

AGENDA
GIG HARBOR CITY COUNCIL STUDY SESSION
Thursday, April 20, 2023 – 3:00 p.m.
Community Rooms

*This meeting may also be accessed through Zoom
at <https://zoom.us/j/93216056382> or by calling (253) 215-8782 and entering
Meeting ID 932 1605 6382.*

CALL TO ORDER/ROLL CALL

DISCUSSION ITEMS

1. Community Center Presentation

Gary Parker and Joe Hillyer

2. Proposed Crescent Creek Annexation

Public Works Director Jeff Langhelm

Documents:

[STAFF MEMO Proposed Crescent Creek Annexation.pdf](#)

3. Murphy's Landing Marina Dredging

Public Works Director Jeff Langhelm

Documents:

[STAFF MEMO Murphys Landing Dredging.pdf](#)
[Letter from Craig Peck.pdf](#)

4. Updates to the City Council's Guidelines and Procedures

City Clerk Josh Stecker

Documents:

[STAFF MEMO Council Guidelines.pdf](#)
[R-1066 Purchase-Contract Procedures Update_01-17-17.pdf](#)

ADJOURN

AMERICANS WITH DISABILITIES (ADA) ACCOMMODATIONS

ADA accommodations can be provided upon request. Those requiring special accommodations should contact the City Clerk at cityclerk@gigharborwa.gov or (253) 853-7613 at least 24 hours prior to the meeting.



PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: Mayor and City Councilmembers

FROM: Jeff Langhelm, PE, Public Works Director

DATE: April 14, 2023

SUBJECT: Proposed Crescent Creek Annexation

The Public Works Department has submitted an application for the annexation of two parcels adjacent to Crescent Creek Park. One is the Masonic Lodge parcel, and the other is the 2.33-acre parcel north of the park. Both of these parcels are owned by the city and will be considered in the Crescent Creek Master Planning Process.

Because the City owns the parcels, the annexation process is relatively easy. An annexation for “municipal purposes” requires only an ordinance from the city and does not need to be reviewed by the Pierce County Boundary Review Board.

Community Development checked with Pierce County about whether annexing the rights-of-way adjacent to the properties would affect the annexation process at all. It does not, but it would require the additional step of hiring a land surveyor to write a legal description of the new city boundary.

As shown on the attached aerial photograph, the city did not annex any of the right-of-way adjacent to the volleyball/BMX parcel. However, it has been past practice by the city in other locations to annex the entire right-of-way. There are benefits and drawbacks to the city annexing some or all of the right-of-way adjacent to the proposed annexation parcels. Benefits include control of operation and future development of the roadway and the intersection of Crescent Valley Drive and 96th Street, including speed limits, types of frontage improvements, and general roadway operation. Drawbacks include City liability and maintenance expenditures for the roadways, including the intersection.

At the April 20 study session, staff will be seeking direction from Council on whether to proceed with the annexation of just the two parcels, half of the right-of-way, or the full right-of-way that is adjacent to the parcels.

Extent Map



Exhibit A Crescent Creek Park Properties Map



0 100 200
Feet

PIERCE COUNTY

0222323031

Crescent Creek
Park (incl BMX &
volleyball courts)

0222323032

City of
Gig Harbor

VERNHARDSON ST

96TH ST NW

WHEELER AVE

Gig
Harbor

RANDALL DR

RANDALL DR NW

31ST AVE CT NW

CRESCENT VALLEY DR NW

Legend

- Pierce County
- Urban Growth Area
- Parcel Boundary
- Crescent Creek Park
- City-owned Property to be Annexed

PIERCE COUNTY

An aerial photograph of a suburban neighborhood with various residential lots. The map includes several lot numbers such as 9716, 9702, 9721, 9711, 9629, 9625, 9621, 9626, 3025, 3116, 9516, 9514, 9517, 9515, 9503, 9501, 9504, and 2916. Parcel identification numbers like 0222323031, 0222323033, 0222323032, 0221056038, 0221056039, 0221052038, and 0221052055 are also visible. Street names include Crescent Valley Dr N, Crescent Valley Dr NW, 96th St NW, and 31st Ave Ct. A red dashed rectangle highlights a specific area containing lot 3025 and surrounding parcels. An orange shaded area runs along the intersection of Crescent Valley Dr NW and 96th St NW.

 Override 1
 Parcel Boundary

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

City of Gig Harbor

The map features are approximate. All data is provided "as-is" and "with all faults." The City assumes no liability for variations ascertained by actual survey.



DATE: April 14, 2023
TO: Mayor and City Council
FROM: Marcos McGraw, Project Engineer *MEM*
SUBJECT: Murphy's Landing Marina Dredging; Project status and future action

PURPOSE

This memorandum and presentation follow up on the presentation to City Council on January 12, 2023, on the same subject. This memorandum describes actions and activities related to the subject project since the January 12 presentation.

HISTORY

The city contracted with Parametrix for design and permit preparation. That contract expired in March 2022. During the past four months, city staff submitted records to the US Army Corps of Engineers (USACE) and communicated this progress to the representatives of Murphy's Landing Marina.

After the study session on January 12, 2023, city staff submitted to USACE the documents for a Nationwide Permit. A Nationwide Permit will allow for disposal of approximately 700 cubic yards of dredged sediments at a site located upland from the project location. These documents consisted of a completed form for Coastal Zone Management Program (CZMA), updated JARPA exhibits, and a list of adjacent property owners. This action complied with direction from City Council and concurrence from the Marina (ref. email from dated 3/28/2023 at 8:50am) stating "Please continue with the Nationwide Permit..." Subsequent to this concurrence, the Marina expressed during a telephone conversation, that was followed up by an email, that their preferred disposal method of the dredged sediments is in water. This preference is based on the anticipated costs for upland disposal being much more than the cost of in-water disposal of dredged sediments. However, the Nationwide Permit will prohibit disposal of dredged sediments at an in-water location. This in-water disposal occurs at approved sites throughout the Puget Sound, and this type of disposal requires an Individual Permit from USACE. We recently learned that compliance with the Endangered Species Act (ESA) will require consultation with the U.S. Fish and Wildlife Service and/or consultation with National Marine Fisheries Service (NMFS).

CURRENT CONDITIONS

However, the local and state permits that have been issued as of the date of this memo are as listed here:

SEPA determination by City of Gig Harbor on November 7, 2022.

Hydraulic Project Approval (HPA) by the Washington State Department of Fish and Wildlife (WDFW) on December 28, 2022.

Hearing Examiner decision on January 6, 2023.

FINAL PERMITTING OPTIONS

The final permit options relate to the Nationwide Permit versus the Individual Permit through USACE. As stated earlier within this memorandum, the Nationwide Permit application is nearly complete. These options include:

Option 1: Nationwide Permit

The process for acquiring a Nationwide Permit commenced earlier this year (ref. 2nd paragraph under "History" above). This permit will likely be issued within a few months. Option one consists of proceeding with acquisition of the Nationwide Permit. Then turn the project over to the Marina along with all associated obligations for future construction and any permit requirements.

Option 2: Individual Permit managed by City

Representatives with the Marina expressed a preference for the City to obtain an in-water disposal of the dredged sediments, which will require acquisition of an Individual Permit. The effort to manage the process to apply for and acquire an Individual Permit will result in additional time and costs to the city, including a new professional services contract. The permit will likely not be issued until mid- to late-2024.

Staff Recommendation:

City staff recommend Option 1 listed above.

The purpose of all the work to date has been to design and permit dredging to support vessel movement within the basin that was originally dredged for construction of the development that is now known as Murphy's Landing. This option complies with earlier direction from City Council. It will allow USACE to issue the permit much earlier than the other option. It will allow the Marina to proceed with the dredging work in 2023, dependent on conditions of the permit. It will provide an option for the Marina to work with USACE to switch the Nationwide Permit to an Individual Permit for in-water disposal. However, it will result in construction costs ranging from twice to three times the costs for in-water disposal according to cost estimates acquired by the Marina in November 2022.

Murphy's Landing Marina

DATE: April 20, 2023
TO: Gig Harbor City Council
FROM: Craig Peck, Murphy's Landing Marina Owners' Board Member
SUBJECT: Murphy's Landing Marina Dredging – City Budget Increase Request for Permitting

PURPOSE:

This memorandum and presentation provides additional information to supplement that which was provided to you in Memorandum dated April 14, 2023, by Marcos McGraw.

HISTORY:

Following installation of the 2011 sewer outfall that passes very near the marina entrance, sediment has begun to fill the entrance at an accelerated rate. This predominantly occurs during and after higher precipitation runoff events that coincide with lower low tides. These events continue to occur several times each year.

An agreement in 2021 between Murphy's Landing and the City states that the City would complete the design of the dredging by January 1, 2022. As stated in the April 14, 2023, memorandum, permit applications for that dredging design continue to be submitted more than 15 months after that January 2022 date, delaying our opportunity to dredge.

CURRENT CONDITIONS:

The marina entrance becomes less safe for vessel passage following each significant runoff event requiring vessel operators to study tide tables each time they enter or leave the marina during low tides, restricting vessel usage. Lower low tides occur during daylight hours during the boating season.

Because the City is applying for a Nationwide Permit, Marina owners voted unanimously this month to further delay the dredging project to allow the additional time required to obtain an Individual Permit from the U.S. Army Corps of Engineers. The Individual Permit would allow water disposal of dredged material at a much lesser cost than the land disposal required by the Nationwide Permit currently being pursued by the City.

I have recently obtained and updated budgetary costs from three local dredging contractors. Those numbers area:

Dredging with Water Disposal:	Approximately \$60,000
Dredging with Land Disposal:	Approximately \$315,000

FINAL PERMITTING OPTIONS:

Option 1: Nationwide Permit

Continue efforts to acquire a Nationwide Permit that requires land disposal of dredge material at an increase cost of \$250,000 or more for the marina owners.

Option 2: Individual Permit

Approve a budget increase to the City Agreement for Dredge Permit Acquisition that would result in a *significantly* more affordable and *fairer* cost to the marina owners to remedy the marina entrance.



MEMORANDUM

DATE: April 14, 2023
AMENDED April 18, 2023

TO: City Council

FROM: Josh Stecker, City Clerk

SUBJECT: Updates to the City Council's Guidelines and Procedures

At the March 11 retreat, council discussed amending its guidelines and procedures to include a provision for administering sanctions upon councilmembers who willfully or knowingly choose not to adhere to the guidelines. Attached to this memo are a revised set of guidelines that incorporate sanction provisions (pg. 5-7) based on the examples discussed at the retreat.

Additionally, some changes to the order of city council meeting agendas are also proposed for council to consider and discuss.

A new agenda item VI (pg. 13-14) for "Public Comment" is proposed as an opportunity to take all public comment at the beginning of a council meeting. This would replace public comment periods for each individual business item during the meeting. Some reasons for this suggested change include:

- It provides opportunity for comments on consent agenda items before adoption of the consent agenda.
- It prevents residents from needing to wait through lengthy portions of a meeting to make comments on agenda items toward the end of the agenda.
- Comments provided at the beginning of the meeting provide staff with the opportunity to address concerns raised by residents in their staff reports.
- It saves meeting time spent on procedurally opening and closing public comment multiple times.

Similarly, agenda item VII, provides for all public hearings to be held at the beginning of each meeting.

To make more efficient use of meeting time, a change to the conducting of business items is also proposed. Instead of holding separate agenda items for “Od Business” and “New Business,” staff recommends having a single “Business Items” agenda item (pg. 15). This change would allow us to schedule some new business items ahead of old business items. By doing so we can make more efficient use of consultant and staff time so that they are not required to wait through lengthier agenda items that they are not needed for.

During the April 20 study session discussion on these items it will also be appropriate for councilmembers to raise any other changes they would like to see made to the Guidelines and Procedures. If you have ideas for other updates you would like to review, please let me know and I can be prepared to address them with Council during the study session.

ADDITIONAL DISCUSSION ITEM - AMENDED ON APRIL 18, 2023

A new Article 9 (pg. 39) is also being presented for Council discussion on the delegation of purchasing and contracting authority. The delegation of authority is currently provided in Resolution 1066 (adopted on 2017). Resolution 1066 authorizes the mayor to make purchases up to \$50,000 and sign professional services contracts up to \$35,000, provided the purchase or contract is identified in the budget and the purchase does not exceed the budgeted amount.

For the 2023-24 budget, the city reformatted and streamlined the budget document adopted by Council. As part of that process, many routine expenses were not explicitly called out in the budget. This has created a “gray area” where some expenses are anticipated but not clearly “identified” in the budget.

Article 9 would supersede the delegation of authority in Resolution 1066 and instead provide the mayor with purchase authority up to \$100,000 for budgeted items. It expands the delegation of authority to include items which are not identified in the current city budget or that exceed the amount specified in the current city budget up to \$100,000, provided that:

- a) The City Administrator has determined that the expenditure falls within the normal functions of the city and is an implied or anticipated expense within the current city budget.
- b) The Finance Director has determined that such expenditure will not require a future amendment to the current city budget.

Some examples include agreements with local animal hospitals for stray animal services and the contract to purchase desk phones for city staff. These types of expenses are part of the city’s day to day operations and are covered in the city’s budget. The ability to administratively sign these agreements would save staff time in preparing items for council approval and it would avoid the delay of needing to wait for a council meeting agenda.

This article also allows the mayor to authorize cooperative agreements where no money is involved. This would encompass agreements for training and facility use with agencies like Pierce County, Kitsap County, and Gig Harbor Fire.



CITY OF GIG HARBOR

COUNCIL GUIDELINES & PROCEDURES

REVISED DECEMBER 12, 2022

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ARTICLE 1 – PURPOSE & SCOPE

The City Council Guidelines and Procedures should be considered a means to an end, and not an end in themselves. If used well, guidelines of procedure will advance fundamental goals and principles. They will help council spend its time well and make good decisions on behalf of the community. The guidelines should not become the master and the primary focus for the meeting. The "horse" (the principles) should come before the "cart" (the guidelines).

These guidelines of procedure are adopted for the sole benefit of the members of the City Council and the Mayor to assist in the orderly conduct of council business. These guidelines of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these guidelines shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these guidelines result in invalidation of any council act. The City Council may implicitly or by a majority vote determine to temporarily waive any of the guidelines. Council action taken in disregard or non-conformity with these guidelines shall be construed as an implicit waiver.

The purpose of this document is to state shared values and workflows that emulate to the Gig Harbor Community that the council is dedicated to service with civility, accountability, public confidence, and respect. The City Council understands that in order for the City to run efficiently and transparently, there must be a set of rules and procedures that are regularly followed. The City Council, by adoption of this document, seeks to inspire public confidence in the City government.

The City Council has a responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial while others are destructive. The council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and the council must recognize that certain behavior is counterproductive, while other behavior will lead to success.

STATEMENT OF ETHICS

Gig Harbor City Councilmembers shall:

- Be dedicated to the concepts of effective and democratic government.
- Affirm the dignity and worth of the services rendered by government and maintain a sense of social responsibility.
- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships.
- Recognize that the chief function of local government at all times is to serve the best interest of all the people.

- Keep the community informed on municipal affairs and encourage communications between the citizens and all municipal officers.
- Emphasize friendly and courteous service to the public and each other; seek to improve the quality of public service and confidence of citizens.
- Seek no favor; do not personally benefit or profit by confidential information or by misuse of public resources.
- Conduct business of the City in a manner which is not only fair in fact, but also in appearance.

PUBLIC SERVICE AGREEMENTS

1. Disagreement and difference of opinion is an honored and respected feature of government in Gig Harbor. Councilmembers will acknowledge and respect other member's perspectives. In areas of disagreement with another councilmember, every attempt will be made to have a private conversation outside of a council meeting first.
2. Councilmembers will take special care to listen and hear other member perspectives. Communication will be done respectfully, kindly, and directly. Councilmembers will refrain from directing disrespectful gestures and using intimidating behaviors toward each other.
3. Public input is paramount to crafting City policy. Councilmembers will actively listen and seek to understand citizen feedback.
4. Councilmembers will base their decisions on facts, but reconsider decisions if changing circumstances warrant reconsideration.
5. Councilmembers will not seek out the media to vent feelings when on the losing end of a vote.
6. Councilmembers will not criticize those who voted against their position on issues.
7. Once the council has adopted policy or an issue is passed/defeated by majority vote, remaining councilmembers will not work against the decision.
8. Once a vote has been taken on an issue, councilmembers will support the policy/vote of the council.
9. When asked about an issue that has been decided by the council, councilmembers will state the council's position, and that they support the body's decision. If asked, councilmembers may give their individual views on the issue.

ADHERENCE TO GUIDELINES

Each Councilmember shall have the duty and obligation to review these guidelines and procedures and be familiar with its provisions.

During City Council discussions, deliberations, and proceedings, the Mayor will be primarily responsible to ensure that the City Council, staff, and members of the public adhere to the Council's adopted guidelines and procedures.

Knowing and/or willful failure to adhere to the provisions of guidelines and procedures may subject a councilmember to enforcement and sanctions, as follows:

- 1) Prior to undertaking any further steps, a councilmember who believes that a failure to adhere to these guidelines and procedures has been committed by a fellow councilmember must first reach out individually to that councilmember and express their concern(s) and provide an opportunity for the offending councilmember to remedy the failure to adhere.
- 2) Upon determining that there is credible evidence that a councilmember has, or may have, engaged in knowing and/or willful action or omission that constitutes failure to adhere to the provisions of these guidelines and procedures, a councilmember may call upon the council to determine whether such knowing and/or willful action or omission has occurred, and the sanctions, if any, to be imposed. This conversation may be held in executive session in accordance with RCW 42.30.100(1)(f). However, upon the request of the councilmember against whom the complaint is brought, this conversation must be held in open session;
- 3) A majority of the Council shall vote on whether to hold a hearing to determine the existence of an act or omission constituting a failure to adhere to these guidelines and procedures and the sanctions, if any, that may be considered. If such hearing is approved by the council, the hearing shall be held at a time and place specified in the motion approving such hearing, no sooner than 12 days following approval of the motion.
- 4) Prior to conducting any hearing on an alleged failure to adhere to the provisions of these guidelines and procedures, the city administrator shall provide written notice to the councilmember alleged to have engaged in such failure to adhere to these guidelines and procedures at least ten calendar days prior to the hearing. The written notice shall identify the specific provisions of these guidelines with which the councilmember is alleged to have failed to adhere and the facts supporting such allegation, as presented by the councilmember(s) calling for the hearing.
- 5) At such hearing, council shall determine whether there is a sufficient evidence indicating that a councilmember has knowingly and/or willfully acted or failed to act in a manner constituting a failure to adhere to the provisions of these guidelines and procedures. The councilmember alleged to have failed to adhere to the provisions of these guidelines and procedures shall have the right to present evidence and testimony. A finding of the existence of such knowing and/or willful failure to adhere shall be determined by motion approved by a majority of the Council plus one.
- 6) Upon finding that a knowing and/or willful failure to adhere to the provisions of these guidelines and procedures has occurred, the Council shall proceed to determine whether the sanctions, if any, should be imposed. Appropriate sanctions may include, but are not limited to, the following:
 - i. public censure by resolution of the city council
 - ii. removal of appointment to community boards, committees, or commissions; and

iii. removal of appointment to Council boards or committees

ARTICLE 2 – CITY COUNCIL MEETINGS

2.1 City Council Meetings Defined

A City Council meeting is any meeting comprised of four or more councilmembers where City business is conducted. All City Council meetings are subject to all provisions of the Open Public Meetings Act (OPMA).

Types of City Council meetings include:

- **Regular and Official Meetings** – The City Council meets in regular session on the second and fourth Mondays of each month at 5:30 p.m., as established in GHMC Chapter 2.04. In the event any of the regular and official meeting days fall upon a legal holiday, the regular and official meeting day shall be on the Tuesday following the second and fourth Monday of each month. During the months of August and December, the Mayor is directed to cancel the second regular meeting of the month, unless the Mayor or City Council determines that it is necessary to hold these meetings to conduct essential City business.
- **Special Meetings** – Special meetings may be called by the Mayor or a majority of council. Council may take final action on items published on the agenda of a Special Meeting.
- **Study Sessions** – Study sessions provide council with the opportunity to discuss and explore issues before progressing the matter to a regular and official meeting for final action. Council may direct the Mayor to direct staff by motion or consensus at study sessions, but council may not take final action on any matters. In order to encourage discussion, study sessions are intended to be less formal in nature than regular meetings. It is appropriate for councilmembers to address each other informally during these meetings while still maintaining civility and decorum.
- **Council Retreats** – Annually, or as needed, council may hold retreats to discuss work plans and visioning for future action. Similar to study sessions, council may direct the Mayor to direct staff by motion or consensus, but council may not take final action on any matters.
- **Workshops** – Workshops are utilized to provide training or procedural guidance to council on the role and function of council and other City governance matters.
- **Emergency Meetings** – An Emergency Meeting may be called without notice requirements. An Emergency Meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency Meetings may be called by the Mayor or majority of councilmembers. The minutes will indicate the reason for the emergency.
- **Remote Meetings** – Any of the preceding meetings may be designated as a remote meeting during a state of emergency declared by the City, State, or federal government at the discretion of the Mayor, or by a quorum of the

City Council if allowed by law. A remote meeting is a meeting of the City Council during which a quorum or more of councilmembers appear or attend entirely by phone, the internet, or via other electronic means that allow real-time verbal communication during which all participants are simultaneously able to hear each other. Final action may be taken during remote meetings. Remote meetings are subject to all requirements of the Open Public Meetings Act. The public shall be provided with access and notice for all meetings as required by the Open Public Meetings Act.

At all council Meetings, a majority of the council shall constitute a quorum for the transaction of business.

All City meetings will be broadcast live using the Zoom meetings platform (or another similar platform at the discretion of the City Clerk) to allow residents to attend the meetings remotely. Public comment will be accepted by remote attendees at the appropriate portions of the meeting as defined in these Procedures & Guidelines.

Councilmembers and the Mayor may appear at a council meeting by remote connection. Councilmembers intending to attend a meeting remotely should notify the Mayor and City Clerk in advance of the meeting. In instances when the Mayor is remotely attending a meeting, the Mayor will still function as the Presiding Officer. These remote attendance guidelines do not apply to Remote Meetings as defined above.

The City Clerk or Assistant City Clerk shall attend all council meetings. If the City Clerk and the Assistant City Clerk are absent from any council meeting, the City Administrator shall appoint a Clerk for that meeting.

Any City employee shall attend a City Council meeting when requested by the Mayor or City Administrator for clarification or explanation of agenda items.

2.2 Rules of Order

All City Council meetings shall be guided by the most recent edition of *Robert's Rules of Order*, as published by Scott, Foresman and Company. A quick reference chart of the most common "Rules of Order" questions is attached as **Exhibit A**. The City Clerk shall act as parliamentarian during all meetings of the City Council.

The Mayor shall be addressed as "Mayor (surname)." Councilmembers shall be addressed as "Councilmember (surname)."

Councilmembers should speak to the issues in a civil manner, respecting the viewpoints of others, and focus on the issue at hand, sharing their own motives and reasons for supporting or not supporting an item for discussion in a polite manner towards each other and the public. Respect should be shown to present

and past councilmembers, the Mayor, and staff. If a motion is on the table, councilmember comments should speak to the motion. If an amendment to a motion is on the table, councilmember comments should speak only to the amendment.

The purpose of council discussion is to make known a councilmember's stance on a particular issue. Councilmembers should not use their comments in an attempt to debate their fellow councilmembers. Comments should be concise, succinct, and to the point. Rather than repeating other councilmembers' comments, councilmembers should simply express agreement with prior comments. Councilmembers may call a "point of order" if another councilmember persists in providing comment that is not germane to the issue.

Councilmembers may not email, text, or call anyone during a council meeting, except in an emergency. Councilmembers may not record or broadcast council meetings, aside from the City's authorized recording.

Councilmembers shall be seated in a manner acceptable to council. If there is a dispute, the council will decide by vote.

2.3 Public Comment

~~The City Council desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. The purpose of a council meeting is to conduct the City's business; it is not a public forum.~~

~~The City Council will accept oral public comments at its Regular and Official Council Meetings. Oral comments may be made in person or by remote connection using the Zoom (or similar) meetings platform. Oral comments are not accepted at all other City Council meetings, unless specifically noticed on the agenda for the meeting.~~

~~The City Council will accept written comments on all agenda items when sent to mayorandcouncil@gigharborwa.gov.~~

~~During regular meetings, speakers will be allotted 3 minutes per individual, unless revised by the Mayor. The Mayor may allocate 5 minutes to speakers speaking on behalf of groups in attendance at the meeting.~~

~~In-person comments shall be made from the microphone, first giving the speaker's name and address. No in-person comments shall be made from any other location, and anyone making "out of order" comments may be subject to removal from the meeting.~~

~~All remarks shall be addressed to the council as a body and not to any specific councilmember. All speakers shall be courteous in their language and~~

~~deportment and shall not engage in discussion or comment on personalities or indulge in derogatory remarks or insinuations with regard to any councilmember, the Mayor, or any member of the staff or the public.~~

~~There will be no demonstrations during or at the conclusion of any public comment. These guidelines are intended to promote an orderly system for holding a public meeting, to give every person an opportunity to be heard, and to ensure that no individuals are embarrassed by voicing their opinions.~~

2.4 Role of the Mayor in Council Meetings

It shall be the duty of the Mayor to:

- Call the Meeting to order.
- Call the roll of councilmember attendance.
- Keep the meeting to its order of business.
- Control discussion in an orderly manner.
- Give every councilmember who wishes an opportunity to speak when recognized.
- Permit audience participation at the appropriate times.
- Require all speakers to speak to the question and to observe the rules of order.
- State each motion before it is voted upon.
- Put motions to a vote and announce the outcome.
- Decide all questions of order, subject to the right of appeal to the council by any councilmember.
- Attend all council meetings. In the event that the Mayor is unable to attend a council meeting, the Mayor Pro Tempore shall preside. In the event that both Mayor and Mayor Pro Tempore are unable to attend, council may pick a member to preside for that meeting.

The Mayor has the authority to preserve order at all meetings of the council, to cause removal of any person from any meeting for disorderly conduct, and to enforce these guidelines. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

The Mayor shall have the authority to interpret and determine the application of these guidelines to any particular situation occurring during the course of that meeting, subject to an appeal and second by a councilmember, which places the matter before the full council.

2.5 City Council Regular Business Meeting Agendas

Consistent with Gig Harbor Municipal Code Chapter 2.04.030, the agenda for regular business meetings of the council shall be set by the Mayor and City Administrator. Any one of the City's elected officials may place an item on the agenda as long as the item is submitted to the City Administrator a minimum of five working days prior to the council meeting. Other parties desiring to place an

item on the agenda shall submit the item to the City Administrator or Mayor at least five calendar days prior to the council meetings. The City Administrator and the Mayor shall solely determine whether items submitted by other parties shall appear on any City Council agenda.

The accepted order of business for the regular business meetings of the council shall be transacted as follows. The City Administrator or Mayor may rearrange items on the agenda to conduct the business before the council more expeditiously.

I. CALL TO ORDER / ROLL CALL

The Mayor (or Mayor Pro Tempore in the absence of the Mayor) shall call to order the meeting of each City Council meeting. The Mayor shall call the names of each councilmember who will respond in the affirmative if present.

Councilmembers not present at Roll Call of a meeting shall be declared "excused" (if an acceptable reason for the absence was provided in advance of the meeting) or "absent" by the Mayor. Council may reverse the Mayor's declaration by a majority vote. Councilmembers arriving late to the meeting shall be recorded as "present" at the meeting with their arrival time noted in the minutes.

II. PLEDGE OF ALLEGIANCE

The Mayor shall lead the council, staff, and all others present in reciting the Pledge of Allegiance at the beginning of each Regular Business Meeting.

III. LAND ACKNOWLEDGMENT

At the beginning of each Regular Business Meeting of the City Council, the Mayor shall read the following land acknowledgment: "Before we begin this Council Meeting we would like to recognize that we are gathered on not only the ancestral and traditional lands of the s̓x̓wəbáɬč band of the Puyallup Tribe of Indians, but also on the site of one of the largest and longest standing historic villages of their people, the original inhabitants of the Gig Harbor area."

IV. CHANGES TO THE AGENDA

Councilmembers or the Mayor may make suggested changes to the agenda. Councilmembers wishing to bring up new items for discussion should do so at this time. Changes to the agenda will be approved by a majority vote of the council.

V. PRESENTATIONS

This portion of the meeting is reserved for presentations from individuals or organizations outside of City government. Presentations will be added

to the agenda at the discretion of the Mayor and City Administrator or at the request of individual councilmembers.

Presentations should strive to be no longer than 15 minutes in length, not including questions from council.

V.VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

The City Council desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. The purpose of a council meeting is to conduct the City's business; it is not a public forum.

The City Council will accept oral public comments at its Regular and Official Council Meetings. Oral comments may be made in person or by remote connection using the Zoom (or similar) meetings platform. Oral comments are not accepted at all other City Council meetings, unless specifically noticed on the agenda for the meeting.

The City Council will accept written comments on all agenda items when sent to mayorandcouncil@gigharborwa.gov.

During regular meetings, speakers will be allotted 3 minutes per individual, unless revised by the Mayor. The Mayor may allocate 5 minutes to speakers speaking on behalf of groups in attendance at the meeting.

In-person comments shall be made from the microphone, first giving the speaker's name and address. No in-person comments shall be made from any other location, and anyone making "out of order" comments may be subject to removal from the meeting.

All remarks shall be addressed to the council as a body and not to any specific councilmember. All speakers shall be courteous in their language and deportment and shall not engage in discussion or comment on personalities or indulge in derogatory remarks or insinuations with regard to any councilmember, the Mayor, or any member of the staff or the public.

There will be no demonstrations during or at the conclusion of any public comment. These guidelines are intended to promote an orderly system for holding a public meeting, to give every person an opportunity to be heard, and to ensure that no individuals are embarrassed by voicing their opinions.

During public comment the Mayor may recognize any councilmember or City staff for the limited purpose of providing a brief response, comment, or summary of expected action. No debate of the merits of the item

should occur at this time. Any councilmember may indicate that he or she desires to discuss the matter further on the agenda (under Comments from Council, or as otherwise determined by the Mayor).

Public comment will be allowed on ~~all New Business~~ items unless the matter was previously considered under a formal Public Hearing and the hearing has been closed, or if the matter is governed by ordinance or statute that prohibits the receipt of public comment. Comments on items listed on the agenda for a public hearing must be reserved for the hearing on that agenda item.

VII. PUBLIC HEARINGS

Public hearings for business items requiring a public hearing will be held during this portion of the meeting. Each public hearing will be introduced by a staff report on the business item.

Following the staff report, the Mayor will open the public hearing. Public comment will be accepted during the hearing in accordance with the applicable guidelines of public comment for other items on the agenda.

After all comments have been made, the Mayor will close the public hearing or announce that the hearing will be continued to another future meeting. Council deliberation and action related to items requiring a public hearing will occur during the business item portion of the agenda.

VI.VIII. CONSENT AGENDA

Each agenda shall include a “consent agenda” in the order of business. When the City Administrator and Mayor determine that any item of business requires action by the council, but is of a routine and noncontroversial nature, they may cause such item to be presented at a regular meeting of the council as part of the consent agenda.

The reference material for all matters listed within the consent agenda shall be distributed to each member of the City Council for their review prior to the meeting. Matters on such consent agenda shall be considered to be routine and may be enacted by a single motion of the council with no separate discussion unless removed from the consent agenda as hereinafter provided.

If separate discussion of any consent agenda item is desired, that item may be removed from the consent agenda at the request of any individual councilmember. At the conclusion of passage of the consent agenda, those items removed at the request of any individual councilmember shall either be discussed and acted upon before proceeding to the next item of business on the agenda or shall be set to a later position on the agenda for that meeting.

Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

~~VIII.I. PRESENTATIONS~~

~~This portion of the meeting is reserved for presentations from individuals or organizations outside of City government. Presentations will be added to the agenda at the discretion of the Mayor and City Administrator or at the request of individual councilmembers.~~

~~Presentations should strive to be no longer than 15 minutes in length, not including questions from council.~~

~~VIII.IX. MAYOR'S REPORT~~

~~IX.X. CITY ADMINISTRATOR'S REPORT~~

~~X.XI. OLD BUSINESS ITEMS~~

~~Old Business is reserved for items previously considered by council under New Business at a prior regular business meeting. Typically, this will be ordinances returning for a second or third reading.~~

The sequence of steps for considering old-business items shall be:

- a) Staff report
- b) Clarifying questions from council
- ~~c) Public Comment~~
- d)c) Council deliberation and action

~~Public comment will be allowed on all Old Business agenda items unless the matter was previously considered under a formal Public Hearing and the hearing has been closed, or if the matter is governed by ordinance or statute that prohibits the receipt of public comment.~~

~~Public Comment on Old Business items shall be accepted in accordance with Section 2.3 of these Procedures and Guidelines. Speakers at all times must confine their remarks to those facts which are germane and relevant, as determined by the Mayor, to the questions or matter under discussion.~~

Councilmembers should refrain from making motions until the step for council deliberation and action, ~~after taking public comment.~~

~~XI. NEW BUSINESS~~

~~New Business includes all business items not previously considered by council at a prior regular business meeting.~~

~~The sequence of steps for considering new business items shall be:~~

- ~~a) Staff report~~
- ~~b) Clarifying questions from council~~
- ~~c) Public Comment~~
- ~~d) Council deliberation and action~~

~~Public Comment on New Business items shall be accepted in accordance with Section 2.3 of these Procedures and Guidelines. Speakers at all times must confine their remarks to those facts which are germane and relevant, as determined by the Mayor, to the questions or matter under discussion.~~

~~Councilmembers should refrain from making motions until the step for council deliberation and action, after taking public comment.~~

XII. STAFF REPORTS

This portion of the meeting is reserved for presentations from City staff only. Staff reports will be added to the agenda at the request of staff and/or at the discretion of the Mayor and City Administrator, or at the request of individual councilmembers. Actions taken during this portion of the meeting should be limited to providing guidance and direction to the Mayor to direct staff.

XIII. COUNCILMEMBER REPORTS & COMMENTS

This portion of the meeting is reserved for reports from the Council Committee chairs and other general comments from councilmembers. This portion of the meeting is the time for councilmembers to introduce new items for consideration. Councilmembers may bring up suggestions and ideas and, with majority of council concurrence, may direct the Mayor to direct staff to analyze and prepare a brief report on the issue.

XIV. ANNOUNCEMENT OF UPCOMING MEETINGS

A list of upcoming meetings with proposed agenda items shall be included in each packet along with the City's Strategic Plan.

XV. EXECUTIVE SESSION

The council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110.

Before convening an Executive Session, the Mayor shall announce the purpose of the session, the anticipated time when the session will be concluded, and if any business or action is anticipated to be conducted by council after the Executive Session. Should the Session require more time, a public announcement shall be made that the Session is being extended.

Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Session, to ensure that the City's position is not compromised. Confidentiality also includes information provided to councilmembers outside Executive Session when the information is considered to be exempt from disclosure under State law. State statute prohibits both the disclosure of confidential information and its use for personal gain or benefit.

If the council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue. Prior to discussing the information with anyone other than fellow councilmembers, the City Attorney, or City staff designated by the City Administrator, councilmembers should review such potential discussion with the City Administrator. Any councilmember having such contact or discussion shall make full disclosure to the City Administrator and/or the City Council in a timely manner.

XVI. ADJOURN

Meetings shall be adjourned by a motion, second, and majority vote of the council.

2.6 Voting

Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any councilmember, a roll call vote shall be taken by the Mayor.

The passage of any ordinance, grant, or revocation of franchise or license, any resolution for the payment of money, and any approval of warrants shall require the affirmative vote of at least a majority of the whole membership of the council.

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

The passage of any motion or resolution shall require the affirmative vote of at least a majority of the membership of the council who are present and eligible to

vote, unless otherwise required by provisions of State law, the Gig Harbor Municipal Code, or these guidelines.

In the situation where the City Attorney states that a councilmember's participation would violate, or appears to be violating, the appearance of fairness doctrine by failure to recuse, a super majority (majority plus one of members present) of the nonaffected councilmembers may vote to require the affected member not to participate in a particular proceeding and, if so, the affected councilmember's vote shall not be counted and the affected councilmember shall not participate in the proceeding.

Councilmembers who are board members with an outside agency that is being considered for funding with the City may not put a motion forward or vote on the motion. If a councilmember could secure special privileges or exemptions for himself, herself, or others from a particular council discussion and/or action, that councilmember must recuse himself or herself from voting on that issue.

A motion by a councilmember to "call the question" allows a vote on the pending motion to immediately take place. Prior to the vote on the motion to call the question, the Mayor will inform council of the number of councilmembers still waiting to speak.

All votes on final actions taken by the City Council will be recorded in the City Council Vote Tracker posted on the City's website.

2.7 Enacted Ordinances, Resolutions and Motions

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules or regulations relating to the operation and corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or where such conduct is 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, and where such motion is not in conflict with existing State or Federal statutes, City ordinances, resolutions, or these guidelines.

On occasion, council may give direction or express its intention by consensus. Consensus is achieved when a direction is provided and receives stated approval with no objections raised by councilmembers. To avoid ambiguity that

can arise from consensus decision-making, and to provide staff with concise directions, council should formalize their intent by motion whenever possible.

2.8 Reconsideration

Any action of the council shall be subject to a motion to reconsider.

Reconsideration can be requested only by motion of a member of the prevailing side of the original motion. A motion to reconsider must be made at the next regular meeting after the meeting in which the original motion was considered. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter shall be added to the agenda of the next regular meeting.

2.9 Meeting Packets

The City Clerk shall prepare the meeting packet for all council meetings containing the agenda, all reports of Council Committees, all documentary materials upon which council action is to be taken, and copies of all minutes to be approved. The agenda and packet shall be published on the City's website before 5:00 p.m. five calendar days before the meeting date. Items may be revised or added to the agenda after publication, subject to the Mayor's discretion. Presentation materials (i.e., PowerPoint files) will be added to the online meeting packet as soon as they are available in advance of the meeting.

Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the council meeting, when possible. Printed copies of the meeting packet will be provided to the Mayor, councilmembers, and staff upon request.

2.10 Minutes

Minutes of City Council Meetings shall be recorded and signed by the City Clerk or their designee. Minutes of City Council business meetings shall be approved by council at the subsequent regular business meeting. Minutes of City Council study sessions and Council Committees shall be submitted to council as part of the consent agenda at a subsequent regular business meeting.

In order to maximize personnel resources in a cost-effective and efficient manner, and to preserve an accurate and concise record, minutes of all City meetings shall be recorded as "action minutes" and shall include the following:

- Name of the body.
- Date, hour, and place of the meeting.
- The names of members in attendance and members absent. If a member arrives late or departs before adjournment, the minutes should reflect the time of arrival and/or departure at that point in the minutes.
- Whether it is a regular, adjourned, or special meeting.
- Time the meeting commenced. Time of meeting recess (if any).

- Topics of business.
- Actions taken on each business item.
- Record of motions and votes.
- Direction given to staff by general consensus.
- Oral communications/public comment need only reference the name of the person, subject matter addressed, and direction given from council (if any).
- Adjournment time and, if applicable, whether the meeting was adjourned to another time prior to the next regular meeting.
- Signature block for the City Clerk.

ARTICLE 3 – COUNCIL COMMITTEES

3.1 Council Committees Defined

Council may form *ad hoc* committees to address specific issues as needed.

Each Council Committee shall have a designated staff person assigned by the City Administrator who will assist the committee with scheduling meetings, preparing packet materials, and taking action minutes of the meetings.

3.2 Committee Meetings

All Council Committee meetings shall be subject to all provisions of the OPMA. Committees shall meet during regular working hours unless an emergency exists. Meeting agendas shall be posted five calendar days prior to the committee meeting unless an emergency exists.

It shall be the right and responsibility of each Department Head to make their position known to the Council Committee on each matter for council action affecting the Department referred to the committee.

3.3 Duties of the Chair

Each Council Committee shall have an elected chair. The chair of the respective Council Committees shall have the following responsibilities:

- Schedule and attend meetings of the committee, which shall be open to members of the public.
- Determine the need to cancel a scheduled committee meeting.
- Determine the need to call a meeting of the committee.
- Work with other committee members, the Mayor, and City staff to develop the agenda for each meeting.
- Ensure that the committee adheres to the defined scope of business for that committee.
- Determine the appropriateness of accepting public comment during committee meetings.

3.4 Actions Taken by the Committees

The chief duty of Council Committees is to take up matters referred to them by the City Council. Motions made at a committee meeting should be phrased as recommendations to council on specific actions to be taken.

Council Committees do not have the authority to take action on behalf of council. Council Committees may not direct the Mayor or staff. Council Committees may make recommendations to the Mayor on administrative actions within the scope of the committee, but these recommendations should be informal; the Mayor is not obligated to adhere to these recommendations. Council Committees cannot terminate an action or request by staff or the public. They can only provide council a recommendation on the topic.

ARTICLE 4 – MAYOR PRO TEMPORE

4.1 Appointment

Pursuant to RCW 35A.12.065 and consistent with GHMC Chapter 2.14, annually at the second regular business meeting in January, council shall elect from their number a Mayor Pro Tempore who shall hold office at the pleasure of council. Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tempore in the absence or temporary disability of the Mayor. The Mayor Pro Tempore shall have such powers and authority, in the absence or temporary disability of the Mayor, as specified in these Guidelines.

4.2 Authority

The Mayor Pro Tempore shall have authority to preside over meetings of council, sign warrants and written contracts, and perform other administrative duties of the Mayor, but only for such period of time as the Mayor is absent or temporarily disabled, as defined herein, and only to the extent necessary for the efficient conduct of the business of the City.

The Mayor Pro Tempore shall have the authority to act as the Mayor in the Mayor's absence only when the Mayor is away and cannot perform duties that cannot await their return or that cannot be performed by telephone or other type of communications link. The authority of the Mayor Pro Tempore to act under authority of these Guidelines shall end upon the Mayor's return or the removal of any temporary disability. The Mayor Pro Tempore shall not delegate the authority herein granted to another City official.

The Mayor Pro Tempore shall not in any case have the authority to appoint or remove City officers and employees, to veto ordinances, to adopt or repeal administrative procedures, or to reorganize the administration of the City.

4.3 Absence or Temporary Disability of the Mayor Defined

For purposes of these Guidelines, the "absence or temporary disability of the Mayor" shall mean that due to absence or illness, the Mayor is unable to perform the regular duties of their office. In application of the foregoing definition, the following shall apply:

- The Mayor shall not be deemed temporarily disabled if, due to illness, he or she is unable to perform some of the duties, such as attending a Council Meeting, if he or she is able to perform other duties of the office on an ongoing basis.
- During such times as City offices are closed, the Mayor Pro Tempore shall have authority to act in the Mayor's absence only with respect to such emergencies that require the Mayor's presence.

4.4 Mayor's Salary for the Mayor Pro Tempore During Extended Absence or Disability of the Mayor

The Mayor Pro Tempore shall not receive the Mayor's salary during the extended absence or disability of the Mayor, provided, the council may by ordinance provide for such compensation for the Mayor Pro Tempore.

ARTICLE 5 – ADVISORY BOARDS, COMMISSIONS, & COMMITTEES

5.1 Purpose and Application

The purpose of this section is to establish general provisions applicable to all Advisory Boards. The provisions of this article govern Advisory Boards unless otherwise specifically provided by ordinance, motion, or resolution of the City Council, or as may be required by State law.

An “Advisory Board” means any board, committee, or commission created by the City Council to give advice on subjects and perform such other functions as prescribed by the City Council. Advisory Boards also include task forces, informal committees, or working groups formed by City Council resolution for short periods of time or for specific tasks.

The City of Gig Harbor’s Advisory Boards are fundamental to encouraging the use of citizen talent and interest in affairs of the City. Our residents have enjoyed a long tradition of participation in City government. Through representation on boards and commissions, Gig Harbor residents are offered an important avenue to help create effective and equitable policies. Citizen involvement contributes to the success of government and the quality of life enjoyed by everyone in the community.

5.2 Formation of Advisory Boards

All standing Advisory Boards shall be established in the Gig Harbor Municipal Code. Current standing Advisory Boards include:

- Arts Commission
- Civil Service Commission
- Design Review Board
- Lodging Tax Advisory Committee
- Parks Commission
- Planning Commission
- Salary Commission

Council may also create *ad hoc* Advisory Boards, such as blue ribbon work groups and task force groups, by resolution. Such Advisory Boards are subject to the same provisions of this article.

5.3 Scope of Work

Each Advisory Board, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by the City Council to determine its effectiveness. This statement of purpose, as well as other information regarding duties and responsibilities, will be made available to all members when appointed.

The City Council may determine any specific guidelines or tasks to be referred to the Advisory Board by motion or resolution.

Each Advisory Board may develop an annual work plan, within the jurisdiction and area of responsibility assigned to the board in the Gig Harbor Municipal Code. All work plans must be approved by the City Council and carried out under the direction of the Mayor.

5.4 Membership and Residency Requirements

The number of members and any specific qualifications of each standing Advisory Board shall be set forth in the Gig Harbor Municipal Code.

Unless otherwise specifically provided in the Gig Harbor Municipal Code, or as may be required by State law, each person at the time of nomination, and continuing uninterrupted thereafter while serving on an Advisory Board, shall be a resident of the greater Gig Harbor area within Pierce County (west of the Tacoma Narrows Bridge and east of the Purdy Bridge).

5.5 Appointment Process

Appointments to Advisory Boards shall be made by the Mayor as specified in the Gig Harbor Municipal Code.

The City Clerk shall be responsible to recruit applicants for Advisory Board vacancies. Upcoming vacancies will be noticed on the City's website and through various other outreach methods, as appropriate. The City Clerk will establish an application form and application deadlines to facilitate timely appointment of candidates.

All interested candidates must submit an Advisory Board application on the City's website to be eligible for consideration. Current members seeking reappointment are required to submit an application.

Following selection for appointment by the Mayor, candidates will be introduced to council at a study session. Candidates shall be deemed appointed and shall commence service after confirmation by the City Council on the consent agenda of a regular City Council Meeting.

5.6 Appointment Terms

Each appointee shall be assigned a specific numbered position on each Advisory Board. Each confirmation motion by the council shall include an ending date and term for the position to which the person is appointed and such information shall be entered into the council minutes.

Unless otherwise specified in the Gig Harbor Municipal Code or by State law, all appointment terms shall be for a period of three years.

At the expiration of a member's term, the member may hold over and continue to serve as a member until the member or a successor is appointed and confirmed by the council.

5.7 Vacancies

Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Membership vacancies shall be filled for the unexpired term.

Any member may be removed by the Mayor, if, in the Mayor's determination, that removal is in the best interest of the City. Removal should not occur for disagreement with an official recommendation of the board or its members. The Mayor may also remove any member who has violated the provisions of these Guidelines or the Gig Harbor Municipal Code. The Mayor may also remove members who have three or more consecutive unexcused absences from regular Advisory Board meetings.

5.8 Expectations of Advisory Board Members

It is imperative that board members recognize they are in a critical position to shape and influence board decisions and actions. It is important that each member keeps informed and up to date on issues and statutes affecting their board.

Regular attendance is essential so that decisions will represent the opinions of the board as a whole. In addition, regular attendance enables board members to keep abreast of board concerns and helps ensure that issues are examined from a variety of perspectives. A person may forfeit their position on the board as a result of poor attendance.

Effective board members will:

- Attend all board meetings and be well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the board must operate in an open and public manner.
- Be knowledgeable about the legislative process and issues affecting the board.
- Examine all available evidence before making a judgment.
- Communicate well and participate in group discussions.
- Remain aware that authority to act is granted to the board as a whole, not to individual members.
- Exhibit a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary to reach consensus.
- Ensure personal feelings toward other board members or staff do not interfere with their judgment.

If a member is unable to complete their term, they should inform the City Clerk's Office and the staff liaison for the board. An email or letter of resignation should

be sent to the City Clerk indicating the date the resignation is effective and whether the member is able to serve until a replacement is named.

5.9 Chair and Vice Chair - Identification and Election

Each Advisory Board shall elect from its membership a presiding officer who shall be referred to as Chair, and such officer shall serve for one year. Each Advisory Board shall also elect from its membership a Vice Chair who shall perform the duties of the Chair in the absence of the Chair, and such officer shall serve for one year. Elections should be held at the first regular meeting of each year.

The Chair shall:

- Work with staff liaison to prepare agendas
- Preside at all meetings
- Call the meeting to order at the scheduled time
- Verify the presence of a quorum
- “Process” all motions (state the motion prior to discussion, restate the motion just prior to the vote, announce the result of the vote)
- Facilitate meetings by staying on track and adhering to time constraints
- Rule on any points of order using Roberts Rules of Order as guidance
- Conduct the meeting in a fair and equitable manner
- Maintain neutrality to facilitate debate
- Serve as official representative of the commission or designate another commissioner

The Vice Chair shall:

- In the absence of the Chair, assume the role of the Chair
- Preside at any meeting where the Chair is absent
- Work in partnership with the Chair

5.10 Quorums, Transacting Business

A majority of the appointed members of the Advisory Board shall constitute a quorum for the transaction of business. An affirmative vote of the majority of a quorum in attendance at any meeting shall be necessary to transact business or carry any proposition.

5.11 Conflicts of Interest

If any members of an Advisory Board conclude that they have a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Advisory Board so that they cannot discharge their duties on such an Advisory Board, they shall disqualify themselves from participating in the deliberations and the decision-making process with respect to the matter.

5.12 Liaisons and Representatives

The Mayor shall designate a staff person to function as the primary support person for each Advisory Board. The designated staff person will serve as the liaison between the Advisory Board and the City Council, other Advisory Boards, and City staff. The designated staff liaison may request the assistance of the Chair or Vice Chair in relaying Advisory Board matters to other bodies.

The primary function of the staff liaison is to carry out the rules, policies, and programs developed by the board. In addition, staff members notify board members of pertinent issues and legislative activity. They also arrange meetings, prepare meeting materials, compile background information, and conduct research.

5.13 Procedures, Records, and Minutes

Rules of order not specified by statute, ordinance, or council resolution shall be guided by the principles of Robert's Rules of Order. Advisory Boards should not allow strict adherence to Roberts Rules of Order to impede the board in conducting its business.

The City Clerk shall provide for the taking of action minutes, as defined in Section 2.10 of these Guidelines, and maintaining the records of all regular and special meetings.

5.14 Meetings

Each Advisory Board shall hold regular public meetings at such times and places as determined by the Advisory Board with the concurrence of the Mayor. All meetings of an Advisory Board shall be subject to all requirements of the Open Public Meetings Act (OPMA). All members of governing bodies must complete OPMA training. Training must be completed within 90 days of assuming duties.

Advisory Boards are required to take oral public comment at each of their regular meetings. Oral comments may be made in person or by remote connection using the Zoom (or similar) meetings platform. Comments are subject to a 3-minute time limit and the other provisions of Section 2.3 of these Guidelines.

Advisory Boards may request special meetings to deal with specific matters. Special meetings may only be held with the consent of the Mayor.

5.15 Subcommittees

Advisory Boards may form subcommittees to address specific tasks or issues assigned to an Advisory Board. All subcommittees must be approved by the Mayor and all meetings of subcommittees are subject to the Open Public Meetings Act.

5.16 Communications with City Council

Expressions of an Advisory Board's position, recommendation, or request for any action shall be in the form of a motion or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication, and shall be directed to the City Council. Such communications shall be conveyed to council by the staff liaison designated to support the Advisory Board. Staff liaisons shall regularly report to the City Council on board activities.

Advisory Board members are appointed by the City Council on the basis of their expertise or passion for the subject matter of each Advisory Board. As such, councilmembers should not attempt to influence or persuade Advisory Board members on matters referred to the Advisory Board. Similarly, Advisory Board members should not reach out individually to councilmembers to seek direction or guidance. Communications between the City Council and an Advisory Board should be conducted through the designated staff liaison for each Advisory Board.

5.17 Communications with the Public

In general, Advisory Board communication with the public should be restricted to the staff liaison assigned to each Advisory Board. Members should not represent themselves as Advisory Board members unless they have specifically been directed to do so by the Advisory Board in consultation with the staff liaison.

5.18 Communications with Other Advisory Board Members

Advisory Board members should not communicate directly with other members of the same Advisory Board on official Advisory Board business outside of their meetings. Such communications should be directed toward staff liaisons who can inform other board members as necessary in advance of the next meeting.

Communications between individual board members can easily lead to “serial meetings” which violate the Open Public Meetings Act. A serial meeting occurs when a majority of members have a series of smaller gatherings or communications that results in a majority of the body collectively discussing board matters, even if a majority is never part of any one communication.

5.19 Lobbying Efforts

Advisory Boards shall not lobby on legislative or political matters unless specifically directed or authorized to do so by the City Council or the Mayor. A member of the Advisory Board is not authorized to speak for the board, unless the board has expressly authorized the member's communication and no board member is authorized to speak on behalf of the City. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the City or as a member of an Advisory Board.

5.20 Compensation and Reimbursement of Expenses

Members of Advisory Boards shall serve without compensation. Members shall be reimbursed for authorized travel expenses incidental to that service, which are authorized in advance by the Mayor.

ARTICLE 6 – COUNCILMEMBER COMMUNICATIONS

6.1 General Communications

All City-related correspondence from councilmembers should come from the councilmember's City-assigned email account. Personal email accounts and texting from personal phones shall not be used when communicating with each other, staff, or residents on City business. If personal devices are used for City business or contain City records, those personal devices may need to be searched in order to fully respond to public records requests and may eventually be subpoenaed as evidence in public records disclosure cases. Further, any City document contained on a personal device must be retained according to the State prescribed retention schedules.

6.2 Communications with Other Councilmembers

When communicating with each other outside of City Council meetings, councilmembers should be mindful of avoiding creating a serial meeting in violation of the Open Public Meetings Act (OPMA). It is important to remember that serial meetings are not limited to simple email chains. They can be created by a combination of personal conversations, text messages, emails, or other forms of communication.

Emails sent to the entire council should be strictly *informational* in nature. Opinions should be withheld from emails and should be shared during a noticed public meeting. Once one councilmember has stated their opinion on a group email, all other councilmembers are thereafter prevented from stating their own opinions on the matter via email. The spirit of the OPMA is that councilmembers should express their ideas and opinions openly and transparently in a public meeting. City Council meetings and study sessions are the appropriate time to make known opinions and discuss ideas amongst council.

6.3 Communications with the Public

Councilmembers are free to discuss their ideas and opinions with residents. When stating an opinion or preference, councilmembers should be clear that they are not speaking on behalf of the City or the City Council, unless council has formally stated a position or direction. Councilmember communications with the public should be consistent with the Purpose & Scope outlined in Article 1.

6.4 Communications with Staff

The City Administrator is the primary point of contact between City Council and staff. Councilmembers may contact Department Directors to inquire about issues and/or seek information. Department Directors are responsible to notify the City Administrator of this conversation for administrative purposes.

Staff time is a valuable resource for the City. Councilmembers should be considerate of staff members' time. If a councilmember is requiring too much

staff attention, the Mayor may take measures to reduce the amount of time staff spends responding to the councilmember's requests.

Similarly, the City Attorney is available to address questions and concerns raised by councilmembers. The City Attorney will treat conversations with councilmembers with discretion and maintain confidentiality, unless the City Attorney determines it is in the best interest of the City to share the details of the conversation with the Mayor or City Administrator. Councilmembers should not share the content of any conversation with the City Attorney with anyone else, with the exception of other councilmembers and senior staff, as that communication may be protected as Attorney-Client Privileged Communication.

Councilmembers may not direct staff in any manner. Suggestions for staff direction must be directed to the Mayor or City Administrator. Ideas and proposals that may impact the City's budget or staff time should first be brought up with the City Administrator.

Whenever possible, councilmembers will contact the staff member noted on the Council Bill or study session memorandum in advance of council meetings with key questions. This will allow staff to be prepared at the meeting and lead to enhanced council/staff relationships. The City Council should respect the professional advice from staff.

Governance of the City relies on the cooperative efforts of elected officials who set policy and the City staff who implement and administer the council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

Councilmembers shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.

Councilmembers shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be forwarded to the City Administrator through private correspondence or conversation.

Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed City employees shall not be used in political ads.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the City are based on merit, qualifications,

and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, sexual orientation, age, disability, or any other characteristic protected by law. This governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Councilmembers shall treat employees and each other in a manner consistent with this City policy to prevent unlawful discrimination and promote an inclusive positive work environment and working relationships.

6.5 Lobbying Efforts

Councilmembers shall not lobby on behalf of the City on State legislative or political matters, unless the City Council has formally taken a position on the matter. A councilmember is not authorized to speak for the council, unless the council has expressly authorized the member's communication. An individual councilmember is free to voice a position, oral or written, on any issue as long as it is made clear that the councilmember is not speaking as a representative of the City.

Per RCW 42.17A, councilmembers and other City officials are not allowed to encourage residents to call legislators or the legislative hotline to comment on legislation.

6.6 Responding to Emails Sent to mayorandcouncil@gigharborwa.gov

The City maintains the email address mayorandcouncil@gigharborwa.gov as a convenience for residents to email the Mayor and all councilmembers at once. The City Administrator, City Clerk, and Assistant City Clerk are copied on all emails sent to this address.

It is the responsibility of the Mayor to acknowledge and address each email sent to this address. The Mayor may delegate the acknowledgement and response to the City Administrator or another appropriate staff member. Council will be copied on all responses to these emails.

Councilmembers are free to individually respond to any email sent to this email address. Councilmembers should not "reply all" to any emails sent to this address.

ARTICLE 7 – PROCLAMATION POLICY

It is the policy of the City to consider requests to proclaim certain events or causes when such proclamations pertain to a Gig Harbor event, person, organization, or cause with local implications. The City will consider requests that are timely, have potential relevance to a majority of Gig Harbor's population, and either forward positive messages or call upon the support of the community.

The following guidelines and requirements apply to requests for consideration of proclamations which are read at council meetings:

- The person(s) or organization making the request must submit a completed application requesting a City Proclamation. The City Clerk shall be responsible for developing a request form and collecting applications. The request should be made at least three weeks in advance of the requested council meeting.
- The Mayor, in consultation with the City Administrator, City Attorney, and other appropriate staff, shall approve or reject proclamation requests in accordance with the intent of this policy. The Mayor has the discretion to modify, edit, or otherwise amend the proposed proclamation. The Mayor retains the right to decide if the proclamation will or will not be issued. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.
- Once approved, the proclamation will be included on the appropriate council agenda. Council will make no more than two proclamations at a council meeting.
- Either the person making the request or a representative of the organization making the request must be present at the council meeting to accept the proclamation.

The Mayor may issue proclamations consistent with this policy without receiving an application from a person or organization. Councilmembers may individually submit requests for proclamations under the same guidelines and procedure listed above. The City Council may, by majority vote, direct the Mayor to prepare a resolution in lieu of a proclamation to be read at a future meeting.

If a person or organization requests a proclamation for an event or presentation and does not request it be read at a council meeting, the same policy will apply. The requestor must arrange with the City Clerk's Office to either pick up the proclamation or have it mailed. Upon request, the Mayor (or a councilmember or staff person designated by the Mayor) may attend an event to read a proclamation.

ARTICLE 8 – COUNCIL VACANCIES

8.1 Declaration of Council Vacancy

In the event of a vacancy in a councilmember office, the City Council shall, by majority vote, choose and appoint a councilmember to fill said vacancy. Pursuant to State law, a vacancy on the City Council shall be filled to serve the remainder of the unexpired term.

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

The City Council shall direct staff to begin the councilmember appointment process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity.

8.2 Procedure to Recruit Applicants to Fill a Council Vacancy

The City Clerk's Office shall prepare and submit notice to the City's official newspaper, with courtesy copies to other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Gig Harbor, and (b) have a one-year residency in the City of Gig Harbor. This display advertisement shall be published once each week for two consecutive weeks. This display advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate. Notice of the vacancy will be provided to current members of the City's Advisory Boards.

The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available online and at the Civic Center. Applications received by the deadline date and time will be copied and circulated by the City Clerk's Office to the Mayor and City Council.

8.3 Council Applicant Interviews

The City Clerk's Office shall publish public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting. The City Clerk's Office shall notify applicants of the location, date, and time of City Council interviews.

At the beginning of the interview meeting, each applicant will be provided three minutes to introduce themselves and state the reasons for their candidacy. Following these introductory statements, councilmembers will identify by paper ballot the unranked names of four applicants they would like to interview for the vacancy. The name of the councilmember and the names of their four selected applicants shall be read aloud by the City Clerk. The four applicants who receive the most selections will be interviewed in an open forum. In the event of a tie, councilmembers shall vote for their preferred applicant by paper ballot to be read aloud by the City Clerk.

Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each councilmember. Interview questions will be collected, modified, and edited to eliminate redundancy. These questions will be asked of each applicant selected for an interview in a forum setting with all four applicants present. Applicants will alternate the order of answering questions so that applicants take turns being the first to respond. Each applicant will have two minutes to answer each question.

Following the predetermined interview question period, councilmembers may ask follow-up questions of individual applicants.

8.4 Voting and Appointment of a New Councilmember

Upon completion of the interviews, councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, deliberations, nominations, and votes taken by the council shall be in open public session.

Following the interviews, the Mayor shall ask for nominations from the councilmembers for the purpose of creating a group of candidates to consider. No second is needed. Nominations are closed by a motion, second, and majority vote of the council. Councilmembers may deliberate on such matters as criteria for selection and the nominated group of candidates.

The Mayor shall poll councilmembers to ascertain that councilmembers are prepared to vote. The City Clerk shall pass out polling slips and instruct each councilmember to write their name on the top of the slip, and the name of their preferred candidate on the bottom. The Clerk will then collect all slips and read the results into the record. If no applicant receives four or more votes, then a second written poll is conducted, but with the nominee(s) who received the fewest votes on the first vote removed from consideration. Voting will continue until a nominee receives a majority vote of the remaining councilmembers. At any time during the election process, the City Council may postpone elections until a date certain or regular meeting if a majority vote has not been received.

Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.

The Mayor shall declare the nominee receiving the majority vote as the new councilmember and shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.

If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to Pierce County.

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ARTICLE 9 - DELEGATION OF PURCHASING AUTHORITY

The mayor is authorized to enter into purchasing agreements, public works contracts, professional services contracts, and interlocal agreements up to \$100,000, provided that the expenditure is identified in the current city budget and the contract does not exceed the amount identified in the current city budget.

The mayor is further authorized to enter into purchasing agreements, public works contracts, professional services contracts, and interlocal agreements *which are not identified in the current city budget or that exceed the amount specified in the current city budget* up to \$100,000, provided that:

- a) The City Administrator has determined that the expenditure falls within the normal functions of the city and is an implied or anticipated expense within the current city budget.
- b) The Finance Director has determined that such expenditure will not require a future amendment to the current city budget.

The mayor is authorized to enter into agreements where no expenditure is incurred to facilitate cooperative arrangements with other local agencies in support of normal functions of the city.

The provisions of this article supersede the approval authority provisions of Resolution 1066 (adopted January 23, 2017). The purchasing and contracting procedures of Resolution 1066 remain in place and unchanged by this article.

EXHIBIT A – PARLIAMENTARY PROCEDURE AT A GLANCE

To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"	NO	YES	NO	MAJORITY
End debate	"I call the question ..."	NO	YES	NO	2/3 VOTE
Postpone discussion	"I move we postpone this matter until..."	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a roll call vote"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration of this"	YES	NO	NO	2/3 VOTE
Take up a matter previously tabled	"I move to take from the table..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..."	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the guidelines and ..."	NO	YES	NO	2/3 VOTE
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

RESOLUTION NO. 1066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE CITY'S PURCHASING AND CONTRACT PROCUREMENT PROCEDURES AND REPEALING RESOLUTIONS 593 AND 884.

WHEREAS, state law authorizes each public agency the authority to establish certain purchasing and contracting procedures by way of resolution; and

WHEREAS, on July 22, 2002, the City passed Resolution No. 593, which establishes a process consistent with Washington law for the City Council to consider all purchases of materials, supplies, and equipment; and

WHEREAS, on November 28, 2011, the City passed Resolution No. 884, which establishes the City Council's procurement and purchasing procedures consistent with Washington law for consultant selection, the small works roster, the limited public works process, and cooperative purchasing agencies; and

WHEREAS, consolidation of the current separate resolutions will clarify the purchasing and contracting procedures and thus provide more effective procedures; and

WHEREAS, staff recommends recognition of an existing vendor list available through the Municipal Research Services Center as a formal method of purchasing; and

WHEREAS, the process to approve all purchases and procurement of contracts typically includes review and recommendation by staff, drafting a council bill by staff, and review of the council bill by the department director, City Attorney, Finance Director, City Administrator, and Mayor, after which point the item is placed on the City Council's agenda for an upcoming council meeting; and

WHEREAS, this process to approve all purchases and procurement of contracts can require an additional three weeks to six weeks from the time of recommendation by staff; and

WHEREAS, department directors and City Administration are recommending new purchasing and procurement procedures to allow department directors, the City Administrator, or the Mayor to approve certain purchases and contracts that are limited to certain dollar thresholds where the purchases and contracts are identified in the current budget and do not exceed the amount identified in the current budget; and

WHEREAS, this resolution will provide the City with efficiencies while remaining in compliance with state law and within the limits of the City's adopted budget; and

WHEREAS, these procedures are not intended to address contracting procedures related to Public Works contracts greater than \$300,000;

NOW, THEREFORE, THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Scope. All employees must follow these procedures for purchasing materials, supplies, and equipment and contract procurement. Adherence to these procedures will ensure that public purchases and contracts are open, fair, and at the best value to the public. These procedures are divided into three major areas:

- 1.1 Purchasing materials, supplies, or equipment.
- 1.2 Contract procurement for small public works contracts, and limited public works contracts. Public works contracting beyond these shall follow the procedures set forth in Title 39 RCW.
- 1.3 Contract procurement for professional services.

Section 2. Definitions. For the purpose of these procedures and the interpretation and enforcement thereof, the following words and phrases shall be defined in state and federal law. The definitions outlined below are for reference purposes only.

- 2.1 Public Work: All work, construction, alteration, repair or improvement that is executed at the cost of the state or any public agency. This includes, but is not limited to, demolition, remodeling, renovation, road construction, building construction, ferry construction, and utilities construction. This also includes maintenance when performed by contract. See also RCW 39.04.010.
- 2.2 Prevailing Wage: The rate of hourly wage, usual benefits, and overtime, paid in the largest city in the county where the physical work is being performed to the majority of workers, laborers, and mechanics in the same trade or occupation. Prevailing wages are established, by the Department of Labor and Industries. See also RCW 39.12.010.
- 2.3 Emergency: Any unforeseen circumstance beyond the control of the City that either:
(a) present a real, immediate threat to the proper performance of essential functions;
or (b) will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken.
- 2.4 MRSC: The Municipal Research and Services Center (MRSC) is a nonprofit organization that helps local governments across Washington State better serve their citizens by providing legal and policy guidance on any topic. MRSC can be accessed by phone (800-933-6772), mail (2601 4th Avenue, Suite 800, Seattle WA 98121), or internet (www.mrsc.org).

Section 3. Purchasing Procedures.

3.1 Cost Thresholds and Purchasing Authority. The City Council hereby adopts the purchase thresholds, purchasing process alternatives and purchasing authorizations set forth in Table 1, attached hereto and incorporated herein PROVIDED the purchase is identified in the current City budget AND the purchase does not exceed the amount identified in the current City budget. All other purchases must be presented to the City Council for award and authorization.

3.2 MRSC Vendor Roster. As provided by Washington law and a contract between the City and Municipal Research and Services Center ("MRSC"), the City may use the MRSC vendor roster for the purchase of materials, supplies or equipment within the estimated purchase amount set forth in Table 1. In addition, paper and/or electronic rosters may be kept on file by appropriate City departments. Nothing in these procedures prevents the City from advertising for any vendors without use of the MRSC roster. At least once a year, on behalf of the City, MRSC will publish in a newspaper of general circulation within the general jurisdiction a notice of the existence of a vendor roster. Responsible businesses will be added to appropriate MRSC Roster(s) any time they submit a written request and necessary records.

3.3 Written quotes. This process consists of the City observing the following process to obtain telephone or written quotes from vendors for the purchase of materials, supplies or equipment within the estimated purchase amount set forth in Table 1.

- (1) A written description will be drafted of the specific materials, supplies, and equipment to be purchased, including the number, quality, quantity and type desired, the proposed delivery date, and any other significant terms of purchase;
- (2) A City representative will make a good faith effort to contact at least three of the vendors on the roster established above, provide the written description, and obtain quotes from the vendors on the required materials, equipment or supplies;
- (3) At the time such quotes are solicited, the City representative will not inform a vendor of any other vendor's quote on the materials, supplies or equipment;
- (4) A written record will be made by the City representative of each vendor's quote on the materials, supplies, and equipment purchased, and of any conditions imposed on the each vendor; and
- (5) All of the quotes will be collected and presented for consideration and determination of the lowest responsible bidder and award of the purchase.

3.4 Determining lowest responsible bidder. The City shall purchase the materials, supplies or equipment from the lowest responsible bidder, provided that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City may call for new bids or enter into direct negotiations to achieve the best possible price. The following factors, in addition to price, may be taken into account by the City in determining the lowest responsible bidder:

- (1) Any preferences provided by law to Washington products and vendors.
- (2) The quality of the materials, supplies and equipment to be purchased.

- (3) The conformity of the materials, supplies and equipment to the City's specifications.
- (4) The purposes for which the materials, supplies and equipment are required.
- (5) The times for delivery of the materials, supplies and equipment.
- (6) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (7) Such other information as may have a bearing on the decision to purchase the materials, supplies or equipment.

3.5 Life cycling costing. In considering bids for purchase, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation would result in the lowest total costs to the City, first consideration will be given to the bid with the lowest life cycle cost which complies with the specifications. "Life cycle cost" means the total cost of an item to the City over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of the acquisition to the date of replacement or disposal, determined in any reasonable manner.

3.6 Interlocal Cooperative Purchasing Agreements. Pursuant to chapter 39.34 RCW, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through other local governments which have complied with state bidding requirements. This includes units of local government outside Washington State. The other government's bid process must have been conducted within the previous 24-month period to be valid for use by the City of Gig Harbor. In addition, the City must conduct a screening process whereby it can justify the purchase through an Interlocal Agreement. The screening process and results must be clearly documented in writing.

3.7 Written record of purchase. Immediately after a purchase is authorized, the written record of each bid or quote must be open to public inspection and available to the public by telephone or other inquiry.

3.8 Posting. A list of all purchases valued at more than \$7,500 but less than \$15,000 must be posted on the City's website, at least once every two months. The list must contain the name of the vendor awarded the purchase, the amount of the purchase, a brief description of the item(s) purchased, and the date the purchase was awarded. The list must also state the location where the bid quotations are available for public inspection.

3.9 Exemptions.

3.9.1 As provided in RCW 39.04.280, competitive bidding requirements may be waived by the City Council for the following:

- (1) Purchases that are clearly and legitimately limited to a sole source of supply.
- (2) Purchases in the event of an emergency.

- (3) Purchases of insurance or bonds.
- (4) Purchases that involve special facilities or market conditions.

3.9.2 Sole Source. Purchases deemed to be “sole source” are characterized as meeting one or more of the following standards: (a) the City department has conducted a screening process whereby it can justify purchase of a specific product; (b) the City requires legitimate specifications to which only one vendor can successfully respond; or (c) the product is available only through one manufacturer (or distributor) and the manufacturer so certifies. In any such case where the purchase exceeds \$5,000, the vendor shall certify that the City is getting the lowest price it offers anyone. Purchases in excess of \$5,000 from a sole source vendor require a statement attesting to the legitimacy of sole source and signed by the requesting Department Director with prior approval of the City Administrator.

3.9.3 Emergency. In the event of an emergency, the City Council designates the City Administrator to act with regard to the subject matter of these procedures, and he or she may declare an emergency situation exists, waive competitive bidding requirements and award all necessary purchases on behalf of the City to address the emergency situation. If an agreement is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the City Council in a resolution no later than three weeks following the award of the agreement.

Section 4. Public Works Contracting Procedures

4.1 Cost Thresholds and Contract Authority. The City Council hereby adopts the project thresholds, contract process alternatives and contract authorizations set forth in Table 2, PROVIDED the project is identified in the current city budget and the contract procurement does not exceed the amount identified in the current city budget. All other contract procurements must be presented to the city council for award and authorization.

4.2 MRSC Small Works Rosters; Publication. As provided by Washington Law and a contract between the City and MRSC, the City may use the MRSC rosters according to these procedures. At least once a year, on behalf of the City, MRSC will publish in a newspaper of general circulation within the general jurisdiction a notice of the existence of the roster or rosters. Responsible contractors will be added to appropriate MRSC Roster(s) at any time that they submit a written request and necessary records. Nothing prevents the City from advertising for any small works roster project or consultant through this procedure without use of the MRSC procedure.

4.3 Small Public Works Roster. The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

4.3.1 Small Works Cost Thresholds. The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Three Hundred

Thousand Dollars (\$300,000), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the Small Public Works Roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

4.3.2 Telephone or Written Quotations.

- (1) The City must obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and must award the contract to the lowest responsibility bidder as defined in section 4.5.
- (2) A contract awarded from a small works roster need not be advertised. Invitations for quotations must include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not to be included in the invitation.
- (3) Quotations may be invited from all contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equally distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.
- (4) If the estimated cost of the work is from One Hundred Fifty Thousand Dollars (\$150,000) to Three Hundred Thousand Dollars (\$300,000), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:
 - a. Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; or
 - b. Mailing a notice to these contractors; or
 - c. Sending a notice to these contractors by facsimile or email.
- (5) At the time the bids are solicited, the City representative must not inform a contractor of the terms or amount of any other contractor's bid for the same project.
- (6) A written record must be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained must be recorded, open to public inspection, and available by telephone inquiry.

4.3.3 Small Works Roster Reporting. The City must maintain a list of all contracts

awarded using the Small Works Roster. This list will be updated at least once every year and be posted on the City's website. This list will contain the following information:

- (1) Name of successful contractor;
- (2) Contract amount;
- (3) Brief description of the type of work performed;
- (4) Award date; and
- (5) Location where bid quotations for contracts are available for public inspection.

4.4 Limited Public Works Process.

4.4.1 Limited Public Works Cost Thresholds. If a work, construction, alteration, or improvement project is estimated to cost less than Thirty-five Thousand Dollars (\$35,000), the City may award such a contract using the limited public works process provided under RCW 39.04.155(3). Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process described above and in RCW 39.04.155(2) and are exempt from the requirement that contracts be awarded after advertisement as required by RCW 39.04.010.

4.4.2 Solicitation. For a limited public works project, the City will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and must award the contract to the lowest responsible bidder as defined in section 4.5. In making awards under this subsection, the City must attempt to equitably distribute the opportunities for limited public works contracts among contractors willing to perform the work within the geographic area.

4.4.3 The City may use the limited public works process of this subsection 4.4 to solicit and award small works roster contracts to small businesses that are registered contractors. The City may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax return to submit bids or quotations on small works roster contracts.

4.4.4 For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City will have the right of recovery against the contractor for any payments made on the contractor's behalf.

4.4.5 After an award is made, the quotations must be open to public inspection and available by electronic request.

4.4.6 Limited Public Works Reporting. The City must maintain a list of all contracts awarded using the Limited Public Works process. This list will be maintained for contracts

awarded using this process during the previous 24 months and be posted to the City's website. This list will contain the following information:

- (1) Name of successful contractor;
- (2) Name of all contractors contacted;
- (3) Contract amount;
- (4) Brief description of the type of work;
- (5) Award date; and
- (6) Contractor's registration number.

4.5 Determining Lowest Responsible Bidder; Rejection of Bids. The City must award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the governing body may call for new bids. In addition, the City must ensure that contracts are awarded to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and supplementary criteria as follows:

- (1) The bidder must, at the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW; and
- (2) The bidder must have a current state unified business identifier number; and
- (3) If applicable, the bidder must have industrial insurance coverage for the bidder's employees working in Washington as required by Title 51 RCW, an employment security department number as required in Title 50 RCW and a state excise tax registration number as required in Title 82 RCW; and
- (4) The bidder must not be disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).
- (5) Any other supplementary bidder criteria under RCW 39.04.350(2) established by the City.

4.6 Emergency. In the event of an emergency, the City Council designates the City Administrator to act with regard to the subject matter of these procedures, and he or she may declare an emergency situation exists, waive competitive bidding requirements and award all necessary contracts on behalf of the City to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the City Council in a resolution no later than three weeks following the award of the contract.

Section 5. Professional Services Contracting Procedures.

5.1 Consultants Roster for Professional Services. Professional services, also known as consulting services, are those services involving specialized skill, education, and special knowledge. These services include, but are not limited to, architectural, engineering, design services, accounting, art, bond brokerage, insurance brokerage, legal, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing.

Procurement of professional and personal services will be in accordance with chapter 39.80 RCW and chapter 39.29 RCW. The City will use MRSC Rosters to establish a consulting services roster.

5.2 Cost Thresholds and Signature Authority. The City Council hereby adopts the cost thresholds and contracting authorizations set forth in Table 3, attached hereto and incorporated herein PROVIDED the contract for services is identified in the current city budget and the contract does not exceed the amount identified in the current city budget. All other contracts for professional services must be presented to the city council for award and authorization. The Mayor, City Administrator and department directors are authorized to extend the duration of professional service contracts where no additional expenditure is required for contract completion.

5.3 Publication. At least once a year, on behalf of the City, MRSC will publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the City who can provide further details as to the City's projected needs for consulting services. Firms or persons providing consulting services will be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

5.4 Architectural, Engineering, and Design Services. The MRSC Rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City's projected requirements for any category or type of professional or other consulting services. The City reserves the right to publish an announcement on each occasion when professional services are required and to use paper and/or other electronic rosters that may be kept on file by appropriate City departments.

5.5 All Other Professional Services. A competitive process is not required for professional or personal services, other than architectural, engineering, and design services as noted in subsection 5.4. Purchase of professional services requires completion of a City professional services contract that describes services to be performed and negotiated price. Prior experience with the City, time-frame for completing projects, and the value of a negotiated agreement will be considered when consideration and awarding a consultant/firm to perform professional services, as defined in this section. Professional and technical services include disciplines such as attorneys, computer programmers, financial analysts, bond counsels, artists, planners, and real estate appraisers.

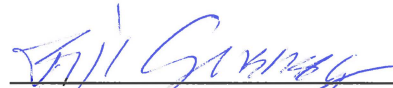
5.6 Emergency. In the event of an emergency, the City Council designates the City Administrator to act with regard to the subject matter of these procedures, and he or she may declare an emergency situation exists and award all necessary contracts on behalf of the City to address the emergency situation. If a contract is awarded due to an emergency,

a written finding of the existence of an emergency must be made by the City Council in a resolution no later than three weeks following the award of the contract.

Section 6. Repealer. Resolution No. 593 and Resolution No. 884 are hereby repealed.

PASSED by the City Council this 23rd day of January, 2017.

APPROVED:


MAYOR JILL GUERNSEY

ATTEST/AUTHENTICATED:


CITY CLERK, MOLLY M. TOWSLEE

FILED WITH THE CITY CLERK: 01/17/17
PASSED BY THE CITY COUNCIL: 01/23/16
RESOLUTION NO. 1066

Table 1. Purchasing: Cost Thresholds, Consideration, and Award

Purchase Threshold	Purchasing Process Alternatives	Authorization
\$1,000 or less	No formal process required	Department Director or Designee
More than \$1,000 to \$7,500	Interlocal cooperative purchase agreements, vendor roster, or formal competitive bidding process	Department Director
More than \$7,500 and less than \$15,000	Written quotes using the vendor roster, interlocal cooperative purchasing agreements, or formal competitive bidding process	City Administrator or Mayor
From \$15,000 and less than \$50,000	Interlocal cooperative purchasing agreements	City Administrator or Mayor
\$15,000 or more	Interlocal cooperative purchasing agreements or formal competitive bidding process	City Council

Table 2. Public Works Contracting: Cost Thresholds, Consideration, and Award

Project Threshold	Contracting Process Alternatives	Authorization
\$2,500 or less	Meet the requirements of Section 4 except no contract required	Department Director or Designee
More than \$2,500 to \$15,000	Limited Public Works or Small Public Works	Department Director
More than \$15,000 and less than \$35,000	Limited Public Works or Small Public Works	City Administrator or Mayor
From \$35,000 and not exceeding \$300,000	Small Public Works	City Council

Table 3. Professional Services Contracting: Cost Threshold, Consideration and Award

Contract Threshold	Contracting Process Alternatives	Authorization
\$15,000 or less	See section 5	Department Director
More than \$15,000 and less than \$35,000	See section 5	City Administrator or Mayor
\$35,000 or more	See section 5	City Council