

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 03-15

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING CHAPTER 2.06, REPEALING AND REPLACING CHAPTER 2.08 AND ADDING A NEW CHAPTER 2.10 TO THE BUCKLEY MUNICIPAL CODE ALL RELATED TO THE ADMINISTRATIVE POSITIONS OF CITY ADMINISTRATOR, FINANCE DIRECTOR AND CITY CLERK.

WHEREAS, the City performed a legal analysis of the Municipal Code in July, 2004 to identify code sections that were outdated and/or in conflict with current conditions; and

WHEREAS, during review of the code inconsistencies and conflicts in the administration section of the Municipal Code relating to the City Administrator and City Clerk/Treasurer positions were identified; and

WHEREAS, BMC 2.06 provides that the duties of the City Administrator as adopted in 1983 includes all duties of the city clerk, city treasurer, or city clerk-treasurer; and

WHEREAS, BMC 2.08 as adopted in 1979 abolished the city treasurer position and created a new position combining the duties of the treasurer with that of the city clerk into a city clerk-treasurer position; and

WHEREAS, the City has been operating under an organizational structure with a city administrator and finance director for twenty plus years where the finance director has performed the duties of a city treasurer; and

WHEREAS, during this same period the duties of city clerk were being performed by a deputy city clerk; and

WHEREAS, in December, 2013 as part of the 2014 Budget the City Council authorized the addition of a new city clerk position to exercise all the powers and duties vested pursuant to RCW 35A; and

WHEREAS, in order to bring the municipal code into compliance with current practice and approved organizational structure, BMC 2.06 needs to be updated to reflect current duties and powers of the city administrator, BMC 2.08 needs to be updated to reflect current duties and powers of the finance director and a new code section has to be added for the city clerk position; and

WHEREAS, on January 20, 2015 the City Admin and Finance Committee reviewed the inconsistencies and conflicts in the Municipal Code and the proposed changes recommended by City staff and concurred with the changes needed to bring the code into conformity with current operational structure; and

WHEREAS, based on the City Admin and Finance Committee's recommendation the City Council desires to amend the Municipal Code to update the section related to the city administrator and establish new sections for a finance director and city clerk to bring the code into conformity with current operational structure;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.06 of the Buckley Municipal Code entitled "City Administrator" is hereby amended to read as follows;

2.06.010 Position created.

There is created the position of Buckley city administrator. The administrator shall be and act as the administrative supervisor of the city government under the authority and direction of the mayor. The position shall be filled by appointment of the mayor, subject to the confirmation of a majority of the city councilmembers.

2.06.020 General responsibility.

Under the direction and authority of the mayor, the city administrator shall supervise, administer and coordinate the activities and functions of all city officers, departments, commissions and boards to implement city ordinances and policies through the effective use of city employees, funds, grants, materials, facilities and time, and shall control the overall operations of the city to assure optimum service to the community.

2.06.030 Duties.

The city administrator shall assist the mayor in the conformance of his duties and shall do all things required of him by the mayor or the city council to assist in the administration of the business of the city government. He shall oversee the various departments as directed by the mayor and shall assist in the coordination and liaison of the city business between the city council and the various city officers and

departments. In addition, and not as a limitation upon the powers and duties of the city administrator, he shall be charged with the following responsibilities:

- (1) Supervise, administer and coordinate the activities and functions of the various city offices, departments, commissions and boards in carrying out the requirements of the city ordinances and the policies of the city council, and to administer and supervise the carrying out of the decisions, regulations and policies of the various city departments; in general to have supervision over the administrative affairs and process of the city.
- (2) Regularly report to the mayor and the city council concerning the status of all assignments, duties, projects and functions of the various offices, departments, commissions and boards.
- (3) In cooperation with the finance director, assist in the preparation by the mayor and subsequent submission to the council of the annual budget. The city administrator shall be responsible for its administration after adoption.
- (4) In cooperation with the finance director and attorney keep the mayor and city council fully advised of the financial condition of the city and its future needs and to assist in the preparation and submission to the mayor and council of any reports necessary for the expedient running of the business of the city.
- (5) In cooperation with the finance director, supervise purchasing by various city officials, departments, commissions and boards.
- (6) Supervise expenditures by the various city offices, departments, commissions and boards, for the purpose of keeping the same within the limitations of the annual budget for the city;
- (7) Serve as personnel officer for the city.
- (8) Attend all meetings of the city council and such other meetings as may be requested by the mayor and members of the city council.
- (9) Recommend for adoption by the mayor and council such measures as the city administrator deems necessary or expedient in the running of the business of the city.
- (10) Investigate all complaints in relation to matters concerning the administration of the government of the city, and to see that all franchises and permits granted by the city are faithfully observed.
- (11) Maintain a current capital improvements program based on long-range plans and policies developed by the city.
- (12) Analyze all facets of proposed capital expenditures in order to facilitate the decisions of the mayor and the city council.
- (13) Assist each department in ascertaining whether or not all city departments are adequately and properly manned and organized in order to carry out their functions.

2.06.040 Salary.

The city administrator shall receive a salary in such amount as adopted by the annual City salary ordinance.

2.06.050 Combination of position.

The office of city administrator may be combined with any other appointive position in the city; provided, that when combined, the compensation shall be fixed by the city council for the combined office and shall not necessarily be the total of the compensation fixed for each office individually.

2.06.060 Exclusive employment.

The city administrator shall work exclusively for the city and shall not be allowed to work for any other municipality during his/her term as city administrator.

2.06.070 Council member ineligible.

No person elected to membership on the city council shall, subsequent to such election, be eligible for the appointment of city administrator until one year has elapsed following the expiration of the last term for which he/she was elected.

2.06.080 Vacancy in office.

In the event of a vacancy in the position of mayor, there being a hiatus in the law as to the responsibility and authority of the city administrator to carry out his duties and to whom the city administrator shall become responsible, the city does declare that in such events as the mayor's office be vacant or unfilled, the city administrator shall report directly to the city council until such time as mayor pro tem shall be appointed.

Section 2. Chapter 2.08 of the Buckley Municipal Code entitled "City Clerk-Treasurer" is repealed in its entirety and replaced with a new Chapter 2.08 entitled "Finance Director" to read as follows;

2.08.010 - Position established.

There is established the position of finance director in and for the city of Buckley. The position is established in lieu of, but with the same powers and responsibilities as, the position of city treasurer as defined by law.

2.08.020 - Appointment.

The mayor shall have the power of appointment and removal of the finance director. Such appointment and removal shall be subject to confirmation by a majority vote of the city council.

2.08.030 - Powers and duties.

The powers, duties and responsibilities of the finance director shall be subject to the direction, authority and supervision of the city administrator, and shall include, without limitation, the following:

- (1) Receive and safely keep all monies which come into the city treasury, and follow all laws of the state of Washington regarding the accountability therefor;
- (2) Keep such books, accounts and make reports as required by the office of the state auditor;
- (3) Exercise the duties and authority of the city treasurer as provided by Chapter 35A.42 RCW;
- (4) Exercise the duties and authority of auditing officer as provided by RCW 42.24.080 as applicable to the city;

2.08.040 Limited authority to write off uncollectible debt.

The finance director, or authorized representative, is authorized to refer delinquent accounts including, but not limited to, fees, taxes, penalties and interest of the city or any of its departments to an agency for collection and to write off accounts that are over one year old in an amount not to exceed \$1,000 per account. This write-off option shall be utilized only after the finance director reasonably determines the debt to be uncollectible; provided, that such debt shall not exceed \$1,000. Prior to assigning any account to a collection agency, the director, or authorized representative, shall ensure that the procedural requirements of RCW 19.16.500, or any successor statute, have been met. Any debt that totals more than \$1,000 shall not be written off without prior city council approval.

2.08.040 - Salary.

The finance director shall receive a salary in such amount as adopted by the annual city salary ordinance.

Section 3. A new Chapter 2.10 of the Buckley Municipal Code entitled "City Clerk" is hereby added to read as follows;

2.10.010 - Position established.

There is established the office of City Clerk in and for the City of Buckley.

2.10.020 - Appointment—Generally.

The mayor shall have the power of appointment and removal of the City Clerk. Such appointment and removal shall be subject to confirmation by a majority vote of the city council.

2.10.030 – Powers and duties.

The powers, duties and responsibilities of the City Clerk shall be subject to the direction, authority and supervision of the City administrator and shall include, without limitation, the following:

- (1) Keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the office of the state auditor;
- (2) Record all ordinances passed by the city council, annexing thereto her/his certificate giving the number and title of the ordinance, stating the ordinance was published and posted according to law and that the record is a true and correct copy thereof;

- (3) Act as custodian of the seal of the City, and exercising the authority to acknowledge the execution of all instruments by the City requiring such acknowledgment;
- (4) Perform all duties as specified in Chapter 35A.42 RCW for a City Clerk, and all duties as imposed by law as an election officer for the City;
- (5) Serve as the public records officer of the City of Buckley and perform all such duties as imposed by law on the public records officer.
- (6) Serves as the designated license officer who shall administer the business and special license code Title 6 of the Buckley Municipal Code.
- (7) Serves as the City agent responsible to receive claims for damages made under RCW Title 4. The City Clerk shall be available to receive claims for damages during normal City Hall business hours at Buckley City Hall, 933 Main Street, Buckley, Washington, 98321.

2.10.040 Deputy City Clerk.

The City Clerk may appoint a deputy for whose acts he/she and his/her deputy shall have authority to take all necessary affidavits and claims against the City and certify them without charge. In the absence of the City Clerk, the deputy or deputies shall have all the powers, duties and authorities of the City Clerk.

2.10.050 - Salary.

The City Clerk shall receive a salary in such amount as adopted by the annual City salary ordinance.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

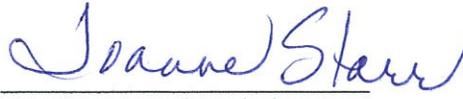
Section 5. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

APPROVED by the Buckley City Council this 27th day of January, 2015.



Mayor Pat Johnson

ATTEST:



Joanne Starr, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

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EFFECTIVE: February 9, 2015