

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REGARDING CERTAIN ADMINISTRATIVE PROCEDURES AND NAME CHANGES FOR CITY ADVISORY BODIES AND PLACING ADVISORY BOARD CODE PROVISIONS INTO A NEW TITLE 4 OF THE FIFE MUNICIPAL CODE

WHEREAS, the Council has created several advisory bodies; and

WHEREAS, the Council desires to provide uniform quorum and successor provisions applicable to all advisory bodies; and

WHEREAS, the Council desires to place all chapters of the Fife Municipal Code creating advisory bodies into a new Title 4 for ease of reference; and

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Title 4 is hereby added to the Fife Municipal Code, titled “City Advisory Boards and Commissions.”

Section 2. A new Chapter 4.02 is hereby added to the Fife Municipal Code to read as follows:

**Chapter 4.02
Boards and Commissions-General Provisions**

4.02.010 Definitions

As used in this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

A. “Advisory board” means the tree advisory board and the parks and recreation advisory board.

B. "Commission" means the salary commission, planning commission, civil service commission, arts commission, youth commission, and the lodging tax advisory commission.

4.02.020 Advisory Boards and Commissions—Quorum

At all meetings of an advisory board or commission, a majority of the currently serving members with voting rights shall constitute a quorum for the transaction of business, provided that in the event a board or commission has only two or less currently serving members, then two members shall constitute a quorum. A majority vote at a meeting in which a quorum is present shall be necessary to carry any action.

4.02.030 Advisory Boards and Commissions—Removal

A. Advisory Boards. Except as set forth in subsections B-E below, members of an advisory board or commission may be removed by the city council for incapacity, incompetence, or neglect of duty. Failing to attend two consecutive meetings or 25% of the meetings within a 12 month period without being excused by the chair of the advisory board, shall constitute neglect of duty.

B. Salary Commission. A member of the salary commission shall only be removed from office by the city council for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change in residence or business location. Failing to attend two consecutive meetings without being excused by the chair of the salary commission, shall constitute neglect of duty.

C. Planning Commission. Members of the planning commission may be removed by the city council after public hearing for inefficiency, neglect of duty or malfeasance in office. Failing to attend two consecutive meetings or 25% of the meetings within a 12 month period without being excused by the chair or the commission, shall constitute neglect of duty.

D. Civil Service Commission. A member of the civil service commission may be removed from office by the city manager for incompetency, dereliction of duty, malfeasance in office or for other good cause, only after notification in writing of the reasons for such action. Said notice shall state the specific grounds on which removal is based. Failing to attend two consecutive meetings or 25% of the meetings within a 12 month period without being excused by the chair of the commission, shall constitute neglect of duty.

E. Lodging Tax Advisory Commission. Members of the LTAC shall serve at the pleasure of the city council and may be removed at any time, without cause, at their discretion.

4.02.040 Advisory Boards and Commissions—Successors

Members of an advisory board or commission can serve after expiration of their terms until their successors are duly appointed by providing written notice to the city manager prior to the expiration of the member's term.

4.02.050 Compensation

Members of an advisory board or commission shall serve without compensation.

4.01.060 City Employees and Officials Ineligible—Exception

City employees and elected officials shall not serve on advisory boards or commissions, except one council member shall serve on the Lodging Tax Advisory Commission in accordance with FMC 4.10.020.

Section 3. Chapter 2.46 of the Fife Municipal Code titled "Salary Commission" is hereby recodified in a new Chapter 4.04 with the sections renumbered accordingly.

Section 4. Section 4.04.020 of the Fife Municipal Code is hereby amended to read as follows:

4.04.020 Members – Term – Vacancies.

A. The salary commission shall consist of seven members, to be appointed by the mayor with the approval of the city council. At least four of the members shall be residents of the city of Fife and the balance shall be local business persons.

B. The salary commission shall not be a standing commission. Rather, the commission shall be filled and members selected in accordance with subsection (A) of this section, once every four years commencing in 2014. The commission may be formed at any time in the interim four years by council resolution. The salary commission members shall serve a 120-day term without compensation. The term may be extended up to 60 days by the commission if they publically deem an extension necessary to complete their duties under FMC 2.46.030(A).

C. No member of the commission shall be appointed to more than two terms.

D. A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purpose for this section, "immediate family member" means the parents, spouse, siblings, children or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

E. In the event of a vacancy in the office of a commissioner, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term.

Section 5. Chapter 2.48 of the Fife Municipal Code titled “Planning Commission” is hereby recodified in a new Chapter 4.06 with the sections renumbered accordingly.

Section 6. Section 4.06.020 of the Fife Municipal Code is hereby amended to read as follows:

4.06.020 Members – Term – Vacancies.

A. The city planning commission shall consist of seven members. At least five members must be city residents; and one member may reside within the Fife urban growth area. All members shall serve for three-year terms. Four year terms currently being served by members on the effective date of this ordinance shall not be reduced. Vacancies shall be filled by the city council.

B. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term.

C. If a planning commission member disqualifies himself from participating in the deliberations and the decision-making process with respect to a matter pending before the agency due to a conflict of interest or an appearance of fairness problem, the mayor, without council confirmation, may appoint a person to serve as an alternate on the planning commission to serve in regard to such a matter for the disqualified member.

D. The planning commission shall hold a regular meeting at least once each month; provided, the meeting may be cancelled in the event there is no business to come before the commission at said meeting. Special meetings may be called at such times as the commission may determine in order to efficiently conduct its business. There shall be a fixed time and place for the meetings of the commission, which shall be open to the public, except as otherwise provided by law.

Section 7. A new Chapter 4.08 is hereby added to the Fife Municipal Code to read as follows:

Chapter 4.08
Civil Service Commission

4.08.010 Civil service commission – Created.

There is created a civil service commission to exercise the powers and to perform the duties set forth in this chapter and FMC chapter 2.52 in connection with the selection, appointment and employment of police in the city.

4.08.020 Civil service commission – Membership.

The city manager shall appoint three members to the commission. The term of office of each member shall be six years. If at any time a commission member is disqualified from acting, by reason of conflict of interest or appearance of fairness or any other similar cause, then the appointing authority may appoint a temporary replacement for said position on the commission to act only with respect to the particular matter for which the commission member was disqualified. Said disqualification shall in no way affect the disqualified commission member's status as to any matters other than that for which he was disqualified.

4.08.030 Civil service commission – Meeting.

The commission shall hold regular meetings at least once a month and such additional special or emergency meetings as may be required for the proper discharge of its duties. All commission meetings or hearings shall be open and public; provided, however, that the commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW).

4.08.040 Powers and duties of the commission.

The civil service commission shall have authority to:

A. Make suitable rules governing the following matters:

1. The date, time and location of any examination authorized by this chapter;
2. The date, time and location of any hearing or investigation which the commission is authorized by this chapter to conduct;
3. Adjournment of any commission meeting authorized by this chapter;
4. The procedure for scheduling a special or emergency meeting of the commission;
5. The rules of order to be used by the commission in the transaction of its official business;
6. The election of a commission chair and vice chair;
7. The date, time and location of all civil service commission meetings;

8. The approval of the minutes of any civil service commission meeting;
 9. Notification of examination results to each applicant;
 10. The time for filing an application for any examination authorized by this chapter;
 11. The procedure for amending the commissioners' rules;
 12. Service of process of any notices, documents or papers required by this chapter to be served;
 13. The procedure for announcing an examination;
 14. The procedure for issuing and/or quashing subpoenas in connection with a hearing or investigation authorized by FMC Chapter 2.52;
 15. Discovery to be conducted in any hearing or investigation authorized by FMC Chapter 2.52;
 16. Except as otherwise stated in FMC Chapter 2.52 the procedure by which the commission will conduct any hearing or investigation authorized by this chapter; and
 17. Any other matter, not in conflict with FMC Chapter 2.52, that the commission deems desirable to implement the provisions and carry out the purposes of this chapter.
- B. Arrange for the administration of competitive examinations to determine the relative qualifications of persons for initial employment and for promotion in the classified service.
- C. Conduct investigations concerning and report upon all matters relating to the enforcement and effect of this chapter and the rules and regulations prescribed hereunder.
- D. Hear and determine appeals arising from the administration of this chapter and the commission's rules.
- E. Establish and maintain a roster of employees.

F. When a vacant position is to be filled, certify to the appointing authority the names of the three persons highest on the eligibility list for said vacancy, in accordance with the procedures set forth in FMC 2.52.030.

G. Prepare an eligibility list of all persons eligible to fulfill any given position within the classified service, ranked in accordance with their total scores on any examination.

H. Begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and the commission's rules. In such suits, the commission shall be represented by the city attorney, unless such representation would conflict with his responsibilities as city attorney, in which case, the city attorney shall obtain independent legal counsel to advise the commission upon such terms and conditions as are set by the city council; provided, the commission may appoint its own counsel in any case of discipline or enforcement of civil service rules that is appealed to the commission.

I. Certify payrolls or appoint some person to do so.

J. Develop and submit a proposed annual budget to the executive and the council for their consideration consistent with budget procedures for other city departments.

4.08.050 Records open to the public.

The minutes of all civil service commission meetings shall be open to the public during office hours of the City Hall and may be inspected upon application to the secretary/chief examiner.

4.08.060 Retention of records.

The records of the civil service commission shall be retained in accordance with the city's document retention policy.

4.08.070 Legal advisor.

The city attorney shall serve as the legal advisor to the commission. If the city attorney has a conflict of interest relating to a specific case to be heard by the commission, then the city attorney shall obtain qualified independent counsel to advise the commission. If the recommended attorney is not acceptable to the commission then the city attorney shall obtain alternate qualified legal counsel to advise the commission. The independent legal counsel shall be retained upon such terms of compensation as are set by the city council.

Section 8. Chapter 2.94 of the Fife Municipal Code titled “Lodging Tax Advisory Committee” is hereby recodified in a new Chapter 4.10 with the sections renumbered accordingly.

Section 9. The title to Chapter 4.10 of the Fife Municipal Code is hereby amended to “Lodging Tax Advisory Commission.”

Section 10. Section 4.10.010 of the Fife Municipal Code is hereby amended to read as follows:

4.10.010 Lodging tax advisory commission created.

A lodging tax advisory commission is hereby established and created by the city council. The purpose of the lodging tax advisory commission(LTAC) is to perform the functions and duties as required under RCW 67.28.1817.

Section 11. Section 4.10.020 of the Fife Municipal Code is hereby amended to read as follows:

4.10.020 Membership of lodging tax advisory commission.

A. The lodging tax advisory commission shall consist of five members appointed by the city council as follows:

1. Two members who are representatives of businesses required to collect tax under Chapter 67.28 RCW;
2. Two members who are persons involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and
3. One member of the city council who shall serve as chair of the LTAC.

B. Persons who are eligible for appointment under subsection (A)(1) of this section are not eligible for appointment under subsection (A)(2) of this section and vice versa.

C. The number of persons appointed as representatives of businesses required to collect tax under Chapter 67.28 RCW of this section shall be equal to the number of members appointed as persons involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW and vice versa.

D. The city council may consider recommendations for appointment to the LTAC from organizations representing businesses required to collect tax under Chapter 67.28 RCW, organizations involved in activities authorized to be funded by

revenue received under Chapter 67.28 RCW, and local agencies involved in tourism promotion.

Section 12. Section 4.10.050 of the Fife Municipal Code is hereby amended to read as follows:

4.10.050 Duties of lodging tax advisory commission.

A. The LTAC shall promptly review all proposals as described in FMC 4.10.040, submitted for review and comment through generally applicable public comment procedures. These comments shall include the following analysis: 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 city's fund created under RCW 67.28.1815. Final legislative authority over these proposals shall remain with the elected city council. Review, comments, or any recommendations presented by the LTAC are advisory only and shall not bind the city council.

B. Failure of the LTAC to submit comments before final action on or passage of the proposal by city council shall not prevent the city from acting on the proposal.

C. The city may, but is not required to, submit an amended proposal to the LTAC for review.

Section 13. Section 4.10.070 of the Fife Municipal Code is hereby amended to read as follows:

4.10.070 Support

The members of the LTAC shall receive no reimbursement of expenses incidental to service on the LTAC. The LTAC may request specific support necessary to carry out its responsibilities by a request made, in advance, to the city manager.

Section 14. Chapter 2.49 of the Fife Municipal Code titled "Tree Commission" is hereby recodified in a new Chapter 4.12 and retitled "Tree Advisory Board" with the sections renumbered accordingly.

Section 15. Section 4.12.010 of the Fife Municipal Code is hereby amended to read as follows:

4.12.010 Purpose.

The purposes of the tree advisory board shall be promoting the responsible planting of trees on public property, educating the public about trees, advocating

trees within the city, and developing innovative and joint funding for projects from a variety of sources.

Section 16. Section 4.12.020 of the Fife Municipal Code is hereby amended to read as follows:

4.12.020 Membership.

The city tree advisory board shall be composed of five voting members, at least three of which shall be residents of the city of Fife. The public works director, community development director and the parks, recreation and community services director, or their designees, shall be available on an as-needed basis to provide technical knowledge and/or support. In no way shall their time be allowed to become a financial burden on the city. Members shall serve without pay. Vacancies shall be filled by the city council from a list of nominees nominated by council members. Members shall show an interest in accomplishing the purposes of the board. Membership should include people with expertise in arboriculture, local business persons, utility representatives and residents.

Section 17. Section 4.12.030 of the Fife Municipal Code is hereby amended to read as follows:

4.12.030 Terms of office.

The initial appointment shall be three members to one-year terms, two members to two-year terms, and two members to three-year terms. Each appointment thereafter shall serve a three-year term. In the event of a vacancy of any position, the city council shall appoint a successor for the unexpired portion of the term from a list of nominees submitted by council members.

Section 18. Section 4.12.040 of the Fife Municipal Code is hereby amended to read as follows:

4.12.040 Responsibilities.

The city tree advisory board shall be responsible for developing and implementing an urban forestry strategy to accomplish the purposes of this chapter and for advising the city manager and council with regards to issues related thereto.

Section 19. Chapter 2.76 of the Fife Municipal Code titled “Parks, Recreation and Community Services Citizens Advisory Board” is hereby recodified in a new Chapter 4.14 and retitled “Parks and Recreation Advisory Board” with the sections renumbered accordingly.

Section 20. Section 4.14.010 of the Fife Municipal Code is hereby amended to read as follows:

4.14.010 Creation.

The parks and recreation advisory board is hereby established as part of the city government.

Section 21. Section 4.14.040 of the Fife Municipal Code is hereby amended to read as follows:

4.14.040 Members.

The advisory board shall consist of seven members who shall be appointed by the mayor and confirmed by the council. A minimum of five members shall be residents of the city of Fife and nonresidents shall either be employed within the city of Fife or reside within the city of Fife urban growth area. All appointments shall be for a term of three years. A board member may be removed prior to the expiration of his term for failing to attend three consecutive meetings without being excused by the board. If a vacancy occurs, the mayor, with confirmation from the council, may fill the vacancy for the unexpired term.

Section 22. Chapter 2.77 of the Fife Municipal Code titled “Arts Commission” is hereby recodified in a new Chapter 4.16 with the sections renumbered accordingly.

Section 23. Section 4.16.020 of the Fife Municipal Code is hereby amended to read as follows:

4.16.020 Commission established – Membership.

A. The arts commission (hereafter “commission”) shall be composed of no fewer than five and no more than 12 members, appointed by the city council.

B. The terms of the members shall be for three years; provided, of the initial members, at least one-third shall be appointed to a one-year term, at least one-third shall be appointed to a two-year term and the rest of the members to a three-year term to stagger membership expiration. Subsequent appointments shall be to fill any unexpired term or to a three-year term.

C. Prior to appointing members, public notice of available positions shall be provided at least two weeks in advance of appointment. Applicants for vacant positions shall apply to the office of the city manager.

D. Vacancies occurring otherwise than by expiration of term shall be filled in the manner used for regular appointments.

E. To the extent reasonably possible, the city shall seek representation on the commission from as many as possible of the following arts and professions: painting, sculpture, music, literature, architecture and landscape architecture, performing arts, tribal or city historian, and education, as well as lay members who have an interest in the artistic, tribal, and cultural development of the city. The city shall attempt to have one member from a recommendation from the Chamber of Commerce, one member from a recommendation from the Puyallup Tribe, one member to be a local school student interested in the arts, and one member to be an arts educator. However, any person, whether or not a Fife resident, may apply and be considered for membership on the commission. Members shall be selected without respect to political affiliations; however, a majority of the members shall at all times be either (1) Fife residents, (2) work in Fife, or (3) own a business in Fife. Two of the positions on the commission shall be filled only by Fife residents; however, a vacancy in either of those two positions shall not affect whether or not the commission can have a quorum for purposes of transacting business.

Section 24. Section 4.16.030 of the Fife Municipal Code is hereby amended to read as follows:

4.16.030 Rules of procedure.

A. The commission shall adopt procedural rules governing the transaction of its business. The rules shall include provisions for the date, time and place of regular meetings of the commission. Provisions shall be made for maintaining minutes of commission meetings and records of all commission board reports, conclusions and recommendations. The rules of procedure shall provide for the election of commission officers, which shall include a chairperson and vice chairperson, and any other such office as it may determine it requires. The term of these offices shall be for one year.

B. The rules of the commission shall provide that all commission meetings shall be open to the public and that notice of meetings shall comply with the Washington Open Public Meetings Act, to the extent proceedings of the commission are governed by such Act. The procedures shall address receipt and processing of citizen proposals and requests.

Section 25. Section 4.16.050 of the Fife Municipal Code is hereby amended to read as follows:

2.77.060 Budget and compensation.

Arts commission programs and expenses shall be funded from grants, donations, admission charges and/or from monies appropriated by the city council, in an amount that the city council determines appropriate.

Section 26. Chapter 2.78 of the Fife Municipal Code titled “Youth Commission” is hereby recodified in a new Chapter 4.18 with the sections renumbered accordingly.

Section 27. Section 4.18.020 of the Fife Municipal Code is hereby amended to read as follows:

4.18.020 Membership.

The youth commission shall be comprised of residents of the city of Fife or those that reside within the boundaries of the Fife School District and who are high school or junior high school students. The youth commission shall be comprised of up to nine voting members, at least one of which may be a member of the Puyallup Tribe of Indians, no more than three shall reside outside the city limits of Fife, and no more than three shall be in junior high school (grade eight or nine). The director of parks, recreation and community services (PRCS), or their designees, shall be available on an as-needed basis to provide technical knowledge and/or support. In no way shall their time be allowed to become a financial burden on the city. Vacancies shall be filled by the city council from a list of nominees nominated by council members. Members shall show an interest and participate in accomplishing the purposes of the commission.

Section 28. Section 4.18.030 of the Fife Municipal Code is hereby amended to read as follows:

4.18.030 Terms of office.

The initial appointment shall be four members to one-year terms, and five members to two-year terms. Each appointment thereafter shall serve a two-year term. In the event of a vacancy of any position, the city council shall appoint a successor for the unexpired portion of the term from a list of nominees submitted by council members.

Section 29. Repealer. Sections 2.52.010, 2.52.015, 2.52.140, 2.52.160, 2.52.600, 2.52.610, 2.52.640, and 2.94.060 of the Fife Municipal Code is hereby repealed.

Section 30. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 31. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

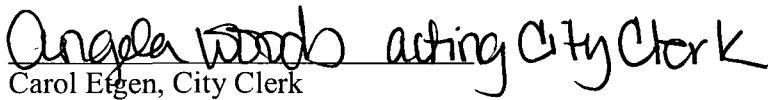
Introduced the 10th day of May, 2016.

Passed by the City Council on the 24th day of May, 2016.



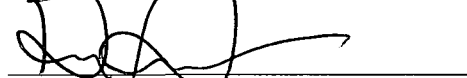
Subir Mukerjee, City Manager

ATTEST:



Carol Effen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney
assistant city attorney

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