

ORDINANCE NO. 2022-04-09

AN ORDINANCE amending a portion of the Clark County Code related to the Rules of Procedure, and Code of Conduct.

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

WHEREAS, the County Council has considered and directed the updating of the current Rules of Procedure; and

WHEREAS, the Council is considering the matter at a duly-advertised public hearing and concludes that adoption will further the public health, safety, and welfare; now, therefore,

BE IT ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY COUNCIL, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Amendatory. Exhibit “A”, as referenced in CCC 2.09.040, as adopted by Ordinance 2017-08-09 and amended by Ord. 2019-05-01, is hereby amended per Exhibit “A” attached to this ordinance. Exhibit “A” is not to be recorded in the Clark County Code.

Section 2. Effective Date. This ordinance shall be effective on the 10th day following adoption.

Section 3. Instructions to Clerk. The Clerk of the Council shall:

- A. Record a copy of this Ordinance with the Clark County Auditor.
- B. Cause notice of adoption of this Ordinance to be published forthwith, pursuant to Clark County Code 1.02.140.
- C. Provide a copy of this Ordinance to Code Publishing.
- D. Ensure a copy is available on the County website.

Section 4. Roll Call Vote. The following persons voted in favor of the above ordinance: Temple Lentz; Gary Medvigy; Karen Dill Bowerman.

The following persons voted in opposition to the above ordinance: no one.


ADOPTED on this 19th day of April, 2022.

Attest:



Clerk to the Council

Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

By: 
Leslie Lopez,
Deputy Prosecuting Attorney

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON


Karen Dill Bowerman, Chair

Temple Lentz, Councilor

Julie Olson, Councilor

Gary Medvigy, Councilor

Councilor District 5 (vacant)



EXHIBIT A

Clark County Council

Rules of Procedure



Revised April 19, 2022

- I. General Provisions
 - A. On Jan. 1, 2015, the Clark County Charter separated the legislative and executive powers into two branches of County government. The Charter vests the County's legislative process not reserved to the people or executive branch in the Clark County Council. See Article 2 of the Charter.
 - B. Except as otherwise provided in the Charter or RCW's these rules of procedure will govern the conduct of business of the County Council.

- II. County Council
 - A. Clark County will be governed by the Clark County Council. The Council has five (5) members. How they are elected is determined in accordance with Washington law and the Clark County Charter. The Council will comply with the Washington Open Public Meetings Act.

- III. Chair and Vice-Chair
 - A. ~~((The Councilor elected Countywide will be Council Chair.))~~ At the first regular Council meeting of each calendar year, the Council will elect one (1) of its members as Chair and will also elect one (1) of its members as vice-Chair. ~~((The Council annually will elect one (1) of its members as vice-Chair, and she or he))~~ The vice-Chair will act in the absence of the Chair.
 - B. The Chair will preside over and ensure orderly, efficient, Council meetings. The Chair, or ~~his or her~~ their designee, will be the County's spokesperson to: articulate Council policies, visions, strategies, and plans; represent the County before the governor, state legislature and other state and federal agencies; meet and greet important visitors; supervise constituent response processes for the Council as a whole; and serve as the County's lead representative at dedications, ceremonial activities, and other public events. In cases of the Chair's absence, the vice-Chair will preside at County meetings.
 - C. ~~The Council Chair will serve on all boards and commissions that require representation by two (2) or more Councilors. Otherwise, the will vote to appoint its members to serve on boards and commissions.~~
 - D. If a vacancy occurs in the office of the Council Chair or Council vice-Chair, the remaining Councilors will elect one of their own to serve ~~((the balance of the unexpired term))~~ until the next annual election of the Council Chair and Council vice-Chair at the first regular Council meeting of the following year.

- IV. Regular Meetings
 - A. The Council's regular meeting days are set in Clark County Code Chapter 2.04. Council meetings will be scheduled on Tuesdays, or other days as necessary. All meetings will be held in the six-floor Hearing Room of the Public Service Center in Vancouver, unless otherwise noted.

B. Council Time allows Councilors and staff to discuss pending matters of County business in a less formal setting. Minutes of Council Time will be taken by the County manager or his or her their designee via audio recording and uploaded to the County website at the conclusion of the meeting. Executive sessions, if needed, generally will be scheduled near the end of meetings, but may be scheduled at any other time during these meetings.

V. Special Meetings

Special Council meetings may be ~~((requested by any Councilor. The request will be addressed to the Council Chair and specify the time, place and reason for such meeting. After receiving the Chair's approval, the Clerk to the Council will immediately, but no later than 24 hours prior to the meeting, transmit written notice of the meeting to each Councilor. The clerk also will disseminate notice of the meeting, placing it on the County website and emailing it, on request, in accordance with RCW 42.30.030)), called pursuant to RCW 42.30.080.~~

VI. Quorum

A quorum is necessary for the transaction of Council business. A majority of three (3) Councilors will constitute a quorum and is the minimum number of votes required to take any action, regardless of the number of Councilors present, provided passage of ordinances, emergency ordinances and Council-initiated amendments are subject to the Charter voting requirements.

VII. Agenda, Conduct, Regular Meetings and Special ~~((Board))~~ Council Hearings

A. All Tuesday Clark County Council meeting agendas will be provided for the following order of business:

- i. Special recognition, if applicable
- ii. Pledge of Allegiance
- iii. Invocation
- iv. Bid Awards, if applicable
- v. Public Testimony on ~~((Consent and))~~ Separate Business items
- vi. Consent Agenda
- vii. Separate Business
- viii. Open Public Comment
- ix. Public hearing matters, if applicable
- x. Councilor Communications
- xi. County Manager Report
- xii. Adjourn

- B. The County Manager, or ~~((his or her))~~ their designee, is responsible for reviewing the Council meeting agenda prior to posting.
- C. Any Councilor may request an item be removed from a Tuesday consent agenda for discussion. The Council will consider that item as a separate item of business. Approval of a consent agenda is by a simple majority voice vote of the Council. ~~((C-))~~ Agendas for ~~((regular and special Council))~~ Tuesday meetings will be posted in the sixth-floor Hearing Room, placed on the County website at www.clark.wa.gov and emailed on request at least four (4) calendar days before the meeting.
- D. The County Manager has authority to place ordinances, resolutions and/or staff reports on the Tuesday meeting agenda after review of the proposed items with the Budget Director during their weekly review prior to the next regular meeting.
- E. Except as provided in Section 8.2 of the County Charter, a Councilors seeking to put an item on a Tuesday meeting agenda will take the item to the Council Chair with the support of at least one other Councilor.
- F. All ordinances will be reviewed and signed by the Prosecuting Attorney, or designee, prior to action by the Council.
- G. The form, enactment, amendment, and repeal of the Council ordinances; the nature and passage of Council resolutions; and the nature and passage of Council motions shall conform with Section 8.1 through Section 8.6 of the County Charter.
- H. All matters coming before the County Council involving County funds will be presented in compliance with current budget guidelines and include a fiscal note.
- I. No motion will be debated unless seconded. When a motion is seconded, the Council Chair will say so, and Councilors will proceed to action on it.
- J. The Councilor proposing an amendment has the right to begin debate on the amendment.
- K. County appointed officials, elected officials or staff may address the Council at the request of any Councilor or recognition by the Council Chair.
- L. During a Tuesday meeting's open public comment period, any individual or spokesperson for a group can address the Council for three (3) minutes on any matter germane to County business and note specifically on the hearing or meeting agenda. The Chair can request additional time for the speaker, or a Councilor can ask the Chair for more time for a speaker or for conversation. Speakers should sign in on a sheet provided at the back of the hearing room. Similarly, any individual or spokesperson wishing to speak on a matter specifically on a hearing agenda may do so by signing in on a sheet provided at the back of the hearing room. The Council Chair will call on each person at the appropriate time and in the order in which they signed the sheet.

- M. Persons addressing the Council will not make statements or remarks that concern: private activities, lifestyles, or beliefs of others, including individual County employees or elected officials; topics unrelated to the business of the County; or professional duties and performance of County employees or employees of its elected officials. Persons addressing the Council will refrain from conduct, statements or remarks that are defamatory to County staff, uncivil, rude, vulgar, profane, or otherwise disruptive to conducting Council business. The Chair may ask any person making such prohibited statements or remarks or engaging in such conduct to leave the meeting.
- N. Courtesy, professionalism, and respect will be maintained at all times during County Council meetings.
- O. Council rules may be suspended by a motion for a particular purpose by the majority vote of the entire Council. If three (3) or four (4) members are present, at least three (3) votes are required to adopt a motion.
- P. Items may be added to the weekly Wednesday Council Time agenda by:
 - i. The County Manager, and ~~((and his or her))~~ their designee with approval of the County Manager; and
 - ii. a Councilor, so long as the Councilor takes the item to the Council Chair with support of at least one (1) other Councilor.

VIII. Work Sessions

The Council may meet in Work Sessions as needed. Work Session requests must be approved by at least three (3) Councilors and scheduled by the County Manager. Work Sessions are to provide information that will update the Council on pending issues, provide pertinent policy-making information, and/or provide a final review of matters to come before the Council at a regular meeting or public hearing. Work Sessions may be held any time, but typically are scheduled between 9 a.m. and noon on Wednesday. Minutes for Work Sessions will be taken by the County manager or ~~(his)~~ their designee via audio recording and uploaded to the County website at the conclusion of the session.

IX. Executive Sessions

The Council may meet in executive session only to discuss matters set forth in RCW 42.30.110. RCW 42.30.110 outlines agenda items including, but not limited to, matters affecting national security, compliance with required data security and infrastructure, real estate, contract negotiations, evaluate qualifications for an applicant for public employment, legal matters, etc. Executive sessions must be an extension of a properly noticed public meeting. At the end of an executive session, the Council ~~((may))~~ must reconvene in regular session to take action, if needed, and adjourn the public meeting.

X. Minutes

Action minutes will be kept of all regular and special meetings. Audio or video recordings will be kept for all Work Sessions and Council Time meetings. Minutes will be open and available to the public. Written minutes shall be promptly recorded and include a summation of actions from each Council meeting and a record of votes by each Councilmember. Written minutes must include a list of Councilors present and Councilors absent, and whether the absence was excused or unexcused. Audio recordings will be uploaded to the County website. Minutes are not required for executive sessions.

XI. Legal Options

Requests to the Prosecuting Attorney for formal legal opinions relating to the County Council will be presented in writing and approved by the County Manager, Council Chair, or a majority (3) of the Council.

XII. Ad hoc, Special Committees and Task Forces

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

XIII. Appointments to Boards, Committees and Task Forces

- A. The County Manager will appoint members of boards, commissions and task forces as provided by state law, and the appointments will be presented to the County Council during a regular meeting. The Council will confirm or reject the appointments by a majority vote within 30 calendar days. Failure of the Council to act within 30 calendar days constitutes acceptance of the appointment.
- B. The Council will have concurrent authority with the County Manager to nominate members of the Clark County Planning Commission, Clark County Historic Preservation Commission and Clark County Board of Equalization.
- C. Any recommendation for appointment must be made with the written resume of the candidate's qualifications, which will be included with the agenda for the appropriate Council meeting. Resumes are not required for reappointments.
- D. Vacancies on boards, commissions or task forces will be reported to the Council monthly.
- E. The County Manager will prepare a master list of current members of all boards, commissions and task forces and their terms of appointment.

XIV. County Operations

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

XV. County Budget

- A. The County Manager, with the Budget Director, will prepare and present annual budget assumptions to the Council. The assumptions will outline policy guidelines for setting the County's annual budget, budget review, and all other budget supplemental amendments.
- B. These assumptions will follow Council directives and take into consideration goals as set forth by the Council and all potential and known legal and/or economic constraints at the time of consideration.
- C. Before adoption of the annual budget, the County Manager, in conjunction with the Budget Director, will recommend the budget, levy resolutions, and appropriation resolution to the Council. Adoption must be no later than the first week in December. Other budget modifications and supplemental actions will be scheduled, as needed, by the Council in accordance with the Washington State Auditor's Office guidelines and state law. Amendments to the proposed annual and supplemental budgets must be

distributed to each Councilor at least forty-eight (48) hours before the meeting at which it is to be presented. Nothing in this section prohibits the Council from adopting amendments at any point in the process, including during the public hearing.

- D. Effective each January 1 and thereafter, the Budget Director and Clark County Auditor, or their designees, will be authorized to make intra-fund line-item transfers within the same account class as deemed necessary.
- E. Quarterly reports from the Auditor and Budget office detailing a year-to-date expenditure and revenue analysis will be presented to the Council.

XVI. Vacancy in County Manager

When the County Manager position is vacant, the Council will appoint an ((county)) interim County Manager until the Council fills the vacancy in accordance with the Charter.

XVII. Councilor Expenses

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

- Mileage for use of personal automobile
 - Parking, toll fees
 - Business meals
 - Special events
 - Lodging
 - Air, bus, train, taxi travel
 - Car rental
 - Phone calls, fax transmissions
 - Registration fees
- A. Mileage is reimbursed at the rate the Internal Revenue Service establishes annually. Mileage is calculated from the Councilor's workstation to the business destination.
 - B. Local meal reimbursements are made on an actual cost basis to include meals, beverages, and gratuities up to fifteen percent (15%). Alcohol is excluded. Reimbursements for meals outside a fifty (50) mile radius will be paid at a per diem rate established by the County Auditor. Meal expenses associated with special events, such as departmental retreats, are reimbursable.
 - C. Advance travel money is available for non-local travel. The money is limited to expenses such as lodging, meals and ground transportation and a maximum of \$100 per full- or part-day.
 - D. Requests for reimbursement of such expenses will be submitted with all relevant receipts to the appropriate Council staff person for processing on a quarterly basis.

~~E. In accordance with RCW 30.32.310, staff will obtain approval of requested expense reimbursement by a majority (3) of the County Council, Clerk of Superior Court and a Superior Court judge.~~

XVIII. Councilor Conduct

- A. Each Councilor is obligated to follow the Code of Ethical Conduct and Code of Professional Conduct for a Clark County Councilor (~~(, which was initially approved May 17, 2016, and updated November 2021 and is attached as Exhibit 1).~~).
- B. In the course of responding to citizens inquiries, Councilors will weigh all relevant points of view. If a meeting of the parties is necessary, Councilors are responsible for setting a non-threatening atmosphere and an appropriate time frame.
- C. The Council encourages amendments to the County code that will enhance service to citizens. In reviewing such code changes, the Council will seek input from the County Manager, legal or the appropriate County staff. Suggested code language will be submitted by relevant staff with legally sufficient notice in advance of any action by the Council or Planning Commission.

XIX. Rules of Procedure

- A. These Rules of Procedure are subject to the County Charter and RCW. In the event of an inconsistency between rules and the Charter, the Charter will govern. In the event of any inconsistency between these rules and the RCW, the RCW will govern.
- B. All business of the Clark County Council will be in conformity with these rules. In the absence of special rules covering the needs of the Council, or if an existing rule does not adequately cover the needs of the Council, the latest edition of "Roberts Rules of Order" may be used as a reference, although strict adherence is not required.
- C. Amendments to these rules may be initiated by a Councilor. A proposed amendment will be distributed to each Councilor at least five (5) days before the meeting at which it is to be presented. Amendments are adopted by the majority vote (3) of the Council.
- D. Council rules will be reviewed annually by the Council and initially adopted, and thereafter as amended, by ordinance by a majority vote (3) of the Council.

EXHIBIT 1

~~((Code of Ethical
Conduct~~

~~and))~~

**Code of Professional
Conduct**

~~((for Clark County
Councilors))~~

Preamble

The opportunity to serve the public ~~((Councilor))~~ confers a sacred trust on the office holder. Stewardship of the public trust requires ~~((Councilors uphold the law and act))~~ upholding the law and acting in ways consistent with the highest standards of ethical conduct. The County Council has adopted this ~~((code of ethical conduct and))~~ code of professional conduct to promote the vitality of the democratic process in County government. ~~((In fulfilling the duties of public office, every Councilor will be confronted with ethical dilemmas.))~~ The following principles are offered to encourage ~~((Councilors to reflect))~~ reflection in advance of decision making.

~~((Ultimately, the ethical course of action for a County Councilor must be discerned by the dictates of individual conscience and commitment to the public interest.~~

~~Code of Ethical Conduct — Principles~~

- ~~1. A County Councilor should be vigorously dedicated to the democratic ideals of honesty, openness and accountability in all public matters involving County government.~~

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

- ~~2. Violations of Code of Ethical Conduct.~~

- ~~a. Any Councilor accused with violating the code of ethical conduct shall be subject to a review by Council.~~

~~b. If a violation(s) is substantiated, the Council may consider such action as it deems appropriate, including, but not limited to, public admonishment, public resolution of censure with removal of the violator from all committees on which the person is representing the County or any resolution as outlined by public ethics policy and/or statutes.))~~

Code of Professional Conduct for the Clark County Council – Principles

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

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

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

Councilors should conserve public resources and support the wisest and best use of those resources, consistent with the public interest and need. Councilors should advocate for and encourage County employees to adopt practices that promote the most efficient, effective, and ethical conduct in the delivery of County services.

3. Councilors should strive for excellence and continuous learning relative to personal development and all operations of County government.
4. Councilors should perform the duties of public office with fairness and impartiality so to enhance public confidence in County government.

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

~~6. ((Violations)).~~

~~((If violation, the Council public admonishment public resolution of censure with removal of the violator from all committees on which the person is representing the County.))~~

5. Absences of County Councilors.

County Councilors are expected to fulfill the obligations of their office through the duration of

their term. This includes attendance at all Council meetings, including Work Sessions, Council Time, and Tuesday Council meetings, as well as committees, boards, and commissions to which the Councilor is appointed to represent the Clark County Council.

If a Councilor anticipates an absence for any reason, the Councilor must provide notice as soon as practicable to the Council Chair and County Manager. Except in the case of unforeseen emergency, the notice of absence must be provided at least ten (10) calendar days in advance. At the meeting in which the Councilor is absent, the Chair or Vice-Chair may acknowledge the excused absence of the Councilor. An absence will be considered "excused" if notice is provided at least ten (10) days in advance, or if it is an emergency deemed excusable by the County Manager and Council Chair. Otherwise, the Councilor will be noted as "absent – unexcused" on the meeting minutes.

If the Councilor is listed as "absent – unexcused" for six (6) or more Tuesday Council meetings, Council Work Sessions, or Council Time meetings within a twelve (12) month period, the County legislative authority may allege a violation of this Code of Professional Conduct and act pursuant to Section (6). Remedies under Section (6) of the Code of Professional Conduct are separate from, and in addition to, any action that may be taken by the County legislative authority pursuant to state law against a Councilor that allegedly has abandoned their duties of office.

6. Violations of the Code of Professional Conduct.

(1) If a violation of the Code of Professional Conduct is alleged, the Council should listen to the complaint, review the information, and determine whether a violation has occurred. Allegations of a violation of the Code of Professional Conduct must be brought forward within one (1) year after the date when the alleged violation occurred or whenever the alleged violation was made known to the person making the complaint, whichever occurs last.

(2) If the Council finds that a violation of this Code of Professional Conduct has occurred, the Council may:

a. Find that the complaint presents a violation of the Code of Professional Conduct, but that any violation that may have occurred does not constitute a material violation because it was inadvertent and de minimus, or has been cured and, after consideration of all the circumstances, further punitive measures would not serve the purpose of this Code of Professional Conduct; or

b. Issue a final written order imposing one or more of the following:

i. To cease and desist violation of the Code of Professional Conduct; and/or

ii. Public admonishment; and/or

iii. Public resolution of censure with removal of the violator from all committees on which the person is representing the County.

APPROVED: March 27, 2001

AMENDED: February 17, 2017

APPROVED: March 29, 2017

APPROVED: May 7, 2019

APPROVED: April 19, 2022