



CITY COUNCIL MEETING AGENDA

*This is a remote meeting due to the Covid-19 Coronavirus emergency.
Details on how to attend this meeting are below. Public comments are not taken during
study session.*

Zoom Meeting ID: 890 3890 6960

Phone number 253-215-8782

**August 10, 2020
Monday**

**Study Session
6:00 p.m.**

- 1. Call to Order and Flag Salute**
- 2. Roll Call of Councilmembers**
- 3. Regular Agenda**
 - A. Second Quarter 2020 Financial Report**
 - B. Council Procedures Update Resolution 20-1935**
 - C. East Pierce Contract Discussion**
- 4. Adjournment**

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Agenda Item #3A

To: Mayor Styron Sherrell and City Council Members
From: Michelle Robbecke, Finance Director
Date: August 10, 2020
Re: **Second Quarter 2020 Budget Report**

ATTACHMENTS: Budget Position Report through June 30, 2020
Treasurer's Report as of June 30, 2020

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Discussion:

Review highlights of the Budget Position Report through June 30, 2020 and Treasurer's Report as of June 30, 2020.

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CITY OF MILTON
2020 Budget Position through June 30, 2020

GENERAL FUND 001

| | 2019 | | 2020 | | Actual as a Percentage of Budget | Comments |
|-------------------------------|---------------------------|---------------------|---------------------------|---------------------|----------------------------------|---|
| | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 310 Taxes | 2,016,382.73 | 3,947,015.00 | 2,057,448.17 | 1,889,566.83 | 52.1% | |
| 320 Licenses & Permits | 103,630.99 | 330,507.00 | 268,857.22 | 61,649.78 | 81.3% | Increased building permit activity |
| 330 State Generated Revenues | 14,636.73 | - | 8,847.72 | (8,847.72) | 0.0% | Streamlined sales tax mitigation payment |
| 340 Charges for Services | 166,495.49 | 243,452.00 | 148,212.82 | 95,239.18 | 60.9% | |
| 350 Fines & Forfeitures | 71,134.11 | 147,107.00 | 69,027.33 | 78,079.67 | 46.9% | |
| 360 Miscellaneous Revenues | 48,936.52 | 87,721.00 | 50,385.00 | 37,336.00 | 57.4% | |
| 380 Non-Revenues | 94,366.48 | 173,700.00 | 5,024.65 | 168,675.35 | 2.9% | Various revenues moved to Fund 632 |
| TOTAL REVENUES | 2,515,583.05 | 4,929,502.00 | 2,607,802.91 | 2,321,699.09 | 52.9% | |
| EXPENDITURES | | | | | | |
| 511 City Council | 11,064.44 | 80,340.00 | 10,593.23 | 69,746.77 | 13.2% | |
| 512 Judicial | 51,706.47 | 393,000.00 | 51,319.33 | 341,680.67 | 13.1% | |
| 513 Mayor & Executive Offices | 18,647.66 | 157,124.00 | 59,367.35 | 97,756.65 | 37.8% | |
| 514 Administration & Finance | 12,114.31 | 126,290.00 | 22,473.52 | 103,816.48 | 17.8% | |
| 515 Legal Services | (6,784.98) | 30,150.00 | (2,423.90) | 32,573.90 | 0.0% | Negative due to indirect cost allocations |
| 517 Other Admin & Personnel | 1,807.59 | 11,039.00 | 1,994.54 | 9,044.46 | 18.1% | |
| 518 Facilities | 10,081.61 | 51,563.00 | 13,893.03 | 37,669.97 | 26.9% | |
| 518 Other Central Services | 51,715.78 | 57,137.00 | 63,143.47 | (6,006.47) | 110.5% | Includes WCIA annual insurance payment |
| 524 Protective Inspections | - | 1,000.00 | - | 1,000.00 | 0.0% | |
| 553 Conservation | 148.83 | 200.00 | - | 200.00 | 0.0% | |
| 554 Environmental Services | 1,226.01 | 1,500.00 | - | 1,500.00 | 0.0% | |
| 558 Building | 142,549.08 | 347,881.00 | 129,304.59 | 218,576.41 | 37.2% | |
| 558 Planning | 67,308.45 | 227,710.00 | 77,360.54 | 150,349.46 | 34.0% | |
| 575 Recreational Facilities | 5,871.11 | 27,300.00 | 6,879.07 | 20,420.93 | 25.2% | |
| 576 Park Facilities | 76,010.55 | 228,480.00 | 80,278.19 | 148,201.81 | 35.1% | |
| 580 Non-Expenditures | 92,009.04 | 178,100.00 | (2,793.49) | 180,893.49 | 0.0% | Various expenditures moved to Fund 632 |
| 597 Interfund Transfers | 1,536,334.02 | 3,010,685.00 | 1,501,642.50 | 1,509,042.50 | 49.9% | |
| TOTAL EXPENDITURES | 2,071,809.97 | 4,929,499.00 | 2,013,031.97 | 2,916,467.03 | 40.8% | |
| FUND EXCESS/(DEFICIT) | 443,773.08 | 3.00 | 594,770.94 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

ASSET REPLACEMENT AND CAPITAL RESERVE FUND 004

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|-----------|---------------------------------|---------------------|------------|--|-----------------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | | |
| REVENUES | | | | | | | |
| 360 | Miscellaneous Revenues | 4,283.35 | 7,776.00 | 2,540.45 | 5,235.55 | 32.7% | |
| 390 | Other Revenues | - | - | 350.00 | (350.00) | 0.0% | Sale of surplus |
| 397 | Interfund Transfers | 43,834.02 | 98,285.00 | 49,142.52 | 49,142.48 | 50.0% | |
| | TOTAL REVENUES | 48,117.37 | 106,061.00 | 52,032.97 | 54,028.03 | 49.1% | |
| EXPENDITURES | | | | | | | |
| 594 | Capital Expenditures | - | 298,800.00 | 158,870.13 | 139,929.87 | 53.2% | |
| 597 | Interfund Transfers | 34,999.98 | - | - | - | 0.0% | |
| | TOTAL EXPENDITURES | 34,999.98 | 298,800.00 | 158,870.13 | 139,929.87 | 53.2% | |
| | FUND EXCESS/(DEFICIT) | 13,117.39 | (192,739.00) | (106,837.16) | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

STREET FUND 101

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|------------------------------|---|------------|---------------------------------|---------------------|--|--|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 320 Licenses & Permits | 1,283.00 | 2,000.00 | 33,318.00 | (31,318.00) | 1665.9% | Increased street permit activity |
| 330 State Generated Revenues | 82,982.42 | 175,000.00 | 76,398.72 | 98,601.28 | 43.7% | |
| 340 Charges for Services | 200.00 | - | 150.00 | (150.00) | 0.0% | |
| 360 Miscellaneous Revenues | 247.34 | 688.00 | 439.36 | 248.64 | 63.9% | |
| 390 Other Revenues | - | - | 500.00 | (500.00) | 0.0% | |
| 397 Interfund Transfers | 94,999.98 | 210,000.00 | 105,000.00 | 105,000.00 | 50.0% | |
| TOTAL REVENUES | 179,712.74 | 387,688.00 | 215,806.08 | 171,881.92 | 55.7% | |
| EXPENDITURES | | | | | | |
| 542 Streets Maintenance | 141,619.75 | 271,492.00 | 123,636.05 | 147,855.95 | 45.5% | |
| 580 Non-Expenditures | - | - | - | - | 0.0% | |
| 591 Debt Service | 91,788.81 | 91,041.00 | 91,040.86 | 0.14 | 100.0% | Debt service paid in full for the year |
| 594 Capital Expenditures | 13,294.03 | 25,000.00 | - | 25,000.00 | 0.0% | |
| 597 Interfund Transfers | 12,499.98 | - | - | - | 0.0% | |
| TOTAL EXPENDITURES | 259,202.57 | 387,533.00 | 214,676.91 | 172,856.09 | 55.4% | |
| FUND EXCESS/(DEFICIT) | (79,489.83) | 155.00 | 1,129.17 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

RAINY DAY FUND 103

| | | 2020 | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|------------|---------------------------------|---------------------|--|----------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 360 | Miscellaneous Revenues | 4,195.00 | 2,355.79 | 1,839.21 | 56.2% | |
| 397 | Interfund Transfers | - | - | - | 0.0% | |
| | TOTAL REVENUES | 4,195.00 | 2,355.79 | 1,839.21 | 56.2% | |
| EXPENDITURES | | | | | | |
| 597 | Interfund Transfers | - | - | - | 0.0% | |
| | TOTAL EXPENDITURES | - | - | - | 0.0% | |
| | FUND EXCESS/(DEFICIT) | 103,351.55 | 4,195.00 | 2,355.79 | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

DRUG SEIZURE FUND 105

| | | 2020 | | | Actual as a Percentage of Budget | Comments |
|------------------------------|-------------|---------------------------------|---------------------|--|--|----------|
| 2019 | Budget | Actual through 06/30/2020 | Budget Remaining | Actual as a Percentage of Budget | | |
| REVENUES | | | | | | |
| 360 | - | 1,202.66 | (1,202.66) | 0.0% | | |
| | - | 1,202.66 | (1,202.66) | 0.0% | | |
| TOTAL REVENUES | | | | | | |
| EXPENDITURES | | | | | | |
| 521 | 26,685.00 | 560.24 | 26,124.76 | 2.1% | | |
| TOTAL EXPENDITURES | 26,685.00 | 560.24 | 26,124.76 | 2.1% | | |
| FUND EXCESS/(DEFICIT) | (22,221.35) | 642.42 | | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

CRIMINAL JUSTICE FUND 107

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|------------------------------|---------------------------|---------------------|---------------------------|---------------------|----------------------------------|---|
| | 2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | Actual as a Percentage of Budget | Comments |
| REVENUES | | | | | | |
| 310 Taxes | 81,959.58 | 162,000.00 | 79,530.42 | 82,469.58 | 49.1% | |
| 320 Licenses & Permits | 1,596.00 | 3,600.00 | 1,348.00 | 2,252.00 | 37.4% | |
| 330 State Generated Revenues | 63,157.16 | 118,600.00 | 63,345.95 | 55,254.05 | 53.4% | |
| 340 Charges for Services | 8,317.91 | 6,650.00 | 1,097.80 | 5,552.20 | 16.5% | |
| 350 Fines & Forfeitures | - | 500.00 | 550.00 | (50.00) | 110.0% | |
| 360 Miscellaneous Revenues | - | 4,700.00 | 58.18 | 4,641.82 | 1.2% | |
| 390 Other Revenues | 31,461.54 | - | - | - | 0.0% | |
| 397 Interfund Transfers | 1,332,499.98 | 2,695,000.00 | 1,347,499.98 | 1,347,500.02 | 50.0% | |
| TOTAL REVENUES | 1,518,992.17 | 2,991,050.00 | 1,493,430.33 | 1,497,619.67 | 49.9% | |
| EXPENDITURES | | | | | | |
| 521 Law Enforcement | 1,235,460.04 | 2,535,426.00 | 1,190,834.88 | 1,344,591.12 | 47.0% | |
| 522 Dispatch Services | 107,672.80 | 220,000.00 | 54,772.50 | 165,227.50 | 24.9% | Includes South Sound 911 1st quarter only |
| 523 Jail Costs | 48,685.83 | 182,200.00 | 55,328.45 | 126,871.55 | 30.4% | |
| 525 Emergency Services | 5,699.25 | 7,000.00 | - | 7,000.00 | 0.0% | |
| 554 Animal Control Services | 18,728.85 | 43,000.00 | 24,295.24 | 18,704.76 | 56.5% | |
| 580 Non-Expenditures | 1,177.56 | - | - | - | 0.0% | |
| TOTAL EXPENDITURES | 1,417,424.33 | 2,987,626.00 | 1,325,231.07 | 1,662,394.93 | 44.4% | |
| FUND EXCESS/(DEFICIT) | 101,567.84 | 3,424.00 | 168,199.26 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

COMMUNITY EVENTS FUND 116

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|----------------------------------|--------------------------------|------------------|---------------------------|------------------|----------------------------------|----------------------------|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 340 Charges for Services | 3,870.00 | 8,445.00 | - | 8,445.00 | 0.0% | 2020 Milton Days cancelled |
| 360 Miscellaneous Revenues | 7,910.00 | 10,700.00 | 110.00 | 10,590.00 | 1.0% | |
| 397 Interfund Transfers | - | 7,400.00 | - | 7,400.00 | 0.0% | |
| TOTAL REVENUES | 11,780.00 | 26,545.00 | 110.00 | 26,435.00 | 0.4% | |
| EXPENDITURES | | | | | | |
| 573 Spectator & Community Events | 1,069.48 | 26,545.00 | 104.99 | 26,440.01 | 0.4% | |
| TOTAL EXPENDITURES | 1,069.48 | 26,545.00 | 104.99 | 26,440.01 | 0.4% | |
| FUND EXCESS/(DEFICIT) | 10,710.52 | - | 5.01 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

REAL ESTATE EXCISE TAX 1 FUND 130

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|-------------|---------------------------------|---------------------|-----------|--|----------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | | |
| REVENUES | | | | | | | |
| 310 | Taxes | 71,355.02 | 144,600.00 | 67,219.45 | 77,380.55 | 46.5% | |
| 360 | Miscellaneous Revenues | 1,449.52 | 3,500.00 | 91.67 | 3,408.33 | 2.6% | |
| | TOTAL REVENUES | 72,804.54 | 148,100.00 | 67,311.12 | 80,788.88 | 45.4% | |
| EXPENDITURES | | | | | | | |
| 597 | Interfund Transfers | 87,499.98 | 129,000.00 | 64,500.00 | 64,500.00 | 50.0% | |
| | TOTAL EXPENDITURES | 87,499.98 | 129,000.00 | 64,500.00 | 64,500.00 | 50.0% | |
| | FUND EXCESS/(DEFICIT) | (14,695.44) | 19,100.00 | 2,811.12 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

REAL ESTATE EXCISE TAX 2 FUND 131

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|-------------|---------------------------------|---------------------|-----------|--|----------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | | |
| REVENUES | | | | | | | |
| 310 | Taxes | 68,432.91 | 139,600.00 | 67,219.44 | 72,380.56 | 48.2% | |
| 360 | Miscellaneous Revenues | 1,654.23 | 3,216.00 | 958.63 | 2,257.37 | 29.8% | |
| | TOTAL REVENUES | 70,087.14 | 142,816.00 | 68,178.07 | 74,637.93 | 47.7% | |
| EXPENDITURES | | | | | | | |
| 597 | Interfund Transfers | 92,499.96 | 20,000.00 | 10,000.02 | 9,999.98 | 50.0% | |
| | TOTAL EXPENDITURES | 92,499.96 | 20,000.00 | 10,000.02 | 9,999.98 | 50.0% | |
| | FUND EXCESS/(DEFICIT) | (22,412.82) | 122,816.00 | 58,178.05 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

TRAFFIC IMPACT FEE FUND 140

| | | 2020 | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|-----------|---------------------------------|---------------------|--|----------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 340 | Charges for Services | 46,090.00 | 185,000.00 | 75,129.00 | 109,871.00 | 40.6% |
| 360 | Miscellaneous Revenues | 2,473.89 | 4,725.00 | 1,579.86 | 3,145.14 | 33.4% |
| | TOTAL REVENUES | 48,563.89 | 189,725.00 | 76,708.86 | 113,016.14 | 40.4% |
| EXPENDITURES | | | | | | |
| 597 | Interfund Transfers | 37,500.00 | 515,000.00 | 257,500.02 | 257,499.98 | 50.0% |
| | TOTAL EXPENDITURES | 37,500.00 | 515,000.00 | 257,500.02 | 257,499.98 | 50.0% |
| | FUND EXCESS/(DEFICIT) | 11,063.89 | (325,275.00) | (180,791.16) | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

PARKS IMPACT FEE FUND 150

| | | 2020 | | | | |
|------------------------------|---------------------------|-------------|---------------------------|------------------|----------------------------------|------------------------------------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | Actual as a Percentage of Budget | Comments |
| REVENUES | | | | | | |
| 340 | 9,560.00 | 25,000.00 | 222,112.00 | (197,112.00) | 888.4% | Includes a large developer payment |
| 360 | 531.93 | 946.00 | 463.45 | 482.55 | 49.0% | |
| TOTAL REVENUES | 10,091.93 | 25,946.00 | 222,575.45 | (196,629.45) | 857.8% | |
| EXPENDITURES | | | | | | |
| 597 | - | 96,000.00 | 48,000.00 | 48,000.00 | 50.0% | |
| TOTAL EXPENDITURES | - | 96,000.00 | 48,000.00 | 48,000.00 | 50.0% | |
| FUND EXCESS/(DEFICIT) | 10,091.93 | (70,054.00) | 174,575.45 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

CAPITAL IMPROVEMENT FUND 310

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|------------------------------|--------------------------------|--------------|---------------------------|------------------|----------------------------------|----------|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 330 State Generated Revenues | 44,555.81 | 1,120,761.00 | 116,878.33 | 1,003,882.67 | 10.4% | |
| 360 Miscellaneous Revenues | 2,473.63 | 2,510.00 | 2,321.43 | 188.57 | 92.5% | |
| 397 Interfund Transfers | 149,999.94 | 760,000.00 | 380,000.04 | 379,999.96 | 50.0% | |
| TOTAL REVENUES | 197,029.38 | 1,883,271.00 | 499,199.80 | 1,384,071.20 | 26.5% | |
| EXPENDITURES | | | | | | |
| 580 Non-Expenditures | 45,170.71 | - | - | - | 0.0% | |
| 594 Capital Expenditures | 95,068.70 | 2,105,522.00 | 59,765.87 | 2,045,756.13 | 2.8% | |
| TOTAL EXPENDITURES | 140,239.41 | 2,105,522.00 | 59,765.87 | 2,045,756.13 | 2.8% | |
| FUND EXCESS/(DEFICIT) | 56,789.97 | (222,251.00) | 439,433.93 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

ELECTRIC CAPITAL IMPROVEMENT FUND 402

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|--------------|---------------------------------|---------------------|-------|--|----------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | | |
| REVENUES | | | | | | | |
| 360 | Miscellaneous Revenues | 43,436.00 | 17,213.02 | 26,222.98 | 39.6% | | |
| 380 | Non-Revenues | - | - | - | 0.0% | | |
| 390 | Other Revenues | 5,000,000.00 | - | 5,000,000.00 | 0.0% | | |
| 397 | Interfund Transfers | 365,400.00 | 178,140.57 | 187,259.43 | 48.8% | | |
| | TOTAL REVENUES | 5,408,836.00 | 195,353.59 | 5,213,482.41 | 3.6% | | |
| EXPENDITURES | | | | | | | |
| 594 | Capital Expenditures | 2,095,060.00 | 60,746.38 | 2,034,313.62 | 2.9% | | |
| | TOTAL EXPENDITURES | 2,095,060.00 | 60,746.38 | 2,034,313.62 | 2.9% | | |
| | FUND EXCESS/(DEFICIT) | 3,313,776.00 | 134,607.21 | | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

WATER UTILITY FUND 403

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|-------------------------------|--------------------------------|---------------------|---------------------------|---------------------|----------------------------------|---|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 320 Licenses & Permits | 1,638.00 | 3,500.00 | 3,774.00 | (274.00) | 107.8% | |
| 340 Charges for Services | 1,134,674.32 | 2,302,750.00 | 1,187,957.53 | 1,114,792.47 | 51.6% | |
| 350 Fines & Forfeitures | 8,336.33 | 17,000.00 | 2,652.31 | 14,347.69 | 15.6% | Under budget due to temporary suspension of late fees and shut-offs during COVID-19 |
| 360 Miscellaneous Revenues | 15,976.49 | 28,253.00 | 10,254.48 | 17,998.52 | 36.3% | |
| 380 Non-Revenues | 407.00 | 800.00 | 51.00 | 749.00 | 6.4% | |
| TOTAL REVENUES | 1,161,032.14 | 2,352,303.00 | 1,204,689.32 | 1,147,613.68 | 51.2% | |
| EXPENDITURES | | | | | | |
| 534 Indirect Cost Allocations | 131,931.00 | 261,947.00 | 130,974.00 | 130,973.00 | 50.0% | |
| 534 Administration | 269,164.36 | 730,406.00 | 279,235.72 | 451,170.28 | 38.2% | |
| 534 Operations | 402,043.94 | 823,119.00 | 525,459.91 | 297,659.09 | 63.8% | |
| 534 Water Quality | 63,799.97 | 188,750.00 | 78,568.92 | 110,181.08 | 41.6% | |
| 580 Non-Expenditures | 1,356.00 | 1,500.00 | 305.00 | 1,195.00 | 20.3% | |
| 591 Debt Service | 41,675.00 | 194,390.00 | 39,695.00 | 154,695.00 | 20.4% | |
| 597 Interfund Transfers | 111,801.13 | 221,450.00 | 109,300.01 | 112,149.99 | 49.4% | |
| TOTAL EXPENDITURES | 1,021,771.40 | 2,421,562.00 | 1,163,538.56 | 1,258,023.44 | 48.0% | |
| FUND EXCESS/(DEFICIT) | 139,260.74 | (69,259.00) | 41,150.76 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

WATER CAPITAL IMPROVEMENT FUND 404

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|------------------------------|---|--------------|---------------------------------|---------------------|--|---|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 360 Miscellaneous Revenues | 10,727.28 | 21,579.00 | 6,056.68 | 15,522.32 | 28.1% | |
| 370 Capital Contributions | 68,986.00 | 75,000.00 | 294,889.00 | (219,889.00) | 393.2% | Includes a few large developer payments |
| 397 Interfund Transfers | 78,260.80 | 155,015.00 | 76,510.01 | 78,504.99 | 49.4% | |
| TOTAL REVENUES | 157,974.08 | 251,594.00 | 377,455.69 | (125,861.69) | 150.0% | |
| EXPENDITURES | | | | | | |
| 594 Capital Expenditures | 283,416.96 | 1,161,674.00 | 175,099.10 | 986,574.90 | 15.1% | |
| TOTAL EXPENDITURES | 283,416.96 | 1,161,674.00 | 175,099.10 | 986,574.90 | 15.1% | |
| FUND EXCESS/(DEFICIT) | (125,442.88) | (910,080.00) | 202,356.59 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

WATER ASSET REPLACEMENT FUND 405

| | 2019 | 2020 | | | | |
|------------------------------|---------------------------------|---------------------|---------------------------------|---------------------|--|----------|
| | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | Actual as a Percentage of Budget | Comments |
| REVENUES | | | | | | |
| 360 Miscellaneous Revenues | 3,198.64 | 5,515.00 | 1,776.03 | 3,738.97 | 32.2% | |
| 397 Interfund Transfers | 33,540.33 | 66,435.00 | 32,790.00 | 33,645.00 | 49.4% | |
| TOTAL REVENUES | 36,738.97 | 71,950.00 | 34,566.03 | 37,383.97 | 48.0% | |
| EXPENDITURES | | | | | | |
| 594 Capital Expenditures | 78,908.94 | 184,734.00 | 4,127.56 | 180,606.44 | 2.2% | |
| TOTAL EXPENDITURES | 78,908.94 | 184,734.00 | 4,127.56 | 180,606.44 | 2.2% | |
| FUND EXCESS/(DEFICIT) | (42,169.97) | (112,784.00) | 30,438.47 | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

STORMWATER UTILITY FUND 406

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|-------------------------------|-----------------------------------|--------------|---------------------------|------------------|----------------------------------|---|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 320 Licenses & Permits | 1,098.00 | 2,000.00 | 881.10 | 1,118.90 | 44.1% | |
| 340 Charges for Services | 473,606.69 | 1,028,300.00 | 495,508.94 | 532,791.06 | 48.2% | |
| 350 Fines & Forfeitures | 3,377.98 | 6,700.00 | 1,207.79 | 5,492.21 | 18.0% | Under budget due to temporary suspension of late fees and shut-offs during COVID-19 |
| 360 Miscellaneous Revenues | 10,511.40 | 27,005.00 | 11,815.96 | 15,189.04 | 43.8% | |
| TOTAL REVENUES | 488,594.07 | 1,064,005.00 | 509,413.79 | 554,591.21 | 47.9% | |
| EXPENDITURES | | | | | | |
| 531 Indirect Cost Allocations | 95,851.50 | 193,205.00 | 96,603.00 | 96,602.00 | 50.0% | |
| 531 Administration | 111,302.74 | 382,208.00 | 142,131.54 | 240,076.46 | 37.2% | |
| 531 Operations | 255,397.74 | 589,210.00 | 251,452.67 | 337,757.33 | 42.7% | |
| 554 Environmental Services | - | 6,500.00 | - | 6,500.00 | 0.0% | |
| 597 Interfund Transfers | 47,532.28 | 102,800.00 | 48,445.46 | 54,354.54 | 47.1% | |
| TOTAL EXPENDITURES | 510,084.26 | 1,273,923.00 | 538,632.67 | 735,290.33 | 42.3% | |
| FUND EXCESS/(DEFICIT) | (21,490.19) | (209,918.00) | (29,218.88) | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

STORMWATER CAPITAL IMPROVEMENT FUND 407

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|------------------------------|-------------------|---------------------------------|---------------------|-------------------|--------------|--|----------|
| 2019 | Budget | Actual through 06/30/2020 | Budget Remaining | Budget | | | |
| REVENUES | | | | | | | |
| 330 State Generated Revenues | 548,869.04 | 240,000.00 | 4,568.99 | 235,431.01 | 1.9% | | |
| 360 Miscellaneous Revenues | 6,220.97 | 12,000.00 | 633.00 | 11,367.00 | 5.3% | | |
| 397 Interfund Transfers | 113,272.58 | 71,960.00 | 33,911.82 | 38,048.18 | 47.1% | | |
| TOTAL REVENUES | 668,362.59 | 323,960.00 | 39,113.81 | 284,846.19 | 12.1% | | |
| EXPENDITURES | | | | | | | |
| 594 Capital Expenditures | 517,889.68 | 479,000.00 | 100,551.54 | 378,448.46 | 21.0% | | |
| TOTAL EXPENDITURES | 517,889.68 | 479,000.00 | 100,551.54 | 378,448.46 | 21.0% | | |
| FUND EXCESS/(DEFICIT) | 150,472.91 | (155,040.00) | (61,437.73) | | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

STORMWATER ASSET REPLACEMENT FUND 408

| | 2020 | | | | Actual as a Percentage of Budget | Comments |
|------------------------------|---|-------------|---------------------------------|---------------------|--|----------|
| | 2019 Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | |
| REVENUES | | | | | | |
| 330 State Generated Revenues | - | 165,000.00 | - | 165,000.00 | 0.0% | |
| 360 Miscellaneous Revenues | 1,218.57 | 1,961.00 | 430.14 | 1,530.86 | 21.9% | |
| 397 Interfund Transfers | 14,259.68 | 30,840.00 | 14,533.64 | 16,306.36 | 47.1% | |
| TOTAL REVENUES | 15,478.25 | 197,801.00 | 14,963.78 | 182,837.22 | 7.6% | |
| EXPENDITURES | | | | | | |
| 594 Capital Expenditures | 4,044.50 | 226,501.00 | 17,886.11 | 208,614.89 | 7.9% | |
| TOTAL EXPENDITURES | 4,044.50 | 226,501.00 | 17,886.11 | 208,614.89 | 7.9% | |
| FUND EXCESS/(DEFICIT) | 11,433.75 | (28,700.00) | (2,922.33) | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

ELECTRIC ASSET REPLACEMENT FUND 409

| | | 2020 | | | Actual as a Percentage of Budget | Comments |
|---------------------|------------------------------|---------------------------------|---------------------|--|--|----------|
| 2019 | Budget | Actual through 06/30/2020 | Budget Remaining | Actual as a Percentage of Budget | | |
| REVENUES | | | | | | |
| 360 | Miscellaneous Revenues | 5,782.84 | 9,233.00 | 3,505.23 | 5,727.77 | 38.0% |
| 397 | Interfund Transfers | 71,842.66 | 156,600.00 | 76,345.94 | 80,254.06 | 48.8% |
| | TOTAL REVENUES | 77,625.50 | 165,833.00 | 79,851.17 | 85,981.83 | 48.2% |
| EXPENDITURES | | | | | | |
| 594 | Capital Expenditures | 41,334.05 | 400,000.00 | 4,127.56 | 395,872.44 | 1.0% |
| | TOTAL EXPENDITURES | 41,334.05 | 400,000.00 | 4,127.56 | 395,872.44 | 1.0% |
| | FUND EXCESS/(DEFICIT) | 36,291.45 | (234,167.00) | 75,723.61 | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

VEHICLE REPAIR AND MAINTENANCE FUND 501

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|-------------|---------------------------------|---------------------|------------|--|----------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | | |
| REVENUES | | | | | | | |
| 340 | Charges for Services | 38,388.50 | 260,000.00 | 64,510.00 | 195,490.00 | 24.8% | |
| | TOTAL REVENUES | 38,388.50 | 260,000.00 | 64,510.00 | 195,490.00 | 24.8% | |
| EXPENDITURES | | | | | | | |
| 548 | Municipal Vehicles/Equipment | 87,188.85 | 255,523.00 | 89,690.43 | 165,832.57 | 35.1% | |
| | TOTAL EXPENDITURES | 87,188.85 | 255,523.00 | 89,690.43 | 165,832.57 | 35.1% | |
| | FUND EXCESS/(DEFICIT) | (48,800.35) | 4,477.00 | (25,180.43) | | | |

CITY OF MILTON
2020 Budget Position through June 30, 2020

INFORMATION TECHNOLOGY FUND 503

| | | 2020 | | | | Actual as a Percentage of Budget | Comments |
|---------------------|---------------------------------|------------|---------------------------------|---------------------|-------------|--|--------------------------------------|
| 2019 | Actual through 06/30/2019 | Budget | Actual through 06/30/2020 | Budget Remaining | | | |
| REVENUES | | | | | | | |
| 340 | Charges for Services | 124,499.52 | 255,833.00 | 127,915.98 | 127,917.02 | 50.0% | |
| | TOTAL REVENUES | 124,499.52 | 255,833.00 | 127,915.98 | 127,917.02 | 50.0% | |
| EXPENDITURES | | | | | | | |
| 518 | Central Services | 85,329.41 | 257,449.00 | 81,646.94 | 175,802.06 | 31.7% | |
| 594 | Capital Expenditures | - | - | 19,985.87 | (19,985.87) | 0.0% | New servers necessary for operations |
| | TOTAL EXPENDITURES | 85,329.41 | 257,449.00 | 101,632.81 | 155,816.19 | 39.5% | |
| | FUND EXCESS/(DEFICIT) | 39,170.11 | (1,616.00) | 26,283.17 | | | |

2020 BUDGET POSITION TOTALS

City Of Milton
MCAG #: 0590

Months: 01 To: 06

Time: 22:19:13 Date: 08/05/2020

Page: 1

| Fund | Revenue Budgeted | Received | | Expense Budgeted | Spent | |
|--------------------------------------|----------------------|----------------------|--------------|----------------------|---------------------|--------------|
| 001 General Fund | 4,929,502.00 | 2,607,802.91 | 52.9% | 4,929,499.00 | 2,013,031.97 | 41% |
| 004 Asset Replacement & Capital Re: | 106,061.00 | 52,032.97 | 49.1% | 298,800.00 | 158,870.13 | 53% |
| 101 Street Fund | 387,688.00 | 215,806.08 | 55.7% | 387,533.00 | 214,676.91 | 55% |
| 103 Rainy Day Fund | 4,195.00 | 2,355.79 | 56.2% | 0.00 | 0.00 | 0% |
| 105 Drug Seizure Fund | 0.00 | 1,202.66 | 0.0% | 26,685.00 | 560.24 | 2% |
| 107 Criminal Justice Fund | 2,991,050.00 | 1,493,430.33 | 49.9% | 2,987,626.00 | 1,325,231.07 | 44% |
| 116 Community Events Fund | 26,545.00 | 110.00 | 0.4% | 26,545.00 | 104.99 | 0% |
| 118 Reserve Officer's Fund | 0.00 | 0.00 | 0.0% | 2,063.00 | 0.00 | 0% |
| 130 Real Estate Excise Tax 1 Fund | 148,100.00 | 67,311.12 | 45.4% | 129,000.00 | 64,500.00 | 50% |
| 131 Real Estate Excise Tax 2 Fund | 142,816.00 | 68,178.07 | 47.7% | 20,000.00 | 10,000.02 | 50% |
| 140 Traffic Impact Fee Fund | 189,725.00 | 76,708.86 | 40.4% | 515,000.00 | 257,500.02 | 50% |
| 150 Parks Impact Fee Fund | 25,946.00 | 222,575.45 | 857.8% | 96,000.00 | 48,000.00 | 50% |
| 310 Capital Improvement Fund | 1,883,271.00 | 499,199.80 | 26.5% | 2,105,522.00 | 59,765.87 | 3% |
| 314 Capital Improvement Reserve Fu | 0.00 | 0.00 | 0.0% | 0.00 | 0.00 | 0% |
| 401 Electric Utility Fund | 5,399,591.00 | 2,708,353.37 | 50.2% | 5,809,441.00 | 2,752,932.29 | 47% |
| 402 Electric Capital Improvement Fu | 5,408,836.00 | 195,353.59 | 3.6% | 2,095,060.00 | 60,746.38 | 3% |
| 403 Water Utility Fund | 2,352,303.00 | 1,204,689.32 | 51.2% | 2,421,562.00 | 1,163,538.56 | 48% |
| 404 Water Capital Improvement Func | 251,594.00 | 377,455.69 | 150.0% | 1,161,674.00 | 175,099.10 | 15% |
| 405 Water Utility Asset Replacement | 71,950.00 | 34,566.03 | 48.0% | 184,734.00 | 4,127.56 | 2% |
| 406 Stormwater Utility Fund | 1,064,005.00 | 509,413.79 | 47.9% | 1,273,923.00 | 538,632.67 | 42% |
| 407 Stormwater Capital Improvement | 323,960.00 | 39,113.81 | 12.1% | 479,000.00 | 100,551.54 | 21% |
| 408 Stormwater Utility Asset Replace | 197,801.00 | 14,963.78 | 7.6% | 226,501.00 | 17,886.11 | 8% |
| 409 Electric Utility Asset Replaceme | 165,833.00 | 79,851.17 | 48.2% | 400,000.00 | 4,127.56 | 1% |
| 501 Vehicle Repair & Maintenance F | 260,000.00 | 64,510.00 | 24.8% | 255,523.00 | 89,690.43 | 35% |
| 503 Information Technology Fund | 255,833.00 | 127,915.98 | 50.0% | 257,449.00 | 101,632.81 | 39% |
| 631 Trust / Suspense Funds | 0.00 | 0.00 | 0.0% | 0.00 | 0.00 | 0% |
| 632 Custodial Fund | 0.00 | 250,369.58 | 0.0% | 0.00 | 250,198.61 | 0% |
| | <u>26,586,605.00</u> | <u>10,913,270.15</u> | <u>41.0%</u> | <u>26,089,140.00</u> | <u>9,411,404.84</u> | <u>36.1%</u> |

TREASURERS REPORT

Fund Totals

City Of Milton
MCAG #: 0590

06/01/2020 To: 06/30/2020

Time: 10:56:04 Date: 07/13/2020
Page: 1

| Fund | Previous Balance | Revenue | Expenditures | Ending Balance | Claims Clearing | Payroll Clearing | Outstanding Deposits | Adjusted Ending Balance |
|---|----------------------|---------------------|---------------------|----------------------|------------------|------------------|----------------------|-------------------------|
| 001 General Fund | 1,234,506.15 | 393,783.00 | 328,116.57 | 1,300,172.58 | 5,481.40 | 73.50 | -1,581.41 | 1,304,146.07 |
| 004 Asset Replacement & Capital Reserve | 449,859.84 | 8,286.13 | 2,700.21 | 455,445.76 | 0.00 | 0.00 | 0.00 | 455,445.76 |
| 101 Street Fund | 56,742.60 | 51,465.27 | 23,206.23 | 85,001.64 | 288.05 | 0.00 | -500.00 | 84,789.69 |
| 103 Rainy Day Fund | 479,171.67 | 101.94 | | 479,273.61 | 0.00 | 0.00 | 0.00 | 479,273.61 |
| 105 Drug Seizure Fund | 30,197.41 | 0.00 | | 30,197.41 | 0.00 | 0.00 | 0.00 | 30,197.41 |
| 107 Criminal Justice Fund | 178,609.00 | 254,478.74 | 176,008.05 | 257,079.69 | 883.84 | 0.00 | 0.00 | 257,963.53 |
| 116 Community Events Fund | 20,230.94 | -1,775.00 | 40.73 | 18,415.21 | 1,050.00 | 0.00 | 0.00 | 19,465.21 |
| 118 Reserve Officer's Fund | 2,249.20 | 0.00 | | 2,249.20 | 0.00 | 0.00 | 0.00 | 2,249.20 |
| 130 Real Estate Excise Tax 1 Fund | 20,031.64 | 9,862.60 | 10,750.00 | 19,144.24 | 0.00 | 0.00 | 0.00 | 19,144.24 |
| 131 Real Estate Excise Tax 2 Fund | 231,717.01 | 9,907.64 | 1,666.67 | 239,957.98 | 0.00 | 0.00 | 0.00 | 239,957.98 |
| 140 Traffic Impact Fee Fund | 213,761.91 | 8,805.48 | 42,916.67 | 179,650.72 | 0.00 | 0.00 | 0.00 | 179,650.72 |
| 150 Parks Impact Fee Fund | 257,417.45 | 3,472.77 | 8,000.00 | 252,890.22 | 0.00 | 0.00 | 0.00 | 252,890.22 |
| 310 Capital Improvement Fund | 749,817.08 | 63,492.86 | 21,339.70 | 791,970.24 | 0.00 | 0.00 | 0.00 | 791,970.24 |
| 401 Electric Utility Fund | 523,882.46 | 357,822.96 | 418,250.25 | 463,455.17 | 3,571.62 | 0.00 | -20,425.52 | 446,601.27 |
| 402 Electric Capital Improvement Fund | 2,473,545.24 | 27,230.49 | 6,323.65 | 2,494,452.08 | 0.00 | 0.00 | -675.00 | 2,493,777.08 |
| 403 Water Utility Fund | 1,545,527.87 | 218,463.50 | 192,654.75 | 1,571,336.62 | 5,234.73 | 0.00 | -16,014.71 | 1,560,556.64 |
| 404 Water Capital Improvement Fund | 1,386,060.72 | 27,963.44 | 39,517.62 | 1,374,506.54 | 0.00 | 0.00 | -4,403.00 | 1,370,103.54 |
| 405 Water Utility Asset Replacement Fund | 376,528.44 | 6,277.06 | | 382,805.50 | 0.00 | 0.00 | 0.00 | 382,805.50 |
| 406 Stormwater Utility Fund | 436,691.07 | 85,732.98 | 80,145.39 | 442,278.66 | 1,384.42 | 0.00 | -2,682.43 | 440,980.65 |
| 407 Stormwater Capital Improvement Fund | 74,561.12 | 5,816.95 | 13,844.11 | 66,533.96 | 0.00 | 0.00 | 0.00 | 66,533.96 |
| 408 Stormwater Utility Asset Replacement Fund | 67,496.85 | 2,500.54 | | 69,997.39 | 0.00 | 0.00 | 0.00 | 69,997.39 |
| 409 Electric Utility Asset Replacement Fund | 755,657.70 | 10,756.86 | | 766,414.56 | 0.00 | 0.00 | 0.00 | 766,414.56 |
| 501 Vehicle Repair & Maintenance Fund | -20,239.77 | 10,160.00 | 15,100.66 | -25,180.43 | 2,374.43 | 0.00 | 0.00 | -22,806.00 |
| 503 Information Technology Fund | 127,350.90 | 21,319.33 | 26,556.38 | 122,113.85 | 0.00 | 0.00 | 0.00 | 122,113.85 |
| 631 Trust / Suspense Funds | 28,073.00 | 0.00 | | 28,073.00 | 0.00 | 0.00 | 0.00 | 28,073.00 |
| 632 Custodial Fund | 8,409.74 | 37,574.16 | 38,895.87 | 7,088.03 | 26,545.17 | 0.00 | -11,498.57 | 22,134.63 |
| Totals | 11,707,857.24 | 1,613,499.70 | 1,446,033.51 | 11,875,323.43 | 46,813.66 | 73.50 | -57,780.64 | 11,864,429.95 |

TREASURERS REPORT

Account Totals

City Of Milton
MCAG #: 0590

06/01/2020 To: 06/30/2020

Time: 10:56:04 Date: 07/13/2020
Page: 2

| Cash Accounts | Beg Balance | Deposits | Withdrawals | Ending | Outstanding Rec | Outstanding Exp | Adj Balance |
|---------------------|----------------------|---------------------|---------------------|----------------------|-------------------|------------------|----------------------|
| 1 Checking | 748,583.73 | 114,315.65 | 624,206.98 | 238,692.40 | 0.00 | 20,341.99 | 259,034.39 |
| 2 Depository Acct | 2,509,206.26 | 1,013,047.71 | 338,560.75 | 3,183,693.22 | -46,282.07 | 0.00 | 3,137,411.15 |
| 3 EFT Acct | 10,000.00 | 338,345.06 | 338,345.06 | 10,000.00 | 0.00 | 0.00 | 10,000.00 |
| 5 Petty Cash | 1,000.00 | 0.00 | 0.00 | 1,000.00 | 0.00 | 0.00 | 1,000.00 |
| 10 LGIP | 7,935,002.87 | 2,411.56 | 0.00 | 7,937,414.43 | 0.00 | 0.00 | 7,937,414.43 |
| 12 Investment Bonds | 499,855.38 | 0.00 | 0.00 | 499,855.38 | 0.00 | 0.00 | 499,855.38 |
| 15 Court Checking | 4,209.00 | 26,764.17 | 26,305.17 | 4,668.00 | -11,498.57 | 26,545.17 | 19,714.60 |
| Total Cash: | 11,707,857.24 | 1,494,884.15 | 1,327,417.96 | 11,875,323.43 | -57,780.64 | 46,887.16 | 11,864,429.95 |
| | 11,707,857.24 | 1,494,884.15 | 1,327,417.96 | 11,875,323.43 | -57,780.64 | 46,887.16 | 11,864,429.95 |



6

To: City Council Members
From: Mayor Shanna Styron Sherrell
Date: August 10, 2020, Study Session
Re: Procedures for the Conduct of Council Meetings, Proceedings and Business

ATTACHMENTS: Red-line and Clean Version of Policy for Resolution 20-1935

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: *Action to be taken on the August 17, 2020 Council Meeting.*
“I move to adopt the attached Resolution 20-1935, updating the procedures for the conduct of council meetings, proceedings and business”.

Fiscal Impact/Source of Funds: N/A

Discussion:

The attached updated city policy for the procedures for the conduct of council meetings, proceedings and business is based on the discussion had at the City Council Retreat on March 5, 2020.

The following issues have been addressed based on Council request:

- Qualifications and voting for Mayor Pro Tem
- Training in the last year of term
- Council serving on City of Milton boards and commissions

I have added recommended verbiage for both public comment and travel and training expenses.

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CITY OF MILTON
RESOLUTION NO. ~~19-1916~~ 20-1935

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MILTON,
WASHINGTON; ESTABLISHING A PROCEDURE FOR THE CONDUCT
OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS; AND
REPEALING RESOLUTION NO. ~~08-1752~~ 19-1916, APPROVED
FEBRUARY 19, 2019 ~~SEPTEMBER 15, 2008~~.

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON
DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Repeal of Resolution. The Milton City Council hereby repeals
Resolution No. ~~19-1916~~ ~~08-1752~~, approved ~~February 19, 2019~~ September 15, 2008.

Section 2. Authority.

- 2.1 The Milton City Council hereby establishes the following procedures for the
conduct of Council meetings, ~~proceedings~~ proceedings, and business. These
procedures shall be in effect upon adoption by the Council and until such time as
they are amended, or new procedures are adopted in the manner provided by these
rules.

Section 3. Types of Council Meetings.

- 3.1 **Regular.** A formal meeting for the purpose of conducting official City business.
This includes, but is not limited to, citizen comments, public hearings,
presentations, the adoption of ordinances, resolutions, contracts and agreements,
and budgets.
- a. Council's regular meetings will be held the first and third Monday of each
month in the Council Chambers at City Hall and will begin at 7:00 p.m. and
end no later than at 9:00 p.m. unless a majority of council votes to extend
the meeting.
- b. If possible, only one or two major topics (defined as issues of high interest
or controversial, or those which would take an extraordinary amount of the
City Council meeting) will be scheduled per meeting.
- 3.2 **Study Session.** An informal meeting for the purpose of reviewing forthcoming
programs, receiving progress reports on current programs or projects, reviewing
agenda calendars, and receiving other similar information. All discussions and
conclusions thereof shall be informal.

- a. Council study sessions will be held the second Monday of each month in the Council Chambers at City Hall and will begin at 7:00 p.m. and be limited to two (2) hours in length unless a majority of council votes to extend the meeting. A second study session may be scheduled on an as needed basis.
 - b. No final action may be taken at a study session. Decisions on those issues will be scheduled for a regular or special Council meeting.
 - c. A special study session may be called by the Mayor or by a majority of the members of the City Council.
- 3.3 If any Monday on which a meeting is scheduled falls on a legal holiday, the regular meeting or study session shall be held on the next business day at the same time and place.
- 3.4 Special. Any Council meeting other than the regular Council meeting, which has been called for the purpose of conducting official action. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. A special Council meeting may be scheduled by the Mayor or by a majority of the members of the City Council.
- 3.5 Emergency. A special Council meeting called without 24-hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, by reason of fire, flood, earthquake or other emergency, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided under RCW 42.30.070. The minutes will indicate the reason for the emergency.
- 3.6 Executive Session. A Council meeting that is closed except to the Council, Mayor, City Administrator, ~~Mayor~~, City Attorney, authorized staff members, and/or consultants authorized by the Mayor or City Administrator ~~or Mayor~~. The public is restricted from attendance. Executive Sessions may be held during regular or special Council meetings, or as separate meetings, and will be announced by the Mayor. Executive Session topics are limited to considering matters relating to the sale or acquisition of real property, publicly bid contract performance, complaints or charges against public officers or employees, personnel matters, labor negotiations, litigation, and other matters authorized by RCW 42.30.110 or RCW 42.30.140.
- a. Before convening an Executive Session, the Mayor shall announce the purpose of the meeting and the anticipated time the session will be concluded. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain.
 - b. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene for taking action.

3.7 The City Clerk will keep an account of all proceedings of the Council in accordance with the statutory requirements, along with summaries of Council action and committee activities, and will be entered into a minute book constituting the official record of the Council.

Section 4. Order of Regular Council Meeting Agenda

- 4.1 Call to Order. The Mayor calls the meeting to order.
- 4.2 Pledge of Allegiance. The Mayor, and at times invited guests, will lead the flag salute.
- 4.3 Roll Call. Mayor shall indicate any Councilmember who is not in attendance and whether the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.
- 4.4 Consent Agenda. Consent Agenda items are considered to be routine and non-controversial and are approved by one motion. Items on the Consent Agenda include, but are not limited to, minutes, business claims, approval of payment of contracts, bid awards, and previously authorized agreements. Any Councilmember may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent Agenda has been considered, the item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to Council Committee or to another meeting.
- 4.5 Citizen Comments. Members of the audience may comment on items relating to any matter. Comments may be limited to three (3) minutes at the discretion of the Mayor. No speaker may convey or donate his or her time for speaking to another speaker. -A "citizen comment sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to address the Council. Citizens may also comment on individual agenda items during any regularly scheduled Council meeting prior to the Council's deliberation and placement of the item on the table for Council action. These agenda items include, but are not limited to, ordinances, resolutions, and Council business issues. These comment times are limited to three minutes.

If many people wish to speak to a particular issue, Council may choose:

- 1) To limit the total amount of time dedicated to that single issue: and/or
- 2) continue the time for visitor comments on that issue to a future Council meeting;
- 3) In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed.

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4) Groups that desire to designate a spokesperson shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the City Clerk. A copy of the document will be provided to each Councilmember; the document will not be read aloud.

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- 4.6 Proclamation/Presentations. A proclamation is defined as an official declaration made by either the Mayor or City Council. Other special presentations by citizen groups or outside agencies that make requests to present information on issues of interest to the City may also be scheduled at this time.
- 4.7 Public Hearings. Public Hearings are held to receive public comment on important issues and/or issues requiring a public hearing by state statute or City of Milton ordinances. The Mayor will state the public hearing procedures at the beginning of the public hearing. A "public hearing sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to give testimony. Citizens wishing to give testimony will follow the same procedure as for "Citizen Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.
- 4.8 Agenda Bills. Agenda bills are the forms used for submitting issues to the Council for action. The agenda bill will include the subject matter (title for agenda), action required, budget information (if applicable), summary statement, and recommended motion. The Council may use the agenda bill "recommended motion" language for making a motion. The City Clerk will be responsible for assigning a number to the agenda bill.
- a. Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five (5) days after publication in the City's official newspaper pursuant to RCW 35A.12.160.
 - b. Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.
- 4.9 Executive Session. An Executive Session held before, during, or after a Council meeting is a discussion that is closed to the public and attended only by the Council, Mayor, City Administrator, ~~Mayor~~, City staff, and/or consultants authorized by the Mayor or City Administrator ~~or Mayor~~. The Executive Session will be announced by the Mayor for a time certain. At the conclusion of the Executive Session, if appropriate, the Council may reconvene to act or adjourn.

- 4.10 Announcements/Reports. Announcements and reports made by the Mayor, Councilmembers, City Administrator and Department Directors.
- a. The Mayor makes announcements of upcoming meetings and events, and reports on meetings and events in which he/she has participated.
 - b. Councilmembers make announcements of upcoming meetings and events and report on Council Committee meetings, and other meetings and events in which they have participated.
 - c. Staff reports are made to the Council by the City Administrator and Department Directors on issues of interest to the Council which do not require Council action.
- 4.11 Mayor/Council Comments. Comments made by the Mayor and Councilmembers on various issues and/or activities of interest.
- 4.12 Adjournment. The Mayor shall adjourn the Council meeting- upon proper motion and approval by the Council.

Section 5. Agenda Preparation

- 5.1 The City Clerk will prepare an agenda packet for each Council meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the ~~City Administrator or Mayor~~ or his or her designee.
- 5.2 Agenda items will be completed by the appropriate department staff and submitted to the City Clerk for finalizing by 12:00 p.m. the Tuesday prior to the following Monday Council meeting. The "agenda bill" form will be used for all items submitted for a regular or special Council meeting agenda. Items submitted for a study session agenda will include a cover memo briefly explaining the issue being discussed. Agenda packets will be ready for distribution to the Council by 5:00 p.m. Thursday prior to the following Monday's Council meeting.
- 5.3 An item may be placed on a Council meeting agenda by any of the following: 1) the Mayor; 2) the City Administrator, or 3) any two or more Councilmembers. The City Administrator and staff will ensure Councilmembers are provided enough information to make decisions.
- 5.4 Any item may be placed on a regular Council meeting agenda, after the agenda is closed and the notice prepared, by the Mayor, City Administrator, or a Councilmember with an explanation of the necessity and a majority vote of the Council.

- 5.5 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time.
- 5.6 The City Clerk will prepare and keep current a calendar of agenda items for all Council regular and special meetings and study sessions. The City Clerk will also prepare and keep current a calendar of all Mayor and Council meetings.
- 5.7 The City Clerk will endeavor to schedule enough time between public hearings and other scheduled items, so the public is not kept waiting an excessive amount of time and so the Council will have enough time to hear testimony and to deliberate matters among themselves.
- 5.8 Legally required and advertised public hearings will have a higher priority over other scheduled agenda items which have been scheduled by convenience rather than for statutory or other legal reasons.
- 5.9 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

Section 6. Council Discussion

- 6.1 Robert's Rules of Order. On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in the current edition of *Robert's Rules of Order* shall serve as a guide.

Section 7. Comments, Concerns and Testimony to Council

- 7.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes.
- All remarks will be addressed to the Council as a whole. Any person making impertinent or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.
- 7.2 The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.
- 7.3 Citizens with complaints, concerns, or questions will be encouraged to refer the matter to the [Mayor or City Administrator](#) ~~or Mayor~~ or ask that the matter be placed

on a future City Council meeting or Council Committee meeting agenda with the appropriate background information.

Section 8. Motions/Voting

- 8.1 If a motion does not receive a second, it dies. Motions that do not need a second include nominations, withdrawal of a motion, agenda order, request for a roll call vote, and point of order.
- 8.2 A motion that receives a tie vote is deemed to have failed.
- 8.3 Motions shall be clear and concise and not include arguments for the motion within the motion.
- 8.4 After a motion and a second, the Mayor will state the names of the Councilmembers making the motion and second.
- 8.5 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 8.6 After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote. Further citizen comments may be heard when there is a motion and a second on the floor only upon approval by a majority of the Council.
- 8.7 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 8.8 A motion to table is not debatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue. If an item is tabled, it **cannot be** reconsidered at the same meeting.
- 8.9 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered later at the same meeting or at a time certain at a future regular or special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to reconsider received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3)

vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.

- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting language in the motion.
- 8.13 A “friendly” motion to amend the original motion may be authorized only by the acceptance of the maker and the second of the original motion.
- 8.14 The motion maker, Mayor, or City Clerk shall repeat the motion prior to voting.
- 8.15 Each member present shall vote on all questions put to the Council except on matters in which he/she has been disqualified for a conflict of interest or under the appearance of fairness doctrine.
- 8.16 A councilmember must be present at a Council meeting to vote on any ordinance, resolution, contract, ~~issue~~ issue, or order of business of the Council. No member shall be allowed to vote if they are not present at the Council meeting.
- 8.17 Any Councilmember present who fails to state his/her vote without a valid disqualification shall be declared to have voted in the affirmative on the question, except that an abstaining Councilmember still creates a quorum. If an action, however, requires a favorable vote by a majority of the whole membership, an abstaining vote shall be counted separately.
- 8.18 In situations where an abstaining Councilmember may need to abstain from voting because of possible violation of the appearance of fairness doctrine, the challenged Councilmember can still participate in the event that abstention would cause a lack of a quorum or result in a failure to obtain a majority vote as required by law if he/she publicly discloses the basis for disqualification prior to rendering a decision.
- 8.19 The City Clerk shall, in random rotation, take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law. No Councilmember shall pass when called upon during the roll call vote.
- 8.20 At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. The City Clerk may confirm the results.
- 8.21 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be in order except at the following regular meeting.
- 8.22 All cases not provided for in these policies and procedures shall be guided by the current edition of *Roberts Rules of Order*. In the event of a conflict, these Council policies and procedures shall prevail.

Section 9. Ordinances

- 9.1 All ordinances shall be reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by the Mayor, City Administrator, ~~Mayor~~, City Attorney, City staff, Council Committee, or a majority vote of the Council.
- 9.2 Ordinances will be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda.
- 9.3 The Mayor or City Clerk shall read the title of the ordinance prior to voting.
- 9.4 Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 9.5 Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 9.6 An ordinance becomes effective five (5) calendar days after the publication of the ordinance or ordinance summary unless otherwise specified.
- 9.7 Ordinances shall reflect the date of first reading, date of adoption, date of publication, and effective date.
- 9.8 There shall be one reading of an ordinance prior to any action and adoption by the Council, unless a second reading is required by state statute, city code or on matters pertaining to: a) land use regulations; b) imposing taxes, fees, charges, penalties, assessments; c) comprehensive plans, and d) budgets and levies.

Section 10. Mayor and Mayor Pro Tempore

- 10.1 The presiding officer at all meetings of the Council shall be the Mayor, and in the absence of the Mayor, the Mayor Pro Tempore shall act in that capacity. If both the Mayor and Mayor Pro Tempore are absent, the Councilmembers present shall elect one of their members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tempore.
- 10.2 The Presiding Officer will:
 - a. Preserve order and decorum in the Council Chambers.
 - b. Observe and enforce all policies and procedures adopted by the Council.
 - c. Decide all questions on order, in accordance with these policies and procedures, subject to appeal by any Councilmember.

- d. Change order of council meeting agenda
- e. Recognize Councilmembers in the order in which they request the floor.

10.3 Challenge to Ruling of Presiding Officer. Notwithstanding anything herein contained, including *Robert's Rules of Order*, to the contrary, any member of the Council shall have the right and privilege to challenge any ruling of any kind made by the presiding officer at any Council meeting, in which case the approval or disapproval of the ruling of the chair shall immediately and without debate or comment be put to a vote of the Council, and the decision of the majority of the members of the Council then present, shall prevail.

Section 11. Council Relations with Staff

- 11.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- 11.2 City staff shall acknowledge the Council as policymakers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.
- 11.3 Councilmembers shall not attempt to influence City staff in the selection or retention of personnel, awarding of contracts, election of consultants, processing of development applications, or granting of City licenses or permits.
- 11.4 Councilmembers shall not attempt to interfere with the administration or internal operation and practices of any City department.
- 11.5 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives.
- 11.6 The City Clerk shall not open mail addressed to individual Councilmembers.
- 11.7 No Councilmember shall direct the City Administrator or staff to initiate any action or prepare any report that is a priority or requires significant resources or initiate any project or study without the consent of a majority of the Council.
- 11.8 Individual requests for information can be made directly to the Department Director unless otherwise determined by the Mayor or City Administrator ~~or Mayor~~. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator ~~or Mayor~~.

Section 12. Council Meeting Staffing

12.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Administrator has an excused absence, a designated Acting City Administrator, shall attend the meeting.

12.2 The City Attorney shall only attend those regular Council meetings as requested by the Mayor, City Administrator, ~~Mayor~~ or majority of Councilmembers and shall, upon request, give an opinion, either written or oral, on legal questions.

The City Clerk shall act as the Council's parliamentarian. An Acting City Clerk shall attend meetings when the City Clerk is absent.

12.3 The City Clerk, or designee, shall attend regular and special meetings of the Council and keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting. The City Clerk need not attend Council study or work sessions, although the City Clerk shall ensure that these sessions are recorded, and final minutes prepared.

Section 13. Councilmember Attendance at Meetings

13.1 Councilmembers will inform the Mayor, City Administrator, ~~Mayor~~ or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting.

Any Councilmember who has three consecutive unexcused absences from regular council meetings shall be subject to removal from office.

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Section 14. Media Representation at Council Meetings

14.1 All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

Section 15. Council Representation

15.1 If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clearly states these statements do not represent the Council's position.

- 15.2 Individual Councilmembers shall refrain from preparing any written document or publication that represents or appears as an official City document or communication coming from the City Council.

Section 16. Confidentiality

- 16.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive session to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of executive session when the information is exempt from disclosure under exemptions set forth in the Revised Code of Washington.
- 16.2 If the Council, in executive session, has given direction to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated city staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney or City staff designated by the City Administrator or Mayor, Councilmembers should review such potential discussion with the City Administrator or Mayor. Any Councilmember having any such contact or discussion shall make full disclosure to the Mayor, City Administrator, ~~Mayor~~, and/or the City Council in a timely manner.

Section 17. Conflict of Interest

- 17.1 City Councilmembers and Mayor shall not, either directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source for any matter connected with or related to services as a Councilmember or Mayor.
- 17.2 City Councilmembers and Mayor shall excuse themselves from consideration of any proceeding in which they have a direct or indirect interest. Examples of such interest include a Councilmember or Mayor as an applicant or property owner for a permit, a Councilmember or Mayor as a partner in a corporation or partnership involved in a permit or property ownership with a parcel subject to a land use permit, involvement as tenant, or resident in a structure subject to a land use permit. If such conflict exists, the affected Councilmember or Mayor shall excuse themselves and leave the Council Chambers prior to any briefing, hearing, ~~discussion~~discussion, or other consideration of the issue.

Section 18. Quasi-judicial Hearing

- 18.1 The appearance of fairness doctrine applies to quasi-judicial hearings, not legislative hearing. Council decision on a quasi-judicial matter shall be based on and supported by the “record” in that matter. The “record” consists of all testimony

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or comments presented at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered. All documents, including maps, drawings, and staff reports, should be admitted as numbered exhibits during the public hearing. All quasi-judicial hearings shall be recorded. Quasi-judicial hearing will be conducted in conformance to procedures outlined in other ordinances, such as the hearing examiner ordinance. Those who desire to comment or testify before the Council at the hearing shall be sworn in prior to presenting comments or testimony. Deliberations on a quasi-judicial matter can occur following the public hearing or at some other time. Deliberations and eventual decision shall fall within any applicable statutory timelines. Comments from the audience are not permitted during open meeting deliberations.

18.2 Appearance of Fairness: Prior to the start of a quasi-judicial public hearing, the chair will ask if any councilmember has an appearance of fairness doctrine concern, which could prohibit the councilmember from participating in the public hearing process. A councilmember who refuses to step down after challenge, upon the advice of the city attorney and after a ruling by the majority of the remaining members of the council that the member in question should step down, is subject to censure. A councilmember who has stepped down shall not participate in the council decision or vote on the matter. The councilmember shall leave the council chambers while the matter is under consideration.

18.3 Comments in violation of the appearance of fairness doctrine: The chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the council, boards, [agency](#), or commissions. Such comments should be made only at the hearing on a subject matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear the public hearing on the matter and present their comments.

Section 19. Public Records

19.1 Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether a document is a public record or if it is required to be retained should be referred to the City Clerk or City Attorney.

Section 20. Mayor Pro Tempore Selection Process

20.1 The Mayor Pro Tempore shall be elected to a one (1) year term at the first Regular Council meeting in January of each year. The Mayor shall conduct the election for the Mayor Pro Tempore.

20.2 The appointment shall be done by the approval of a motion of the City Council as follows:

- a. Any Councilmember may nominate an incumbent councilmember for appointment as Mayor Pro Tem. It is the stated policy of the City Council that the nominated councilmember shall have ~~has~~ been elected through the election process and has served one year on Council.
- b. Nominations do not require a second.
- c. After all nominations have been received, the Mayor shall close the nominations.
- d. Candidates shall be voted in the order that the nominations were received.
- e. A Councilmember who is nominated shall not vote for him/herself for this position.
- f. As soon as one candidate receives a majority vote, the Mayor shall declare the nominee appointed Mayor Pro Tem, and there is no vote on the remaining candidates.

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Section 21. City Council Committees

21.1 The following City Council Committees are hereby formed:

- a. Staff/Finance Committee, and
- b. Public Works/Community Development/Public Safety
- c. Ad hoc Committees, as necessary

21.2 In addition to its standing committees, the council may establish Ad Hoc committees from time to time at its discretion to address specific issues.

Commented [1]: Adhoc committees are committees formed from time to time to deal with specific issues and then go away. I take it you have two standing committees. Finance and PW/Community Development/PS.

~~21.32~~ Each committee shall have a membership of three (3) Councilmembers with one of the Councilmembers serving as Chair.

~~21.43~~ The City Council shall appoint the member to each Council Committee. The Committee Chair shall be appointed by the members of the Committee.

~~21.54~~ Membership of each Committee shall be for a one (1) year term and reviewed annually. Membership will be determined by deliberation of the full Council arrival at consensus or by majority vote.

21.65 Committee Work Programs and Agendas

a. The Council Committee shall, with staff support, study issues and make recommendations to the full Council for action. The Committee shall not have the authority to restrict items from moving forward to Council meetings.

b. ~~b.~~ Committee Chairs shall work with the department director(s) and/or City Administrator by being a key communication link between the Council Committee and administration on emerging issues and status of city business activities. Committee Chairs shall provide reports on Committee issues to the full Council on a regular basis.

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21.6 No member of City Council may serve on a City of Milton board and/or commission. This includes Planning Commission, Events Committee, Park Board, Police Volunteer, and/or Civil Service.

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Section 22. Appointments to Regional Organizations

22.1 Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: 1) the regional committee may request recommendations for ultimate appointment by the regional committee; or 2) the City may make direct appointment to a regional committee when asked to do so by that body.

a. Any Councilmember may express an interest in a subject and interest in serving on a particular regional body.

b. Council Committee membership shall not limit a Councilmember's interest in serving on a particular regional body.

c. When a regional body requests membership recommendation where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest in appointment. All names shall be submitted by the Mayor to the regional body which will then make the appointment(s) subject to confirmation by the Council.

d. When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Mayor or Councilmember receiving a majority vote will represent the City on that regional body.

e. Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.

22.2 When the Mayor and/or Councilmembers register to attend an official conference requiring voting delegates, such as the Association of Washington Cities, the Council shall designate the voting delegate(s) and alternative voting delegate(s)

during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

Section 23. Travel and Training Expenses

23.1 The City Council shall be bound by the city’s travel policy and the policies and procedures as established herein or by other resolution concerning travel authorization and reimbursement for travel-related expenses.

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23.2 Each member of the City Council shall be limited to discretionary travel and trainings expenses by the budgeted amount set each year by the City Council during the annual budget adoption process.

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23.3 No member of the City Council shall attend training during the last year of his or her term in office.

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Section ~~23.24~~. Suspension and Amendment of Rules

~~23.24~~.1 Any provision of these rules not governed by State law or ordinance may be suspended by a majority vote of the Council.

~~24~~.2 Amendments to Rules. Amendments to these rules shall be made by resolution of the Council, which must be laid over at least one week, and may then be made by a majority vote of the membership of the City Council. After such proposed amendments have been laid over for one week, they may be amended, added to, or deleted, and adopted at the same or a subsequent session of the Council.

PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this ~~19th~~ 17th day of ~~February 2019~~ August 2020.

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Shanna Styron Sherrell, Mayor

Attest:

Trisha Summers, City Clerk

**CITY OF MILTON
RESOLUTION NO. 20-1935**

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MILTON, WASHINGTON; ESTABLISHING A PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS; AND REPEALING RESOLUTION NO. 19-1916, APPROVED FEBRUARY 19, 2019 .

**THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON
DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Repeal of Resolution. The Milton City Council hereby repeals Resolution No.19-1916, approved February 19, 2019.

Section 2. Authority.

2.1 The Milton City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended, or new procedures are adopted in the manner provided by these rules.

Section 3. Types of Council Meetings.

3.1 Regular. A formal meeting for the purpose of conducting official City business. This includes, but is not limited to, citizen comments, public hearings, presentations, the adoption of ordinances, resolutions, contracts and agreements, and budgets.

a. Council's regular meetings will be held the first and third Monday of each month in the Council Chambers at City Hall and will begin at 7:00 p.m. and end no later than 9:00 p.m. unless a majority of council votes to extend the meeting.

b. If possible, only one or two major topics (defined as issues of high interest or controversial, or those which would take an extraordinary amount of the City Council meeting) will be scheduled per meeting.

3.2 Study Session. An informal meeting for the purpose of reviewing forthcoming programs, receiving progress reports on current programs or projects, reviewing agenda calendars, and receiving other similar information. All discussions and conclusions thereof shall be informal.

a. Council study sessions will be held the second Monday of each month in the Council Chambers at City Hall and will begin at 7:00 p.m. and be limited

- to two (2) hours in length unless a majority of council votes to extend the meeting. A second study session may be scheduled on an as needed basis.
- b. No final action may be taken at a study session. Decisions on those issues will be scheduled for a regular or special Council meeting.
 - c. A special study session may be called by the Mayor or by a majority of the members of the City Council.
- 3.3 If any Monday on which a meeting is scheduled falls on a legal holiday, the regular meeting or study session shall be held on the next business day at the same time and place.
- 3.4 Special. Any Council meeting other than the regular Council meeting, which has been called for the purpose of conducting official action. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. A special Council meeting may be scheduled by the Mayor or by a majority of the members of the City Council.
- 3.5 Emergency. A special Council meeting called without 24-hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, by reason of fire, flood, earthquake or other emergency, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided under RCW 42.30.070. The minutes will indicate the reason for the emergency.
- 3.6 Executive Session. A Council meeting that is closed except to the Council, Mayor, City Administrator, City Attorney, authorized staff members, and/or consultants authorized by the Mayor or City Administrator. The public is restricted from attendance. Executive Sessions may be held during regular or special Council meetings, or as separate meetings, and will be announced by the Mayor. Executive Session topics are limited to considering matters relating to the sale or acquisition of real property, publicly bid contract performance, complaints or charges against public officers or employees, personnel matters, labor negotiations, litigation, and other matters authorized by RCW 42.30.110 or RCW 42.30.140.
- a. Before convening an Executive Session, the Mayor shall announce the purpose of the meeting and the anticipated time the session will be concluded. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain.
 - b. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene for taking action.
- 3.7 The City Clerk will keep an account of all proceedings of the Council in accordance with the statutory requirements, along with summaries of Council action and

committee activities, and will be entered into a minute book constituting the official record of the Council.

Section 4. Order of Regular Council Meeting Agenda

- 4.1 Call to Order. The Mayor calls the meeting to order.
- 4.2 Pledge of Allegiance. The Mayor, and at times invited guests, will lead the flag salute.
- 4.3 Roll Call. Mayor shall indicate any Councilmember who is not in attendance and whether the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.
- 4.4 Consent Agenda. Consent Agenda items are considered to be routine and non-controversial and are approved by one motion. Items on the Consent Agenda include, but are not limited to, minutes, business claims, approval of payment of contracts, bid awards, and previously authorized agreements. Any Councilmember may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent Agenda has been considered, the item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to Council Committee or to another meeting.
- 4.5 Citizen Comments. Members of the audience may comment on items relating to any matter. Comments may be limited to three (3) minutes at the discretion of the Mayor. No speaker may convey or donate his or her time for speaking to another speaker. A "citizen comment sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to address the Council. Citizens may also comment on individual agenda items during any regularly scheduled Council meeting prior to the Council's deliberation and placement of the item on the table for Council action. These agenda items include, but are not limited to, ordinances, resolutions, and Council business issues. These comment times are limited to three minutes.
If many people wish to speak to a particular issue, Council may choose:
 - 1) To limit the total amount of time dedicated to that single issue; and/or
 - 2) continue the time for visitor comments on that issue to a future Council meeting;
 - 3) In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed.
 - 4) Groups that desire to designate a spokesperson shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the City Clerk. A copy of the document will be provided to each Councilmember; the document will not be read aloud.

- 4.6 Proclamation/Presentations. A proclamation is defined as an official declaration made by either the Mayor or City Council. Other special presentations by citizen groups or outside agencies that make requests to present information on issues of interest to the City may also be scheduled at this time.
- 4.7 Public Hearings. Public Hearings are held to receive public comment on important issues and/or issues requiring a public hearing by state statute or City of Milton ordinances. The Mayor will state the public hearing procedures at the beginning of the public hearing. A "public hearing sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to give testimony. Citizens wishing to give testimony will follow the same procedure as for "Citizen Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.
- 4.8 Agenda Bills. Agenda bills are the forms used for submitting issues to the Council for action. The agenda bill will include the subject matter (title for agenda), action required, budget information (if applicable), summary statement, and recommended motion. The Council may use the agenda bill "recommended motion" language for making a motion. The City Clerk will be responsible for assigning a number to the agenda bill.
 - a. Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five (5) days after publication in the City's official newspaper pursuant to RCW 35A.12.160.
 - b. Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.
- 4.9 Executive Session. An Executive Session held before, during, or after a Council meeting is a discussion that is closed to the public and attended only by the Council, Mayor, City Administrator, City staff, and/or consultants authorized by the Mayor or City Administrator. The Executive Session will be announced by the Mayor for a time certain. At the conclusion of the Executive Session, if appropriate, the Council may reconvene to act or adjourn.

- 4.10 Announcements/Reports. Announcements and reports made by the Mayor, Councilmembers, City Administrator and Department Directors.
- a. The Mayor makes announcements of upcoming meetings and events, and reports on meetings and events in which he/she has participated.
 - b. Councilmembers make announcements of upcoming meetings and events and report on Council Committee meetings, and other meetings and events in which they have participated.
 - c. Staff reports are made to the Council by the City Administrator and Department Directors on issues of interest to the Council which do not require Council action.
- 4.11 Mayor/Council Comments. Comments made by the Mayor and Councilmembers on various issues and/or activities of interest.
- 4.12 Adjournment. The Mayor shall adjourn the Council meeting upon proper motion and approval by the Council.

Section 5. Agenda Preparation

- 5.1 The City Clerk will prepare an agenda packet for each Council meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the Mayor or his or her designee.
- 5.2 Agenda items will be completed by the appropriate department staff and submitted to the City Clerk for finalizing by 12:00 p.m. the Tuesday prior to the following Monday Council meeting. The "agenda bill" form will be used for all items submitted for a regular or special Council meeting agenda. Items submitted for a study session agenda will include a cover memo briefly explaining the issue being discussed. Agenda packets will be ready for distribution to the Council by 5:00 p.m. Thursday prior to the following Monday's Council meeting.
- 5.3 An item may be placed on a Council meeting agenda by any of the following: 1) the Mayor; 2) the City Administrator, or 3) any two or more Councilmembers. The City Administrator and staff will ensure Councilmembers are provided enough information to make decisions.
- 5.4 Any item may be placed on a regular Council meeting agenda, after the agenda is closed and the notice prepared, by the Mayor, City Administrator, or a Councilmember with an explanation of the necessity and a majority vote of the Council.

- 5.5 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time.
- 5.6 The City Clerk will prepare and keep current a calendar of agenda items for all Council regular and special meetings and study sessions. The City Clerk will also prepare and keep current a calendar of all Mayor and Council meetings.
- 5.7 The City Clerk will endeavor to schedule enough time between public hearings and other scheduled items, so the public is not kept waiting an excessive amount of time and so the Council will have enough time to hear testimony and to deliberate matters among themselves.
- 5.8 Legally required and advertised public hearings will have a higher priority over other scheduled agenda items which have been scheduled by convenience rather than for statutory or other legal reasons.
- 5.9 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

Section 6. Council Discussion

- 6.1 Robert's Rules of Order. On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in the current edition of *Robert's Rules of Order* shall serve as a guide.

Section 7. Comments, Concerns and Testimony to Council

- 7.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes.

All remarks will be addressed to the Council as a whole. Any person making impertinent or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.

- 7.2 The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.
- 7.3 Citizens with complaints, concerns, or questions will be encouraged to refer the matter to the Mayor or City Administrator or ask that the matter be placed on a

future City Council meeting or Council Committee meeting agenda with the appropriate background information.

Section 8. Motions/Voting

- 8.1 If a motion does not receive a second, it dies. Motions that do not need a second include nominations, withdrawal of a motion, agenda order, request for a roll call vote, and point of order.
- 8.2 A motion that receives a tie vote is deemed to have failed.
- 8.3 Motions shall be clear and concise and not include arguments for the motion within the motion.
- 8.4 After a motion and a second, the Mayor will state the names of the Councilmembers making the motion and second.
- 8.5 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 8.6 After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote. Further citizen comments may be heard when there is a motion and a second on the floor only upon approval by a majority of the Council.
- 8.7 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 8.8 A motion to table is not debatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue. If an item is tabled, it **cannot be** reconsidered at the same meeting.
- 8.9 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered later at the same meeting or at a time certain at a future regular or special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to reconsider received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3)

vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.

- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting language in the motion.
- 8.13 A “friendly” motion to amend the original motion may be authorized only by the acceptance of the maker and the second of the original motion.
- 8.14 The motion maker, Mayor, or City Clerk shall repeat the motion prior to voting.
- 8.15 Each member present shall vote on all questions put to the Council except on matters in which he/she has been disqualified for a conflict of interest or under the appearance of fairness doctrine.
- 8.16 A councilmember must be present at a Council meeting to vote on any ordinance, resolution, contract, issue, or order of business of the Council. No member shall be allowed to vote if they are not present at the Council meeting.
- 8.17 Any Councilmember present who fails to state his/her vote without a valid disqualification shall be declared to have voted in the affirmative on the question, except that an abstaining Councilmember still creates a quorum. If an action, however, requires a favorable vote by a majority of the whole membership, an abstaining vote shall be counted separately.
- 8.18 In situations where an abstaining Councilmember may need to abstain from voting because of possible violation of the appearance of fairness doctrine, the challenged Councilmember can still participate in the event that abstention would cause a lack of a quorum or result in a failure to obtain a majority vote as required by law if he/she publicly discloses the basis for disqualification prior to rendering a decision.
- 8.19 The City Clerk shall, in random rotation, take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law. No Councilmember shall pass when called upon during the roll call vote.
- 8.20 At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. The City Clerk may confirm the results.
- 8.21 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be in order except at the following regular meeting.
- 8.22 All cases not provided for in these policies and procedures shall be guided by the current edition of *Roberts Rules of Order*. In the event of a conflict, these Council policies and procedures shall prevail.

Section 9. Ordinances

- 9.1 All ordinances shall be reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by the Mayor, City Administrator, City Attorney, City staff, Council Committee, or a majority vote of the Council.
- 9.2 Ordinances will be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda.
- 9.3 The Mayor or City Clerk shall read the title of the ordinance prior to voting.
- 9.4 Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 9.5 Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 9.6 An ordinance becomes effective five (5) calendar days after the publication of the ordinance or ordinance summary unless otherwise specified.
- 9.7 Ordinances shall reflect the date of first reading, date of adoption, date of publication, and effective date.
- 9.8 There shall be one reading of an ordinance prior to any action and adoption by the Council, unless a second reading is required by state statute, city code or on matters pertaining to: a) land use regulations; b) imposing taxes, fees, charges, penalties, assessments; c) comprehensive plans, and d) budgets and levies.

Section 10. Mayor and Mayor Pro Tempore

- 10.1 The presiding officer at all meetings of the Council shall be the Mayor, and in the absence of the Mayor, the Mayor Pro Tempore shall act in that capacity. If both the Mayor and Mayor Pro Tempore are absent, the Councilmembers present shall elect one of their members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tempore.
- 10.2 The Presiding Officer will:
 - a. Preserve order and decorum in the Council Chambers.
 - b. Observe and enforce all policies and procedures adopted by the Council.
 - c. Decide all questions on order, in accordance with these policies and procedures, subject to appeal by any Councilmember.

- d. Change order of council meeting agenda
 - e. Recognize Councilmembers in the order in which they request the floor.
- 10.3 Challenge to Ruling of Presiding Officer. Notwithstanding anything herein contained, including *Robert's Rules of Order*, to the contrary, any member of the Council shall have the right and privilege to challenge any ruling of any kind made by the presiding officer at any Council meeting, in which case the approval or disapproval of the ruling of the chair shall immediately and without debate or comment be put to a vote of the Council, and the decision of the majority of the members of the Council then present, shall prevail.

Section 11. Council Relations with Staff

- 11.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- 11.2 City staff shall acknowledge the Council as policymakers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.
- 11.3 Councilmembers shall not attempt to influence City staff in the selection or retention of personnel, awarding of contracts, election of consultants, processing of development applications, or granting of City licenses or permits.
- 11.4 Councilmembers shall not attempt to interfere with the administration or internal operation and practices of any City department.
- 11.5 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives.
- 11.6 The City Clerk shall not open mail addressed to individual Councilmembers.
- 11.7 No Councilmember shall direct the City Administrator or staff to initiate any action or prepare any report that is a priority or requires significant resources or initiate any project or study without the consent of a majority of the Council.
- 11.8 Individual requests for information can be made directly to the Department Director unless otherwise determined by the Mayor or City Administrator . If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator.

Section 12. Council Meeting Staffing

12.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Administrator has an excused absence, a designated Acting City Administrator, shall attend the meeting.

12.2 The City Attorney shall only attend those regular Council meetings as requested by the Mayor, City Administrator or majority of Councilmembers and shall, upon request, give an opinion, either written or oral, on legal questions.

The City Clerk shall act as the Council's parliamentarian. An Acting City Clerk shall attend meetings when the City Clerk is absent.

12.3 The City Clerk, or designee, shall attend regular and special meetings of the Council and keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting. The City Clerk need not attend Council study or work sessions, although the City Clerk shall ensure that these sessions are recorded, and final minutes prepared.

Section 13. Councilmember Attendance at Meetings

13.1 Councilmembers will inform the Mayor, City Administrator or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting.

Any Councilmember who has three consecutive unexcused absences from regular council meetings shall be subject to removal from office.

Section 14. Media Representation at Council Meetings

14.1 All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

Section 15. Council Representation

15.1 If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clearly states these statements do not represent the Council's position.

- 15.2 Individual Councilmembers shall refrain from preparing any written document or publication that represents or appears as an official City document or communication coming from the City Council.

Section 16. Confidentiality

- 16.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive session to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of executive session when the information is exempt from disclosure under exemptions set forth in the Revised Code of Washington.
- 16.2 If the Council, in executive session, has given direction to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated city staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney or City staff designated by the City Administrator or Mayor, Councilmembers should review such potential discussion with the City Administrator or Mayor. Any Councilmember having any such contact or discussion shall make full disclosure to the Mayor, City Administrator, and/or the City Council in a timely manner.

Section 17. Conflict of Interest

- 17.1 City Councilmembers and Mayor shall not, either directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source for any matter connected with or related to services as a Councilmember or Mayor.
- 17.2 City Councilmembers and Mayor shall excuse themselves from consideration of any proceeding in which they have a direct or indirect interest. Examples of such interest include a Councilmember or Mayor as an applicant or property owner for a permit, a Councilmember or Mayor as a partner in a corporation or partnership involved in a permit or property ownership with a parcel subject to a land use permit, involvement as tenant, or resident in a structure subject to a land use permit. If such conflict exists, the affected Councilmember or Mayor shall excuse themselves and leave the Council Chambers prior to any briefing, hearing, discussion, or other consideration of the issue.

Section 18. Quasi-judicial Hearing

- 18.1 The appearance of fairness doctrine applies to quasi-judicial hearings, not legislative hearing. Council decision on a quasi-judicial matter shall be based on

and supported by the “record” in that matter. The “record” consists of all testimony or comments presented at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered. All documents, including maps, drawings, and staff reports, should be admitted as numbered exhibits during the public hearing. All quasi-judicial hearings shall be recorded. Quasi-judicial hearing will be conducted in conformance to procedures outlined in other ordinances, such as the hearing examiner ordinance. Those who desire to comment or testify before the Council at the hearing shall be sworn in prior to presenting comments or testimony. Deliberations on a quasi-judicial matter can occur following the public hearing or at some other time. Deliberations and eventual decision shall fall within any applicable statutory timelines. Comments from the audience are not permitted during open meeting deliberations.

- 18.2 Appearance of Fairness: Prior to the start of a quasi-judicial public hearing, the chair will ask if any councilmember has an appearance of fairness doctrine concern, which could prohibit the councilmember from participating in the public hearing process. A councilmember who refuses to step down after challenge, upon the advice of the city attorney and after a ruling by the majority of the remaining members of the council that the member in question should step down, is subject to censure. A councilmember who has stepped down shall not participate in the council decision or vote on the matter. The councilmember shall leave the council chambers while the matter is under consideration.
- 18.3 Comments in violation of the appearance of fairness doctrine: The chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the council, boards, agency, or commissions. Such comments should be made only at the hearing on a subject matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear the public hearing on the matter and present their comments.

Section 19. Public Records

- 19.1 Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether a document is a public record or if it is required to be retained should be referred to the City Clerk or City Attorney.

Section 20. Mayor Pro Tempore Selection Process

- 20.1 The Mayor Pro Tempore shall be elected to a one (1) year term at the first Regular Council meeting in January of each year. The Mayor shall conduct the election for the Mayor Pro Tempore.

- 20.2 The appointment shall be done by the approval of a motion of the City Council as follows:
- a. Any Councilmember may nominate an incumbent councilmember for appointment as Mayor Pro Tem. It is the stated policy of the City Council that the nominated councilmember shall have been elected through the election process and has served one year on Council.
 - b. Nominations do not require a second.
 - c. After all nominations have been received, the Mayor shall close the nominations.
 - d. Candidates shall be voted in the order that the nominations were received.
 - e. A Councilmember who is nominated shall not vote for him/herself for this position.
 - f. As soon as one candidate receives a majority vote, the Mayor shall declare the nominee appointed Mayor Pro Tem, and there is no vote on the remaining candidates.

Section 21. City Council Committees

- 21.1 The following City Council Committees are hereby formed:
- a. Finance Committee, and
 - b. Public Works/Community Development/Public Safety
- 21.2 In addition to its standing committees, the council may establish Ad Hoc committees from time to time at its discretion to address specific issues.
- 21.3 Each committee shall have a membership of three (3) Councilmembers with one of the Councilmembers serving as Chair.
- 21.4 The City Council shall appoint the member to each Council Committee. The Committee Chair shall be appointed by the members of the Committee.
- 21.5 Membership of each Committee shall be for a one (1) year term and reviewed annually. Membership will be determined by deliberation of the full Council arrival at consensus or by majority vote.
- 21.6 Committee Work Programs and Agendas
- a. The Council Committee shall, with staff support, study issues and make recommendations to the full Council for action. The Committee shall not have the authority to restrict items from moving forward to Council meetings.

- b. Committee Chairs shall work with the department director(s) and/or City Administrator by being a key communication link between the Council Committee and administration on emerging issues and status of city business activities. Committee Chairs shall provide reports on Committee issues to the full Council on a regular basis.
- 21.6 No member of City Council may serve on a City of Milton board and/or commission. This includes Planning Commission, Events Committee, Park Board, Police Volunteer, and/or Civil Service.

Section 22. Appointments to Regional Organizations

- 22.1 Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: 1) the regional committee may request recommendations for ultimate appointment by the regional committee; or 2) the City may make direct appointment to a regional committee when asked to do so by that body.
- a. Any Councilmember may express an interest in a subject and interest in serving on a particular regional body.
 - b. Council Committee membership shall not limit a Councilmember's interest in serving on a particular regional body.
 - c. When a regional body requests membership recommendation where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest in appointment. All names shall be submitted by the Mayor to the regional body which will then make the appointment(s) subject to confirmation by the Council.
 - d. When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Mayor or Councilmember receiving a majority vote will represent the City on that regional body.
 - e. Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.
- 22.2 When the Mayor and/or Councilmembers register to attend an official conference requiring voting delegates, such as the Association of Washington Cities, the Council shall designate the voting delegate(s) and alternative voting delegate(s) during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

Section 23. Travel and Training Expenses

- 23.1 The City Council shall be bound by the city’s travel policy and the policies and procedures as established herein or by other resolution concerning travel authorization and reimbursement for travel-related expenses.
- 23.2 Each member of the City Council shall be limited to discretionary travel and trainings expenses by the budgeted amount set each year by the City Council during the annual budget adoption process.
- 23.3 No member of the City Council shall attend training during the last year of his or her term in office.

Section 24. Suspension and Amendment of Rules

- 24.1 Any provision of these rules not governed by State law or ordinance may be suspended by a majority vote of the Council.
- 24.2 Amendments to Rules. Amendments to these rules shall be made by resolution of the Council, which must be laid over at least one week, and may then be made by a majority vote of the membership of the City Council. After such proposed amendments have been laid over for one week, they may be amended, added to, or deleted, and adopted at the same or a subsequent session of the Council.

PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this 17th day of August 2020.

Shanna Styron Sherrell, Mayor

Attest:

Trisha Summers, City Clerk



Agenda Item #3C

To: Mayor Styron Sherrell and City Council Members
From: Michelle Robbecke, Finance Director
Date: August 10, 2020
Re: **Milton Community Building Lease Agreement - East Pierce Fire & Rescue**

ATTACHMENTS: Milton Community Building Lease Agreement

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Recommended Motion: *To be taken at the August 17th meeting* “I move to approve the attached Lease Agreement with East Pierce Fire & Rescue, detailing the terms and conditions by which the Milton Community Building will be utilized, and authorize the Mayor to execute said agreement.”

Financial Impact: The City will realize an increase in General Fund revenues with the execution of this lease agreement. The total annual rent to be received is \$8,174, with a provision for annual increases equal to the Consumer Price Index. This amount exceeds the revenue collected from rental of the Community Building in previous years. In addition, all utility expenses as well as janitorial and routine maintenance of the property will be assumed by East Pierce Fire & Rescue for the term of this lease.

Issue: East Pierce Fire & Rescue has a temporary need for additional space during construction of a new fire station and has expressed an interest in rental of the Community Building through August 31, 2022.

Discussion: The City has negotiated an agreement amendable to both parties relating to the use and associated rent for the Community Building. The amount negotiated was determined by utilizing the rate per square foot currently charged to East Pierce Fire & Rescue for use of the fire station building. This lease agreement will provide the City with a consistent revenue stream, and the amount to be received exceeds the annual revenue collected from short-term rentals of the building in previous years. In addition, all utility expenses as well as janitorial and routine maintenance of the property will be assumed by East Pierce Fire & Rescue for the term of this lease.

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Lease Agreement

IN CONSIDERATION of the rents and covenants hereinafter set forth, Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the following described leased Premises on the terms and conditions set forth in this Lease Agreement, hereinafter referred to as the "Lease."

FUNDAMENTAL LEASE PROVISIONS

PREMISES: The premises is the Milton Community Building and adjacent parking lot identified on Attachment "1" of approximately 1,879 SF of space and located at 1400 15th Avenue, City of Milton, State of Washington 98354. The premises includes the real property on which the Milton Community Building is located and legally described as:

SECTION 04 TOWNSHIP 20 RANGE 04 QUARTER 32 MILTON HEIGHTS 2ND: MILTON HEIGHTS 2ND L 17 THRU 20 B 5 TOG/W PART OF ALLEY VAC & SUBJ TO EASE (OLD COMMUNITY BLDG GOUND 1-"H") (DCWJES8-9-83)

LANDLORD: City of Milton, a Washington municipal corporation, by Office of the Mayor, 1000 Laurel Street, Milton, WA 98354.

TENANT: East Pierce Fire and Rescue, a Special Purpose Fire District of the State of Washington, by Chair of the Board of Commissioners, East Pierce Fire and Rescue, 18421 Veterans Memorial Drive East, Bonney Lake, WA 98391.

LEASE TERM: September 1, 2020 through August 31, 2022, unless sooner terminated upon the giving of 90 days' advance written notice by either Party to the other or extended by written amendment.

TENANT EXPENSES: Tenant to pay any leasehold excise tax on base rent and the janitorial and routine maintenance of the Premises, including but not limited to landscaping, HVAC and structural maintenance, and all utility expenses associated with the Premises for the term of this Lease.

LANDLORD EXPENSES: Landlord shall pay for building and casualty insurance.

DATE OF POSSESSION: At Lease Commencement.

BEGINNING MONTHLY RENT: \$681.14

USE OF LEASED PREMISES: District Fire Station.

GENERAL PROVISIONS:

1. **Use:** Tenant shall have the right to use the Premises only for the purpose expressly set forth in the Fundamental Lease Provisions and for no other purpose.
2. **Term:** The Term of this Lease is as set forth in the Fundamental Lease Provisions.

3. Rent: Tenant shall pay to Landlord, without prior demand, deduction or set off, as follows:
 - 3.1. \$681.14 per month for the first four (4) months. The monthly rent shall increase annually on the first day of January by an amount equal to the change in the June Consumer Price Index for All Urban Consumers (CPI-U), Seattle-Tacoma-Bellevue, for the previous year.
 - 3.2. Rent is due on or before the 15th day of the month.
 - 3.3. Any installment of Rent or other sums due Landlord not received by Landlord within Five (5) days of the due date for the payment shall constitute a late payment. A late payment charge of two-hundred and fifty (\$250.00) Dollars shall be assessed. Acceptance of any such late charge by Landlord shall not constitute a waiver of Tenant's default with respect to such overdue amount.
4. Assignment and Subletting: This lease is specific to the Tenant and Tenant shall not have the right to assign, mortgage, or hypothecate this Lease or permit use of the Premises by any person(s) entity or sublet all or any part of the Premises without Landlord's prior written consent. Landlord's written consent shall not be unreasonably withheld. Any assignment by Tenant shall not release Tenant from its primary liability under this Lease.
5. Conduct of Business: Tenant shall promptly comply with all laws, ordinances, orders and regulations affecting the leased Premises and the building in which the same are situated. Tenant shall not perform any acts or carry on any practices that may injure adjoining Tenants or be a menace or nuisance to other persons or businesses in the area or disturb the quiet enjoyment of any person. Tenant shall not commit or allow to be committed any waste in or upon the Premises or allow the Premises to be used for any improper, immoral, unlawful or objectionable purpose.
6. Indemnification and Hold Harmless: The Parties agree to indemnify, defend and hold harmless the other from any and all claims arising from the individual Party's use of the Premises or from the conduct of its business or from any activity, work or things which may be permitted or suffered by the Party in or about the Premises. The Tenant shall further indemnify, defend and hold Landlord harmless from and against any and all claims arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the provisions of this Lease or arising from any negligence of Tenant or any of its agents, contractors, employees or invitees, and from any and all costs, attorney's fees, expenses and liabilities incurred in the defense of any claims or any action or proceeding brought thereon. Tenant hereby assumes all risk of damage to property or injury to persons on the Premises from any cause, and Tenant hereby waives all claims in respect thereof against Landlord, excepting wherein said damage or injury arises out of Landlord's negligence.
7. Insurance: The Lessee shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Lessee's operation and use of the leased Premises.
 - 7.1. No Limitation. Lessee's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Lessee to the coverage provided by such insurance, or otherwise limit the Landlord's recourse to any remedy available at law or in equity.

7.2. Minimum Scope of Insurance. Lessee shall obtain insurance of the types described below:

7.2.1. Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover Premises and contractual liability. The City shall be named as an insured on Lessee's Commercial General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or a substitute endorsement providing equivalent coverage.

7.2.2. Property insurance shall be written on an all risk basis.

7.3. Minimum Amounts of Insurance. Lessee shall maintain the following insurance limits:

7.3.1. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.

7.3.2. Property insurance shall be written covering the full value of Lessee's property and improvements with no coinsurance provisions.

7.4. Other Insurance Provisions. The Lessee's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respects the Landlord. Any Insurance, self-insurance, or insurance pool coverage maintained by the Landlord shall be excess of the Lessee's insurance and shall not contribute with it.

7.4.1. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

7.4.2. Verification of Coverage. No later than ten (10) business days after execution of this Agreement by the Parties, Lessee shall furnish the Landlord with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Lessee.

7.4.3. Waiver of Subrogation. Lessee and Landlord hereby release and discharge each other from all claims, losses and liabilities arising from or caused by any hazard covered by property insurance on or in connection with the Premises. This release shall apply only to the extent that such claim, loss or liability is covered by insurance.

7.4.4. Landlord's Property Insurance. Landlord shall purchase and maintain during the term of the lease all-risk property insurance covering the Premises for its full replacement value without any coinsurance provisions.

7.4.5. Notice of Cancellation. The Lessee shall provide the Landlord with written notice of any policy cancellation, within two business days of its receipt of such notice.

7.4.6. Failure to Maintain Insurance. Failure on the part of the Lessee to maintain the insurance as required shall constitute a material breach of this lease Agreement, upon which the Landlord may, after giving five (5) business days' notice to the Lessee to correct the breach, terminate the Lease or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so

expended to be repaid to the Landlord on demand or through collection procedures as authorized by law.

7.4.7. City Full Availability of Lessee Limits. If the Lessee maintains higher insurance limits than the minimums shown above, the Landlord shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Lessee, irrespective of whether such limits maintained by the Lessee are greater than those required by this contract or whether any certificate of insurance furnished to the Landlord evidences limits of liability lower than those maintained by the Lessee.

8. Care and Surrender of Premises: Tenant has examined the Premises and accepts them in their present condition “as is” and will at all times keep the Premises in a neat, clean and sanitary condition. Tenant agrees to repair any damage to the Premises arising from removal or relocation of its equipment fixtures or personal property.

9. Alterations or Improvements:

9.1 Alterations. Tenant may make any alterations, additions, renovations or improvements in or to the Premises, provided the Tenant first obtains the written consent of the Landlord; and further provided, all Landlord-approved alterations shall be at the sole cost and expense of Tenant and, at Landlord's option, shall either: (A) immediately become a part of the real property and belong to Landlord without payment of any consideration and shall remain in and be surrendered with the Premises as a part thereof at the expiration or sooner termination of this Lease or (B) any alterations, additions, renovations or improvements shall be removed at the Lease termination and the leased Premises shall be returned to the original state prior to commencement of this Lease.

9.2 Exterior Storage. Tenant agrees it will not store vehicles, material, equipment, or other items outside property boundaries. Tenant will not obstruct the use of parking at the Milton Community Building. Tenant agrees that no hazardous materials will be stored in, on or about the leased Premises. Landlord agrees to allow Tenant to construct an exterior storage unit to house a medic truck, which will include electricity, subject to the City’s permit process.

9.3 Indemnification. Tenant agrees to indemnify and hold Landlord and its employees free and harmless from, and against, any and all damage, injury, loss, liens, cost and/or expenses (including attorneys’ fees) arising, claimed or incurred by reason of such alterations even if such alterations have been approved by or supervised by Landlord, its agents or contractors.

10. Mechanic's Liens: Tenant agrees to keep all of the leased Premises and every part thereof free and clear from any and all mechanic's, materialman's and other liens for work or labor done, services performed, materials, appliances, transportation or power contributed, used or furnished to be used in or about the leased Premises to or on the order of Tenant, and at all times Tenant shall promptly and fully pay and discharge any and all claims upon which any such lien may or could be based. No liens of any character whatsoever created or suffered by Tenant shall in any way, or to any extent, affect

the interest or rights of Landlord in any buildings or other improvements on or about the leased Premises, or attached to or affect Landlord's title to or rights in the leased Premises.

11. Fire and Casualty Damage: If the leased Premises are damaged by fire or casualty, but are not rendered untenable in whole or in part, Landlord shall have the option to cause such damage to be repaired from the insurance proceeds paid pursuant to such damage and the rent shall not be abated. If by reason of such occurrence or occurrences the leased Premises shall be rendered untenable either in whole or in part, Landlord likewise shall have the option to cause the damage to be repaired, in which case the Minimum Monthly Rent provided hereunder shall be abated proportionately as to the portion of the leased Premises rendered untenable. In the event the destruction of the Premises is to an extent of ten (10%) percent or more of the full replacement cost then Landlord shall have the option; (1) to repair or restore such damage, this lease continuing in full force and effect but the rent to be proportionately reduced as hereinabove in this paragraph provided; or (2) to give notice to Tenant at any time within sixty (60) days after such damage terminating this Lease as of the date specified in such notice, which date shall be no more than thirty (30) days after the giving of such notice. Landlord shall not be required to repair any injury or damage by fire or other cause or to make any repairs or replacements of any leasehold improvements, fixtures or other personal property of Tenant. In no event shall Landlord be liable to make repairs costing in excess of the insurance proceeds paid to Landlord as a result of the damage or destruction.
12. Default: If Tenant shall default in the payment of any rent or charge or sum of money due and such default shall continue for a period of five (5) days after written notice thereof from Landlord, or if Tenant shall default in the performance or observance of any other term, covenant, agreement or obligation of this Lease to be performed or observed by Tenant, and such default shall continue for a period of ten (10) days after written notice thereof by Landlord, then Landlord shall have, in addition to any other remedies available at law, without further notice to Tenant and without barring later election of any other remedy, any one or more of the following remedies at Landlord's election:
 - 12.1 Landlord may require strict performance of all the terms, covenants, agreements and obligation, hereof, as the same shall accrue, and have the right of action therefore; or
 - 12.2 Landlord may reenter the leased Premises, with process of law, eject all parties in possession thereof there from, and without terminating this Lease, relet the leased Premises or any part thereof, or parts thereof, for the account of Tenant, or otherwise, and receive and collect the rents thereof; or
 - 12.3 By written notice to Tenant, Landlord may declare this Lease at an end, reenter the leased Premises by process of law, eject all parties in possession thereof there from, in which event Landlord shall have the right to recover from Tenant all damages it may incur by reason of such default.
 - 12.4 All rights and remedies of Landlord herein enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law, or equity. Landlord and Tenant further agree that in the event Tenant breaches this Lease or any covenant, term or condition hereunder, and abandons the leased Premises, or any portion thereof, this

Lease shall continue in force and effect so long as Landlord does not terminate Tenant's right to possession, as set forth in this Lease. Acts of maintenance or preservation, or efforts to relet the leased Premises, or the appointment of a Receiver upon the initiation of the Landlord to protect the Landlord's interest under this lease shall not constitute a termination of Tenant's right to possession. If Landlord at any time, by reason of Tenant's default, pays any sum or does any act that requires the payment of any sum, or if Landlord incurs any expense, including attorney fees, in instituting proceedings, or defending any action or proceeding instituted by reason of any default of Tenant hereunder, the sum or expense paid by Landlord, with all interest, costs and damages, shall be due immediately from Tenant to Landlord at the time the same is paid, and if not so immediately paid by Tenant, shall bear interest at the rate of one percent (1%) per month or fraction thereof.

13. Holdover: This Lease shall terminate and shall become null and void without further notice upon the expiration of the term, or sooner as specified herein. If Tenant shall hold over for any period after the expiration of said Term, Landlord may, at its option, exercised by written notice to Tenant, treat Tenant as a Tenant from month-to-month commencing on the first day following the expiration of this Lease, subject to the terms and conditions herein contained, except that the Rent, which shall be payable in advance monthly, shall be equal to the amount of said monthly Rent applicable at the date of expiration, together with all additional rents, costs, expenses and other rental adjustments herein called for.

14. Rights Reserved by Landlord:

14.1. Tenant agrees to permit Landlord or the authorized representative of Landlord to enter the leased Premises at all reasonable times during usual business hours for the purposes of: (a) inspecting the same, (b) making such repairs or reconstruction required or permitted by Landlord; and (c) performing any work therein that may be necessary by reason of Tenant's default under the terms of this Lease, without prior written notice thereof to Tenant.

14.2. Landlord is hereby given the right during usual business hours to enter the leased Premises and to exhibit the same for purposes of sale, lease or mortgage, and during the last TWO (2) months of the Term of this Lease, to exhibit the same to any prospective tenant.

15. Loss and Damage: Landlord shall not be liable for any damage or theft to property of Tenant, or of others located on the leased Premises. Landlord shall not be liable for any injury or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, water, rain or leaks from any part of the leased Premises or from the pipes, appliances or plumbing works or from the roof, street or subsurface, or from any other place or by dampness or by any other cause of whatsoever nature unless due to the willful negligence of Landlord. Landlord shall not be liable for any such damage caused by other Tenants or persons in the leased Premises, occupants of adjacent property, of the building, or the public, or caused by operations in construction of any private, public

or quasi-public work unless due to the willful negligence of Landlord. Landlord shall not be liable for any latent defect in the leased Premises unless due to the willful negligence of Landlord. All property of Tenant kept or stored on the leased Premises shall be kept or stored at the risk of Tenant.

16. Miscellaneous Provisions:

- 16.1. Lease Binding on Successors. The covenants and agreements herein contained shall bind and inure to the benefit of Landlord and Tenant, and each of their heirs, personal representatives, successors and assigns, subject to the provisions of this Lease.
- 16.2. Attorney Fees. In the event that legal proceedings are brought or commenced to enforce the terms of this Lease, the prevailing party shall be entitled to recover from the other party all costs and expenses of such proceedings, including its actual attorneys' fees, whether or not any proceedings are prosecuted to judgment. Any causes of action are to be brought in Pierce County, Washington.
- 16.3. Notices. Any notice or demand required or permitted by law or by any of the provisions of this Lease shall be in writing. All notices or demands shall be deemed to have been properly given when served personally on the Tenant/Landlord or when sent by registered or certified mail, postage prepaid, addressed to the address set forth in the Fundamental Lease Provisions.
- 16.4. Partial Invalidity. If any term, covenant or condition of this Lease shall be invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and each term, covenant or condition of this Lease shall be valid and enforced to the fullest extent permitted by law.
- 16.5. Agreements in Writing. It is understood that there are no oral agreements between the Parties hereto affecting this Lease, and this Lease supersedes and cancels any and all previous negotiations, arrangements, brochures, agreements and understandings, if any, between the Parties hereto or displayed by Landlord to Tenant with respect to the subject matter thereof, and none shall be used to interpret or construe this Lease. It is further agreed by and between the Parties hereto that there shall be no modification or amendment of this Lease, except as may be executed in writing between all Parties hereto.
- 16.6. Headings and Captions. The headings or captions of paragraphs in this Lease are for convenience and reference only, and they in no way define, limit or describe the scope or intent of this Lease or the provision of such paragraphs.
- 16.7. Time. Time is hereby expressly declared to be of the essence of this Lease and of each and every covenant, term, condition and provision hereof.
- 16.8. Performance and enforcement of this Lease. Any proceedings regarding this Lease shall be in Pierce County, Washington.

IN WITNESS WHEREOF, the Parties hereto have executed this lease as of the day and year written below.

TENANT:

LANDLORD:

**East Pierce Fire and Rescue, a special
purpose district of the State of Washington**

City of Milton, a municipal corporation

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

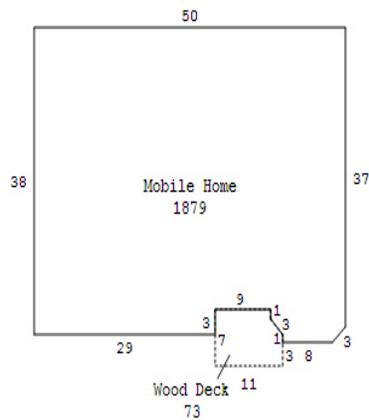
Attachment 1

Milton Community Building - 1400 15th Avenue, Milton, WA 98354



5555516049

RP# 5995200340



KJ 11/16/11

Sketch by Apex Medina™