

Title 2

ADMINISTRATION AND PERSONNEL

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- 2.02 *Repealed*
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- 2.06 **City Manager**
- 2.08 **City Attorney**
- 2.10 **Board of Adjustment**
- 2.12 **City Clerk**
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Chapter 2.02

INITIATIVE AND REFERENDUM

(Procedure ordinance repealed by vote of the people, 11/3/98)

Chapter 2.04

CITY COUNCIL

Sections:

- 2.04.010 Regular meetings.
- 2.04.020 Study sessions.
- 2.04.030 Special meetings.

2.04.010 Regular meetings.

The regular meeting of the city council of the city of Sequim shall be held on the second and fourth Mondays of each month. Such meetings shall be held at the hour of 6:00 p.m. at the Sequim Transit Center, 190 West Cedar, Sequim, Washington. If the date of such regular council meeting shall fall upon a legal holiday, said meeting shall be held the next succeeding business day. (Ord. 2009-036 § 1; Ord. 2009-003 § 1; Ord. 2006-017 § 1; Ord. 2006-001 § 1)

2.04.020 Study sessions.

Study sessions shall be regular meetings and shall be held on the second and fourth Mondays of each month immediately prior to a regular meeting unless cancelled by the presiding officer and appropriate notice given thereof. Such notice may be made by posting on the city website. Study sessions shall be held at the hour of 5:00 p.m. at the Sequim Transit Center unless otherwise scheduled according to the council's rules of procedure and appropriate notice thereof given and with the above exceptions for legal holidays. Study sessions are primarily for nonaction discussions, but action may be taken. (Ord. 2009-036 § 1; Ord. 2009-003 § 2)

2.04.030 Special meetings.

Special city council meetings may be scheduled in accordance with the council's rules of procedure and applicable state law. (Ord. 2009-036 § 1; Ord. 2009-003 § 3; Ord. 2006-017 § 3; Ord. 2006-001 § 3)

2.06.010

Chapter 2.06

CITY MANAGER

Sections:

- 2.06.010 Office created.
- 2.06.020 Duties.
- 2.06.030 Compensation.

2.06.010 Office created.

There is created the office of the city manager, which officer shall be subject to appointment or removal by the city council, as provided by Chapter 35A.13 RCW. (Ord. 2009-036 § 1; Ord. 2009-014)

2.06.020 Duties.

The duties of the city manager shall be those defined in RCW 35A.13.080 and other statutes and those duties assigned by the city council. (Ord. 2009-036 § 1; Ord. 2009-014)

2.06.030 Compensation.

The city manager shall be compensated pursuant to an employment contract. (Ord. 2009-036 § 1; Ord. 2009-014)

Chapter 2.08

CITY ATTORNEY

Sections:

- 2.08.010 Office created.
- 2.08.020 Duties.
- 2.08.030 Compensation.

2.08.010 Office created.

There is created the office of the city attorney, which officer shall be subject to appointment or removal by the city manager, as provided by RCW 35A.13.090 through 35A.13.120. The city manager may make provision for obtaining legal counsel for the city either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services pursuant to RCW 35A.13.090, subject to confirmation by the city council. The city council may elect to select legal counsel by contract either as the sole legal representation of the city or in addition to the above selection process. (Ord. 2009-036 § 1; Ord. 2009-012; Ord. 29 § 1, 1915)

2.08.020 Duties.

It is the duty of the city attorney to act as legal counsel for the city of Sequim and to advise the city authorities and officers in all legal matters pertaining to the business of the city. The city attorney is authorized to bring suit in the name of the city in the proper court for the collection of any tax, delinquent utility payment, to defend the city in any lawsuit, and to bring suit in any other matter ordered by the council. The city attorney shall perform such other legal services as may be required on behalf of the city when ordered by the city manager, city council or as required by statute. (Ord. 2009-036 § 1; Ord. 2009-012; Ord. 29 § 2, 1915)

2.08.030 Compensation.

The city attorney shall be compensated either according to an employment contract, a consultant contract or as a salaried or hourly

employee as determined by the city council.
(Ord. 2009-036 § 1; Ord. 2009-012; Ord. 29 § 3, 1915)

Chapter 2.10

BOARD OF ADJUSTMENT

Sections:

- 2.10.010 Established.
- 2.10.020 Members appointed – Terms.
- 2.10.030 Meetings.
- 2.10.040 Absenteeism – Vacancies.
- 2.10.050 Removal from board.
- 2.10.060 Powers and duties – Generally.
- 2.10.070 Powers and duties – Designated.
- 2.10.080 Action final.
- 2.10.090 Planning commission or council membership prohibited.

2.10.010 Established.

There is established a board of adjustment composed of five members, all of whom shall be residents or own property within the city urban growth boundary. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.020 Members appointed – Terms.

A. Within 30 days following the passage of the ordinance codified in this chapter, the city manager shall appoint qualified persons to each of the five positions, which shall be designated numerically as positions one through five. Appointees shall hold office for three-year terms and until their successors are appointed and qualified; provided, that in the initial appointment, the terms shall be as follows:

1. Position one shall expire December 31, 2008;
2. Positions two and three shall expire December 31, 2009;
3. Positions four and five shall expire December 31, 2007.

B. Vacancies shall be filled in the same manner as the original appointment for the unexpired term of the particular position. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.030 Meetings.

A. The board shall convene and hold its first business meeting not more than 30 days after appointments are completed as specified

2.10.040

in this chapter. At such first meeting the board shall select a chairman by a majority vote of its members. The chairman and secretary shall each serve for a period of one year and until his or her successor is appointed in the same manner. The secretary shall be a member of the regular city staff and not a member of the board.

B. The board shall have regular monthly meetings; provided, however, if there is no business to transact, the meeting may be cancelled. Special board meetings may be called at any time by any three of its members and upon not less than 48 hours' notice to its members and the public media as required by law. A majority of the board shall constitute a quorum. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.040 Absenteeism – Vacancies.

In the event a board member is absent from three consecutive meetings and unless excused by a majority vote of the members, the board shall declare that particular position vacant and shall so notify the appointing authority. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.050 Removal from board.

The members of the board may be removed by the city manager for such causes as he/she shall deem sufficient which shall be set forth in a letter filed with the city clerk. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.060 Powers and duties – Generally.

The board shall have all the powers and duties prescribed by law and as the city council may prescribe by ordinance from time to time. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.070 Powers and duties – Designated.

The board of adjustment has the following powers and duties:

A. Appeals. To hear and decide appeals from orders, recommendations, permits, decisions or determinations made by a city official in the administration or enforcement of the provisions of the zoning ordinance or other

land use regulatory ordinances as the city may adopt. Appeals shall be in writing and be in conformance with the requirements identified in SMC 20.01.240.

B. Variances. To authorize in specific cases such variances from the provisions of the zoning ordinance or other land use regulatory ordinances as the city may adopt, but only where, owing to special conditions, enforcement of the provisions of such ordinance(s) would result in unnecessary hardship. In those instances where review of an application for a variance has been consolidated with other development applications, the variance shall be considered with the highest procedure required consistent with the requirements of SMC Title 20. A variance from the provisions of such ordinance(s) shall not be granted by the board of adjustment or city council unless the board of adjustment or city council finds that all of the review criteria established in Chapter 18.72 SMC are met.

In granting any variance, the board of adjustment or city council may prescribe appropriate conditions and safeguards in conformity with the provisions of the zoning ordinance or other land use regulatory ordinances as the city may adopt. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this section. All decisions of the board of adjustment or of the city council granting or denying a variance shall comply with RCW 35A.63.110.

Under no circumstances shall the board of adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in the district. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.080 Action final.

The action of the board of adjustment or city council shall be final and conclusive unless, within 21 days from the date of the decision (SMC 20.01.240(F)), the original applicant or

an adverse party files a land use appeal to the superior court. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

2.10.090 Planning commission or council membership prohibited.

No member of the board of adjustment shall be a member of the planning commission or of the city council. (Ord. 2009-036 § 1; Ord. 2007-010 § 1; Ord. 97-019 Exh. D)

Chapter 2.12

CITY CLERK

Sections:

- 2.12.010 Purpose.
- 2.12.020 Appointment of city clerk.
- 2.12.030 Qualifications and duties of city clerk.
- 2.12.040 Clerk to receive claims.

2.12.010 Purpose.

It is the purpose of this chapter to provide for the appointment of the office of city clerk pursuant to the authority granted in RCW 35A.13.080 and 35A.13.090. (Ord. 2009-036 § 1; Ord. 2009-013; Ord. 2001-018 § 1)

2.12.020 Appointment of city clerk.

From and after the effective date of the ordinance codified in this chapter, the office of the city clerk shall be deemed an appointive office. This chapter authorizes appointment to the office of city clerk by the city manager, pursuant to RCW 35A.13.080(2). (Ord. 2009-036 § 1; Ord. 2009-013; Ord. 2001-018 § 2)

2.12.030 Qualifications and duties of city clerk.

Appointments to the position of city clerk shall be made from candidates who have sufficient knowledge to perform the duties required for the position and as may be required by state law or ordinance. (Ord. 2009-036 § 1; Ord. 2009-013; Ord. 2001-018 § 3)

2.12.040 Clerk to receive claims.

The city clerk is appointed, pursuant to RCW 4.96.020, to receive any claim for damages made under Chapter 4.96 RCW during normal business hours at the Sequim City Hall. (Ord. 2009-036 § 1; Ord. 2009-013)

Chapter 2.14

**OTHER OFFICERS – FINANCE
OFFICER**

Sections:

- 2.14.010 Purpose.
- 2.14.020 Appointment of city officers.

2.14.010 Purpose.

It is the purpose of this chapter to provide for appointment by the city manager to the offices deemed necessary by the city council, pursuant to the authority granted in RCW 35A.13.080(2), 35A.13.090, and 35A.13.100. (Ord. 2009-036 § 1; Ord. 2009-028; Ord. 511 § 1, 1987)

2.14.020 Appointment of city officers.

The offices and officers of the city of Sequim, in addition to others provided for in this code, shall be those created by the city council by motion, resolution, or ordinance, including the budget ordinance. The duties of the clerk, finance officer and chief of police required by statute shall be performed by the officers appointed to perform the duties of clerk, finance officer or chief of police, respectively, or to other officers to whom such duties have been assigned by the city manager with the approval of the city council. Any duties assigned by statute to the office of treasurer shall be performed by the finance officer. (Ord. 2009-036 § 1; Ord. 2009-028; Ord. 511 § 2, 1987)

Chapter 2.16

OFFICERS’ BONDS

Sections:

- 2.16.010 Purpose.
- 2.16.020 Bonds designated.
- 2.16.030 City to pay premiums.

2.16.010 Purpose.

It is the purpose of the ordinance codified in this chapter to establish performance bonds for officials of the city in accordance with the requirements of state law (RCW 35A.13.160). (Ord. 2009-036 § 1; Ord. 2009-027; Ord. 492 § 1, 1986)

2.16.020 Bonds designated.

A. It is ordered that the city clerk, the city treasurer, the deputy city clerks, the chief of police and the city manager of the city shall execute to the city performance bonds in the following respective amounts:

1. City clerk: \$100,000;
2. Deputy city clerk: \$25,000;
3. City finance officer: \$100,000;
4. Chief of police: \$25,000;
5. City manager: \$25,000.

B. Each such bond shall be conditioned in such penal sums for the faithful performance of the officers’ respective duties and each such bond shall include therein like provision for the faithful performance of all offices and duties of which each such officer is by law made ex officio incumbent.

C. In the event of the combination of any of the offices pursuant to law, a single bond may be provided in the amount of the larger of the bonding requirements set forth under this chapter.

D. A policy of insurance covering honest and faithful performance and insuring against the same perils as a bond may be utilized in lieu of any such bond. All such bonds or insurance policies in lieu of bonds shall be approved by the city attorney as to form. (Ord. 2009-036 § 1; Ord. 2009-027; Ord. 492 § 2, 1986)

2.16.030 City to pay premiums.

The city shall pay all premiums for bonds or in lieu of insurance for the city officers. (Ord. 2009-036 § 1; Ord. 2009-027; Ord. 492 § 3, 1986)

Chapter 2.18

CITY OFFICES

Sections:

2.18.010 Hours of operation.

2.18.010 Hours of operation.

City offices shall be open for the transaction of business with the public Monday through Friday, excluding holidays, from 7:30 a.m. to 4:00 p.m. The police department offices shall be open Monday through Friday, excluding holidays, from 8:00 a.m. to 4:30 p.m.

The offices may occasionally be closed during these hours for staff events. In the case of such an event, a notice of such closure will be posted on the door of public works and City Hall offices or on the city's website at least one week prior to the closure.

This chapter is necessary for the support of city government and its existing public institutions. (Ord. 2009-036 § 1; Ord. 2009-015; Ord. 2007-011)

Chapter 2.20

SUPERINTENDENT OF PUBLIC UTILITIES

(Repealed by Ord. 99-003)

Chapter 2.24

POLICE DEPARTMENT

Sections:

- 2.24.010 Department created – Duties.
- 2.24.020 Chief of police – Appointment.
- 2.24.030 *Repealed.*
- 2.24.040 Appointment of additional police personnel.

2.24.010 Department created – Duties.

The department of police for the city is created, which department shall be under the direction and control of the chief of police, subject to the direction of the city manager. The chief of police or the chief's sworn officers shall initiate by citation, after consideration of RCW 9.94A.401 and 9.94A.411, violations of city ordinances which come to the chief's knowledge. The chief of police and the chief's sworn officers may pursue and arrest violators of city ordinances beyond the city limits and they shall have all powers granted police by the laws of the state. (Ord. 2009-036 § 1; Ord. 2009-032; Ord. 232 § 1, 1970)

2.24.020 Chief of police – Appointment.

The city manager shall appoint a chief of police who shall hold office at the pleasure of the city manager and shall not be subject to confirmation by the city council. The position of chief of police is exempt from civil service (RCW 41.12.050). (Ord. 2009-036 § 1; Ord. 2009-032; Ord. 232 § 2, 1970)

2.24.030 Deputy chief of police – Appointment.

Repealed by Ord. 2001-014. (Ord. 232 § 3, 1970)

2.24.040 Appointment of additional police personnel.

The city council may establish additional positions in the budget for law enforcement purposed. The hiring of sworn officers shall comply with civil service requirements including exemptions allowed under RCW 41.12.050. (Ord. 2009-036 § 1; Ord. 2009-032)

Chapter 2.28

VOLUNTEER FIREMEN’S RELIEF AND PENSION ACT

(Repealed by Ord. 99-003)

Chapter 2.34

DESIGN REVIEW BOARD

Sections:

- 2.34.010 Creation of design review board.
- 2.34.020 Terms, qualifications and appointment of members.
- 2.34.030 Purposes.
- 2.34.040 Additional powers and duties.
- 2.34.050 Limitations.
- 2.34.060 Organization.
- 2.34.070 Staff assistance.

2.34.010 Creation of design review board.

A design review board (also referred to as DRB) is hereby created. The design review board shall consist of five members. The design review board shall interpret, review and implement design review as provided by the city’s adopted design standards in Chapter 18.24 SMC. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

2.34.020 Terms, qualifications and appointment of members.

A. Members of the design review board shall serve terms of two years. The terms shall be staggered. Terms expire on July 1st, but members of the design review board shall continue to serve until their successors are appointed and qualified. The city council shall appoint a new DRB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member’s term. A majority of this board shall be comprised of city of Sequim residents unless the city council waives this requirement to achieve member balance.

B. Design review board members shall have qualifications, skills or a demonstrated interest in urban design or historic preservation and must be able to demonstrate the ability to read and interpret site plans, elevation drawings, landscape plans, architectural details and other design details and specifications as may be depicted on plans. Members shall be selected by the council who conform to the following qualifications and create a balance of talent and diversity:

2.34.030

1. A licensed architect or professional building designer with demonstrated experience in urban or historic building design;
2. A city resident with demonstrated interest and knowledge of urban design;
3. A business owner with such business physically located within the city of Sequim;
4. A member with a professional background relating to urban design (e.g., a professional artist (with color expertise), a civil or environmental engineer, planner, building contractor or professional designer) as determined by the city council;
5. A member with demonstrated interest in and knowledge of landscaping, horticulture, arboriculture or forestry.

The DRB action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the required categorical positions, as long as there is a quorum.

C. Application for Design Review Board Appointment. Individuals wishing to serve, or to be reappointed to serve, on the design review board shall submit a letter of interest to the city clerk. The letter of interest shall state which category of subsection B of this section the individual wishes to serve under, and shall cite personal experience or credentials in that category. The city council shall consider which individual has the most direct experience in that category and give weight in their decision to experience over general interest. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

2.34.030 Purposes.

The purposes of the design review board are:

- A. To implement procedures related to the city's design standards as described in Chapter 18.24 SMC;
- B. To protect and enhance Sequim's small-town characteristics by assuring that decisions on design reflect the intent of the city's design standards and the design intent of the city's comprehensive plan;

C. To make suggestions on design alternatives which meet the needs of the property or business owner and which are consistent with and meet the intent of the city's design policies;

D. To make recommendations to the planning commission and city council on policies and ordinances that may affect the city's design and visual character;

E. To identify and actively encourage the conservation of the city of Sequim's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties;

F. To raise community awareness of the city of Sequim's agricultural history and historic resources;

G. To serve as the city's primary resource in matters of historic preservation;

H. To serve as the city's local review board as defined in WAC 254-20-030(8) and Chapter 18.24 SMC;

I. To make recommendations for design standard revisions. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

2.34.040 Additional powers and duties.

In addition to the powers set forth in Chapter 18.24 SMC, the design review board shall:

A. Recommend to the planning commission and city council adoption of standards to be used by the city or design review board in reviewing outdoor proposals within city limits or its areas of contractual jurisdiction;

B. Recommend to the planning commission and city council the purchase of interests in property for purposes of preserving the city's visual characteristics or implementing the provisions of the city's design standards or the design intent of the city's comprehensive plan;

C. Advise the planning commission and city council on possible incentives to preserve historic structures within the city's historic district;

D. Recommend to the planning commission and city council changes to the Sequim Municipal Code and public works standards which reinforce the purpose of the city's

design standards and the design intent of the city's comprehensive plan. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

2.34.050 Limitations.

The design review board may recommend approval, conditional approval or disapproval of project designs or design variances pursuant to the standards in Chapter 18.24 SMC, Design Standards. The DRB shall have no authority to make final decisions on site plans, or to waive, increase or decrease any other code requirements. Site plans shall be reviewed as provided in SMC Titles 15, 17 and 18. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

2.34.060 Organization.

The city's design review board shall be organized as follows:

A. Chair. The design review board shall elect one of its members to serve as chair for a term of one year at its first meeting in March of each year. The chair may be elected to serve for one consecutive additional term, but not for more than two successive terms.

B. Quorum. No business shall be conducted without a quorum at the meeting.

1. Project Review Meetings Pursuant to Chapter 18.24 SMC. A quorum shall exist when the meeting is attended by a majority of the appointed members of the design review board.

C. Voting. All actions of the design review board shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The chair may vote at the meetings.

D. Absence of Members. Attendance at design review board meetings is expected of all members. If a member misses three consecutive scheduled meetings without being excused by the chair, or is absent from 25 percent of the meetings in one calendar year, a note shall be made of the absences by the staff responsible for keeping minutes and sent to the city council for their consideration. A copy of that note shall be sent to the chair and to the members. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

2.34.070 Staff assistance.

The city's planning department shall provide the design review board with such assistance as is reasonably necessary to enable it to perform its functions and duties. Staff assistance shall include, but not be limited to, the making of recommendations in staff reports to the design review board on specific projects, research, general planning and instruction. (Ord. 2009-036 § 1; Ord. 2008-007 § 1)

Chapter 2.36

PLANNING COMMISSION

Sections:

- 2.36.010 Creation – Terms of office – Vacancies.
- 2.36.020 Powers and duties.
- 2.36.021 Hearing examiner.
- 2.36.030 Planning commission to report to council.
- 2.36.040 Secretary of the planning commission.
- 2.36.050 Annual report to council.

2.36.010 Creation – Terms of office – Vacancies.

A. Pursuant to the authority conferred by Chapter 35A.63 RCW, there is created a city planning commission, consisting of seven members who shall be recommended by the mayor and the city council planning commission liaison member, and confirmed by the city council. No more than one-third of the members may be ex officio members by virtue of office held in the city.

B. The term of office of the seven members shall be four years. The terms of the current members in position five and position six shall end the second Monday of January, 2007; the term of the member in position seven shall end on the second Monday of January, 2010; the terms of the members in positions three, four and one shall end the second Monday of January, 2005; the term of the member in position two shall end the second Monday of January 2008. Members of the planning commission may be appointed from among the residents of the city of Sequim. Not more than two members of the planning commission may be appointed from outside of the city of Sequim; provided, that they reside within the Sequim school district boundaries in Clallam County.

C. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term as set forth in subsection A of this section. Members may be removed, after public hearing, by the appointing official, with the approval of his or her council or board, for inefficiency, neglect of

duty or malfeasance in office. If any person or persons on a planning agency concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her duties on such an agency, he or she shall disqualify himself or herself from participating in the deliberations and the decision making process with respect to the matter. (Ord. 2009-036 § 1; Ord. 2009-030; Ord. 2004-001; Ord. 2001-010; Ord. 95-029 § 2; Ord. 311 § 1, 1974)

2.36.020 Powers and duties.

The planning commission shall have all of the powers and perform each and all of the duties specified by Chapter 35A.63 RCW, as amended, and as set forth or amended by ordinance. (Ord. 2009-036 § 1; Ord. 2009-030; Ord. 311 § 2, 1974)

2.36.021 Hearing examiner.

Any duties allowed to be performed by a hearing examiner pursuant to RCW 35A.63.170 may be assigned to such hearing examiner by the council. The position of hearing examiner may be established by the council by contract or other means. (Ord. 2009-036 § 1; Ord. 2009-030)

2.36.030 Planning commission to report to council.

The city council may refer to the planning commission for its recommendation and report any ordinances, resolutions or other proposals relating to any of the matters and subjects referred to in Chapter 35A.63 RCW, as amended, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. (Ord. 2009-036 § 1; Ord. 2009-030; Ord. 311 § 3, 1974)

2.36.040 Secretary of the planning commission.

The planning commission may designate one of its members to act as secretary without salary or, if requested by the commission, the city manager shall designate a member of the

paid staff of the city to serve as such secretary. (Ord. 2009-036 § 1; Ord. 2009-030; Ord. 311 § 4, 1974)

2.36.050 Annual report to council.

The planning department shall, either separately or in its annual budget documents, report the cost and expenses of the department. (Ord. 2009-036 § 1; Ord. 2009-030; Ord. 311 § 5, 1974)

Chapter 2.38

PROTOCOL OFFICER

(Repealed by Ord. 99-003)

Chapter 2.40

CIVIL SERVICE FOR CITY POLICE

Sections:

- 2.40.010 Civil service commission created.
- 2.40.020 Appointment – Terms of office.
- 2.40.030 Organization of the commission.
- 2.40.040 Police appointments subject to authority of the commission.
- 2.40.050 Part-time police employees exempt.
- 2.40.060 Minimum standards for selection.
- 2.40.070 Compensation – Other requirements.

2.40.010 Civil service commission created.

Pursuant to the authority conferred by Chapter 41.12 RCW, there is created a city civil service commission to exercise the powers and perform the duties established by state law in connection with the selection, appointment and employment of the police of the city. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 1, 1973)

2.40.020 Appointment – Terms of office.

There is created for the administration of the civil service for the city police department, a civil service commission composed of three members who shall be appointed by the city manager of the city. The term of office of such civil service commission shall be six years, except that the first three members of the commission shall be appointed for different terms as follows: one to serve for a period of two years, one to serve for a period of four years and one to serve for a period of six years. In the event any civil service commissioner resigns, becomes disqualified or is removed for cause, another commissioner shall be appointed to take his place for the unexpired portion of the term. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 2, 1973)

2.40.030 Organization of the commission.

The commission shall organize itself, hold meetings, adopt rules and regulations, perform the duties and exercise the powers of the com-

mission in accordance with state law. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 3, 1973)

2.40.040 Police appointments subject to authority of the commission.

All applicants for employment, advancement and/or the filling of a vacancy for a sworn officer position with the police department of the city shall be subject to and shall comply with the civil service regulations adopted by the commission. In the employment, advancement, and the filling of vacancies in the police department the commission shall certify to the appointing power the names of the five persons highest on the eligible list for the available opening. The commission shall require appointees selected for full-time employment to satisfactorily serve one full year on a probationary status and to execute a contract of employment with the city as approved by the city council. The commission shall provide for the immediate termination, with notice to the commission, of any officer serving in a probationary status upon the direction of the chief of police with the consent of the city manager. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 4, 1973)

2.40.050 Part-time police employees exempt.

The ordinance codified in this chapter shall not apply to part-time employees of the police department or to the chief and other employees who are exempt officers (RCW 41.12.050). (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 5, 1973)

2.40.060 Minimum standards for selection.

The commission shall, as a minimum, adopt the standards listed in this section pertaining to the mental, physical and moral fitness which govern the recruitment and selection of law enforcement personnel:

A. Applicants must be a citizen of the United States;

B. Applicants must possess a valid Washington State driver's license and be lawfully able to possess and carry a short firearm;

C. Applicants must have graduated from a recognized high school or possess a certificate of equivalency;

D. Applicants shall be of a minimum age of 21 years and be physically qualified;

E. All applicants shall be fingerprinted, and a thorough search shall be made of fingerprints to local, state and federal fingerprint files to disclose any criminal record;

F. Applicants shall not have been convicted by any state or by the federal government of any crime, the punishment for which could have been imprisonment in a federal or state prison or penitentiary, and shall not have been convicted of any offenses involving moral turpitude, narcotics or drugs;

G. Applicants shall possess good moral character as determined by a thorough background investigation;

H. Applicants shall be required to complete and submit a comprehensive application form;

I. An oral interview shall be given to determine if the applicant has any background or inability to communicate which would make him an ineffective law enforcement officer;

J. A thorough physical examination by a licensed physician or surgeon shall be made to ensure that the applicant is free from any physical, emotional or mental condition which might adversely affect the performance of the applicant's duties as a law enforcement officer;

K. Within six months of the effective date of employment, the recruit (new hire or lateral transfer) shall be required to complete satisfactorily a basic training program prescribed by the Criminal Justice Training Commission (CJTC) except when evidence is presented of prior completion of equivalent training or experience and the requirement is waived by the CJTC. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 2001-014 § 2; Ord. 281 § 6, 1973)

2.40.070 Compensation – Other requirements.

The members of the civil service commission shall serve without compensation, and shall each be a citizen of the United States and a resident of the city. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 7, 1973)

Chapter 2.44

SOCIAL SECURITY FOR CITY EMPLOYEES

Sections:

- 2.44.010 City participation in Social Security System.
- 2.44.020 Plan to be submitted to state authorities.
- 2.44.030 Officers authorized to make contributions.
- 2.44.040 Continuity.

2.44.010 City participation in Social Security System.

The city council has ordained that this municipality become a participant in the Social Security System and that the benefits of old age and survivors' insurance be extended to its employees and officers. (Ord. 2009-036 § 1; Ord. 159, 1952)

2.44.020 Plan to be submitted to state authorities.

The city council has further ordained that the city manager and the city clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of Section 5 of the enabling act and of the Social Security Act to extend coverage to the employees and officers of this municipality and do all other things necessary to that end. (Ord. 2009-036 § 1; Ord. 159, 1952)

2.44.030 Officers authorized to make contributions.

The proper fiscal officers are authorized to make all required payments into the contribution fund established by the enabling act and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under the old age and survivors' insurance system. (Ord. 2009-036 § 1; Ord. 159, 1952)

2.44.040 Continuity.

The proper officials of the municipality are to do all things necessary to the continued implementation of the system. (Ord. 2009-036 § 1; Ord. 159, 1952)

Chapter 2.48

COMPENSATION FOR OFFICERS AND EMPLOYEES

Sections:

- 2.48.010 Salary of council.
- 2.48.020 Salary of mayor and mayor pro tempore.

2.48.010 Salary of council.

A. Pursuant to RCW 35A.13.040, compensation for each city council member shall be the sum of \$150.00 per month.

B. Additionally, each city council member shall be compensated in the sum of \$20.00 for attendance at special meetings of the city council, or meetings of subcommittees of the city council, or at meetings of other agencies, organizations or jurisdictions when representing the city by appointment, when such meetings are in excess of one hour in length; provided, that compensation for nonregular city council or other meetings shall be limited to four such meetings in any given calendar month.

C. The compensation in this section shall commence with the first regular meeting following the certification of election of council members under the council-manager form of government in 1995, as set forth in RCW 35A.13.040.

D. Compensation may be based upon an adopted schedule which may include a cost of living increase based upon a commonly recognized cost of living standard; provided, that no such scheduled increase or cost of living increase shall apply to a council member during the elective or appointive term of office during which the schedule or cost of living standard was adopted. (Ord. 2009-036 § 1; Ord. 2009-019; Ord. 94-024 § 2)

2.48.020 Salary of mayor and mayor pro tempore.

A. Pursuant to RCW 35A.13.030, the city council member elected by council to serve as mayor shall be compensated at the same monthly rate as the other members plus an additional \$100.00 per month.

B. Pursuant to RCW 35A.13.035, the city council member elected to serve as mayor pro tempore shall be compensated at the same monthly rate as the other members plus an additional \$50.00 per month. (Ord. 2009-036 § 1; Ord. 94-024 § 2)

Chapter 2.50

PUBLIC RECORDS DISCLOSURE

Sections:

- 2.50.010 Purpose.
- 2.50.020 Definitions.
- 2.50.030 Requests for public records.
- 2.50.040 Decision on public records request – Procedure for review of decision.
- 2.50.050 Current index.

2.50.010 Purpose.

The purpose of this chapter is to provide for the administration of the requirements for public disclosure and availability of city records as provided in Chapter 42.56 RCW as adopted or as hereafter amended, and to establish guidelines and procedures to assure appropriate records and information are made available to the public for inspection and copying. It shall be the city’s policy to assure access to public records and documents concerning the city’s government while maintaining the right of individuals to privacy. (Ord. 2009-036 § 1; Ord. 2009-033; Ord. 2002-025 § 1)

2.50.020 Definitions.

The definitions set forth in Chapter 42.56 RCW are hereby adopted by reference. (Ord. 2009-036 § 1; Ord. 2009-033; Ord. 2002-025 § 2)

2.50.030 Requests for public records.

A. All written public disclosure requests, except those records related to law enforcement, shall be submitted to the city clerk. Requests for law enforcement records shall be immediately forwarded by the city clerk to the chief of police.

B. Unless exempt from disclosure, public records shall be available for inspection and copying in accordance with this chapter.

C. The exemptions from public disclosure are set forth in Chapter 42.56 RCW and are hereby adopted by reference.

D. The Public Records Act requires the city to produce identifiable public records. The city is not required to create records that do not

2.50.040

exist at the time the request is made or to respond to questions that are not answerable by providing an existing public record.

E. If the records are not identifiable by the person fulfilling the request, the city clerk should respond to the requestor by informing him or her that clarification of the request is necessary in order for the city to respond.

F. The city cannot require the requestor to provide information as to the purpose for the request, except to establish that the requestor is not using a list of individuals, in the possession of the city, for commercial purposes.

G. The city is not relieved from the requirement to provide identifiable records even if the request is inconvenient or burdensome. As long as the record is disclosable and in the possession of the city, the record will be provided.

H. Requests from inmates may be examined pursuant to SSB 5150 (2009) and requests from inmates shall be clearly identified as such. (Ord. 2009-036 § 1; Ord. 2009-033; Ord. 2002-025 § 3)

2.50.040 Decision on public records request – Procedure for review of decision.

A. Upon receiving a written request to inspect or copy a public record, the city clerk shall grant the request unless the city clerk or city attorney determines that the public record requested is or may be exempt from disclosure in whole or in part. Any requests for records involving the police department will be immediately forwarded to the chief of police. Within five business days of the date of receipt by the city of the written request, the city clerk shall respond by:

1. Providing the record; or

2. Acknowledging that the city has received the request and providing a reasonable estimate of the time required by the city to respond to the request; or

3. Denying the request.

B. If the requested information is readily available and does not disrupt the normal operations of the city, the request may be fulfilled at that time. Additional time to respond to a request may be based upon the need to clarify the request, to locate and assemble the infor-

mation requested, to notify third persons or agencies affected by the request, or to determine the exemption from disclosure of any of the requested information. If a request is unclear, the city clerk may ask the requestor to clarify the request.

1. Providing for Inspection and/or Copying.

- a. If the record is provided, a fee will be charged for copies. There shall be no charge for inspection of public records or for locating public records and making them available for copying. The per page cost for copies of public records made by city equipment shall be established by city council resolution.

- b. If copies of public records are mailed or delivered, the city shall charge the actual postage or delivery charge and a fee for the container or envelope.

- c. For making copies of audio and video tape recordings, the city shall charge the actual cost of a blank tape; however, the requestor may provide the blank tape. The charge for using the city equipment shall be established by resolution.

- d. If the city uses a company or other municipality to make a copy of the recording, the requestor shall pay the actual cost to the city of making such recording.

- e. Copies of public records may be provided at no charge to other governmental agencies doing business with the city, if the city determines that such action is in the best interests of the city.

C. Denying the Request. If the city clerk or city attorney determines that the document is exempt in part but can be made available after deletion of exempt portions, or after deletion of portions which would invade personal privacy, the request shall be granted; provided, that such exempt portions shall first be deleted. If the city clerk or city attorney determines to deny the request, in whole or in part, the city clerk or city attorney will provide a written statement of the specific reasons for the deletion of portions of the public record or the denial of the request shall be provided to the requestor.

The city attorney shall review a decision by the city clerk to deny the inspection. The review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final city action for the purposes of judicial review. The requestor shall be notified by mail of the decision to grant or deny the request.

D. Disclosure Prohibited by Other Statutes. The city shall not be required by this chapter to permit public inspection and copying of any public record to the extent public disclosure of the public record is prohibited, restricted or limited by any state or federal statute or regulation including, but not limited to, Chapter 10.97 RCW, the Washington State Criminal Records Privacy Act; Chapter 13.50 RCW, relating to release of records by juvenile justice or care agencies; Chapter 70.02, relating to medical records; or Chapter 46.52 RCW, relating to accident reports and abandoned vehicles.

E. Disclaimer of Liability. The city shall not be liable, nor shall a cause of action exist for any loss or damage based upon the release of a public record if the city acted in good faith in attempting to comply with the provisions of this chapter and Chapter 42.56 RCW. (Ord. 2009-036 § 1; Ord. 2009-033; Ord. 2002-025 § 4)

2.50.050 Current index.

The city council finds that maintenance of a current index of identifying information for the public records described in Chapter 42.56 RCW, formerly Chapter 42.17 RCW, would unduly burden and interfere with city operations. The city has never received a request for public inspection and copying of a current index, city officials and employees have full workloads, residents of the city have expressed a desire for low-cost government, with minimum staff levels, and based upon anticipated use and cost to the city, creation and maintenance of a current index for departments of the city is not justified. (Ord. 2009-036 § 1; Ord. 2009-033; Ord. 2002-025 § 5)

Chapter 2.52

LEGAL REPRESENTATION FOR CITY OFFICERS AND EMPLOYEES

Sections:

- 2.52.010 Definitions.
- 2.52.020 Legal representation.
- 2.52.030 Exclusions.
- 2.52.040 Determination of exclusion.
- 2.52.050 Representation and payment of claims – Conditions.
- 2.52.060 Settlements.
- 2.52.070 Legal representation of marital community.
- 2.52.080 Effect of compliance with conditions.
- 2.52.090 Failure to comply with conditions.
- 2.52.100 Reimbursement of incurred expenses.
- 2.52.110 Conflict with provisions of insurance policies.
- 2.52.120 Pending claims.
- 2.52.130 Intent.

2.52.010 Definitions.

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

A. “Employee” means any person who is or has been employed by the city in either a full-time or part-time capacity and for compensation or as a volunteer.

B. “Official” means any person who is serving or has served as an elected city official and any person who is serving or has served as an appointed member of any board, commission or committee created by any elected city official. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 1)

2.52.020 Legal representation.

Pursuant to RCW 4.96.041, as a condition of service or employment with the city, the city shall provide to an official or employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the city, such legal representation as may be reasonably necessary

2.52.030

to defend a claim or lawsuit filed against such officer or employee resulting from any conduct, act, or omission of such official or employee performed or omitted on behalf of the city, in good faith, in their capacity as a city official or employee, which act or omission is within the scope of their service or employment with the city. Such legal representation shall be provided by the city attorney or an attorney selected by the city attorney in the case of a conflict of interest. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 2)

2.52.030 Exclusions.

The obligations assumed under this chapter by the city shall not apply to:

A. Any dishonest, bad faith, fraudulent, criminal, or malicious act of an official or employee;

B. Any act of an official or employee which is not performed on behalf of the city;

C. Any act which is outside the scope of an official's or employee's service or employment within the city; or

D. Any lawsuit brought by or on behalf of the city.

The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official or employee is insured against the loss or damages under the terms of any valid city-purchased insurance policy. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 3)

2.52.040 Determination of exclusion.

The determination of whether an official or an employee is entitled to a defense by the city under the terms of this chapter shall be made by the city attorney. There shall be no appeal from such determination, except to the Superior Court by means of an action for declaratory judgment. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 4)

2.52.050 Representation and payment of claims – Conditions.

The provisions of this chapter shall be applicable; provided, that the following conditions are met:

A. In the event of any incident or cause of conduct potentially giving rise to a claim for damage or the commencement of a suit, the official or employee involved shall as soon as practicable give the city risk manager and city clerk written notice thereof, identifying the official or employee involved, information with respect to the date, time and place of the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses;

B. Upon receipt thereof, the official or employee shall forthwith deliver any claim, demand, notice, or summons or other process relating to any such incident or conduct to the city risk manager and the city clerk. Said official or employee shall cooperate with any attorney designated by the city, and upon request, assist in making any settlements of any suits and enforcing any claim for any right of subrogation against any persons or organization that may be liable to the city or its officers or employees because of any damage or claim of loss arising from the incident or course of conduct;

C. Such officials or employees shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses and do all things necessary to defend against the claim or suit; and

D. Such officials or employees shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense, other than for first aid to others at the time of an incident, or course of conduct giving rise to any such claim, loss or damage. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 5)

2.52.060 Settlements.

The city may make settlements of any claim or suit as it deems expedient. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 6)

2.52.070 Legal representation of marital community.

If an official or employee is entitled to a defense pursuant to this chapter, and the lawsuit in which he/she is named as a party also names his/her spouse or marital community, the defense obligation pursuant to this chapter shall also extend to the named spouse and/or marital community. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 7)

2.52.080 Effect of compliance with conditions.

If legal representation of any official or employee is undertaken under this chapter, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may, at its discretion, appeal as necessary such judgment. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 8)

2.52.090 Failure to comply with conditions.

In the event that any official or employee fails, neglects or refuses to comply with any conditions of SMC 2.52.050, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 9)

2.52.100 Reimbursement of incurred expenses.

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

is covered by the provisions of this chapter. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 2001-014 § 2; Ord. 94-013 § 10)

2.52.110 Conflict with provisions of insurance policies.

Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official or employee thereof is named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's right to full coverage pursuant to this chapter, it being the intent of this chapter to provide complete coverage outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 11)

2.52.120 Pending claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against an official or employee, or any such claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit. (Ord. 2009-036 § 1; Ord. 2009-024; Ord. 94-013 § 12)

2.52.130 Intent.

It is the intent of this chapter to implement RCW 4.96.041. (Ord. 2009-036 § 1; Ord. 2009-024)

Chapter 2.60

EMERGENCY MANAGEMENT

Sections:

- 2.60.010 Purpose.
- 2.60.020 Emergency management policy.
- 2.60.030 Definitions.
- 2.60.040 Emergency management plan.
- 2.60.050 Adoption of the emergency management plan.
- 2.60.060 Emergency management organization.
- 2.60.070 Continuity of government.
- 2.60.080 Emergency management committee.
- 2.60.090 Functions and duties of the departments and employees.
- 2.60.100 Effect of chapter on other rules and regulations.
- 2.60.110 Interpretation of chapter.
- 2.60.120 *Repealed.*
- 2.60.130 Emergency management appropriation.
- 2.60.140 Violation – Penalty.

2.60.010 Purpose.

This chapter provides for the preparation and carrying out of plans for mitigation, preparedness, response and recovery of persons and property within the city of Sequim in the event of an emergency or disaster, and to provide for coordination of emergency functions and services of the city of Sequim, and with those of other affected public agencies and private persons, corporations and organizations. Any expenditures made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively for the direct protection and benefit of the inhabitants and property within the city of Sequim. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.020 Emergency management policy.

A. It is the policy of the city of Sequim to make the best possible preparation and use of city manpower, resources, and facilities for dealing with any emergency disaster that may occur, and to cooperate to the extent possible

with adjacent jurisdictions in order to make maximum use of local emergency response and recovery resources. The approved emergency management plan defines how the policy of emergency and disaster preparedness, response and recovery will be carried out in the city of Sequim.

B. All personnel of the city of Sequim are directed to support the emergency and disaster preparedness, response and recovery activities of the emergency management organization as defined in the approved emergency management plan.

C. Because the demands of the emergency may prevent the city from meeting all of the immediate needs of the community, each citizen is encouraged to prepare for at least 72 hours without outside help. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.030 Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the meanings given in this section:

A. “Continuity of government” means the prevention, maintenance, or reconstitution of the civil government’s ability to carry out the executive, legislative, and judicial processes and services under the threat or occurrence of any emergency conditions that could disrupt such processes and services.

B. “County” means Clallam County.

C. “Director” means the person responsible for the administration and operation of the emergency management program for the city of Sequim. The director shall be the Sequim public works director. If the public works director is unavailable, the person occupying the city position of chief of police shall be the acting director.

D. “Disaster,” as used in this chapter, means an emergency as defined herein which seriously affects the safety, health, or welfare of a substantial number of the citizens of this city; precludes the operation or use of essential public services and facilities; and which reaches such magnitude, dimension or degree of destructiveness as to warrant the city council, by proclamation of disaster, to formally seek state and/or federal supplementation of

local efforts or resources utilized in alleviating the danger, damage, suffering or hardship faced.

E. "Emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or manmade.

F. "Emergency," as used in this chapter, means an event or set of circumstances, having been caused by the forces of nature, or other forces beyond the control of man, by reason of civil disorder, riot, or disturbance, or by other factors not foreseen and not known to exist when the city budget was adopted, demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences.

G. "Emergency management agency" means the Sequim police department.

H. "Emergency management organization" means any and all of the personnel, facilities, services and resources of the city of Sequim necessary to combat the emergency pursuant to this chapter.

I. In any policies to implement this chapter the city manager shall perform any function delegated to the office of the mayor.

J. Other Definitions. All definitions of terms contained within RCW 38.52.010 as adopted or hereinafter amended are adopted by this reference. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.040 Emergency management plan.

The emergency management plan, prepared by the director and promulgated by the city council, is the official emergency management plan of the city of Sequim, and defines how the city of Sequim will carry out a program of emergency management. The director shall file a copy of said plan in the office of the city clerk and distribute copies of said plan to appropriate city departments and other cooperating agencies and organizations. The city council autho-

rizes and directs the director to prepare and distribute the emergency management plan. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.050 Adoption of the emergency management plan.

The city of Sequim adopted an emergency management plan dated March 19, 2003, incorporated by reference as though fully set forth herein, three copies of which are on file in the office of the city clerk/treasurer and which is available for public inspection. The proposed plan shall be adopted as the final plan as soon as the State Director issues a certification of consistency pursuant to RCW 38.52.070. Any amendments to the adopted and state certified plan when approved by the city council and approved and certified by the state shall constitute the emergency management plan. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.060 Emergency management organization.

The emergency management organization for the city of Sequim is hereby created and shall consist of:

A. The city manager, who shall appoint a director to be the administrative head and have direct responsibility for organization, administration, and operation of the emergency management organization for the city of Sequim and direct responsibility for the emergency operations of departments of the city of Sequim;

B. The director, who shall develop and maintain the emergency management plan and program for the city of Sequim and shall have such duties as may be assigned by the city manager or as identified in the approved emergency management plan;

C. Compensated members of the emergency management organization;

D. Volunteer members of the emergency management organization;

E. Such advisory committees as may be appointed by the mayor or city manager;

F. Others as deemed appropriate by the city of Sequim;

2.60.070

G. At such time as an emergency is declared by the city council, any or all of the personnel, services, facilities or resources of the city of Sequim necessary to combat the effect of the emergency or disaster. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.070 Continuity of government.

In the event of an emergency or disaster as defined herein affecting the city of Sequim, the following policy is hereby established to provide for continuity of city government:

A. City Council. In the event the emergency or disaster results in one or more council members being unavailable after a reasonable attempt at notice to convene by the mayor, city manager, or director of emergency management, those council members available for duty shall constitute the city council, and shall have full power to act by majority vote of those present for the purpose of meeting the temporary, immediate and emergency needs brought on by the emergency or disaster.

B. City Manager. In the event that the city manager is unavailable by reason of an emergency or disaster, the city council shall by majority vote of those present select one of their number to serve as emergency interim city manager to exercise and discharge the duties of that office.

C. Director of Emergency Management. In the event that the director of emergency management is unavailable by reason of emergency or disaster, the city manager shall serve as director of emergency management.

D. Department Heads. Each city department shall by adoption of internal procedures identify their successors in the event that the department head is unavailable for duty by reason of an emergency or disaster.

E. Meetings at Other Than Usual Places. In the event it becomes imprudent, inexpedient, or impossible to conduct the affairs of the city of Sequim at the regular or usual place or places, the city council may meet in any temporary place within or without the territorial limits of the city on the call of the mayor or any two council members. After the relocation the affairs of the city may be lawfully conducted at the emergency temporary location or locations

for the duration of the emergency or disaster. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.080 Emergency management committee.

A. There is created the emergency management committee which shall consist of the director of emergency management and such city department heads and/or their designees, and other cooperating agencies and organizations having appropriate expertise and knowledge, as deemed appropriate by the city manager.

B. The purpose of the emergency management committee is to provide overall guidance in the preparation, implementation, evaluation and currency of the emergency management plan and program, and to ensure interagency and interjurisdictional cooperation for the maximum use of local and mutual aid resources.

C. The city of Sequim may recognize the Peninsula Regional Emergency Planning Council for the purpose of ensuring coordination with adjacent jurisdictions, and designate the appropriate representatives. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.090 Functions and duties of the departments and employees.

The city council hereby assigns to the various departments and the officers and employees thereof the functions, duties, and powers set forth in the approved emergency management plan. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.100 Effect of chapter on other rules and regulations.

At all times when the order and regulations made and promulgated pursuant to this chapter are in effect, they shall supersede all existing ordinances, orders and regulations insofar as the latter may be inconsistent therewith. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.110 Interpretation of chapter.

This chapter shall be construed so as not to conflict with any state or federal statute or with any military rule or regulation. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.120 Nonliability of city and complying agents.

Repealed by Ord. 2001-014. (Ord. 96-018)

2.60.130 Emergency management appropriation.

Appropriations will be made in the city budget to cover the expense of emergency management training, writing and maintaining the emergency management plan, and administration of the emergency management plan. Such moneys are to be approved for expenditures in the same manner as expenditures as now authorized by requisition against the budget. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

2.60.140 Violation – Penalty.

It is unlawful for any person willfully to obstruct, hinder or delay any members of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It is likewise unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city unless authority to do so has been granted to such person by the proper officials. Convictions for violation of the provisions of this chapter shall be punishable by a fine of not more than \$100.00, or imprisonment for not more than one year, or by both fine and imprisonment. (Ord. 2009-036 § 1; Ord. 2009-021; Ord. 96-018)

Chapter 2.62

PARK ADVISORY BOARD

Sections:

- 2.62.010 Membership.
- 2.62.020 Duties.
- 2.62.030 Procedures.
- 2.62.040 Removal.

2.62.010 Membership.

There is established a park advisory board consisting of seven members to be appointed by the city council upon recommendation of an interview committee. The term of office of the seven members shall be three years, except that the initial appointments shall be staggered from one to three years so that no more than three members shall have their terms expire in any one year. Each of the members of the board will serve without compensation. Initial determination of term of appointment shall be determined by lot. Members of the board shall reside within the Clallam County boundaries of Sequim School District 323, with preference given to residents of the city of Sequim. At all times, at least four members of the board shall be residents of the city of Sequim. (Ord. 2009-036 § 1; Ord. 2005-005; Ord. 2001-014 § 2; Ord. 96-013; Ord. 96-009)

2.62.020 Duties.

A. The board is entrusted with the responsibilities of advising and making recommendations to the city council for the acquisition, control, improvement, beautification and planning of all public squares and parks of the city and all city recreation facilities. The board shall periodically review whether the lands being used for park purposes are adequate and shall recommend to the city council what additional lands and grounds should be acquired and used for park and recreation purposes. The board may explore and recommend public/private partnerships where appropriate and feasible. The board shall also recommend design of parks and structures therein to the city council and shall make recommendations on an updated comprehensive plan element for parks and recreation facilities for the city.

2.62.030

B. The board shall recommend to the city council appropriate measures to ensure that the city has a well integrated and complete program for the use of its parks and recreation playgrounds and to accomplish this end, the board shall from time to time meet with appropriate city employees and with representatives and officials of other groups, public and private, who are interested in the use and development of city parks and recreational facilities for the public benefit. (Ord. 2009-036 § 1; Ord. 96-013; Ord. 96-009)

2.62.030 Procedures.

Meetings of the board shall comply with Chapter 42.30 RCW, the Open Public Meetings Act. The board shall elect its own chairperson. The board shall hold at least one meeting per month, unless cancelled by the board chairperson, and shall adopt rules for the transaction of business, keep a record of its meeting by a board member, who shall be appointed secretary, and shall submit such record to the city clerk. A majority of the members of the board shall constitute a quorum for the transaction of business and any action taken by a majority of those present shall be deemed action of the board. (Ord. 2009-036 § 1; Ord. 2001-014 § 2; Ord. 96-013; Ord. 96-009)

2.62.040 Removal.

The mayor may remove any member of the board for any reason other than disagreement with an official recommendation of the board or its members; provided, that such removal has been confirmed by a majority of the city council. Vacancies occurring otherwise than by expiration of the term of office shall be filled for the unexpired term in the same manner as regular appointments are made. (Ord. 2009-036 § 1; Ord. 96-013; Ord. 96-009)

Chapter 2.64

CITIZENS' TRAIL ADVISORY BOARD

(Repealed by Ord. 2001-004)

Chapter 2.66

STREETSCAPE COMMITTEE

(Repealed by Ord. 2001-004)

Chapter 2.68

LODGING TAX ADVISORY COMMITTEE

Sections:

- 2.68.010 Establishment of lodging tax advisory committee.
- 2.68.020 Membership.
- 2.68.030 Duties.
- 2.68.040 Quorum.
- 2.68.050 Procedure.
- 2.68.060 Voting.
- 2.68.070 Expenses.
- 2.68.080 Removal.

2.68.010 Establishment of lodging tax advisory committee.

A lodging tax advisory committee is hereby declared to be established and created by the city council. The purpose of the lodging tax advisory committee (LTAC) is to perform the functions of a lodging tax advisory committee under RCW 67.28.1817 and also to be an ongoing advisory committee to the Sequim city council, with duties as described in this chapter or as directed by the city council, following procedures as provided in this chapter. (Ord. 2009-036 § 1; Ord. 2006-015 § 1)

2.68.020 Membership.

The LTAC shall be comprised of seven voting members, each appointed by the Sequim city council. The Sequim city council may appoint nonvoting members to the LTAC. Members of the LTAC are not required to be residents of the city of Sequim.

A. Voting members shall be as follows:

1. One member shall be a Sequim city council member, who shall serve as chair.
2. Three members shall be representatives of businesses required to collect tax under this chapter.
3. Three members shall be persons involved in activities authorized to be funded by revenue received under this chapter.

B. The term of membership shall be through June 30th of the year following appointment; provided, that a member's term shall not expire until the appointment of a new

member is effective. By statute, eligibility for appointment under subsection (A)(2) or (3) of this section is mutually exclusive. The city council shall review the membership of the advisory committee annually and make changes as appropriate. Each year, organizations representing businesses required to collect the lodging tax, organizations involved in activities authorized to be funded by lodging tax revenue, and local agencies involved in tourism promotion may submit recommendations for membership on the LTAC. (Ord. 2009-036 § 1; Ord. 2006-015 § 2)

2.68.030 Duties.

The LTAC coordinator shall submit a proposal to the LTAC for review and comment for budgeting purposes or if an increase is proposed in the rate of the tax imposed under this chapter, the repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter. The LTAC shall submit comments on such a proposal to the city council in a timely manner through generally applicable public comment procedures. Comments from the LTAC shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the lodging tax fund created under this chapter.

The LTAC should submit its comments on the proposal no more than 44 days after its receipt of the proposal. However, failure of the LTAC to submit comments shall not prevent the city from acting on the proposal once 45 days have elapsed since the proposal was submitted to the LTAC.

In addition to the foregoing, the LTAC will submit a report to the city manager as to whether the proposed budget for lodging tax revenue and lodging fund expenditures is consistent with long-term stability of the lodging tax fund.

Minutes shall be maintained of each meeting. These minutes shall be submitted to the city on at least a quarterly basis for acknowledgement by the city council. (Ord. 2009-036 § 1; Ord. 2006-015 § 3)

2.68.040

2.68.040 Quorum.

A quorum of the LTAC shall be a majority of persons currently serving as voting members of the LTAC. A quorum must be present in order for a vote to be taken on a recommendation to go to the city council. (Ord. 2009-036 § 1; Ord. 2006-015 § 4)

2.68.050 Procedure.

A. All business shall be guided by Robert’s Rules of Order.

B. The chair shall propose an agenda for meetings, shall preside at all meetings, and shall vote on matters being voted on by LTAC. The chair shall be responsible for assuring that LTAC reports are presented to the city on time and shall select a member to record minutes and decisions of LTAC that establish policies or recommendations.

C. LTAC may select a vice chair or a temporary chair to act in the absence of the chair.

D. LTAC may adopt a written policy of LTAC practices, not consistent with this chapter or other direction of the city council. (Ord. 2009-036 § 1; Ord. 2006-015 § 5)

2.68.060 Voting.

Each voting member is entitled to one vote. All matters establishing policies, recommendations or decisions shall be decided by a majority vote of voting members present. (Ord. 2009-036 § 1; Ord. 2006-015 § 6)

2.68.070 Expenses.

The members of the LTAC shall receive no compensation and are not eligible for reimbursement of expenses incidental to service on the LTAC. LTAC may request specific support necessary to carry out its responsibilities by a request made, in advance, to the city manager. (Ord. 2009-036 § 1; Ord. 2006-015 § 7)

2.68.080 Removal.

A member of LTAC may be removed during their term by the city council only for sufficient cause. “Sufficient cause” means:

A. Absence for two consecutive meetings without prior excuse from the chair; or

B. Violation of the public trust or malfeasance. (Ord. 2009-036 § 1; Ord. 2006-015 § 8)

Chapter 2.70

TRANSPORTATION BENEFIT DISTRICT

Sections:

- 2.70.010 Establishing transportation benefit district.
- 2.70.020 Governing board.
- 2.70.030 Transportation improvement funded.
- 2.70.040 Establishment of revenue sources.

2.70.010 Establishing transportation benefit district.

There is created, to carry out all functions allowed by statute, a transportation benefit district within the geographical boundaries of the corporate limits of the city existing on the date of adoption of the ordinance codified in this chapter. The name of the transportation benefit district shall be the “Transportation Benefit District of the City of Sequim, Washington.” (Ord. 2009-036 § 1; Ord. 2008-012 § 2; Ord. 2008-008 § 2)

2.70.020 Governing board.

A. The governing board of the transportation benefit district shall be the city council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

B. The treasurer of the transportation benefit district shall be the city finance administrative services director.

C. The chair of the governing board of the transportation benefit district shall be the city mayor.

D. The secretary of the governing board of the transportation benefit district shall be the city clerk.

E. The governing board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

F. The governing board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2). (Ord. 2009-036 § 1; Ord. 2008-012 § 2; Ord. 2008-008 § 2)

2.70.030 Transportation improvement funded.

One hundred percent of the funds generated by the transportation benefit district shall be used towards the payment of the estimated shortfall in excess of \$24,000,000 of funding needed for the improvements identified in the 2009-2014 Transportation Improvement Program and other transportation projects as deemed necessary, as identified above. (Ord. 2009-036 § 1; Ord. 2008-012 § 2; Ord. 2008-008 § 2)

2.70.040 Establishment of revenue sources.

A. Through majority vote of the registered voters residing within the district, up to a two-tenths of one percent increase in the sales and use tax on taxable goods will be requested (e.g., from 8.4 percent to 8.6 percent). The sales and use tax shall be collected by the businesses located within the transportation benefit district and remitted to the State of Washington Department of Revenue for remittance back to the district as set forth in RCW 82.14.0455.

B. Through petition of a majority of the property owners that reside within the district or by majority vote of the registered voters that reside within the district, whichever applies, the formation of a local improvement district or special assessment or other approved and authorized assessments may be enacted, as provided under RCW 36.73.070 and 36.73.080, for the purpose of providing capital improvements in the applicable area.

C. The transportation benefit district is not intended to subsidize development; therefore, imposition of a fee may be charged on building construction or land development, such as a per-trip charge, as authorized under RCW 36.73.120 and subject to the provisions of RCW 36.73.065 and Chapters 39.92, 43.21C, and 82.02 RCW.

D. The transportation benefit district is also authorized to perform all functions of a transportation benefit district allowed by law. (Ord. 2009-036 § 1; Ord. 2008-012 § 2; Ord. 2008-008 § 2)

