all times and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refusing to obey the order of the presiding officer. Members of the city council shall not leave their seats during a meeting without first obtaining permission of the presiding officer except in case of emergency. No member of the city council or mayor shall use any impertinent, degrading or slanderous language as to any other member of the council, mayor or member of the public. The members of the city council may punish their fellow member for disorderly conduct and upon written charges entered upon the journal thereof, may after trial, expel a member by a majority vote of all members present. Discussion by members of the council shall relate to the subject at hand and shall be relevant and pertinent thereto so as to provide for the expeditious disposition and resolution of the business before the body. For the purposes of this rule, the definition of members of the city council shall include the mayor. Refer to RCW 35.23.270, 42.30.030 and 42.30.050.

2. Employees. Members of the city staff and employees shall observe the same

rules of order and decorum as are applicable to the city council, with the exception that members of the city staff may leave their seats during the meeting without first obtaining the permission of the presiding officer.

3. Members of the Public Addressing the City Council. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council, or who shall by conversation or otherwise delay, impede or interrupt the proceedings or the peace of the council, or disturb any member while speaking, or refuse to obey the orders of the council or its presiding officer, shall be forthwith, by the presiding officer, barred from further audience at that council meeting unless permission to continue is granted such person by a vote of the majority of the council.

4. Any person in the audience who engages in disorderly conduct including whistling, stamping of feet, use of profane language, yelling and similar acts or demonstrations, which conduct disturbs the orderly business and peace of the assembly, or who refuses to comply with the lawful orders of the presiding officer, shall be guilty of a misdemeanor. Upon instruction from the presiding officer, it shall be the duty of the chief of police or such member or members of the police department as may be present at such meeting to remove such person from the council chambers and to place him/her under arrest. The chief of police or members of the police department shall act as sergeant-at-arms of the city council and shall carry out all orders given by the presiding officer for the purpose of maintaining order, peace and decorum at the council meeting. Any council member may move to require the presiding officer to enforce the rules and the, affirmative vote of a majority of the council shall require him/her to do so.

O. Rules of Order. Rules of order not specified by statute, ordinance, or resolution shall be governed by Robert's Rules of Order, latest edition.

P. All items of business placed before the council that require the expenditure of council and/or administration resources, shall be in the form of an affirmative motion.

Q. Permission Required to Address the Council. Persons other than council members and administration shall be permitted to address the council upon introduction by the presiding officer or the chair of the appropriate council committee.

R. Smoking Prohibited. Smoking by any person in the city council chambers during any legislative session of the city council is prohibited as per RCW 70.160.030 and 70.160.070.

S. Photographs, Motion Pictures and Videotapes Prohibited. Permission is required for artificial illumination. No photographs, motion pictures or videotapes that require the use of flashbulbs, electronic flashes, floodlights or similar artificial illumination shall be made at the city council meetings without the consent of the presiding officer or a majority of the council present. (Ord. 559, 1990)

2.06.100 Executive sessions.

Executive sessions of the council shall be held only after the mayor or presiding officer has stated the subject and reason that makes an executive session necessary, the specific paragraph in RCW 42.30.140 or other lawful exception that permits an executive session, public comments have been considered and the majority of the council members present have voted in favor of an executive session. The presiding officer will inform the audience as to the length of the executive session and the time that the council will reconvene. Refer to RCW 42.30.1 10. (Ord. 559, 1990)

2.06.110 Officers-Mayor.

A. The mayor, as the chief executive officer and head of the administrative branch of city government, or his/her designee, shall attend all meetings of the city council, unless excused by the council. The mayor shall be responsible to the council for the proper

administration of all affairs of the city.

B. The mayor shall recommend for adoption by the council such measures as he/she may deem necessary or expedient; prepare and submit to the council fully advised as to the business of the city; and shall chair all meetings of the city council.

C. The mayor may take part in the council's discussion on matters concerning the welfare of the city.

D. The mayor shall cause to be written job descriptions and performance evaluations for all city employees. Performance evaluations will be done on an annual basis.

E. In the event both the mayor and the city clerk/treasurer are unable to attend a council meeting, the mayor or city clerk/treasurer shall appoint a key staff member to attend the meeting as the representative of city administration.

F. The mayor's responsibilities are further laid out in RCW 35A.12.100. (Ord. 559, 1990)

2.06.120 Officers-Presiding officer.

A. All regular and special meetings of the city council shall be presided over by the mayor, or in his/her absence, by the mayor pro tempore. If neither the mayor nor the mayor pro tempore are present at a meeting, the presiding officer for that meeting shall be elected by a majority of the vote of those council members present, provided there is a quorum.

B. All council meetings shall be presided over by the mayor, or in his/her absence, by the mayor pro tempore.

C. In the absence of the clerk/treasurer, a deputy clerk/treasurer or other qualified person appointed by the clerk/ treasurer, mayor or council may perform the duties of the clerk/treasurer at such meeting.

D. The appointment of a council member as mayor pro tempore or clerk/ treasurer pro tempore shall not in any way abridge his/her right to vote on matters coming before the council at such meeting.

E. The function of the presiding officer is to facilitate the orderly flow of council

business in accordance with the council procedures set forth in this chapter. The presiding officer shall preserve strict order and decorum at all meetings of the council. The presiding officer shall state all questions coming before the council, provide opportunity for discussion from the floor following topic discussion completion by council, and announce the decision of the council on all subjects. Procedural decisions made by the presiding officer on items not set forth in this chapter may be overruled by a majority of the council present.

F. Duties of the Presiding Officer. It shall be the duty of the presiding officer of the council meeting to:

1. Call the meeting to order;
2. Keep the meeting to its order of business;
3. State each motion and require a second to that motion before permitting discussion;
4. Handle each discussion in an orderly way:
 - a. Give each council member who wishes an opportunity to speak,
 - b. Permit audience participation at appropriate times,
 - c. Keep all speakers to the rules and to the questions,
 - d. Give pro and con speakers alternating opportunities to speak;
5. Put motions to a vote and announce the outcome;
6. Suggest but not make motions for adjournment;
7. Appoint committees when authorized to do so. (Ord. 559, 1990)

2.06.130 Officers-Clerk/treasurer.

As per Chapter 2.16 of this code, the city clerk/treasurer shall:

- A. Have the powers and duties provided by statute and ordinance, now existing or hereafter adopted, and shall be subject to the general supervision of the mayor of the city;
- B. The duties of the city clerk/treasurer shall include, but are not limited to, attendance by the clerk/treasurer or a deputy,

at all meetings of the city council to record the proceedings and keep an accurate record thereof, to maintain custody of all official records and to provide for public inspection and copying, to attest to public instruments and official acts of the mayor, to keep the council fully advised of the financial condition of the city and to assist in the preparation of a proposed budget for the fiscal year, and to be responsible for its administration upon adoption. (Ord. 559, 1990)

2.06.140 Officers-Deputy clerk/treasurer.

One or more deputy clerk/treasurer positions may be created, which shall be filled by appointment by the mayor and approval of the city council as provided by Chapter 2.12. (Ord. 559, 1990)

2.06.150 Officers-Pro tempore appointments.

RCW 35A.12.065 states that: Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their members as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or in lieu thereof, the council may, as the need may arise, appoint any qualified person as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a council member, the remaining members by majority vote may appoint a council member pro tempore to serve during the absence or disability. (1967 e.x.s. c 119. 3 5A. 12.06 5). (Ord. 559, 1990)

2.06.160 Creation of committees, boards and commissions.

The council may create committees, boards and commissions to assist in the conduct of the operation of the city government with such duties as the council may specify not inconsistent with this code and the Revised Code of Washington.

- A. Membership and Selection.

Membership and selection of members shall be as provided by the council if not specified by this code. Any committee, board or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the council. No committee so appointed shall have powers other than advisory to the council or to the mayor except as otherwise specified by the Revised Code of Washington or this code.

B. Removal of Members of Boards and Commissions. The council may remove any member of any board or commission which it has created by a vote of at least a majority of the council, except as referring to the design review board, planning advisory board and the civil service commission.

C. A list of all committees and appointees will be kept on permanent display for the public at Langley City Hall. (Ord. 559, 1990)

2.06.170 Legislative Review committees.

The following optional legislative review committees are described. The council, at its discretion, may establish one or more of these committees for however long the council, by resolution, shall choose. Any such legislative review committee so established shall consist of at least two council members. The appropriate department head(s) or their designees will serve as advisor to the legislative review committee. The presiding officer shall appoint the membership of each established committee, after considering requests from the individual council members as to their preferred committee choices. The committee shall appoint one of their members as chairperson. Committees shall make a recommendation on proposed legislation within their area of responsibility before such legislation is voted on by the council. The committee chair, or designee, shall present the recommendation(s) of the committee during the discussion of the item of business. The chairperson of each committee shall set the schedule of the

meetings, and shall announce and publish the schedule at the first regular city council meeting following the committee assignments each year. The legislative review committees, their scope of authority and the related city departments are:

A. Streets, Utilities, Transportation, City Buildings and Property, Parking and Grounds Maintenance Committee. To deliberate and make recommendations on legislative matters relating to water, sewer, cable television, transportation, planning, streets, sidewalks, and grounds in coordination with the city services department;

B. Public Safety Committee. To deliberate and make recommendations on legislative matters relating to crime and fire prevention, law enforcement, fire suppression, administration of justice, corrections, emergency services, consumer protection, animal and noise control, regulatory licensing and building and fire codes, in coordination with the police department, fire department and the judicial department;

C. Finance and Personnel Committee. To deliberate and make recommendations on legislative matters relating to financial management of the city and its agents, the personnel system, the annual budget, taxes and fees, financial audits, appropriations, debts, claims, data processing, human rights and administration of city funds;

D. Parks, Harbor and Dock, Recreation and Library Committee. To deliberate and make recommendations on legislative matters relating to parks and parklands, planning and implementation of recreation facilities and activities in coordination with the county and the community center committee;

E. Community Affairs Committee. To deliberate and make recommendations on legislative matters relating to the planning of the physical, economic, aesthetic, cultural and social development of the city. That would include, but not be limited to the cemetery board, zoning code, building code, sign code and annexation policies in

coordination with the planning board, design review board, the county, Island Arts Council, Chamber of Commerce and the South Whidbey School District.

The presiding officer may establish such ad hoc committees as may be appropriate to consider special matters that do not readily fit the committee structure or that require special approach or emphasis. The presiding officer shall appoint a council member to all ad hoc committees and any intergovernmental councils as the need arises. This is not to be construed as a limitation or infringement upon the executive powers of the mayor. The committees shall consider all matters referred to them. The committee chairperson shall report to the council the findings and/or the recommendations of the committee. (Ord. 559, 1990)(Ord. 869, 2006)

2.06.180 Council relations with boards and commissions.

A. All statutory boards and commissions and council citizen advisory bodies shall provide the council with copies of minutes of all meetings.

B. Communications from such boards, commissions and bodies to the council shall be officially acknowledged by the council and receipt noted in the minutes. The procedure for acknowledging such receipt shall be as follows: Any member of the council may bring such communication to the presiding officer's attention under the agenda item "Committee and Board Reports."

C. The presiding officer shall make an appropriate notation in the minutes. Should any member of the council determine that any such communication be officially answered by the council, the presiding officer shall place the matter on the agenda under "New Business" for the current meeting or any subsequent meeting. There will be at least one joint meeting per year between the city council and planning advisory, design review, library, cemetery and any other advisory bodies. This meeting will be used to create a yearly work program

and should be timed to happen before the budget process begins. (Ord. 559, 1990)

2.06.190 Conflict of interest-Appearance of fairness.

A. No member of the city council shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision or direction of the city council, in whole or in substantial part, and as otherwise provided for in RCW Chapter 42.36.

B. In the event of any private interest by such council member, he/she shall be required to make the disclosures set forth in RCW Chapter 42.36.

Upon disclosure of such private or personal interest, the council member so disqualified shall promptly leave his/her seat during the debate, discussion and/or vote on such matter and leave the council chambers until the total subject matter in which he/she has such personal or private interest has been disposed of. A council member stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

C. Notwithstanding the inapplicability of any law or regulation relating to conflicts of interest, each council member as to any matter pending before the legislative body or which ultimately may require a decision by said body, shall at all times be open-minded, objective and impartial and make no judgment thereon or engage in any partisan position until such time as all of the evidence pertaining to such matter has been properly submitted to the legislative body at a regular public meeting.

D. Failure to Vote. Every council member, unless disqualified by reason of a conflict of interest or as otherwise provided by law, shall cast his/her vote upon any matter put to vote by the legislative body. Any council member who abstains from voting without a valid reason for such abstention shall be deemed to cast his/her vote with the majority of any issue so voted upon. Tie votes shall be lost motions and

may be reconsidered unless such tie is broken by the mayor's vote if allowed pursuant to RCW 35A.12.100 through 35A.12.120.

E. Changing Vote. A member may change his/her vote only if he/she makes a timely request to do so immediately following the last vote cast by a council member so voting and prior to the time that the result of the vote has been announced by the presiding officer or city clerk/treasurer. A council member who publicly announces that he/she is abstaining from voting on a particular matter for specified reasons as set forth in this section shall not subsequently be allowed to withdraw any such abstention.

F. Reconsideration. A motion to reconsider any action taken by the city council may be made only on the day such action was taken, or at the next regular meeting of the city council. Such motion may be made only by one of the council members who voted with the prevailing side. Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council. (Ord. 559, 1990)

2.06.200 Administrative interference.

A. Neither the council, nor any of its committees or member shall direct or request the appointment of any person to, or his/her removal from any office by the mayor or any of his/her subordinates.

B. Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the mayor. Neither the council nor any committee or member thereof shall give any orders to any subordinate of the mayor, either publicly or privately.

C. Nothing in this section shall be construed to prohibit the council, while in open session, from fully and freely discussing with the mayor, anything pertaining to appointments and removal of city officers and employees and city affairs. (Ord. 559, 1990)

2.06.210 Bidding procedures.

Refer to RCW 35.23.352. Refer to Municipal Research Memorandum No. 97 (Revised) - Bidding in Washington Cities and Towns and Information Bulletin No. 456, Bidding and Award Procedures and Sample Contract Documents for Public Works Construction. (Ord. 559, 1990)

2.06.220 Ordinances and resolutions.

A. Enacted Ordinances, Resolutions and Motions. An enacted ordinance is a legislative act prescribing general uniform and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct enforced by penalty.

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.

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. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

B. Legislative Process, Preparation, Introduction and Flow of Ordinances and Resolutions and Motions. Ordinances and resolutions shall be prepared, introduced and proceed in the manner described on the flow chart attached to the ordinance codified in this chapter. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as drafts as follows:

1. Proposed drafts shall contain the name of the group, organization, committee or individual originating or sponsoring the proposal prior to the first presentation to the city council where a vote is taken directing some official action or further consideration.

2. Council drafts shall be documents or proposals which have been presented in open session and voted on by the city council when the resultant council action was other than passage or a vote to cease further consideration.

C. Resolutions. All proposed resolutions shall go to a council workshop meeting before a regular council meeting. The title of each resolution shall in all cases be read prior to its passage; provided, should a council member request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available for review upon request to any person attending a council meeting.

D. Ordinances. The procedures for proposed ordinances are as follows:

1. A council member may, in open session, request of the presiding officer that the council study the wisdom of enacting a particular ordinance. The presiding officer then may assign the proposed ordinance to a specific committee for consideration. The committee shall report its findings to the council.

2. All ordinances shall have two separate readings; during regular council meetings. At each reading the title of an ordinance shall in all cases be read prior to its passage; provided, that should a council member request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available for review upon request to any person attending a council meeting.

3. The provision requiring two separate readings of an ordinance may be temporarily suspended by a majority vote of all members present.

4. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

5. Any ordinance repealing any portion of this code shall also repeal the respective portions of the underlying ordinances.

6. Any ordinance amending any portion of this code shall also amend the respective portions of the underlying

ordinances.

7. All ordinances shall be published in summary form as required by RCW 65.16.160.

8. All ordinances except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances shall not relate to more than one subject, which shall be clearly stated in its title.

E. Dissents and Protests. Any council member shall have the right to express dissent from or protest against any ordinance or resolution of the council and have the reason therefore entered into the minutes. (Ord. 559, 1990)(Ord. 710, 1996)

2.06.230 Public hearings.

The procedures for a public hearing are as follows:

A. Prior to the start of the "Comments from the Public" portion of the public hearing, the presiding officer may require that all persons wishing to be heard shall sign in with the clerk/treasurer, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the presiding officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the presiding officer, subject to concurrence of the majority of the council, may establish time limits and otherwise control presentation. The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e., proponents, opponents, adjacent owners, vested interests, etc.).

B. The presiding officer introduces the agenda item, opens the public hearing and announces the following rules of order:

1. "Any individual making comments shall first give their name and address. This

is required because an official recorded transcript of the public hearing is being made. If there is any appeal to Island County superior court, the court must make its decision on the basis of what was said here."

2. "Anyone making 'out of order' comments shall be subject to removal from the meeting."

3. "These rules are intended to promote an orderly system of holding a public hearing and to give every person an opportunity to be heard."

C. At the outset of each public hearing, the presiding officer or his designate will announce the legal standards and ask the parties to limit their presentation to information within the scope of the standards. After the body has heard all the evidence, there will be a motion. Following the decision, this body must make findings of fact and conclusions of reasons for its action. These findings may be drafted by administration or there may be a recess for the drafting of such items.

"Bearing in mind the legal standards I have just described, please limit your comments to information within the scope of these standards."

D. The presiding officer calls upon city administration to describe the matter under consideration.

E. The presiding officer calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings.

F. The proponents or speakers now speak. (Note: If the city is the proponent, a member or members of the administration shall be designated to give proponent and rebuttal testimony.)

G. The presiding officer calls for additional proponents or speakers three times.

H. In non-quasi-judicial proceedings the presiding officer calls for opponents by announcing the following: "At this time, the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during

your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the presiding officer reserves the right to rule any question out of order."

1. Opponents speak.

J. The presiding officer calls for additional opponents three times.

K. The presiding officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.

L. The presiding officer announces the following: "At this time, I will inquire of the administration as to whether there have been any misstatements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations."

M. The presiding officer inquires as to whether any council members have any questions to ask the proponents, opponents, speakers or administration. If any council member has questions, the appropriate individual will be recalled to speak.

N. The presiding officer closes the public hearing.

O. The presiding officer inquires if there is a motion by any council members. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among council members. The presiding officer may call on individual council members in the discussion.

P. The presiding officer inquires if there are any final comments or recommendations.

Q. The presiding officer inquires of the council members as to whether they are ready for the question.

R. The clerk shall conduct a roll call vote.

S. The presiding officer directs the city attorney to prepare findings consistent with

the action. (Ord. 559, 1990)

2.06.240 Quasi-judicial hearings.

RCW 43.21C.060 provides that when a proposal, not requiring a legislative decision, is conditioned or denied by a non-elected official, that decision shall be appealable to the legislative authority unless the legislative authority formally eliminates such appeals. The city has established an administrative appeal procedure in Section 16.04.150 of this code. SEPA, the DOE SEPA Rules, the city's ordinances and pertinent case law will be utilized in connection with a quasi-judicial hearing. (Ord. 55.9, 1990)

2.06.250 Reconsideration.

A. Any action of the council, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline shall be subject to a motion to reconsider.

B. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular council meeting for any action the council deems advisable. (Ord. 559, 1990)

2.06.260 Complaints and suggestions.

A. When citizen complaints or suggestions, not on the agenda, are brought before the city council, the presiding officer shall first determine whether the issue is legislative or administrative in nature and then:

1. If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if

the council finds such complaint suggests a change to an ordinance or resolution of the city, the council may refer the matter to a committee, appropriate department head or the council of the whole for study and recommendation.

2. If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the mayor, the presiding officer should then refer the complaint directly to the mayor for his/ her review if said complaint has not been so reviewed. The city council may direct that the mayor brief or report to the council when his/her response is made.

B. Correspondence.

1. All letters received by the council and mayor that express concern or offer suggestions shall be answered. Written communications shall indicate when the letter was received and to what department the concerns or suggestions were referred to for response. Response by telephone to a communication will require a report to the council.

2. The city clerk/treasurer is authorized to open and examine all mail or other written communications addressed to the city council, unless same is addressed to the personal attention of any one member of the council, and to give it immediate attention to the end that all administrative business referred to in the communication, and which does not require legislative action, may be acted upon by the department or departments having jurisdiction thereover. Copies shall be referred to the mayor, who shall be responsible for taking appropriate action on any valid request or petition by and through the respective departments of the city. Such referrals and action by the mayor and city clerk/treasurer shall be brought to the attention, whenever applicable, of the city council, together with the proposed action; provided, however, that all matters requiring legislative action shall be placed on the agenda as set forth in this chapter.

C. Administrative Complaints Made Directly to Council Members. When

administrative policy or administrative performance complaints are made directly to individual council members, the council member shall then refer the matter directly to the mayor for his/her view and/or action. The individual council member may request to be informed of the action or response made to the complaint. (Ord. 559, 1990)

2.06.270 Filling council vacancies.

If a vacancy occurs in the office of a council member, the council will follow the procedures outlined in RCW 35A. 13.020. In order to fill the vacancy with the most qualified person available until the election is held, the council will widely distribute and

publish a notice of the vacancy, the procedure and any application form for applying. The council may draw up an application form which contains relevant information to answer set questions posed by the council. The application forms will be used in conjunction with an interview of each candidate to aid the council's selection of the new council member. See also RCW 35A. 12.060, Forfeiture of Office. (Ord. 559, 1990)

2.06.280 Suspension of rules.

Members of the council reserve the right to suspend the rules of procedure. In order to do so, council members must have a majority plus one vote. (Ord. 559, 1990)

Langley Municipal Code

Chapter 2.08

City Office Hours

Sections:

2.08.010 Designated.

Section 2.08.010 Designated.

The city Hall offices shall be open for the transaction of business from Monday through Thursday from ten AM to five PM and Fridays from eight AM to one PM

except for days designated as legal holidays by the city council. (Ord. 625, 1992: Ord. 363, 1982) (Ord. 843, 2004)

Chapter 2.10

Inspection of Public Records

Sections:

- 2.10.010 Clerk/treasurer defined.**
- 2.10.020 Request for records.**
- 2.10.030 Response to request.**
- 2.10.040 Information exempt from public inspection.**
- 2.10.050 Records copy charge.**
- 2.10.060 Alteration of cost schedule.**
- 2.10.070 Costs--Court transcripts.**

Section 2.10.010 Clerk/treasurer defined.

Any reference in this chapter to "city clerk/treasurer" includes the city clerk/treasurer and his or her designee. (Ord.575, 1990)

Section 2.10.020 Request for records.

All persons desiring to inspect or receive a copy of any public record of the city must make their request to the city clerk/treasurer, on forms specified by the city clerk/treasurer. (Ord. 575, 1990)

Section 2.10.030 Response to request.

A. Responses to requests for records will be made promptly. If the request is for a record maintained or indexed other than in the clerk/treasurer's office the requester will be advised that their request has been forwarded to the appropriate department. All assistance necessary to help the requester shall be provided either by an employee of the city clerk/treasurer's office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the city or the other duties of assisting employees. If the written request includes a request for copies, a payment in accordance with the city's fee schedule shall be paid.

B. Whenever a member of the public has an identifiable public record and that request has been denied, such a person may submit a written request and have such denial reviewed by the city clerk/treasurer.

The review of the denial by the city clerk/treasurer shall be as prompt as possible. (Ord. 575, 1990)

Section 2.10.040 Information exempt from public inspection.

The following shall be exempt from public inspection and copying:

1. Personal information and any files maintained for prisoners;
2. Personal information and any files maintained for city employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;
3. Information required of any tax-payer or city license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;
4. Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies. and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;
5. Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or

if the complainant has indicated a desire for nondisclosure;

6. Test questions, scoring keys and other examination data used to administer license, employment or civil service examination;

7. Except as provided by RCW Chapter 8.26, the contents of any real estate appraisals made for or by any agency, including the city, relative to the acquisition of property by the city until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

8. Valuable formulas, designs, drawings and research data obtained or produced by the city, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;

9. Preliminary drafts, notes, recommendations and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;

10. Records which are relevant to a controversy to which the city or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;

11. Any library record which could disclose the identity of a user of library materials;

12. Lists of individuals requested for commercial purposes;

13. Any public record access which the county superior court has found would damage any person or vital government function;

14. Residence address and telephone number of city employees or volunteers;

15. Residence address and telephone number of city utility customers;

16. Applications for employment, including name of applicant, resume, and other related material submitted with respect to an applicant.

The exemptions of this subsection shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

B. The city shall not be required to permit public inspection and/or copying of any record to the extent public disclosure is prohibited, restricted or limited by state or federal laws. (Ord. 575, 1990)

Section 2.10.050 Records copy charge.

A. Copies of any disclosable public record (or portions thereof) including, but not limited to maps, reports, codes, plans and tape recordings, shall be made and provided by the city upon request and payment of the actual cost incidental to reproducing the same. The city clerk/treasurer, in consultation with appropriate departments, is directed to prepare and have on file as a public document a schedule of such costs of reproduction. In determining the cost of reproduction, all costs incident to such reproduction shall be includable factors, including labor and mailing costs.

B. Where the request is for a certified copy, there shall be an additional charge to cover the additional expense and time required for certification.

C. Payment for the cost of reproduction of all public records shall be made at the time the request for public records is submitted to the city clerk/treasurer. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the city clerk/treasurer in the schedule of costs for reproduction. If the actual amount of the cost of reproduction exceeds the amount tendered, the balance shall be paid upon delivery of the requested copy or copies. In the event the amount tendered exceeds the actual cost, the balance shall be refunded at the time of the delivery of the copy or

copies. Except as specifically provided in this chapter, there shall be no refunds. (Ord.575, 1990)

Section 2.10.060 Alteration of cost schedule.

When a change in the established cost schedule is required, the city clerk/treasurer, in consultation with appropriate department(s), shall change the schedule by filing a new schedule. (Ord. 575, 1990)

Section 2.10.070 Costs--Court transcripts.

A. Whenever the city is required to prepare a verbatim written transcript of any proceeding of the city in response to a writ of review or other action filed in the superior court or any other state or federal court, the cost of preparing the same shall be borne by the party filing the action. The party filing such action shall pay to the city clerk/treasurer the estimated cost of the preparation of the transcript (as established by the city clerk/treasurer), including copying costs and the city clerk/treasurer shall thereafter make a provision for the preparation of the transcript.

B. Should the actual cost incurred by the city in preparation of the transcript exceed the amount deposited with the city clerk/treasurer, the party making such deposit shall be required to reimburse the city for such additional amount within ten days of notification that such amount is due or prior to the time the transcript is required to be filed with the court, whichever occurs first. Should the actual cost incurred by the city be less than the estimated cost deposited, such credit due shall be reimbursed by the city to the party making the deposit. (Ord.575, 1990)

Chapter 2.12

Appointive Officers and Employees

Sections:

2.12.010 Confirmation by council

2.12.020 Bond requirement.

Section 2.12.010 Confirmation by council

All appointments of officers and employees made by the mayor of the city shall be confirmed by majority vote of the city council and no such appointment shall take effect without such confirmation by the council. (Ord. 317, 1980)

Section 2.12.020 Bond requirement.

A. Before entering into the performance of their respective duties to the city, the following officers of the city shall furnish to the city a good and sufficient surety bond conditioned upon the faithful performance and discharge of their duties, and for the proper application and payment of all funds or property received by virtue of their official positions with the city:

1. Clerk/treasurer, fifty thousand dollars;
2. Deputy clerk/treasurer, five thousand dollars;
3. Chief of police, one thousand dollars;
4. Patrolman, one thousand dollars.

B. The required surety bond shall be filed with the city clerk and thereafter the city shall pay the reasonable cost of the surety bond or reimburse the officer for its cost.

C. In the event of the expiration or cancellation of the surety bond, notice shall be served upon the city clerk/treasurer who shall notify the city council at its next regularly scheduled meeting.

D. The surety bonds which are required by this section may be either of the blanket or individual type. (Ord. 353, 1981, Ord 504, 1987)

Chapter 2.16

City Clerk/Treasurer

Sections:

- 2.16.010 Office created.**
- 2.16.020 Powers-Duties.**
- 2.16.030 Deputy clerk/treasurer.**
- 2.16.040 Compensation.**

Section 2.16.010 Office created.

There is created and established the office of city clerk/treasurer, to be appointed by the mayor subject to city council confirmation, as provided in Chapter 2.12 of this code. (Ord. 354, 1981)

Section 2.16.020 Powers-Duties.

A. The city clerk/treasurer shall have the powers and duties provided by statute and ordinance, now existing or hereafter adopted, and shall be subject to the general supervision of the mayor of the city.

B. The duties of the city clerk/treasurer shall include, but are not limited to, attendance by the clerk, or a deputy, at all meetings of the city council to record the proceedings and keep an accurate record thereof, to maintain custody of all official records and to provide for public inspection

and copying, to attest to public instruments and official acts of the mayor, to keep the council fully advised of the financial condition of the city, and to assist in the preparation of a proposed budget for the fiscal year, and to be responsible for its administration upon adoption. (Ord. 354, 1981)

Section 2.16.030 Deputy clerk/treasurer.

One or more deputy city clerk/treasurer positions may be created, which shall be filled by appointment by the mayor and approval of the city council as provided by Chapter 2.12. (Ord. 354, 1981)

Section 2.16.040 Compensation.

The compensation for the office of the city clerk/treasurer shall be as may be fixed by the city council annually at the time that the budget is adopted. (Ord. 354, 1981)

Chapter 2.20

Civil Attorney

Sections:

- 2.20.010 Office created.**
- 2.20.020 Appointment-Confirmation.**
- 2.20.030 Supervision.**
- 2.20.040 Qualifications.**
- 2.20.050 Compensation.**
- 2.20.060 Duties.**
- 2.20.070 Prosecution of criminal matters.**
- 2.20.080 Civil litigation.**

Section 2.20.010 Office created.

There is created and established the office of civil attorney of the city, hereinafter referred to as "civil attorney." (Ord. 398, 1983)

Section 2.20.020 Appointment-Confirmation.

The civil attorney shall be appointed by the mayor, subject to confirmation by the city council as prescribed in Chapter 2.12 of this code. (Ord. 398, 1983)

Section 2.20.030 Supervision.

The mayor shall have general supervision over the city attorney. (Ord. 398, 1983)

Section 2.20.040 Qualifications.

The civil attorney shall be admitted to practice law in the state, and shall be a member in good standing of the Washington State Bar Association. (Ord. 398, 1983)

Section 2.20.050 Compensation.

A. The compensation for the office of the civil attorney shall be a monthly fee, hereinafter referred to as the "retainer," to be paid once per month. The minimum retainer shall be one thousand dollars per month.

B. The actual monthly payment shall be determined by submission of a bill to the mayor for his approval and recommendation to the city council. The retainer may be

changed from time to time by appropriate action of the city council. (Ord. 580, 1990: Ord. 538, 1989: Ord. 398, 1983)

Section 2.20.060 Duties.

For and in consideration of the compensation to be paid to the civil attorney, he/she shall:

A. Attend all public meetings, hearings and workshops of the city council, and public hearings and meetings of the planning advisory board and the design review board, as may be requested by the mayor:

B. Prepare all contracts, deeds and other legal instruments and documents of every kind and nature which may be necessary or appropriate in connection with any of the lawful purposes or functions of the city, as may be requested by the mayor:

C. Except as otherwise expressly provided in this chapter, advise the mayor, city council and other city officials on all legal matters affecting the city, as may be requested by the mayor:

D. Prepare ordinances and resolutions for the city; and

E. Perform such additional acts as may be incidental to, or necessary for the performance of, the duties set forth in this chapter. (Ord. 538, 1989: Ord. 398, 1983)

Section 2.20.070 Prosecution of criminal matters.

The civil attorney shall not be responsible for the prosecution or other

handling of criminal matters by the city.
(Ord. 398, 1983)

Section 2.20.080 Civil litigation.

The duties compensated by the retainer shall not include representation of the city in connection with any civil litigation or administrative proceedings. Such representation shall be provided on a case by case basis by such attorney(s) as may be designated by appropriate action of the mayor and city council, with the terms of compensation for such representation to be established in each case by contractual arrangement. (Ord. 398, 1983)

Chapter 2.22

Prosecuting Attorney

Sections:

- 2.22.010 Office created.**
- 2.22.020 Appointment and confirmation.**
- 2.22.030 Qualifications.**
- 2.22.040 Duties.**
- 2.22.050 Supervision.**
- 2.22.060 Compensation.**

Section 2.22.010 Office created.

There is created and established the office of prosecuting attorney of the city, hereinafter referred to as the "prosecuting attorney." (Ord. 539, 1989)

Section 2.22.020 Appointment and confirmation.

The prosecuting attorney shall be appointed by the mayor, subject to confirmation by the city council as prescribed in Chapter 2.12 of this code. (Ord. 539, 1989)

paid once per month. The minimum retainer shall be seven hundred fifty dollar's per month. The maximum retainer shall be one thousand five hundred dollars per month.

B. The actual monthly payment shall be determined by submission of a bill to the mayor for his approval and recommendation to the city council. The retainer may be changed from time to time by appropriate action of the city council. (Ord. 598, 1991; Ord. 539, 1989)

Section 2.22.030 Qualifications.

The prosecuting attorney shall be admitted to practice law in the state, and shall be a member in good standing of the Washington State Bar Association. (Ord. 539, 1989)

Section 2.22.040 Duties.

The prosecuting attorney shall be responsible for the prosecution or other handling of criminal matters by the city. (Ord. 539, 1989)

Section 2.22.050 Supervision.

The mayor shall have general supervision over the prosecuting attorney. (Ord. 539, 1989)

Section 2.22.060 Compensation.

A. The compensation for the office of prosecuting attorney shall be a monthly fee, hereinafter referred to as the "retainer," to be

Chapter 2.24

Public Works Director

Sections:

- 2.24.010 Office created.**
- 2.24.020 Appointment-Confirmation.**
- 2.24.030 Supervision by mayor.**
- 2.24.040 Duties and authority.**
- 2.24.050 Compensation.**

Section 2.24.010 Office created.

There is created and established the office of public works director of the city. (Ord. 378, 1982)

Section 2.24.020 Appointment-Confirmation.

The public works director shall be appointed by the mayor, subject to confirmation by the city council as prescribed in Chapter 2.12 of this code. (Ord. 378, 1982)

Section 2.24.030 Supervision by mayor.

The mayor shall have general supervision over the public works director. (Ord. 378, 1982)

Section 2.24.040 Duties and authority.

The public works director shall have the following duties and authority:

- A. Supervision of street construction and repair;
- B. Supervision of snow removal;
- C. Supervision of installation, repair and maintenance of city sewer and water facilities, and other city utilities;
- D. Supervision of repair and

maintenance of city buildings and equipment;

E. Supervision of maintenance of the city cemetery and all other city property;

F. Supervision of such maintenance employees as may be employed by the city to assist the public works director;

G. Advising the city as to all matters relating to the office of public works director;

H. Attendance at such public meetings as may be requested by the mayor or city council;

J. The performance of such additional acts as may be incidental to, or necessary for the performance of, the duties set forth in this chapter; and

K. Such additional powers and duties as may be provided by statute or ordinance. (Ord. 381, 1982; Ord. 378, 1982)

Section 2.24.050 Compensation.

The compensation for the office of public works director shall be a monthly salary. This salary shall be paid twice per month, in equal installments. The salary range of the service director shall be by resolution of the council. (Ord. 378, 1982)

Chapter 2.28

Building Official

Sections:

- 2.28.010 Designated.**
- 2.28.020 Authority.**
- 2.28.030 Fees and penalties.**

Section 2.28.010 Designated.

~~The service director of the city is designated as~~ **There is created and established the position of** building official of the city. (Ord. 380, 1982)

Section 2.28.020 Authority.

A. The building official of the city is authorized and directed to enforce all of the provisions of the Uniform Building Code as now or hereafter adopted by the city.

B. The building official is further authorized and directed to fulfill all of the city's responsibilities arising in connection with the enforcement of the State Building Code Act (RCW Chapter 19.27), together with amendments thereof and additions thereto. (Ord. 380, 1982)

Section 2.28.030 Fees and penalties.

All fees and penalties paid to the city pursuant to the Uniform Building Code or the State Building Code Act (RCW Chapter 19.27) shall be placed by the city clerk/treasurer in the current expense fund. (Ord. 380, 1982)

Chapter 2.30

Hazardous Materials Incident Command Agency

Sections:

2.30.010 Statutory Authority

2.30.020 Designation.

Section 2.30.010 Statutory Authority

Section 4, Chapter 172, Laws of 1982, RCW 70.136.030, as amended, requires the governing body of the city to designate a hazardous materials incident command agency within the boundaries of the city. (Ord. 521, 1988)

Section 2.30.020 Designation.

A. The city has considered the training, manpower, expertise and equipment of available agencies and the applicable codes and regulations.

B. The city finds that there is no agency other than the Washington State Patrol available to meet the requirements of a hazardous materials incident command agency for the city.

C. The city therefore designates the Washington State Patrol as hazardous materials incident command agency to operate within the boundaries of the city. (Ord. 521, 1988)

Chapter 2.32

Municipal Court

Sections:

- 2.32.030 Judge pro tem.**
- 2.32.010 Created-Jurisdiction.**
- 2.32.020 Appointment of judge-Term.**
- 2.32.040 Deposit of revenue.**
- 2.32.050 Regular sessions.**
- 2.32.060 Governing statutes and rules.**

Section 2.32.030 Judge pro tem.

The mayor shall, with the approval of the city council, appoint judges pro tem, who shall act in the absence or disability of the regular judge of the municipal court. It shall be necessary for the judge pro tem to be qualified to hold the position of judge of the municipal court. (Ord. 436, 1984)

Section 2.32.010 Created-Jurisdiction.

There is created and established a court to be known and designated as a municipal court and entitled "municipal court of the city of Langley," which court shall have original jurisdiction of all violations of the city ordinances and shall have original jurisdiction of all other actions brought to enforce and receive license penalties or forfeitures declared or given by city ordinances or state statutes. (Ord. 436, 1984)

Section 2.32.020 Appointment of judge-Term.

The judge of the municipal court shall be appointed by the mayor with the approval of the city council. Such appointment shall be for a term commencing with the effective date of the ordinance codified in this chapter and termination on the thirty-first day of December, 1984. All subsequent terms shall be four years in duration. Succeeding appointments shall be made in like manner by the fifteenth day of December preceding the end of each four-year term. The person appointed shall be a citizen of the United States ~~under~~ and the state of Washington.

The position of municipal judge shall be on a part-time basis. The salary of the municipal judge shall be fixed for the initial term of four years in the sum of eighty dollars per month, but may be changed by resolution of the city council. (Ord. 436, 1984)

Section 2.32.040 Deposit of revenue.

All fees, costs, fines, forfeitures and other moneys imposed and collected, together with any other revenues received by the court shall be deposited with the city clerk/treasurer as part of the general fund of the city or such fund as may be designated by laws of the state. (Ord. 436, 1984)

Section 2.32.050 Regular sessions.

The municipal court shall be open and shall hold regular sessions on such days and at such hours as the municipal judge shall prescribe, but not less than once each month. (Ord. 436, 1984)

Section 2.32.060 Governing statutes and rules.

Pleading, practice and procedure rules in cases not governed by statute or rules specifically applicable to municipal courts shall be governed by statutes and rules now existing or as may hereinafter be adopted as are applicable to justice courts. (Ord. 436, 1984)

Chapter 2.36

Library Board

Sections:

- 2.36.010 Created.**
- 2.36.020 Appointment-Term.**
- 2.36.030 Responsibilities.**
- 2.36.040 Meetings**

Section 2.36.010 Created.

There is created a library board, consisting of five to seven members to be appointed by the mayor of the city. (Ord. 281, 1977)

Section 2.36.020 Appointment-Term.

a. All board members shall be appointed by the mayor and shall be confirmed by the city council. All Board members serve at the discretion of the mayor.

b. Each member appointed to the Langley Library Board shall serve a five-year term.

c. No Board member shall receive any compensation from the city for his or her service on the board.

d. Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as all appointments to the board. (Ord. 281, 1977) (Ord. 773, 1999)

Section 2.36.030 Responsibilities.

a. The library board is hereby declared to be an advisory board of the City of

Langley and the duties of the board shall include, but not be limited to, the following:

1. To be responsible for monitoring all issues related to the Library building, which may include maintenance and furnishings, landscaping, and use of the library building. In some cases, the City may ask the Board to participate in special projects, such as selecting special gifts of art for the Library, or recommending expenditures from monetary gifts. The City retains final authority over the Library building;

2. To promote public awareness of the library and the programs it offers;

3. To prepare an annual budget request to be submitted to the City for any building improvements or other capital or library related requests for funding and submit other budget requests for funding and submit other budget requests as the need arises; and

4. To perform such duties as may be directed by the mayor. (Ord. 281, 1977) (Ord. 773, 1999)

Section 2.36.040 Meetings

The library board shall meet quarterly or at such other times as they may from time to time determine as necessary. (Ord. 773, 1999)

Langley Municipal Code

Chapter 2.45

Personnel Policy Manual

Sections:

2.45.010 Personnel Policy Manual – created

**Section 2.45.010 Personnel Policy Manual
- created**

There is hereby created, a City of Langley Personnel Policy Manual which is contained in Exhibit A to Ordinance No. 731 on file in the office of the Clerk-Treasurer. (Ord. 731, 1996)

Chapter 2.48

Reimbursement of Expenses

Sections:

- 2.48.010 Reimbursement of expenses.**
- 2.48.020 Per diem ceilings.**
- 2.48.030 Use of private vehicles for city business.**

Section 2.48.010 Reimbursement of expenses.

A. The actual expenses of elected and appointed officials and the employees of the city incurred while performing official duties away from their usual place of business shall be paid by the city. Actual expenses shall include, but not be limited to, the following:

1. Transportation;
2. Meals, including meals at meetings held in restaurants;
3. Lodging;
4. Required registration fees, tuition, books and other educational supplies;
5. Gratuities (not to exceed fifteen percent).

B. Attendance at conferences, meetings and schools must be approved by the mayor in advance. Claims for reimbursement must include receipts for all expenses. A detailed account will be submitted with the receipts. The city clerk/treasurer will ensure that the detailed account and receipts will prove acceptable to the State Auditor. Claims will be paid upon approval by the city council. (Ord. 496, 1986)

Section 2.48.020 Per diem ceilings.

The council shall establish per diem ceilings on expenses by resolution. (Ord.496, 1986)

Section 2.48.030 Use of private vehicles for city business.

When private vehicles are used for city business, reimbursement will be per mile at the rate set for by the **Internal Revenue Service** state of Washington. (Ord. 496, 1986)

Chapter 2.52

City Cemetery

Sections:

- 2.52.010 Cemetery board-Created.**
- 2.52.020 Cemetery board-Chairman.**
- 2.52.030 Cemetery board-Meetings.**
- 2.52.040 Cemetery fund.**
- 2.52.050 Cemetery improvement fund.**
- 2.52.060 Subdivision of cemetery.**
- 2.52.065 Donation/transfer of lots or plots.**
- 2.52.070 Price schedule.**
- 2.52.080 Grave space restrictions,**
- 2.52.090 Monument restrictions.**
- 2.52.100 Landscaping.**
- 2.52.110 Burials.**
- 2.52.120 Use of Ash Scatter Garden.**

Section 2.52.010 Cemetery board-Created.

There is created a cemetery board consisting of no less than three or more than seven members who shall be appointed by the mayor and such appointments shall be confirmed by the city council. The board members shall serve for three years from the date of their appointment. These terms shall be staggered so that no more than two positions need be filled in any one year. Therefore, the initial terms shall be for a one-year, two-year and a three-year period, and all terms thereafter shall be for three years. The mayor, upon confirmation of the city council, may extend a three-year term to an additional term. Any such member of the cemetery board may be removed at any time by the mayor by and with confirmation of the city council and subject to the rules and regulations as may be prescribed by the city council. (Ord. 523, 1988)(Ord. 802, 2002)

Section 2.52.020 Cemetery board-Chairman.

There is created the office of chairman of the cemetery board who shall be appointed by the mayor, upon nomination and recommendation of the cemetery board. The chairman shall be one of the members of the

cemetery board and the appointment will be confirmed by the city council. (Ord. 523, 1988)

Section 2.52.030 Cemetery board-Meetings.

A. The cemetery board shall meet regularly each month or at such other times as they determine necessary. (Ord. 716, 1996)

B. All meetings of the cemetery board shall be posted and/or published in advance. (Ord. 716, 1996)

Section 2.52.040 Cemetery fund.

There is created a fund to be known as the "cemetery fund" into which shall be deposited all funds received from sale of graves, taxation or other sources of income for cemetery property or bequests, less such amounts as may be set aside as a permanent cemetery endowment fund for the maintenance, upkeep and improvement of the cemetery property and care of blocks, lots and graves occupied for burial purposes. (Ord. 523, 1988) (Ord. 738, 1997)

Section 2.52.050 Cemetery endowment fund.

Forty-seven and one half (47.5%) percent of the proceeds received from the sale of graves for burial purposes shall be

set aside into a permanent fund to be known as the "cemetery endowment fund." Forty percent (40%) of the fee for Scatter Garden rights with stone memorialization space shall be deposited in the endowment fund. This fund is to be kept perpetually invested in safe, interest-bearing securities. The interest only received from the investment of the fund shall be used in the care and upkeep of the cemetery. This fund shall be perpetual, and shall be used for no other purpose than those approved by resolution of the city council. This purpose shall be limited to cemetery improvement which should include, but not be limited to, the acquisition of additional land for cemetery use. (Ord. 523, 1988) (Ord. 738, 1997)(Ord. 792, 2000) (Ord. 855, 2005)(Ord. 888, 2007)

Section 2.52.060 Subdivision of cemetery.

The city may plat, replace or subdivide its cemetery property into such blocks, lots, graves, paths and driveways as it may deem necessary or convenient and may in its discretion cause such plats, re-plats or subdivisions to be filed or recorded in the office of the county auditor and county assessor. (Ord. 523, 1988)

Section 2.52.065 Donation/transfer of lots or plots.

A. Donations. Any person desiring to donate cemetery lots or plots to the city may do so through the process outlined in RCW 35.21.100. No terms or conditions may be attached to such donations, and the city retains the right to expend or use the donated lots and plots for any municipal purposes. The value of the donation shall be stated at the current rate of cemetery lots or plots in the city's cemetery. All such donations shall be recorded by way of a city ordinance.

B. Gifts to the City or to Other Parties. Any person desiring to present cemetery lots or plots to the city as a gift will follow procedures outlined in subsection A of this section. Any person desiring to present cemetery lots or plots to another party as a gift must present to the city a notarized transfer of deed which form shall be

supplied by the city, along with a ten-dollar transfer fee and relinquishment of their present deed.

C. Reselling Cemetery Lots and Plots. Any person desiring to sell any cemetery grave site in the city cemetery may do so by submitting a written request to the cemetery board through the clerk/treasurer's office.

1. Upon recommendation from the cemetery board, the city council will determine if funds are available from cemetery funds to repurchase grave sites at the city's current rate minus the endowment set-aside and minus twenty-five percent administrative fee.

2. If the city council determines that such funds are available, the council shall then determine whether to repurchase such grave sites.

3. If city funds are not available, or if the city council determines not to repurchase such lots, the city council may grant the owner of grave sites the option to sell the sites at the owner's expense and discretion. If grave sites are sold by the owner, a notarized transfer of grave sites, along with a transfer fee as set by resolution of the City Council must be filed with the city clerk/treasurer. Approved transfer forms are available from the clerk/treasurer's office upon request.

D. All other reselling, donation or gifts of cemetery lots or plots are prohibited. (Ord. 556, 1990; Ord. 545, 1989) (Ord. 738, 1997)

Section 2.52.070 Price schedule.

A schedule of prices of all graves, scattering rights and memorial stone space in the cemetery property shall be fixed in the office of the city clerk/treasurer. The schedule of price may be changed or altered by resolution. No grave space shall be sold by the city for less than the price named in such schedule which is in force at the time of sale; provided, the city council may, by resolution, allow burials of individuals who at the time of death lived within the corporate limits of the city, dying either without estate or whose immediate family has no means of defraying the costs of a burial site, at no cost when applied for to the

clerk/treasurer's office and approved by the mayor. (Ord. 523, 1988) (Ord. 888, 2007)

Section 2.52.080 Grave space restrictions.

A. All purchases of lots and grave spaces, Scatter Garden and Memorial Stone space in the Langley Woodman Cemetery shall be restricted for use by the owner, his or her heirs, executors, administrators or assigns. Sale of such lots or graves to another party by the owner, his or her heirs, executors, administrators or assigns shall be governed by all rules and regulations now or hereafter imposed by the city, for the management and regulation of the cemetery.

B. Cemetery grave lots or spaces shall only be used for internment by either casket or urn. If internment is by casket, only one (1) casket shall be allowed for every four foot by eight foot grave space or lot. If internment is by urn, a maximum of four (4) urns on any four foot by eight foot grave space or lot may be used.

C. Each urn used shall be recorded with the City and shall have a proper deed for the grave space or lot.

D. Each grave space or lot shall be used for internment by either casket or urn. Mixed usage of caskets and urns is permitted with one casket and one urn per grave space or lot. The casket burial must precede the urn burial.

E. Curbing of grave spaces or lots shall not be permitted. (Ord. 596, 1991; Ord. 523, 1988; Ord. 719, 1996) (Ord. 888, 2007)

Section 2.52.090 Monument restrictions.

Grave markers, monuments and curbing shall be in conformity with the policy set by the cemetery board. (Ord. 523, 1988)

Section 2.52.100 Landscaping.

Planting of flowers, shrubs and trees or placement of artificial flowers shall be in conformity with the policy set by the cemetery board. Any flowers, shrubs or trees other than approved will be disposed of by the city. (Ord. 523, 1988)

Section 2.52.110 Burials.

A. All burials in the cemetery shall meet all state and federal requirements.

B. Burials shall not be conducted without a proper deed being produced or written confirmation by the city clerk/treasurer's office that a deed has been issued. (Ord. 523, 1988)

Section 2.52.120 Use of Ash Scattering Garden.

A. Scattering of ashes is allowed in the designated ash garden area upon payment of the required fee. The City's fee schedule shall designate the fees for the right to scatter ashes with or without reserved space for a bronze plaque on the Scatter Garden's memorial stones. All plaques must be 5" x 7" inches and installation and placement on the stones must be done by a City approved installer only. The City of Langley does not furnish plaques.

B. Certificate of Reservation. As evidence of eligibility and pre-payment of necessary fees, a prospective user shall be furnished a Certificate of Reservation giving the named user the right to scatter ashes, and/or reserved plaque space on the Memorial Stones.

C. Scattering of ashes in the Garden shall be in conformity with the policy established by the cemetery board. (Ord. 888, 2007)

Chapter 2.56

Civil Service Commission

Sections:

- 2.56.010** **Established.**
- 2.56.020** **Composition.**
- 2.56.030** **Duties.**
- 2.56.040** **Meetings.**
- 2.56.050** **Permanent appointment to police positions.**

Section 2.56.010 Established.

Pursuant to the authority conferred by RCW Chapter 41.12, there is created a civil service commission to substantially accomplish the exercise of the powers and the performance of the duties established by state law relative to the selection, appointment, and employment of full-time permanent employees in the police department of the city. including the chief of police. (Ord. 558, 1990)

the police department of the city who, upon the effective date of the ordinance codified in this chapter, shall have been employed in a specific position for the immediately preceding six months (in compliance with RCW 41.12.060), shall receive a permanent appointment to the position. Such appointment shall not be subject to any additional probationary period and shall be as equally permanent as any subsequent permanent appointment made under civil service after examination and investigation. (Ord. 558, 1990)

Section 2.56.020 Composition.

Such commission shall be composed of three members who shall be appointed by the mayor, and who shall serve without compensation. Such commissioners shall have the qualifications prescribed by RCW41.12.030. (Ord. 558, 1990)

Section 2.56.030 Duties.

Such commission, upon appointment, qualification, and organization, shall hold meetings, adopt rules and regulations, perform duties, and exercise powers in compliance with RCW Chapter 41.12. (Ord. 558, 1990)

Section 2.56.040 Meetings.

The city civil service commission shall meet regularly at seven p.m. at the Langley City Hall on the first Tuesday of each month. (Ord. 577, 1990)

Section 2.56.050 Permanent appointment to police positions.

Any full-time permanent employee of

Chapter 2.57

Parks and Recreation Board

Sections:

- 2.57.010 Parks And Recreation Board.**
- 2.57.020 Purpose.**
- 2.57.030 Member Terms.**
- 2.57.040 Meetings.**
- 2.57.050 Officers.**
- 2.57.060 Powers, Authority and Duties of the Board.**
- 2.57.070 Parks And Recreation Budget.**
- 2.57.080 Annual Report To The City Council.**
- 2.57.090 Donations.**
- 2.57.100 Amendments To Chapter.**

Section 2.57.010 Parks And Recreation Board.

Pursuant to RCW 35A.11.020 and RCW 35A.67.010, of the Optional Municipal Code, The City of Langley hereby creates the "Parks and Recreation Board," (hereinafter " the Board") consisting of five (5) members, who shall be appointed by the Mayor and confirmed by the City Council. The initial membership of the Board shall consist of the Ad Hoc Park Committee which preexists the adoption date of this ordinance. No member shall receive any compensation.
(Ord. 742, 1997)

Section 2.57.020 Purpose.

The Board shall advise and make recommendations to the Mayor and City Council regarding the development and improvement of parks, the acquisition and placement of parks, landscaping, public art, trails and other recreational facilities for the use and benefit of the public. The Board shall also make recommendations concerning the formulation of policy and implementation of plans and programs related to the City Park System, including planning which focuses on citizen participation, particularly with regard to the City's young and elderly citizens.
(Ord. 742, 1997)

Section 2.57.030 Member Terms.

All members shall serve for a period of four (4) years; provided however that those members presently serving shall serve out the remainder of their un-expired terms. Vacancies occurring otherwise than through the expiration of terms shall be filled for the un-expired term. An individual appointed to fill an un-expired term shall be appointed only for the remainder of that term. Members of the Board may be removed at any time by the Mayor with the approval of the City Council.
(Ord. 742, 1997)

Section 2.57.040 Meetings.

The Board shall meet regularly on at least a monthly basis and shall adopt and publish rules which govern their meeting activity. Special meetings may be held as often as the Board deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act.
(Ord. 742, 1997)

Section 2.57.050 Officers.

At the first meeting of each year, the Board shall elect from the members of the Board a chairperson, vice chairperson, secretary and such other officers as may be necessary and as Board rules allow. The chairperson shall preside at all meetings of the Board. If the chairperson is absent then the vice chair shall preside. The secretary

shall keep the minutes, sign the minutes and draft various Board correspondence. For purposes of conducting the Board's business, a quorum shall consist of three (3) or more members. Any action taken when a quorum is present shall be deemed and taken as the action and decision of the Board.
(Ord. 742, 1997)

Section 2.57.060 Powers, Authority and Duties of the Board.

The Board shall be responsible to the City Council for its duties and actions but shall not exercise any administrative or supervisory powers not explicitly granted to the Board by the Council. The duties of the Board shall include, but not be limited to the following:

- a. To give advisory recommendations to the City Council on all designs, regulations, resolutions, plans, policies, projects, and proposals relating to the City Park System, recreational facilities or open space.
- b. To consult with and give advisory recommendations to the Public Works Director regarding standards, policies and programs for the maintenance and use of all the City's park and recreational facilities.
- c. To give advisory recommendations to the city "SEPA" official on all plans, policies and development relating to the City Park System.
- d. To promote public use and awareness of the City's park facilities and services.
- e. To hold public hearings from time to time to solicit public input for the City's park and open space planning process.
- f. To apprise the Mayor and City Council of the community's park and recreational needs.
- g. To periodically prepare and update the City's Comprehensive Park and Open Space Plan in conjunction with the Public Works department for review and final approval by the City Council.
- h. To cooperate with the City's Public Works department in resolving any complaints that arise regarding the park system.
- i. To encourage individuals and community groups to give funds, manpower and property for the improvement and

development of City parks and recreational facilities.

j. Perform such other services and studies as may be requested by the City Council.

k. Develop recommendations for the Park Department Budget to the Public Works Director.

l. To coordinate and manage the park and recreational facility design process in conjunction with design professionals of the Board's choosing and to recommend names or a naming process for the parks and facilities in the system.

m. To prepare plans for use of the City Park System for special events, like Choochokam, that impact the neighborhood with noise and traffic.
(Ord. 742, 1997)

Section 2.57.070 Parks And Recreation Budget.

The Public Works Director shall prepare a draft budget for review by the Board. The draft budget shall be reviewed to establish whether it conforms to the Parks Comprehensive Plan, various bequests or donations of property to the City and the maintenance and operations needs of the City Park System. The budget may also include recommendations for the acquisition of land, structures and facilities needed for the efficient administration, construction and development of the public park and recreation system.
(Ord. 742, 1997)

Section 2.57.080 Annual Report To The City Council.

The Board shall make a full report in writing to the City Council on or before the Council's first meeting in June of each year. The report shall advise the Council of its park related transactions and expenditures for the previous year and any other general recommendations and reports that relate to the prescribed duties and responsibilities of the Board.
(Ord. 742, 1997)

Section 2.57.090 Donations.

All persons who desire to make gifts of money, personal property or real estate for

the benefit of said park and recreation system shall have the right to vest title thereto in the City, to be held and controlled when accepted according to the terms of the deed, gift, devise or bequest.

(Ord. 742, 1997)

Section 2.57.100 Amendments To Chapter.

This ordinance and code chapter may only be amended upon a 2/3rd's majority vote of the City Council.

(Ord. 742, 1997)

Chapter 2.58

Harbor Advisory Board

Sections:

**2.58.010 Harbor Advisory Board
Created**

**2.58.020 Harbor Advisory Board
Purpose**

**2.58.030 Member Qualifications and
Terms**

2.58.040 Meetings

2.58.050 Officers

**2.58.060 Powers, Authority and Duties of
the Board**

2.58.070 Annual Report to City Council

**Section 2.58.010 Harbor Advisory
Board – Created**

There is created a Harbor Advisory Board consisting of no less than three (3) or more than six (6) members who shall be appointed by the Mayor and such appointments shall be confirmed by City Council. Any such member of the Harbor Advisory Board may be removed at any time by the Mayor by and with confirmation of the City Council and shall be subject to the rules and regulations as may be prescribed by the City Council. Up to two members of City Council may be appointed to the Board by the Mayor as ex-officio members. (Ord. 863, 2005)

**Section 2.58.020 Harbor Advisory
Board – Purpose**

The purpose of the Harbor Advisory Board is to provide advice to the Mayor, staff, and City Council regarding operations and maintenance of the Langley Boat Harbor (LBH). These matters will include but are not limited to: moorage rates and regulations; physical improvements; service improvements; annual budgets for operations, maintenance, and capital improvements; and issues related to signage and communication with boaters and the community. The Board shall also assist and support City staff, as appropriate, in

coordinating cooperation with other public agencies, be serving as a channel for community input related to the LBH, and in identifying and applying for grants. (Ord. 863, 2005)

**Section 2.58.030 Member
Qualifications and Terms**

Members of the Board may be residents of Langley or the vicinity. At any time, at least two members shall be residents or property owners within the City of Langley. Each member shall have experience as a boater and/or special interest in the successful operation of the LBH. Board members shall serve for two (2) years from the date of their appointment. Terms shall be staggered so that no more than three (3) positions need be filled in any one year. The initial appointees shall determine among themselves which members will serve one-year appointments and which will serve two-year appointments. Board members may be re-appointed by the Mayor with confirmation by City Council. (Ord. 863, 2005)

Section 2.58.040 Meetings

- A. The Harbor Advisory Board shall meet no less than four (4) time per year (approximately quarterly) and at such additional times as they determine necessary.
 - B. All meetings of the Board shall be open to the public and posted/published in advance.
 - C. For purposes of voting, a quorum shall consist of three members.
 - D. The Board will receive staff support from the Director of Public Works and/or a designee.
- (Ord. 863, 2005)

Section 2.58.050 Officers

At the first meeting of each year, the Board shall elect from the members of the Board a Chairperson and Vice Chairperson. The

Chairperson shall preside at all meetings of the Board. If the Chairperson is absent then the Vice Chairperson shall preside. Officers may be re-elected to the same position for up to three consecutive terms. (Ord 863, 2005)

Section 2.58.060 Powers, Authority and Duties of the Board

The Board shall be responsible to City Council for its duties and actions but shall not exercise any administrative or supervisory powers not explicitly granted to the Board by the Council. The duties of the Board shall include, but not be limited to the following:

- a. To give advisory recommendations to staff and City Council on all designs, regulations, resolutions, plans, policies, projects and proposals relating to the LBH.
- b. To consult with and give advice to the Public Works Director regarding standards, policies, and programs for the operations, maintenance, and use of LBH.
- c. To give advice to the City SEPA official on all plans, policies and development relating to the LBH.
- d. To promote public use and awareness of the LBH.
- e. To hold public meetings, as appropriate, to solicit public input for the LBH.
- f. To apprise the Mayor, staff and City Council of the community's needs and interests related to LBH.
- g. In conjunction with the Public Works Department, to periodically review and, if necessary, recommend updates to the City's Master Plan for the Boat Harbor and Environs.
- h. To advise Public Works Department in resolving any complaints that arise regarding operations and maintenance of the LBH.
- i. To develop recommendations for the annual LBH budget and submit to the Public Works Director.
- j. To perform such other services and studies as may be reasonably requested by City Council. (Ord. 863, 2005)

Section 2.58.070 Annual Report to City Council

The Board shall make a written report to City Council on or before the Council's first meeting in March each year. The report shall summarize the Board's activities and accomplishments for the previous calendar year (January through December) and include any general recommendations and reports as may be appropriate. (Ord. 863, 2005)

Chapter 2.60

Compensation for Mayor and City Council Members

Sections:

- 2.60.010 Mayor-Compensation.**
- 2.60.020 City council members-Compensation.**
- 2.60.030 Vacated council position-Compensation.**
- 2.60.040 Other city employee benefits.**
- 2.60.050 Sufficient funds to be budgeted for compensation.**

Section 2.60.010 Mayor-Compensation.

Commencing on January 1, 2007, the Mayor of the City of Langley may be compensated at a rate not to exceed \$1,750.00 per month. (Ord. 593, 1991)(Ord. 757, 1997)(Ord. 780, 1999) (Ord. 835, 2003)(Ord. 883, 2006)

appropriation to provide funds for said compensation.
(Ord. 593, 1991)

Section 2.60.020 City council members-Compensation.

Commencing on January 1, 1992, all persons elected to the city council in the 1991 General Election or thereafter may be compensated for their service at a rate not to exceed fifty dollars per month.
(Ord. 593, 1991)

Section 2.60.030 Vacated council position-Compensation.

Commencing on January 1, 1992, any person appointed to fill the remaining un-expired term of office of a vacated council position may be compensated at a rate of fifty dollars per month.
(Ord. 593, 1991)

Section 2.60.040 Other city employee benefits.

No other city employee benefits shall be provided to the mayor or to council members except as permitted by law and provided for by city ordinance.
(Ord. 593, 1991)

Section 2.60.050 Sufficient funds to be budgeted for compensation.

Sufficient funds may be budgeted each year commencing with the 1992 Budget

Chapter 2.62

Indemnification and Legal Representation of City Officials and Employees

Sections:

2.62.010	Definitions
2.62.020	Legal Representation.
2.62.030	Determination Of Exclusion.
2.62.040	Representation And Payment Of Claims - Conditions.
2.62.050	Effect Of Compliance With Conditions.
2.62.060	Failure To Comply With Conditions.
2.62.070	Reimbursement Of Incurred Expenses.
2.62.080	Conflict With Provision Of Insurance Policies.
2.62.090	Pending Claims.
2.62.100	Defense Of Recall Hearing.
2.62.110	Waiver

Section 2.62.010 Definitions

Unless the context indicates otherwise, the words and phrase used in this chapter shall have the following meanings:

1. "Employee" means any person who is or has been employed by the City.

2. "Official" means any person who is serving or has served as an elected, elective, or appointed city official, and any person who is serving or has served as an appointed member of any city board, commission, or committee.

(Ord. 675, 1994)

Section 2.62.020 Legal Representation.

(1) As a condition of service or employment with the city, the city shall provide to an official or employees, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official or employee resulting from any conduct, act or omission of such official or employee performed or omitted on behalf of the city in his or her capacity as a city official or employee, which act or omission is within the scope of his or her service or employment with the city.

(2) Except as may be provided in any applicable policy of municipal insurance, such legal representation shall be provided by the city attorney or by an attorney designated by the city attorney.

(Ord. 675, 1994)

Section 2.62.030 Determination Of Exclusion.

The determination of whether an official or employee is entitled to a defense by the city under terms of this chapter shall be made by the city council on the recommendation of the Mayor; which recommendation to the city council shall not be unreasonably withheld. The decision of the city council shall be final as a legislative determination and shall be based upon a finding that an official or employee meets or does not meet the criteria of this chapter. Nothing herein shall preclude the city from undertaking an officer or employee's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the city council shall be made without the vote of such member or members of the city council unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the city council, all such affected members shall retain their

voting privileges under this section. There shall be no appeal from such determination, except to superior court by means of an action of declaratory judgment.
(Ord. 675, 1994)

Section 2.62.040 Representation And Payment Of Claims - Conditions.

The provisions of this chapter shall be subject to the following conditions:

(1) In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official or employee involved shall, as soon as practicable, give the city attorney written notice thereof, identifying the official or employee involved, all information known to the official or employee involved, all information known to official or employee with respect to date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses;

(2) Upon receipt thereof, the official or employee shall forthwith deliver any claim, demand, notice, or summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney or an attorney designated by the city attorney, and, upon request, assist in making settlements of any suits and enforcing any claims for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from such incident or course of conduct;

(3) Such official or employee shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official or employee and in the event that an employee has left the employ of the city, no fee or compensation shall be provided;

(4) Such official or employee shall not accept or voluntarily make any payment, assume any obligation, or incur any expense, other than first aid to others at the time of any incident, or a reasonable attempt to

avoid or mitigate injury or damage to persons or property; and

(5) Failure of the city official or employee to cooperate with the defense, as required, shall constitute a withdrawal of the request for defense and indemnification and relieves the city of further liability.
(Ord. 675, 1994)

Section 2.62.050 Effect Of Compliance With Conditions.

If legal representation of an official or employee is undertaken by the city, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may, at its discretion, appeal as necessary such judgment.
(Ord. 675, 1998)

Section 2.62.060 Failure To Comply With Conditions.

In the event that any official or employee fails or refuses to comply with any of the conditions of Section E or elects to provide his or her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable and have no force or effect with respect to any such claim or litigation; provided, however, nothing contained in this section shall prevent an official or employee from obtaining personal legal representation at his or her own expense to act in cooperation with the attorney designated by the city.
(Ord. 675, 1994)

Section 2.62.070 Reimbursement Of Incurred Expenses.

(1) If the city determines that an official or employee does not come within the provisions of this chapter, and a court of competent jurisdiction later determined that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official or employee and reasonable attorney's fees incurred in defending the claim. The city shall pay any reasonable attorney's fees incurred in obtaining the determination that

such claim is covered by the provisions of this chapter.

(2) If the city determines that a claim against a city official or employee does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed, by said official, employee or their assigns, for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter.

(3) The city shall require the concerned official or employee to sign an agreement indicating he or she will reimburse the city for defense costs, including attorney fees, should the trier of fact determine the official or employee committed a willful, wanton or intentionally wrongful act. This document shall be signed before the city is obligated to provide a defense.

(Ord. 675, 1994)

Section 2.62.080 Conflict With Provision Of Insurance Policies.

The indemnification and defense provisions of this chapter do not constitute an insurance policy. Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official or employee thereof is named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide complete coverage outside and beyond insurance policies which may be in effect, while not compromising the terms of such policies by any conflicting provision contained in this chapter.

(Ord. 675, 1994)

Section 2.62.090 Pending Claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against an official or employee, or any such

claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit. This ordinance shall not be construed as creating a contract between the city and any official or employee or a contract of insurance.

(Ord. 675, 1994)

Section 2.62.100 Defense Of Recall Hearing.

The necessary expenses of defending an elected officer of the city in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the city if the officer requests such defense and approval is granted by the city council, upon the Mayor's recommendation. The expenses paid by the city may include costs associated with an appeal of the decision rendered by the Superior Court concerning the sufficiency of the recall charge.

(Ord. 675, 1994)

Section 2.62.110 Waiver

Nothing herein shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official or employee nor to limit its ability to discipline or terminate an employee.

(Ord. 675, 1994)

Section 2.62.120 Costs and Legal Fees.

A. When legal representation of a city official and/or employee is provided under this chapter and the city official and/or employee is the prevailing party in said litigation, it shall be the policy of the City of Langley to pursue any and all means to recover the costs and legal fees of said representation as provided by law.

B. Pursuant to the policy established in paragraph (A) above, it is advised that all city agreements, purchase orders and contracts, have a clause placed in them that provides that in the event there is litigation concerning the agreement, purchase order or contract, that costs and a reasonable attorney's fee shall be awarded to the prevailing party.

(Ord. 779, 1999)