

ORDINANCE NO. 2016-05-06

An Ordinance relating to the adoption of Rules of Procedure/Code of Ethics.

WHEREAS, on January 1, 2015 in accordance with Article 10, Section 4 of the Washington Constitution, the citizens of Clark County established a charter form of government and the Clark County Charter became effective; and

WHEREAS, County Councilor is as the designated legislative body for Clark County; and

WHEREAS, the Charter requires the County Councilors to adopt Rules of Procedure; and

WHEREAS, the County Councilors have considered and directed the updating of the current Rules of Practice at a public retreat; and

WHEREAS, this matter is being considered at a duly advertised public hearing; and

WHEREAS, the Board finds and concludes that adoption of this ordinance is consistent with the Clark County Charter and will further the public welfare,

NOW THEREFORE, be it ordered, resolved and decreed by the Board of County Councilors in and for Clark County, State of Washington, as follows:

Section 1. Findings. The findings and conclusions contained in the recital clauses above are adopted in support of the Board's actions in adopting this ordinance.

Section 2. New. A new section 2.09.040 is added to the Clark County Code to read:

2.09.40 Rules of Procedure.

A copy of the Rules of Procedure\Code of Ethics was attached as Exhibit "A" to the Ordinance adopting the same and is on file at the County website and with the Clark County Auditor.

Exhibit "A" is not to be recorded in the Clark County Code.

Section 3. Notice to Clerk.

A copy of this Ordinance and the attached Rules of Procedure\Code of Ethics is to be recorded with the Clark County Auditor and a copy of the Rules of Procedure\Code of Ethics is to be listed on the County website.

ORDINANCE NO. 2016-05-06 was introduced on 5-17-16 (date) and passed as amended by:

Yes: 3

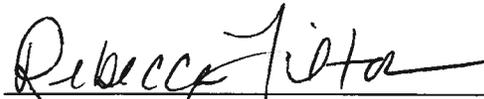
No: 2

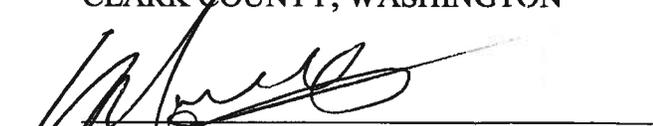
Excused: Ø

ADOPTED on this 17 day of May, 2016.

Attest:

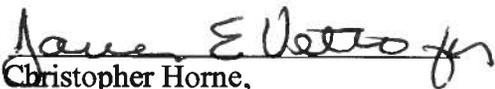
BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON


Clerk of the Board


Marc Boldt, Chair

Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

Jeanne E. Stewart, Councilor

By: 
Christopher Horne,
Deputy Prosecuting Attorney

Julie Olson, Councilor

David Madore, Councilor

Tom Mielke, Councilor

Clark County Board of County Councilors

Rules of Procedure



Revised March 25, 2016

I. General Provisions

- A. On January 1, 2015, the Clark County charter separated the legislative and executive powers into two branches of county government. The charter vests the county's legislative process not reserved to the people or executive branch in the Board of County Councilors. See Article 2 of the charter.
- B. Except as otherwise provided by the charter or RCWs, these rules of procedures will govern the conduct of business of the Board of County Councilors.

II. County Council

Clark County will be governed by the Board of County Councilors. The board has five (5) members. How they are elected will be determined in accordance with Washington law and the Clark County charter. The county board will comply with the Washington Open Public Meetings Act.

III. Chair and Vice-Chair

- A. The councilor nominated and elected countywide will be chair of the board. The board annually will elect one (1) of its members as vice-chair, and she or he will act in the absence of the chair.
- B. The chair will preside over and ensure orderly, efficient board meetings. The chair, or his or her designee, will be the county's spokesperson to: articulate board policies, visions, strategies and plans; represent the county before the governor, state legislature and other state and federal agencies; meet and greet important visitors; supervise constituent response processes for the board as a whole; and serve as the county's lead representative at dedications, ceremonial activities and other public events. In cases of the chair's absence, the board vice-chair will preside at board meetings.
- C. The board chair will serve on all boards and commissions that require representation by two (2) or more councilors. Otherwise, the board will vote to appoint its members to serve on such boards or commissions.
- D. If a vacancy occurs in the office of the board vice-chair, the remaining councilors will elect one of their own to serve the balance of the unexpired term.
- E. The board chair will authorize and oversee an online tool by which staff records and tracks details of constituent complaints or concerns voiced to board members. Each councilor will have equal access to the site, but also can request a verbal explanation of a resolution from staff.

IV. Regular Meetings

- A. The board's regular meeting days are set in Clark County Code Chapter 2.04.

B. Board meetings will formally convene at 10 a.m. every Tuesday, except the first Tuesday of each month when the board will convene at 6 p.m. All meetings will be held in the sixth-floor Hearing Room of the Public Service Center in Vancouver, Washington, unless otherwise noted. During 2016, board meetings will be held on the following dates:

Jan. 5, 2016 (6 p.m.)	July 5, 2016 (6 p.m.)
Jan. 12, 2016	July 12, 2016
Jan. 19, 2016	July 19, 2016
Jan. 26, 2016	July 26, 2016
Feb. 2, 2016 (6 p.m.)	Aug. 2, 2016 (6 p.m.)
Feb. 9, 2016	Aug. 9, 2016
Feb. 16, 2016	Aug. 16, 2016
Feb. 23, 2016	Aug. 23, 2016
March 1, 2016 (6 p.m.)	Aug. 30, 2016
March 8, 2016	Sept. 6, 2016 (6 p.m.)
March 15, 2016	Sept. 13, 2016
March 22, 2016	Sept. 20, 2016
March 29, 2016	Sept. 27, 2016
April 5, 2016 (6 p.m.)	Oct. 4, 2016 (6 p.m.)
April 12, 2016	Oct. 11, 2016
April 19, 2016	Oct. 18, 2016
April 26, 2016	Oct. 25, 2016
May 3, 2016 (6 p.m.)	Nov. 1, 2016 (6 p.m.)
May 10, 2016	Nov. 8, 2016
May 17, 2016	Nov. 15, 2016
May 24, 2016	Nov. 22, 2016
May 31, 2016	Nov. 29, 2016
June 7, 2016 (6 p.m.)	Dec. 6, 2016 (6 p.m.)
June 14, 2016	Dec. 13, 2016
June 21, 2016	Dec. 20, 2016
June 28, 2016	Dec. 27, 2016

C. The board will meet in Board Time typically at 1:30 p.m. Wednesday. Board Time meetings allow councilors and staff to discuss pending matters of county business in a less formal setting. Minutes of Board Time meetings will be taken by the county manager or his designee via audio recording and uploaded to The Grid at the conclusion of the meeting. Executive sessions, if needed, generally will be scheduled near the end of meetings, but may be scheduled at any other time during these meetings.

V. Special Meetings

Special meetings of the board may be requested by any councilor. The request will be in writing, addressed to the chair of the board and specify the time, place and reason for such meeting. After receiving approval of the chair, the Clerk to the Council will immediately, but no later than 24 hours prior to the meeting, transmit written notice of the meeting to each councilor. The clerk also will disseminate notice of the meeting,

placing it on the county's website at www.clark.wa.gov and emailing it, on request, in accordance with RCW 42.30.080.

VI. Quorum

A quorum is necessary for the transaction of board business. A majority of three (3) councilors will constitute a quorum and is the minimum number of votes required to take any action, regardless of the number of councilors present.

VII. Agenda, Conduct of Regular Meetings and Special Board Hearings

- A. All Board of County Councilors meeting agendas will provide for the following order of business:
- a. Special recognition, if applicable
 - b. Pledge of Allegiance
 - c. Invocation
 - d. Bid awards, if applicable
 - e. Public Testimony on Consent & Separate Business Items
 - f. Consent Agenda
 - g. Separate Business
 - h. Open Public comment
 - i. Public hearing matters, if applicable
 - j. Councilor communications
 - k. Adjourn
- B. The county manager, or his or her designee, is responsible for reviewing the board meeting agenda prior to posting. Any councilor may request an item be removed from a consent agenda for discussion. The board will consider an item removed from a consent agenda as a separate item of business. Approval of a consent agenda is by a simple majority voice vote of the board.
- C. Agendas for regular and special board meetings will be posted in the sixth-floor Hearing Room, placed on the board website at www.clark.wa.gov and emailed upon request at least four (4) calendar days in advance of the meeting.
- D. The county manager has authority to place ordinances, resolutions and/or staff reports on the meeting agenda after review of the proposed agenda items with the Budget director during their weekly review the Wednesday preceding the next regular meeting. A councilor seeking to put an item on a meeting agenda will take the item to the board chair with the support of at least one other councilor. All ordinances will be reviewed and signed by the Prosecuting Attorney, or designee, prior to action by the board.
- E. The form, enactment, amendment and repeal of board ordinances; the nature and passage of board resolutions; and the nature and passage of board motions shall conform to Section 8.1 through Section 8.6 of the county charter.

- F. All matters coming before the county board involving county funds will be presented in compliance with current budget guidelines and include a fiscal note.
- G. No motion will be debated unless seconded. When a motion is seconded, the board chair will say so and councilors will proceed to act on it.
- H. Any councilor proposing an amendment has the right to begin debate on that amendment.
- I. County appointed officials, elected officials or staff may address the board at the request of any councilor or recognition by the board chair
- J. During a meeting's open public comment period, any individual or spokesperson for a group can address the board for three minutes on any matter germane to county business and not specifically on the hearing or meeting agenda. The chair can request additional time for the speaker or a councilor can ask the chair for more time for a speaker to provide new information or for conversation. Speakers should sign in on a sheet provided at the back of the hearing room. Similarly, any individual or spokesperson wishing to speak on a matter specifically on a hearing agenda may do so by signing in on a sheet provided at the back of the hearing room. The board chair will call on each person at the appropriate time and in the order in which they signed the sheet.
- K. Persons addressing the board will not make statements or remarks that concern: private activities, lifestyles or beliefs of others, including individual county employees or elected officials; topics unrelated to the business of the county; or professional duties and performance of its employees or employees of its elected officials. Persons addressing the board will refrain from conduct, statements or remarks that are uncivil, rude, vulgar, profane or otherwise disruptive to conducting board business. The board chair may ask any person making such prohibited statements or remarks or engaging in such conduct to leave the meeting.
- L. Courtesy, professionalism and respect will be maintained at all times during county board meetings.
- M. Board rules may be suspended by a motion for a particular purpose by a majority vote of the entire board. If three (3) or four (4) members are present, at least three votes are required to adopt such a motion.

VIII. Work Sessions

The board may meet in work sessions as needed. Work sessions are held at the request of at least three (3) councilors and scheduled by the county manager. Work sessions are to provide information that will update the board on pending issues, provide pertinent policy-making information and/or provide a final review of matters to come before the board at a regular meeting or public hearing. Work sessions may be held any time, but typically are scheduled between 9 a.m. and noon on Wednesday. Minutes for work sessions will be taken by the county manager or his designee via audio recording and uploaded to The Grid at the conclusion of the session.

IX. Executive Sessions

The board may meet in executive session only to discuss matters set forth in RCW 42.30.110, including pending litigation, site acquisition of real estate and the price thereof and certain personnel matters. Executive sessions must be an extension of a properly noticed public meeting. At the end of an executive session, the board must reconvene in regular session to take action or adjourn.

X. Minutes

Action minutes will be kept of all regular and special board meetings. Audio or video recordings will be kept for all work sessions and Board Time. Minutes will be open and available to the public. Audio recordings will be uploaded to The Grid. Minutes are not required for executive sessions.

XI. Legal Opinions

Requests to the Prosecuting Attorney for formal legal opinions relating to the county board will be presented in writing and approved by the county manager, board chair or a majority (3) of the board.

XII. Ad hoc, Special Committees and Task Forces

Ad hoc, special committees and/or task forces may be established as determined and recommended by the board. Each will cease to function when it has completed its duties and made its final report. Appointments to such groups will be made by the board.

XIII. Appointments to Boards, Commissions and Task Forces

- A. The county manager will appoint members of boards, commissions and task forces as provided by state law, and the appointments will be presented to the county board during a regular meeting. The board will confirm or reject the appointments by a majority vote within thirty (30) calendar days. Failure of the board to act within thirty (30) calendar days constitutes acceptance of the appointment.
- B. The board will have concurrent authority with the county manager to nominate members of the: Clark County Planning Commission; Clark County Historic Preservation Commission; Clark County Board of Equalization of Assessment.
- C. Any recommendation for appointment must be made with the written résumé of the candidate's qualifications, which will be included with the agenda for the appropriate council meeting. Résumés are not required for reappointments.
- D. Vacancies in any board, commission or task force will be reported to the board on a monthly basis.

- E. The county manager will prepare a master list of current members of all boards, commissions and task forces and their terms of appointment.

XIV. County Operations

- A. Opening and closing hours of the Public Service Center (PSC), except for offices where opening and closing hours are otherwise set, will be 8 a.m. to 5 p.m., Monday through Friday. Only authorized personnel, including county employees, may remain in the PSC outside regular working hours. Public meetings or hearings to be held in the PSC at other times require advance notice to the board office.
- B. Policies and rules relating to purchase of goods and services for the county will be in accordance with Washington law and the Clark County Purchasing Ordinance.
- C. The Washington State Auditor's Office, in compliance with the county Auditing Law, will conduct an annual, independent audit of all county funds and accounts.
- D. The Clark County Human Resources Policy Manual will address pertinent policies and procedures relating to: salaries; employee benefits; general, sick and other types of leave; holidays; work hours; physical examinations; retirement; and all matters of personnel and employee relations. All references to such matters should be made to the manual and inquiries made to the Human Resources director.
- E. The board will discuss and take final action on salaries, wages and other conditions of employment in an open public meeting in accordance with the Washington Open Public Meetings Act. The exception is board discussions relating to collective bargaining, including discussions about contract negotiation, grievance meetings and planning or adopting strategies or positions to be taken during labor or professional negotiations or grievance or mediation proceedings (RCW 42.30.140.(4)).
- F. A councilor's use of staff time and/or concerns regarding county employees will be guided by provisions set forth in Section 2.6 of the county charter.

XV. County Budget

- A. The county manager, with the budget director, will prepare and present biennial budget assumptions to the board. The assumptions will be presented and considered no later than June in the year preceding the start of the biennium. The assumptions will outline policy guidelines for setting the county's biennial budget, mid-biennium budget review and modification and all other budget supplemental amendments.
- B. These assumptions will be in compliance with board directives and take into consideration goals as set forth by the board and all potential and known legal and/or economic constraints at the time of consideration

- C. Before adoption of the biennial budget, the county manager, in conjunction with the budget director, will recommend the budget, levy resolutions and appropriation resolution to the board for approval. Approval must be no later than the first Monday in December. The mid-biennium review, modification of the biennial budget and other budget supplemental actions will be scheduled, as needed, by the board in accordance with Washington State Auditor's Office guidelines and state law.
- D. Effective each January 1 and thereafter, the budget director and Clark County Auditor, or their designees, will be authorized to make intra-fund line item transfers within the same account class as deemed necessary.
- E. Quarterly reports from the Auditor and Budget Office detailing a year-to-date expenditure and revenue analysis will be presented to the board.

XVI. Appointment, Review and Removal of Department Heads

- A. Appointment and removal of all non-elected administrative department heads will be made by the county manager.
- B. The county manager will supervise and appraise all non-elected administrative department heads.
- C. When a department head position is vacant, the county manager, or his or her designee, is authorized to perform those duties and execute those documents for the department or function which are not otherwise provided by law.
- D. When the county manager position is vacant, the deputy county manager will become interim county manager until such time as the board fills the vacancy in accordance with the county charter.

XVII. Board Expenses

The Board of County Councilors may be reimbursed for expenses for travel outside a 50-mile radius when incurred in the course of county business. Such reimbursable expenses include:

- Mileage for use of personal automobile
- Parking, toll fees
- Business meals
- Special events
- Lodging
- Air, bus, train, taxi travel
- Car rental
- Phone calls, fax transmissions
- Registration fees

- A. Mileage is reimbursed at the rate the Internal Revenue Service establishes annually. Mileage is calculated from the employee's work station to the business destination.
- B. Local meal reimbursements will be made on an actual cost basis to include the cost of meal, beverages, and gratuities up to 15% (excluding alcohol). Long distance reimbursements for meals will be paid at a per diem rate established by the Clark County Auditor. Meal expenses associated with special events, such as departmental retreats are reimbursable.
- C. Advance travel money is available for non-local travel. The money is limited to expenses such as lodging, meals and ground transportation and a maximum of \$100 per full- or part-day for non-local travel.
- D. Requests for reimbursement of such expenses will be submitted with all relevant receipts to the appropriate board staff person for processing on a quarterly basis.
- E. In accordance with RCW 36.32.310, staff will obtain approval of requested expense reimbursement by a majority (3) of the county board, Clerk of Superior Court and a Superior Court judge.

XVIII. Councilor Conduct

- A. Each councilor is obligated to follow the Code of Ethical Conduct for a Clark County Councilor, which was approved March 27, 2001 and is attached as Exhibit 1.
- B. In the course of responding to citizen inquiries, councilors will weigh all relevant points of view. If a meeting of the parties is necessary, councilors are responsible for setting a non-threatening atmosphere and an appropriate time frame.
- C. The board encourages amendments to the county code that will enhance service to citizens. In reviewing such code changes, the board will first seek input from the county manager. Suggested code language will be submitted by relevant staff at least one week in advance of any action by the board or Planning Commission.

XIX. Rules of Procedure

- A. These Rules of Procedure are subject to the county charter and RCW. In the event of an inconsistency between these rules and the charter, the charter will govern. In the event of any inconsistency between these rules and the RCW, the RCW will govern.
- B. All business of the Board of County Councilors will be in conformity with these rules. In the absence of special rules covering the needs of the board, or if an existing rule does not adequately cover the needs of the board, the latest edition of *Roberts Rules of Order* may be used as a reference, although strict adherence is not required.

- C. Amendments to these rules may be initiated by a councilor. A proposed amendment will be distributed to each councilor at least five (5) days before the meeting at which it is to be presented. Amendments are adopted by a majority vote (3) of the board.
- D. Board rules will be reviewed annually by the board and initially adopted, and thereafter as amended, by ordinance by a majority vote (3) of the board.

DATED this 17th day of May 2016

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

Attest:

Rebecca Litter
Clerk to the Council

By Marc Boldt

Marc Boldt, Chair

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By _____

Jeanne E. Stewart, Councilor District 1

By Jane E. Vetter

Christopher Horne

Deputy Prosecuting Attorney

By _____

Julie Olson, Councilor District 2

By _____

David Madore, Councilor District 3

By _____

Tom Mielke, Councilor District 4

EXHIBIT 1

Code of Ethical Conduct for Board of County Councilors

Preamble

The opportunity to serve the public as councilor confers a sacred trust on the office holder. Stewardship of the public trust requires councilors uphold the law and act in ways consistent with the highest standards of ethical conduct. The county board has adopted this code of ethics to promote the vitality of the democratic process in county government. In fulfilling the duties of public office, every councilor will be confronted with ethical dilemmas. The following principles are offered to encourage councilors to reflect in advance of decision making. Ultimately, the ethical course of action for a county councilor must be discerned by the dictates of individual conscience and commitment to the public interest.

Principles

1. A county councilor should be vigorously dedicated to the democratic ideals of honesty, openness and accountability in all public matters involving county government.

A councilor should exert a good-faith effort to communicate the full truth about county matters and avoid misleading others or gaining personal advantage. Accountability requires a councilor to accept responsibility for his or her conduct as well as the actions of the board. A commitment to the spirit of open government is characterized by the broadest possible provisions for public access and information sharing and qualified only by those instances when meetings and/or certain public records are shielded by state law. Councilors have an obligation to report suspected illegal misconduct by another elected official to the proper legal authorities.

2. Councilors should promote decorum, respect for others and civility in all relationships.

The honor of holding public office necessitates that councilors behave with courtesy and respect for the dignity of others in all public relationships, including with elected officials, employees, citizens, media and representatives of other governments. Councilors should affirm the value of services provided by government and maintain a constructive attitude about governmental affairs. Meetings of the board should afford a prime opportunity for councilors to promote and enhance respectful civic discourse.

3. Councilors should actively practice stewardship of the county's human, fiscal and material resources.

Councilors should conserve public resources and support the wisest and best use of those resources, consistent with the public interest and community need. Merit principles should guide human resource management decisions made by the councilors. Councilors should advocate for and encourage county employees to adopt practices that promote the most efficient, effective and ethical conduct in the delivery of county services.

4. Councilors should strive for excellence and continuous learning relative to personal development and all operations of county government.

Councilors, regardless of the length of tenure in office, should seek opportunities to develop skills and acquire knowledge to effectively perform the duties of public office. Councilors should dedicate the time necessary to adequately perform the duties of the office of councilor. As members of the governing legislative body, councilors should advocate and appropriate resources that promote a work environment in which employees are given opportunities to enhance and expand their performance capabilities.

5. Councilors should perform the duties of public office with fairness and impartiality so to enhance public confidence in county government.

Councilors should engage in conduct that promotes county processes and practices that contribute to the perception of equality and impartiality. Councilors should support equal employment opportunity and vigorously oppose discrimination of any kind in county affairs.

6. Councilors should neither seek nor accept any favor from any source that may be offered to influence decision-making.

Councilors should decline to accept anything of value that could be construed by a reasonable and informed person as intended to influence any action of the councilor. Avoiding the appearance of impropriety sustains public trust in democracy and is a necessary standard for councilors to consider in determining an ethical course of action.

7. Violations subject to review and action.

Any councilor charged with violating this code shall be subject to review by an ad hoc Ethics Review Committee consisting of two councilors chosen by a majority of the board and one citizen chosen by the two councilors. The chosen citizen shall chair the review committee. The committee shall investigate the charges thoroughly by interviews, review of evidence presented and/or by use of a third-party investigator.

The Ethics Review Committee shall issue a finding to the full council. If the violation is substantiated by the committee, the council may consider such action as it deems appropriate from public admonishment to a public resolution of censure with removal of the violator from all committees on which the person is representing the county.

APPROVED: March 27, 2001

AMENDED: May 17, 2016