

## Title 2

### ADMINISTRATION AND PERSONNEL

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- 2.00 Town Administrator**
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**Chapter 2.00**

**TOWN ADMINISTRATOR**

Sections:

- 2.00.010 Position created.
- 2.00.020 Scope of authority.

**2.00.010 Position created.**

There is created the position of town administrator, who shall serve as the administrative supervisor of the town government under the authority and direction of the mayor. The position shall be filled by appointment of the mayor and shall serve at the pleasure of the mayor subject to any employment contract. [Ord. 846 § 3, 2002; Ord. 730 § 1, 1998.]

**2.00.020 Scope of authority.**

Under the direction of the mayor, the town administrator shall supervise, administer, and coordinate the activities and functions of the various town officers, departments, commissions, and boards in implementing the requirements of town ordinances and the policies of the town council; assure the effective and efficient utilization of town employees, funds, materials, facilities, and time; direct and control the overall operations of the town to assure optimum services to the community and provide general supervision over the administrative affairs of the town. [Ord. 730 § 1, 1998.]

**Chapter 2.05**

**TOWN COUNCIL**

Sections:

- 2.05.010 Meetings.
- 2.05.020 Council president – Mayor pro tempore.
- 2.05.030 Presiding officer.
- 2.05.040 Council committees and representatives.
- 2.05.050 Council meeting attendance.
- 2.05.060 Agenda for regular council meetings.
- 2.05.070 Agenda – Format.
- 2.05.080 Speaking procedures for agenda items.
- 2.05.090 Questions of parliamentary procedure.
- 2.05.100 Voting.
- 2.05.110 Council relations with town staff.
- 2.05.120 Separation of powers.
- 2.05.130 Code of ethics.

**2.05.010 Meetings.**

All regular town council meetings of the town of La Conner, Washington, shall be held at 6:00 p.m. on the second and fourth Tuesday of each month at Upper Maple Center, 104 Commercial Street, La Conner, Washington, or such other place as may be designated in order to accommodate persons with disabilities or for special presentations which may require the use of equipment unavailable at Upper Maple Center. [Ord. 919 § 1, 2004; Ord. 787 § 1, 2000; Ord. 744, 1999; Ord. 660 § 1, 1994.]

**2.05.020 Council president – Mayor pro tempore.**

(1) Every six months, the members of the town council shall elect, from their number, a council president who shall hold office at the pleasure of the council for a term of six months. The council president shall serve until a replacement is elected or he/she leaves office.

(2) In the absence of the mayor, the council president shall become the mayor pro tempore. [Ord. 957, 2005.]

**2.05.030 Presiding officer.**

(1) All regular and special meetings of the town council shall be presided over by the mayor, or in his or her absence, by the mayor pro tempore. If neither the mayor nor the mayor pro tempore are present at a meeting, the presiding officer for that

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meeting shall be elected by a majority of the vote of those councilmembers present, provided there is a quorum.

(2) In the absence of the clerk, or other qualified person appointed by the clerk, the mayor, council, or administrator may perform the duties of the clerk at such meeting.

(3) The appointment of a councilmember as mayor pro tempore or clerk pro tempore shall not in any way abridge his or her right to vote on matters coming before the council at such meeting.

(4) The presiding officer shall preserve strict order and decorum at all meetings of the council. The presiding officer shall state all questions coming before the council, provide an opportunity for discussion from the floor, and announce the decision of the council on all subjects. Procedural decisions made by the presiding officer may be overruled by a majority vote of the council. [Ord. 957, 2005.]

### **2.05.040 Council committees and representatives.**

(1) There are established the following six standing committees of the town council that shall consist of two members each. The council president shall appoint the membership of each committee by the second regular meeting in January of each year. The committee and representatives shall schedule meetings and cause notice to be provided at Town Hall in coordination with the clerk. A committee member or representative shall set the agenda for the committee meetings. The standing committees shall consider, and may make policy and legislative recommendations to the town council on, items referred to the committee by: the council president, the council, administrative staff, boards or commissions, or the mayor. The standing committees, their scope of authority and the supporting town departments are as follows:

(a) The facilities committee shall consider matters related to all town-owned buildings including but not limited to: Town Hall, Maple Hall/Center, Garden Club building, the fire hall, the public works building, the sewer plant structure, and restrooms, in coordination with the administrator and appropriate department head.

(b) The finance and labor committee shall consider matters related to the general fiscal and financial operations of the town; budget and financial reports, policy matters related to personnel,

including, but not limited to, the salary grade schedule, position classifications and salary changes in coordination with the finance director, the mayor and the administrator.

(c) The park and preservation committee shall consider matters related to parks and park lands, recreation facilities and activities, and docks and floats, in coordination with the administrator, planning and public works departments and the parks commission. One member of this committee shall also serve as a member of the parks commission as per LCMC 2.45.010.

(d) The streets and safety committee shall consider matters related to transportation, transportation plans, traffic, transit, streets, sidewalks, parking, street lighting, signals, and street LIDs, in coordination with the public works department and planning department; and matters related to police and fire protection, emergency services and animal control, in coordination with the Skagit County sheriff's office, volunteer fire department, administrator and finance director.

(e) The long-range planning committee shall consider matters related to the planning of the physical, economic, aesthetic, cultural and social development of the town shoreline master program, uniform development code, comprehensive plan, and annexation policies, in coordination with the administrator, planning department, planning commission, town attorney and hearing examiner.

(f) The utilities committee shall consider matters related to water, sewer, electric power, natural gas, telephone, cable television, storm drainage, and flood control measures, in coordination with the administrator, public works department and finance director. One member of this committee shall also serve on the wastewater advisory board.

(2) The council may establish or participate in such ad hoc committees (i.e., arts commission, lodging tax advisory committee) as may be appropriate to consider special matters that do not readily fit the standing committee structure or that require special approach or emphasis.

(3) Council committees shall consider all matters referred. The committee shall report to the council the findings of the committee. Committees may refer items to the council with no committee

recommendation. Once items are referred to committee, the committee must report to the council within 45 days of the referral.

(4) The committee shall be responsible for preparing and causing to be distributed all agendas and supporting documentation to all committee members. The written recommendations presented at regular council meetings shall serve as the official minutes of committee meetings. [Ord. 957, 2005.]

#### **2.05.050 Council meeting attendance.**

(1) Policy.

(a) RCW 35.27.140 provides that the council of a town may declare a council position vacant if that councilmember is absent from the town for three consecutive council meetings without the permission of the council. In addition, a vacancy in an elective office shall occur and shall be filled as provided in Chapter 42.12 RCW. A council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council. Members of the council may be excused by complying with this section. The member shall contact the presiding officer prior to the meeting and state the reason for his/her inability to attend the meeting. If a councilmember is unable to contact the presiding officer, the member shall contact the administrator or finance director, who shall convey the message to the presiding officer. Following roll call, the presiding officer shall inform the council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebateable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the clerk will make an appropriate notation in the minutes. If the motion is not passed, the clerk will note in the minutes that the absence is unexcused. Failure of the council to adopt or reject a motion to excuse shall be deemed an unexcused absence.

(b) The town administrator shall attend all meetings of the council unless excused. The 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.

(c) Upon request the town attorney shall attend meetings of the council, and shall be pre-

pared to give or conduct inquiry to give an opinion, either written or oral, on legal questions.

(d) The finance director, or designee, shall attend regular and special meetings of the council, keep the official journal, minutes, and perform such other duties as may be needed for the orderly conduct of the meeting.

(2) Attendance via Speakerphone. From time to time, a councilmember will not be able to be physically present at a council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a councilmember to attend a council meeting via speakerphone are as follows:

(a) The Rare Occasion. Attendance via speakerphone should be the rare exception, not the rule, and attendance via speakerphone is limited to three times per calendar year per councilmember (this is not applicable for purposes of establishing a quorum). Situations where attendance via speakerphone would be appropriate include:

(i) Attendance by speakerphone is needed for a quorum; or

(ii) The meeting is of very high importance to the councilmember who cannot be physically present; or

(iii) The council may, at its discretion, allow attendance via speakerphone in excess of three times.

(b) Attendance by Speakerphone – Procedure.

(i) Access to attendance by speakerphone shall be determined by council seniority.

(ii) The councilmember attending via speakerphone:

(A) Must be able to hear the discussion taking place in the council chambers; and

(B) Must be able to be heard by all present in council chambers. [Ord. 957, 2005.]

#### **2.05.060 Agenda for regular council meetings.**

All items to be included on the agenda for council consideration must be submitted to the finance director, in full, by 10:00 a.m. on the Tuesday preceding each council meeting. The finance director shall then prepare an agenda, with attachments, according to the order of business. The agenda shall be distributed to the mayor, councilmembers, administrator, town attorney, and department heads no later than 12:00 noon on the Friday preceding the council meeting. A copy of the agenda

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and subsequent documents shall be available at the front counter at Town Hall. Minutes of previous council meetings shall be available with the agenda package. [Ord. 957, 2005.]

### 2.05.070 Agenda – Format.

The format of the town council agenda shall generally be as follows:

- (1) Opening Ceremonies.
  - (a) Roll call.
  - (b) Call to order.
  - (c) Flag salute.
  - (d) Review and approval of agenda.
  - (e) Approval of minutes.
  - (f) Approval of vouchers.
  - (g) Approval of accounts payable.
- (2) Reports. The following order shall apply:
  - (a) Community Comments. To give the audience an opportunity to comment on items not on the agenda.
    - (i) Limited to three minutes per person.
    - (ii) Speaker shall come forward to the microphone and state name and address for the record.
    - (iii) All remarks shall be made to the council as a body and not to any individual member.
  - (b) Chamber of Commerce report (first meeting of the month only).
  - (c) Revenue/expenditure report (first meeting of the month).
  - (d) Department head reports (first meeting of the month only).
  - (e) Administrator's report (second meeting of the month only).
  - (f) Mayor's report.
  - (g) Council committee reports.
- (3) Old Business. This section of the agenda shall include items of a general nature, including resolutions and ordinances previously discussed at a council meeting. The following procedure shall apply during this section of the agenda:
  - (a) The sponsor or designated spokesperson of each item will give a brief presentation.
  - (b) The council may then question the sponsor or spokesperson of the presented item.
  - (c) A motion at this time may be in order to dispense with each item in this section.
- (4) New Business. This section of the agenda shall include all items of a general nature, including resolutions and ordinances previously dis-

cussed at a committee meeting and put forward to the regular meeting. The procedures that apply during this section shall be the same as those under subsection (3) of this section, Old Business.

(5) Miscellaneous.

(6) Executive Session. This section shall be included with a brief statement as follows:

*There may be an executive session immediately preceding or following the meeting as allowed by RCW 42.30.110 and as announced by the presiding officer.*

(7) Adjournment. Council meetings shall adjourn no later than 10:00 p.m. If council desires to extend the meeting, a motion shall be required, with a majority plus one vote of the councilmembers present. Items not acted upon by the 10:00 p.m. deadline shall be deferred to the next respective council meeting as old business unless the council, by majority vote of members present, determines otherwise. [Ord. 957, 2005.]

### 2.05.080 Speaking procedures for agenda items.

Speaking procedure for agenda items under consideration is as follows:

(1) Any person with the permission of the presiding officer may address the council, but the presiding officer shall be required to give recognition in the following order:

- (a) To a person designated by the presiding officer to introduce the subject under discussion;
- (b) To those whose request to be heard is contained in the written agenda;
- (c) To those who ask recognition from the floor.

(2) In addressing the council, a recognized person from the floor shall come forward to the microphone, give name and address (staff shall state name and position only). All remarks shall be made to the council as a body and not to any individual member.

(3) No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

(4) Any person making personal, impertinent or slanderous remarks while addressing the council shall be barred from further audience participation

during that meeting by the presiding officer, unless permission to continue is granted by a majority vote of the council.

(5) A decorum of mutual respect within the council and between the council and public shall be encouraged by the presiding officer. [Ord. 957, 2005.]

#### **2.05.090 Questions of parliamentary procedure.**

Questions of parliamentary procedure not covered by this chapter shall be governed by Robert's Rules of Order, Newly Revised (latest edition). [Ord. 957, 2005.]

#### **2.05.100 Voting.**

(1) Silence of a councilmember during a voice vote shall be recorded as an affirmative vote except where such a councilmember abstains because of a stated conflict of interest.

(2) The presiding officer or any member of the council may request a roll call vote.

(3) Town policies shall only be made as a result of a vote of the council in which a majority voted for the proposed policy. The town council shall not make policy by consensus decision making. [Ord. 957, 2005.]

#### **2.05.110 Council relations with town staff.**

(1) There will be mutual respect from both the town staff and councilmembers of their respective roles and responsibilities when, and if, expressing criticism.

(2) Staff will acknowledge the council as policy makers, and the councilmembers will acknowledge staff as administering the council's policies.

(3) Exchange of ideas and communication between councilmembers and town staff to discuss any issues related to town policies is encouraged. [Ord. 957, 2005.]

#### **2.05.120 Separation of powers.**

In general, it is the council's role to adopt policies for the town and it is the mayor's role to administer or carry out those policies. The council, being legislative, has the power to enact laws and policies, consistent with state law, usually through the enactment of ordinances and resolutions.

Consistent with the doctrine of separation of powers, the council is not authorized to interfere with the mayor's administration of government.

Councilmembers may not give orders to department heads or to other employees. The mayor must provide timely, useful information to all councilmembers – either directly or through subordinate municipal officers, elected officials, department heads and employees.

On the issue of communication between the council and town officers and employees, the mayor may not prevent councilmembers from gaining information although he or she could reasonably regulate the inquiry process. If councilmember inquiries unreasonably take staff away from their duties, the mayor may require those inquiries to be channeled through the mayor, administrator or a department head, if it can be done without unduly encumbering council access to information. [Ord. 957, 2005.]

#### **2.05.130 Code of ethics.**

In 1995, the State Legislature added a specific code of ethics section for county and city officials to the state statutes, codified at RCW 42.23.070. The town of La Conner hereby adopts those provisions.

The code of ethics has four provisions, as follows:

(1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself or others;

(2) No municipal officer may, directly or indirectly, give or receive any compensation, gift, gratuity, or reward from any source, except the employing municipality, for a matter connected with or related to the officer's services unless otherwise provided by law;

(3) No municipal officer may accept employment or engage in business that the officer might reasonably expect would require him or her to disclose confidential information acquired by reason of his or her official position;

(4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer use such information for his or her personal gain. [Ord. 957, 2005.]

**Chapter 2.06**

**PUBLIC WORKS DIRECTOR**

Sections:

- 2.06.010 Position created.
- 2.06.020 Duties and responsibilities.

**2.06.010 Position created.**

The position of public works director is hereby created. The position shall be filled by appointment of the mayor and shall serve at the pleasure of the mayor. [Ord. 846 § 1, 2002.]

**2.06.020 Duties and responsibilities.**

Under the direction of the mayor or his or her designee, the public works director shall provide overall management and leadership to the public works department personnel; plan, organize, schedule, direct, and control all activities of the public works department including water, street, park and port, storm drainage and possibly wastewater treatment. The public works director shall also be accountable for the proper repair, maintenance, and construction of the town’s streets, storm drainage system, water system, rights-of-way, street-ends, parks, playfields, landscaped areas, and town-owned buildings. The public works director is also responsible for developing and tracking the annual public works department budget, seeking project funds through grant applications and ensuring efficient and economical use of departmental funds. The public works director shall coordinate with other town departments, the town council, commissions, and boards to ensure that efforts are directed toward achieving common town goals. The public works director shall perform all tasks related to the items described above and other as duties as assigned. [Ord. 846 § 1, 2002.]

**Chapter 2.07**

**PLANNING DIRECTOR**

Sections:

- 2.07.010 Position created.
- 2.07.020 Duties and responsibilities.
- 2.07.030 Planning commission meetings.

**2.07.010 Position created.**

The position of planning director is hereby created. The position shall be filled by appointment of the mayor and shall serve at the pleasure of the mayor. [Ord. 846 § 2, 2002.]

**2.07.020 Duties and responsibilities.**

Under the direction of the mayor or his or her designee, the planning director plans, organizes, directs, and coordinates all planning activities for the town including but not limited to developing and implementing land use policies and procedures. This entails the reviewing, evaluating, and processing of permit applications, updating of the comprehensive plan and related ordinances as well as coordinating with other local, state, and federal agencies to ensure consistency and compliance with applicable laws and regulations. The planning director is also responsible for developing and tracking the annual planning department budget, seeking project funds through grant applications, and keeping current with planning techniques through training and professional affiliations. The planning director shall perform all tasks related to the items described above and other as duties as assigned. [Ord. 846 § 2, 2002.]

**2.07.030 Planning commission meetings.**

All regular planning commission meetings of the town of La Conner, Washington, shall be held at 6:00 p.m. on the first and third Tuesday of each month at Upper Maple Center, 104 Commercial Street, La Conner, Washington, or such other place as may be designated in order to accommodate persons with disabilities or for special presentations which may require the use of equipment unavailable at Upper Maple Center. [Ord. 919 § 2, 2004; Ord. 868 § 1, 2002.]

**Chapter 2.09**

**FINANCE DIRECTOR**

Sections:

- 2.09.010 Position created.
- 2.09.020 Duties and responsibilities.
- 2.09.030 Relationship to clerk-treasurer position.

**2.09.010 Position created.**

The position of finance director is hereby created. The finance director shall act as the town’s chief financial officer, under the authority and direction of the mayor. The position shall be filled by appointment of the mayor and shall serve at the pleasure of the mayor, subject to any employment contract. [Ord. 806 § 1, 2001.]

**2.09.020 Duties and responsibilities.**

The finance director shall have the same duties and responsibilities as identified for the clerk-treasurer in Chapter 2.10 LCMC as well as the following duties:

- (1) Management and oversight of the town’s annual budget;
- (2) Creation of the town’s annual budget in collaboration with staff and elected officials;
- (3) Composing the town’s annual financial report;
- (4) Management and oversight of town billing and collection practices for utilities;
- (5) Management and oversight of payroll practices and processing;
- (6) Management and oversight of accounts payable practices and processing;
- (7) Manage the town’s sewer service contract with the Swinomish Tribe, including billing, managing of the account, application of the “air share formula” and year end adjustments;
- (8) Collect and provide to the utilities committee financial and operational data on the three utilities operated by the town. [Ord. 806 § 1, 2001.]

**2.09.030 Relationship to clerk-treasurer position.**

The finance director shall be the town’s clerk-treasurer for any required purpose, including but not limited to those purposes enumerated in RCW Title 35 or in the LCMC. [Ord. 806 § 1, 2001.]

**Chapter 2.10**

**CLERK-TREASURER**

Sections:

- 2.10.010 Billing and collection duties.
- 2.10.020 Duties imposed are additional.
- 2.10.030 Office combined.
- 2.10.040 Appointment.

**2.10.010 Billing and collection duties.**

From and after the 1st day of April, 1964, the office management of and the collection of the town water system shall be included under the duties of the town treasurer and the billing and collection for water service shall become the responsibility of the town treasurer of the town of La Conner. [Ord. 318 § 1, 1964.]

**2.10.020 Duties imposed are additional.**

The duties imposed on the town treasurer by this chapter shall be in addition to any other duties imposed on the office of town treasurer by ordinance or resolution of the town council or by the statutes of the state of Washington. [Ord. 318 § 2, 1964.]

**2.10.030 Office combined.**

The office of treasurer of the town of La Conner is consolidated with the office of clerk, and the officer shall hereafter be known as “clerk-treasurer,” and the duties of the officer shall be performed on a full-time basis. [Ord. 389 § 1, 1973.]

**2.10.040 Appointment.**

The clerk-treasurer shall be appointed by the mayor. [Ord. 389 § 2, 1973.]

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**Chapter 2.15**

**MUNICIPAL COURT\***

Sections:

- 2.15.010 Established.
- 2.15.020 Jurisdiction – Powers – Duties.
- 2.15.030 Municipal judges – Appointment – Qualifications – Jurisdiction.
- 2.15.040 Municipal judges – Compensation.

\*Prior legislation: Ord. 304.

**2.15.010 Established.**

The La Conner municipal court is hereby reorganized and reconstituted as the municipal court of La Conner, pursuant to Chapter 3.50 RCW and as amended by the Court Improvement Act of 1984, Chapter 258, Laws of 1984. All of the functions and duties of the present La Conner municipal court, together with all cases pending thereunder, are transferred to the reconstituted municipal court of La Conner. [Ord. 521 § 1, 1984.]

**2.15.020 Jurisdiction – Powers – Duties.**

The municipal court of La Conner shall possess such jurisdiction and shall exercise such power and duties are set forth in Chapter 3.50 RCW as now enacted and as may be hereinafter amended. [Ord. 521 § 1, 1984.]

**2.15.030 Municipal judges – Appointment – Qualifications – Jurisdiction.**

A municipal court judge or judges and judges pro tem, if any, shall be appointed by the mayor pursuant to Chapter 3.50 RCW. Such judge or judges shall possess such qualifications and shall exercise such jurisdiction as provided for in Chapter 3.50 RCW as now enacted and as may be hereinafter amended. [Ord. 521 § 1, 1984.]

**2.15.040 Municipal judges – Compensation.**

The municipal court judge or judges shall receive such compensation as shall be established in each annual budget. [Ord. 521 § 1, 1984.]

**Chapter 2.20**

**HEALTH OFFICER**

(Repealed by Ord. 905)

**Chapter 2.25**

**POLICE DEPARTMENT**

(Repealed by Ord. 812)

**Chapter 2.30**

**POLICE DEPARTMENT RESERVE**

(Repealed by Ord. 812)

**2.35.010**

**Chapter 2.35**

**FIRE DEPARTMENT\***

Sections:

Article I. Organization of Fire Department

- 2.35.010 Supervision – Fire chief responsibility.
- 2.35.020 Membership.
- 2.35.030 Officers.
- 2.35.040 Operators and drivers.
- 2.35.050 Firefighters.
- 2.35.060 Appointments and promotions.
- 2.35.070 Discipline.
- 2.35.080 Drills.
- 2.35.090 Response to alarms.

Article II. Fire Marshal

- 2.35.100 *Repealed.*
- 2.35.110 *Repealed.*
- 2.35.120 *Repealed.*
- 2.35.130 *Repealed.*
- 2.35.140 *Repealed.*
- 2.35.150 *Repealed.*
- 2.35.160 *Repealed.*
- 2.35.170 *Repealed.*
- 2.35.180 *Repealed.*

Article III. Volunteer Firemen

- 2.35.190 Applicability.
- 2.35.200 Pension and retirement provisions.
- 2.35.210 Empowerment.

\*Prior legislation: Ord. 79.

**Article I. Organization of Fire Department**

**2.35.010 Supervision – Fire chief responsibility.**

The fire chief shall be appointed by the mayor and shall be the executive officer of the fire department under the authority and direction of the mayor and/or his/her designee. [Ord. 845 § 1, 2002; Ord. 236 § 1, 1932.]

**2.35.020 Membership.**

The fire department shall consist of a fire chief and assistant fire chief and as many other officers and firefighters as are approved by the town council of the town of La Conner, Washington. Each prop-

erly equipped piece of fire apparatus in active service shall be considered a company as hereinafter mentioned. [Ord. 845 § 2, 2002; Ord. 236 § 2, 1932.]

**2.35.030 Officers.**

(1) The fire chief shall be the chief executive officer of the fire department and shall be invested with the following authorities and duties:

(a) To have direct control, management and direction of all officers and firefighters of the fire department and the power to detail any of them to such public service as he/she may see fit, looking to the best interest and efficiency of the department.

(b) To carry out strictly the enforcement of the rules and regulations of the department and be able to suspend or remove from service any officer or firefighter for cause in such manner as is provided in these regulations.

(c) To exercise supreme command over the department at fires and over all equipment belonging to it.

(d) To cause to be extinguished all fires with the least possible danger to life and property and prevent unnecessary damage by water at fires.

(e) To see that the premises on which fires occur are left in such condition that they will not rekindle and cause further damage to life and property.

(f) To observe the general condition of the department and apparatus and make a complete monthly report to the mayor or his/her designee of the activities of the department.

(g) To make a complete investigation of each fire, keeping a record of and determining the cause, amount of loss of the building and contents, amount of insurance coverage and insurance payments, number and description of each building destroyed, together with names of owners and occupants.

(2) Arrangements will be made so that the assistant fire chief will always be present in the absence of the chief. [Ord. 845 § 3, 2002; Ord. 236 § 3, 1932.]

**2.35.040 Operators and drivers.**

(1) Operators in charge of pumping engines shall act as drivers thereof and:

(a) Shall be held responsible for the care of their apparatus, seeing that it is left clean, in good order and ready for service at all times.

(b) Shall be responsible for getting the engine to all fires, properly maneuvering and connecting same to hydrant for operation.

Drivers of other automobile apparatus to which they are assigned shall be responsible for the care and management of same and shall see that it is in condition for service at all times. Motors shall be started at least once a week and run until thoroughly warm (15 or 20 minutes). Use of choke to be minimum and motors allowed to run at full idle for several moments before shutting down. A complete log book record to be kept for each piece of automobile apparatus and entries made of all operation, warm-ups, maintenance, etc.

Operators and drivers shall, at all times, be under the supervision and direction of the company officer of their respective company. Operators and drivers shall inform their company commanders of all necessary repairs needed on their apparatus and shall do or cause to be done without further delay all of such necessary repairs.

(2) Relief Operators and Drivers. There shall be provided for each operator or driver a subordinate who shall serve in the absence of such regular operators or drivers as are appointed. They shall be fully instructed, trained, and informed and be thoroughly capable of taking charge of the apparatus and performing the necessary duties as may be required of them in the absence of the regular operator/driver. [Ord. 845 § 4, 2002; Ord. 236 § 4, 1932.]

#### **2.35.050 Firefighters.**

In general all firefighters of the company of which they belong shall be trained to handle any and all of the apparatus provided; also to act in any desired capacity in handling first aid appliances, hose chemical engines or doing salvage work. They shall do everything under their own power to get the fire under control, to remain at their posts of duty (unless excused by the commanding officer) and to return with the apparatus to the station. Any firefighter leaving town for an undetermined length of time shall inform the chief and obtain a leave of absence. Failure to do so may leave a company unmanned and shall be punishable by a fine or other type of disciplinary action adopted by the department. [Ord. 845 § 5, 2002; Ord. 236 § 5, 1932.]

#### **2.35.060 Appointments and promotions.**

In general all officers shall be appointed with tenure of office secure. The mayor or his/her designee shall appoint the assistant fire chief and as many other officers as he/she sees fit. The age of the applicant shall not be less than 18 years. All firefighters shall reside in the town or district protected by the department. All new firefighters shall serve a probationary period of at least 90 days before permanent appointment into the department. During this period firefighters shall be under observation of company officers and the chief with the view to deciding whether or not the applicants will make successful firefighters. Once appointed, firefighters shall be secure in their positions during good behavior. [Ord. 845 § 6, 2002; Ord. 236 § 6, 1932.]

#### **2.35.070 Discipline.**

Strict discipline shall at all times be maintained for the purpose of contributing, as a necessary factor, to the smoothness of operation and efficiency of the department. Conduct of firefighters shall at all times be of praiseworthy order and representative of the interest of the service to be performed by the department. Any officer or member of the department who shall refuse or voluntarily neglect to obey or execute any orders from the officer in charge of any fire, or who shall violate or willfully neglect or refuse to be controlled, governed or managed by any of the rules or regulations as are herein provided or may be adopted from time to time shall be subject to fine or expulsion from the department by the chief. [Ord. 845 § 7, 2002; Ord. 236 § 7, 1932.]

#### **2.35.080 Drills.**

The department shall be drilled and maintained to the end that a fire shall be controlled as quickly as possible, upon arrival on the scene. A competent officer or firefighter shall be in charge of drills and shall be responsible for the proper training and drilling of firefighters at the standardization of methods. [Ord. 845 § 8, 2002; Ord. 236 § 8, 1932.]

#### **2.35.090 Response to alarms.**

Response to alarms should result in sufficiently trained firefighters and apparatus to handle any kind of fire. In departments not having a full paid force and in which volunteers, on-call or part-time firefighters are depended upon, the membership

## **2.35.100**

should be sufficiently large that an adequate number of firefighters will always be present to properly handle the existing apparatus and equipment and any other duties which may be necessary. When a fire company leaves its station and the regular watch is not left on duty, a substitute shall be provided whose duty it shall be to receive all calls on the telephone or alarm system and to make the proper response with reserve apparatus or otherwise notify the fire chief immediately, while said company is out on duty. [Ord. 845 § 9, 2002; Ord. 236 § 9, 1932.]

### **Article II. Fire Marshal**

#### **2.35.100 Office created.**

*Repealed by Ord. 905. [Ord. 245 § 1, 1942.]*

#### **2.35.110 Appointment.**

*Repealed by Ord. 905. [Ord. 245 § 2, 1942.]*

#### **2.35.120 Oath and bond.**

*Repealed by Ord. 905. [Ord. 245 § 3, 1942.]*

#### **2.35.130 Enforcement duties.**

*Repealed by Ord. 905. [Ord. 245 § 4, 1942.]*

#### **2.35.140 Disposal of refuse – Enforcement duty.**

*Repealed by Ord. 905. [Ord. 245 § 5, 1942.]*

#### **2.35.150 Right of entry.**

*Repealed by Ord. 905. [Ord. 245 § 6, 1942.]*

#### **2.35.160 Appeal procedure.**

*Repealed by Ord. 905. [Ord. 245 § 7, 1942.]*

#### **2.35.170 Noncompliance deemed separate offense.**

*Repealed by Ord. 905. [Ord. 245 § 8, 1942.]*

#### **2.35.180 Violation – Penalty.**

*Repealed by Ord. 905. [Ord. 245 § 9, 1942.]*

### **Article III. Volunteer Firemen**

#### **2.35.190 Applicability.**

The provisions of this article shall apply only to volunteer firemen of the town of La Conner, Washington. [Ord. 281 § 1, 1956.]

#### **2.35.200 Pension and retirement provisions.**

The town of La Conner hereby elects to permit volunteer firemen of the town to be enrolled under the pension and retirement provisions of the volunteer firemen's Relief and Pension Act, being Chapter 41.24 RCW, as amended. [Ord. 281 § 2, 1956.]

#### **2.35.210 Empowerment.**

The board of trustees of the volunteer firemen's Relief and Pension Act are hereby empowered to do all things necessary for the enrollment of volunteer firemen under the pension and retirement provisions of the act as provided therein, and to submit vouchers for the payment of the share of the annual fee to be borne by the town of La Conner. [Ord. 281 § 3, 1956.]

**Chapter 2.40**

**ENGINEERING DEPARTMENT**

Sections:

- 2.40.010 Established.
- 2.40.020 Appointed, subject to approval.
- 2.40.030 Eligibility.
- 2.40.040 Duties.
- 2.40.050 Compensation.

**2.40.010 Established.**

There is hereby created and established an engineering department and a town engineer to head the department in the town of La Conner. [Ord. 450 § 1, 1978.]

**2.40.020 Appointed, subject to approval.**

The town engineer shall be appointed by the mayor, subject to the approval of the town council, and shall hold office at the pleasure of the mayor. [Ord. 450 § 2, 1978.]

**2.40.030 Eligibility.**

To be eligible for the position of town engineer an applicant must be an engineer graduate from a duly accredited college or university with at least two years of practical experience in administration, control, planning and supervision of water, sewage and garbage utilities. In lieu of an engineering degree, additional practical experience in the above or related fields may be acceptable. [Ord. 450 § 3, 1978.]

**2.40.040 Duties.**

The duties of the town engineer shall be:

(1) Supervise the mechanical operation of the town water system, storm drains, and sewer systems.

(2) Supervise, administer and work with the council and planning commission on the town zoning code, subdivision code, PURD ordinance, Shoreline Management Act and any other zoning or planning ordinances now existing or hereafter adopted.

(3) Supervise and administer the layout, construction and maintenance of all public buildings, improvements, streets, alleyways and sidewalks.

(4) Such other duties and functions as shall be necessary in connection with the operation of the engineering department. [Ord. 450 § 4, 1978.]

**2.40.050 Compensation.**

The town engineer shall receive as compensation for his services a salary to be determined by the town council. [Ord. 450 § 5, 1978.]

**Chapter 2.42**

**PARKING COMMITTEE**

(Repealed by Ord. 849)

**Chapter 2.43**

**LA CONNER LODGING TAX  
ADVISORY COMMITTEE**

Sections:

- 2.43.010 Purpose.
- 2.43.020 Membership.
- 2.43.030 Appointment and terms.
- 2.43.040 Duties.

**2.43.010 Purpose.**

To allow the participation, involvement, and contributions of those lodging establishments that impose the lodging tax and recipient organizations that benefit from the use of the funds in making recommendations on an annual basis to the town council regarding the disbursement of lodging tax funds. [Ord. 952 § 1, 2005.]

**2.43.020 Membership.**

The La Conner lodging tax advisory committee (or "LTAC") shall consist of five voting members including: (1) "Business members" who shall be two members who are representatives of businesses required to collect lodging tax within the town of La Conner; (2) "Funded members" who shall be two members who are persons involved in activities authorized to be funded by revenue received from lodging taxes; and (3) one member who is an elected official of the town of La Conner. The chair of the committee will be elected by the voting members annually. [Ord. 952 § 1, 2005.]

**2.43.030 Appointment and terms.**

The mayor of La Conner shall appoint each committee member. Each member shall serve a two-year term and may be reappointed by the mayor for a second two-year term. A total of two consecutive two-year terms shall be the maximum served by any member. The mayor may also appoint members to fill the remainder of an unexpired term in the event of vacancy mid-term.

To maintain consistency, terms will alternate each year. One business member and one funded member initially appointed shall serve an initial one-year term, with the second business and funded member initially appointed to serve the regular two-year term. Terms begin January 1st and end December 31st of assigned years. Each year,

organizations representing business and funded members may submit recommendations for membership on the LTAC.

In making appointments, the mayor should consider the following criteria:

- Broad knowledge of lodging tax laws and uses;
- Commitment to the importance of tourism on the local economy;
- Experience in collaborative decision making and consensus building;
- Willingness to represent the committee in public;
- Ability to deal with conflict; and
- Ability to assess the overall tourism-promotion needs of the La Conner community. [Ord. 952 § 1, 2005.]

**2.43.040 Duties.**

Each year, a town proposal shall be submitted to the LTAC for review and comment by September 15th outlining the forthcoming year’s expected revenues, debt obligations, and available funds for disbursement. The LTAC shall submit comments and recommendations on such proposal to the town council by the second regular council meeting in October. Comments and recommendations from the LTAC shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the lodging tax fund created. The town council shall consider the recommendations of the LTAC, but shall retain the full authority to make, at its sole discretion, all budget, expenditure and revenue raising decisions authorized by law. [Ord. 952 § 1, 2005.]

**Chapter 2.45**

**PARK COMMISSION**

Sections:

- 2.45.010 Created.
- 2.45.020 Duties.
- 2.45.030 Organization – Meeting rules – Quorum.

**2.45.010 Created.**

An advisory park commission is hereby created. The public members of the commission shall be appointed by the mayor with the consent of the town council to serve for a three-year term, or until their successors are appointed. This advisory commission shall consist of five voting members, plus one nonvoting councilmember belonging to the council parks and preservation committee, and plus one nonvoting La Conner High School student. The La Conner High School nonvoting student member will be appointed at the end of his or her junior year and serve for one year. The mayor shall consider the advice of the LCHS principal in making the high school member appointment. At least three voting members shall be legal voters of the town of La Conner. The mayor shall fill all vacancies with the consent of the town council. The initial terms of office for the three noncouncil members shall have an initial term of three years, a second member an initial term of four years, and the third member an initial term of five years. [Ord. 946 § 1, 2005; Ord. 734 § 1, 1998; Ord. 188 § 1, 1915.]

**2.45.020 Duties.**

The duties of the park commission shall be to act as an advisory body for the mayor, town administrator, and town council regarding the operation, policies, procedures, and improvements to the town’s parks, play fields, street ends, and open space. The advisory commission shall not make any expenditures without prior motion and approval of the council. [Ord. 734 § 1, 1998; Ord. 188 § 2, 1915.]

**2.45.030 Organization – Meeting rules – Quorum.**

The advisory commission shall elect its own chairperson and create and fill such other offices as it may determine it requires. The commission shall hold at least bimonthly meetings (six per year). The

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commission may adopt written rules for transactions of business and shall keep a written record of its meetings, resolutions, motions, findings, determinations, and recommendations. The commission's meetings shall be open to the public in conformance with the Washington Open Public Meetings Act. A quorum shall consist of three (of the five) voting members of the commission. [Ord. 734 § 1, 1998.]

**Chapter 2.46**

**MAPLE CENTER ADVISORY COMMITTEE**

(Repealed by Ord. 911)

**Chapter 2.47**

**LA CONNER ARTS COMMISSION**

Sections:

Article I. Arts Commission

- 2.47.010 Purpose.
- 2.47.020 Membership.
- 2.47.030 Appearance restrictions.

Article II. Selection and Display Standards

- 2.47.033 Guidelines.
- 2.47.036 Criteria.
- 2.47.040 Display of art in public places.
- 2.47.050 Ownership.
- 2.47.060 Exemptions.

Article III. Funding, Capital Acquisitions

- 2.47.070 Policy.
- 2.47.080 Definitions.
- 2.47.090 Municipal construction appropriations.
- 2.47.100 Town park property appropriations.
- 2.47.110 Fund created.
- 2.47.120 Unexpended funds.

**Article I. Arts Commission**

**2.47.010 Purpose.**

The La Conner arts commission, hereafter referred to as “LCAC,” shall support artistic creation, education, participation, innovation, and partnerships, which showcase La Conner as a center for display, discussion, and exchange of ideas about the arts, to heighten our residents’ and visitors’ awareness of the central role of contemporary art in our dynamic society through the acquisition of visual art and support for the literary and performing arts, and to act as a center for display, discussion, and exchange of ideas on issues in contemporary art from our region. [Ord. 876 § 1, 2003; Ord. 813 § 1, 2001.]

**2.47.020 Membership.**

(1) The La Conner arts commission shall be comprised of a diverse group of active people with knowledge of the visual, literary, and performing arts. This diversity shall be in age, background, and gender. These individuals shall be dedicated to

active participation towards the mission and purpose of the La Conner arts commission. It shall be a “working” commission.

(2) The La Conner Arts Commission shall consist of five voting members, plus one La Conner High School nonvoting student member who shall reside in the La Conner school district, plus one nonvoting town council member who will act as liaison. The La Conner High School nonvoting student member will be appointed at the end of his or her junior year and serve for one year. The mayor shall consider the advice of the La Conner High School principal in making the high school member appointment. Voting members must reside or work within the La Conner school district. The mayor of La Conner shall appoint each commissioner; each voting commissioner shall serve a three-year term and may be reappointed by the mayor for a second three-year term. A total of two consecutive three-year terms shall be the maximum served by any commissioner.

(3) In making appointments, the mayor should consider the following criteria:

- (a) Broad cultural perspective;
- (b) Commitment to the importance of public art in the community;
- (c) Experience in collaborative decision making and consensus building;
- (d) Willingness to represent the commission in public;
- (e) Ability to deal with conflict; and
- (f) Ability to assess the overall needs of the La Conner community.

(4) Initial Commission Terms. Commissioners will be appointed to three-year terms, effective January 1st of each year, on a rotational basis. For the initial commission, two members will be appointed for a one-year term, two members will be appointed for a two-year term and three members will be appointed for a three-year term. Commissioners will serve without compensation.

(5) New commissioners appointed to replace members who do not fulfill their full term shall serve for the remainder of the unexpired term and be eligible for a full term (three years), should the mayor choose to reappoint the “new commissioner” at the end of the partial term.

(6) Commissioners must be available to attend monthly meetings on a regular basis. Three absences in a row, without special exception

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approved by the commission, will constitute abandonment of the commission by the member, and the mayor shall appoint a new commissioner.

(7) Meeting Procedures – Election of Officers. The LCAC shall establish its own procedures and may appoint task forces to make recommendations and report to the commission. [Ord. 1005 § 1, 2008; Ord. 945 § 1, 2005; Ord. 902 § 1, 2004; Ord. 876 § 1, 2003; Ord. 813 § 1, 2001.]

### **2.47.030 Appearance restrictions.**

While serving as a commissioner, and for one year thereafter, commissioners may not apply for a project administered and/or funded by the La Conner arts commission, or be hired as a paid consultant with funds from the public art fund. The restrictions also extend to immediate family members and business partners of acting commissioners. Specific exceptions to this guideline are to be made on a case-by-case basis, by majority vote of the town council. [Ord. 876 § 1, 2003; Ord. 813 § 1, 2001.]

## **Article II. Selection and Display Standards**

### **2.47.033 Guidelines.**

The commission shall adopt guidelines:

- (1) To identify suitable art objects for town buildings, public and private properties;
- (2) To facilitate the preservation of art objects and artifacts that may be displayed in public places;
- (3) To prescribe a method or methods for competitive selection of art objects for public display;
- (4) To prescribe procedures for the selection, acquisition and display of art in public places; and
- (5) To set forth organizational policies and procedures for the commission to operate within and to address any other matter appropriate to the administration of this chapter. [Ord. 876 § 1, 2003.]

### **2.47.036 Criteria.**

In performing its duties with respect to art in public places, the commission shall give special attention to the following matters:

(1) Professional Eligibility. Artists shall be selected on the basis of their qualifications, as demonstrated by their past work and/or education, the appropriateness of their proposal for the particular

project and the probability of its successful completion, as determined by the commission and town council.

(2) Conceptual compatibility of the design with the immediate environment of the site;

(3) Appropriateness of the design to the function of the site;

(4) Compatibility of the design and location with a unified design character or historical character of the site;

(5) Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art;

(6) Preservation and integration of natural features for the project;

(7) Appropriateness of the materials, textures, colors, and design to the expression of the design concept; and

(8) Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to ensure a variety of style, design and media throughout the community. [Ord. 876 § 1, 2003.]

### **2.47.040 Display of art in public places.**

(1) Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on, or about any public place or by agreement with the owner thereof, any private property with substantial public exposure in and around the town of La Conner. The commission may also loan works of art owned by the town for exhibition elsewhere, upon such terms and conditions as deemed necessary. Town officials responsible for the design and construction of public improvements in the town shall make appropriate space available for the placement of works of art, in consultation with the commission. The commission shall advise the department responsible for the particular public improvement of the commission's decision regarding the design, execution and placement of works of art in connection with such a project. For any proposed works of art requiring an extraordinary operation or maintenance expense, the commission shall obtain prior written approval of the department head responsible for such operation or maintenance before approving the same.

(2) All art on loan shall receive the prior review and approval of the arts commission. Prior to installation, the placement of art shall receive the final approval from the mayor with the concur-

rence from the public works director. The parks commission shall be consulted prior to the installation of art if the art is to be located in a town-owned park, open space or along the waterfront. None shall be removed, altered or changed without the prior review and approval of the arts commission, unless deemed necessary by the public works director.

(3) No work of art financed or installed either wholly or in part with town funds or with grants procured by the town shall be installed on privately owned property without a written agreement between the town and the owner specifying the proprietary interests in the work of art, and specifying other provisions deemed necessary or desirable by the town attorney. In addition, such written agreements shall specify that the private property owner shall assure:

(a) That the installation of the work of art will be done in a manner which will protect the work of art and the public;

(b) That the work of art will be maintained in good condition; and

(c) That insurance and indemnification will be provided as is appropriate.

(4) Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible. The artist shall be responsible for the actual installation of the art piece.

(5) The commission shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible. The commission shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. [Ord. 876 § 1, 2003.]

#### **2.47.050 Ownership.**

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the town of La Conner. [Ord. 876 § 1, 2003.]

#### **2.47.060 Exemptions.**

The following are exempt from the provisions of this chapter:

(1) All works of art in the collections of, or on display at, or under the auspices of any museum, library, commercial gallery or establishment, private collections; and

(2) All works of art on display in private town offices or other areas of town-owned facilities, which are not generally frequented by the public. [Ord. 876 § 1, 2003.]

### **Article III. Funding, Capital Acquisitions**

#### **2.47.070 Policy.**

A policy is established to provide funding for works of art in public places of the town of La Conner and participation in art events. Works of art purchased with these funds will become part of the town art collection. [Ord. 1019 § 1, 2009; Ord. 876 § 1, 2003; Ord. 799, 2001. Formerly 2.47.040.]

#### **2.47.080 Definitions.**

“Art fund” means a special purpose interest-bearing town fund into which shall be deposited all art funding authorized by this article together with other moneys as the town council shall authorize for works of art.

“Cost” of a municipal construction project means only the town-funded portion of a municipal construction project; provided, that “cost” shall not include the cost of real property acquisition, equipment or furnishings.

“Municipal construction project” means any project paid for wholly or in part by the town of La Conner to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility, or any substantial portion thereof within the limits of the town of La Conner. Municipal construction projects shall not include routine maintenance, the repair of existing public facilities or the replacement of fixtures in such facilities.

“Public art” means the capital acquisitions of works of art by the town of La Conner. [Ord. 976 § 1, 2006; Ord. 876 § 1, 2003; Ord. 799, 2001. Formerly 2.47.050.]

#### **2.47.090 Municipal construction appropriations.**

All authorizations and/or appropriations for municipal construction projects shall, whenever legally permitted, include an amount equal to not less than one percent of the total project cost. All town departments shall report through the annual budget process an amount equal to one percent of the cost of the town’s estimated portion of municipi-

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pal construction projects. The town's contributions made pursuant to this section shall be funded from the town's current expense fund.

The funds authorized and/or appropriated pursuant to this section shall be placed and held in the cumulative reserve (art acquisition) fund upon award of the project bid. These appropriations are to be used for the selection, acquisition and/or installation of works of art, which are suitable and appropriate, to be placed in, on or about town public facilities. In the event any law, rule or regulation establishing a source of funds for a particular project, including, but not limited to, grants, loans or assistance from federal, state or other governmental units, prohibits, limits or excludes art and art works as a proper expenditure, then the amount of funds from such source shall be excluded in computing the one percent amount of the total project cost. [Ord. 976 § 1, 2006; Ord. 876 § 1, 2003; Ord. 799(A), 2001. Formerly 2.47.060.]

### **2.47.100 Town park property appropriations.**

Any appropriations from leases of designated town park property shall set aside five percent of the total lease amount, to be used for the selection, acquisition and/or installation of works of art to be placed in, on, or about town public facilities, which are suitable and appropriate. [Ord. 876 § 1, 2003; Ord. 799(B), 2001. Formerly 2.47.070.]

### **2.47.110 Fund created.**

For accounting purposes a new municipal arts fund is established. All funds authorized and/or appropriated pursuant to this section shall be maintained in the municipal arts fund. The town council, in the annual budget, shall determine the amount to be allocated for participation in art events (i.e., Art's Alive), and the selection, acquisition and/or installation of individual works of art to be placed on or about public facilities and public areas, the amount to be allocated for the operations of the arts commission and the amount to be allocated for other public performances or artistic endeavors supported by the arts commission. Any expenditures made by the arts commission shall follow a majority vote of the arts commission authorizing such expenditure, consistent with the adopted budget of the town. In addition to the funding mechanisms in LCMC 2.47.090 and 2.47.100, the La Conner arts commission may solicit the contribution of funds through private donations to the

town, which will be allocated to the arts fund, or through fundraising opportunities so long as no expenditures of town funds are made therefor unless part of the arts commission approved budget or as authorized by the mayor. [Ord. 1019 § 2, 2009; Ord. 902 § 2, 2003; Ord. 876 § 1, 2003; Ord. 799(C), 2001. Formerly 2.47.080.]

### **2.47.120 Unexpended funds.**

Funds authorized and/or appropriated pursuant to this article for a municipal construction project but not expended on any such project shall be placed and retained in the town of La Conner municipal arts fund. If for any reason any transfer to such fund shall be contrary to law or prohibited by any rule or regulation governing such funds, then any such unspent or residual sum authorized and/or appropriated as a part of such construction project may be expended for any like or similar public purpose or purposes relating to the selection, acquisition and/or installation of works of art. [Ord. 876 § 1, 2003; Ord. 799(D), 2001. Formerly 2.47.090.]

**Chapter 2.48**

**LA CONNER CIVIC GARDEN CLUB OVERSIGHT COMMITTEE**

Sections:

- 2.48.010 Objectives.
- 2.48.020 Membership.
- 2.48.030 Organization.
- 2.48.040 Duties.
- 2.48.050 Council authority.

**2.48.010 Objectives.**

The purpose of the La Conner Civic Garden Club oversight committee (LCCGCOC) is to ensure that the La Conner Civic Garden Club building is maintained for future generations, in compliance with its listing on the National Historic Register. [Ord. 784 § 1, 2000.]

**2.48.020 Membership.**

Membership of this oversight committee shall be comprised of the following three citizens:

- (1) One member of the La Conner Civic Garden Club, selected by the club;
- (2) One member of the La Conner town council buildings committee; and
- (3) One member of the Skagit Valley Historical Museum board of directors, selected by the board.

The town of La Conner shall provide written notice of vacancies on the LCCGCOC to the historical museum board and to the garden club. Those vacancies shall be filled within 30 days of the notice of vacancy being sent from the town. If those vacancies are not filled within the 30-day period, the mayor of the town of La Conner shall have the authority to appoint members of the LCCGCOC to fill all vacancies without regard to where the appointees reside, work or any memberships or affiliations they may have with the museum or the garden club. [Ord. 784 § 2, 2000.]

**2.48.030 Organization.**

- (1) Term of Membership. The term of membership shall be three years.
- (2) The LCCGCOC shall make any necessary rules of procedure for completing its objectives.
- (3) A quorum shall be a simple majority of the committee.
- (4) The committee shall elect a chairperson from its membership.

(5) Meetings of the LCCGCOC may be called by its chairperson, a majority of its members, or by the town council with two days' notice to all members. [Ord. 784 § 3, 2000.]

**2.48.040 Duties.**

(1) The LCCGCOC shall meet at least once annually to prepare a report for the council on the status of the building, as well as a budget for maintenance and operations of the building.

(2) The LCCGCOC shall propose rules and regulations for the use of the building to the council; said rules and regulations may not be modified by the council without a recommendation from the LCCGCOC. Such recommendation must be made within 30 days of the council request or the proposal will be deemed recommended by the LCCGCOC.

(3) The LCCGCOC shall make recommendations to the council that are consistent with the preservation of the federally designated historic status of the structure.

(4) The LCCGCOC shall make recommendations to the council regarding maintenance of the building in top condition and protect and preserve the building for the citizens of La Conner, Skagit County and visitors.

(5) The town council shall forward all significant proposals for changes of use or modifications of the building's structure or appearance to the LCCGCOC, and the council shall not act until the LCCGCOC makes a recommendation on the proposal. Such recommendation must be made within 30 days of the council request or the proposal will be deemed recommended by the LCCGCOC. [Ord. 784 § 4, 2000.]

**2.48.050 Council authority.**

Final authority remains vested with the town council, consistent with Washington State law. [Ord. 784 § 5, 2000.]

**Chapter 2.49**

**LA CONNER SENIOR CITIZEN CENTER**

Sections:

2.49.010 Objectives.

2.49.020 Use of town facilities.

**2.49.010 Objectives.**

The purpose of this chapter is to encourage the creation of a La Conner Senior Center Program to serve the local seniors and provide them with a facility to hold regularly scheduled activities and events. A volunteer coordinator and/or a committee of volunteers will staff the La Conner Senior Center, organizing and facilitating events and activities and coordinating the use of town facilities through the town administration. [Ord. 850, 2002.]

**2.49.020 Use of town facilities.**

The town shall provide free use of its facilities for the purpose of accommodating the La Conner Senior Center. Scheduling of facilities shall be done in advance and through the town administration. Use of facilities shall be based on availability and shall be free of charge. The La Conner Senior Center members shall be responsible for facility cleanup after each use and for any damage or theft of facility equipment that may occur during the use of the facilities. [Ord. 850, 2002.]

**Chapter 2.50**

**CIVIL DEFENSE**

Sections:

- 2.50.010 Purposes.
- 2.50.020 Definitions.
- 2.50.030 Civil defense council – Membership.
- 2.50.040 Civil defense council – Powers and duties.
- 2.50.050 Director of civil defense – Powers and duties.
- 2.50.060 Director of civil defense – In event of disaster.
- 2.50.070 Civil defense organization.
- 2.50.080 Divisions, services and staff of the civil defense organization.
- 2.50.090 Violation – Penalty.

**2.50.010 Purposes.**

The purposes of this chapter are to provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense of persons and property within this town in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this town with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the town of La Conner. [Ord. 279 § 1, 1956.]

**2.50.020 Definitions.**

(1) “Civil defense” shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

(2) “Disaster” shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. [Ord. 279 § 2, 1956.]

**2.50.030 Civil defense council – Membership.**

The La Conner civil defense council is hereby created and shall consist of the following:

- (1) The mayor, who shall be chairman.
- (2) The director of civil defense, who shall be vice chairman.
- (3) Such town officials and other citizens of this town as may be appointed by the mayor with the advice and consent of the town council. [Ord. 279 § 3, 1956.]

**2.50.040 Civil defense council – Powers and duties.**

It shall be the duty of the La Conner civil defense council, and it is hereby empowered, to review and recommend for adoption, civil defense and mutual aid plans and agreements and such resolutions, rules and regulations as are necessary to implement such plans and agreements. The civil defense council shall meet upon call of the chairman or in his absence from the town or inability to call such meeting, upon the call of the vice chairman. [Ord. 279 § 4, 1956.]

**2.50.050 Director of civil defense – Powers and duties.**

There is hereby created the office of director of civil defense. Such officer shall be appointed by the mayor with the advice and consent of the civil defense council. The director is hereby empowered and directed:

- (1) To prepare a civil defense operating plan for the town conforming to the county and state civil defense plan and program;
- (2) To control and direct the effort of the civil defense organization of this town for the accomplishment of the purposes of this chapter;
- (3) To direct coordination and cooperation between divisions, services and staff of the civil defense organization of this town, and to resolve questions of authority and responsibility that may arise between them;
- (4) To represent the civil defense organization of this town in all dealings with public or private agencies pertaining to civil defense and disaster. [Ord. 279 § 5, 1956.]

**2.50.060 Director of civil defense – In event of disaster.**

In the event of disaster as provided in this chapter, the director is hereby empowered:

- (1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided,

## **2.50.070**

however, such rules and regulations must be confirmed at the earliest practicable time by the civil defense council;

(2) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the town for the fair value thereof, and if required immediately, to commandeer the same for public use;

(3) To require emergency services of any town officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense workers;

(4) To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the civil defense council, or by any other lawful authority;

(5) To requisition necessary personnel or material of any town department or agency. [Ord. 279 § 6, 1956.]

### **2.50.070 Civil defense organization.**

All officers and employees of this town, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of LCMC 2.50.060(3), charged with duties incident to the protection of life and property in this town during disaster, shall constitute the civil defense organization of the town of La Conner. [Ord. 279 § 7, 1956.]

### **2.50.080 Divisions, services and staff of the civil defense organization.**

The functions and duties of the La Conner civil defense organization shall be distributed among such divisions, services and special staff as the civil defense council shall prescribe. The civil defense council shall concurrently with the adoption of this chapter, prescribe the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and

employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the Department of Civil Defense of the state of Washington. [Ord. 279 § 8, 1956.]

### **2.50.090 Violation – Penalty.**

It shall be a misdemeanor, punishable by a fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, or both, for any person during a disaster:

(1) To willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

(2) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this town, or to prevent, hinder or delay the defense or protection thereof;

(3) To wear, carry or display, without authority, any means of identification specified by the state Department of Civil Defense. [Ord. 279 § 9, 1956.]

**Chapter 2.55**

**PUBLIC WORKS CONSTRUCTION**

(Repealed by Ord. 905)

**Chapter 2.60**

**BONDS FOR TOWN OFFICIALS**

Sections:

2.60.010 Clerk.

2.60.020 Treasurer.

2.60.030 *Repealed.*

**2.60.010 Clerk.**

The town clerk before entering upon the duties of his office shall execute a bond to the town of La Conner in the penal sum of \$250.00. [Ord. 15 § 1, 1890.]

**2.60.020 Treasurer.**

The town treasurer before entering upon the duties of his office shall execute a bond to the town of La Conner in the penal sum of \$5,000. [Ord. 15 § 2, 1890.]

**2.60.030 Marshal.**

*Repealed by Ord. 812.* [Ord. 15 § 3, 1890.]

Chapter 2.63

DEFENSE OF OFFICIALS, EMPLOYEES AND VOLUNTEERS

Sections:

- 2.63.010 Definitions.
2.63.020 Legal representation.
2.63.030 Exclusions.
2.63.040 Determination of exclusion.
2.63.050 Representation and payment of claims - Conditions.
2.63.060 Effect of compliance with conditions.
2.63.070 Failure to comply with conditions.
2.63.080 Reimbursement of incurred expenses.
2.63.090 Conflict with provisions of insurance policies.
2.63.100 Pending claims.
2.63.110 Modification of chapter.
2.63.120 Construction.

2.63.010 Definitions.

As used in this chapter, unless the context clearly requires otherwise, the following words shall have the meaning set forth below:

- (1) "Employee" means any person who is or has been employed by the town of La Conner.
(2) "Official" means any person who is serving or has served as an elected or appointed town official or officer, and any person who is serving or has served as an appointed member of any town board, commission, committee, or other appointed position with the town.
(3) "Volunteer" means any person who, without monetary compensation, serves or has served the town of La Conner under the explicit authorization and direction of a town department.

2.63.020 Legal representation.

(1) The town shall provide to an official, employee, or volunteer, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee, or volunteer may have concluded service or employment with the town, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee, or volunteer resulting from any conduct, act or omission of such

official, employee, or volunteer performed or omitted on behalf of the town in his/her capacity as a town official, employee, or volunteer, which act or omission is within the scope of his/her service or employment with the town.

- (2) The legal services shall be provided by the town attorney unless:
(a) Any provision of an applicable policy of insurance provides otherwise; or
(b) A conflict of interest or ethical bar exists with respect to said representation; or
(c) The town attorney, subject to council approval, appoints alternate legal counsel to the case.

(3) In the event that outside counsel is retained under subsections (2)(a) and (2)(c) of this section, the town shall indemnify the official, employee, or volunteer from the reasonable costs of defense; provided, that in no event shall the official, employee, or volunteer be indemnified for attorney's fees in excess of the rates established by the town's contract with the attorney selected by the town. The official, employee, or volunteer shall be liable for all attorney's fees in excess of said rate. In the event that outside counsel is retained under subsection (2)(b) of this section, the town shall indemnify the official, employee, or volunteer from the reasonable costs of defense; provided, that in no event shall the official, employee, or volunteer be indemnified for attorney's fees in excess of the then prevailing hourly rate of the town attorney. The official, employee, or volunteer shall be liable for all attorney's fees in excess of said rate. [Ord. 716 § 3, 1998.]

2.63.030 Exclusions.

- (1) In no event shall protection be offered under this chapter by the town for:
(a) Any dishonest, fraudulent, criminal, willful, intentional, or malicious act or course of conduct of an official, employee, or volunteer;
(b) Any act or course of conduct of an official, employee, or volunteer which is not performed on behalf of the town;
(c) Any act or course of conduct which is outside the scope of an official's, employee's, or volunteer's service or employment with the town;
(d) Any lawsuit brought against an official, employee, or volunteer by or on behalf of the town;
(e) Any action or omission contrary to or not in furtherance of any adopted town policy.

(2) Nothing herein shall be construed to waive or impair the right of the town council to institute suit, counterclaim or crossclaim against any official, employee, or volunteer, nor to limit its ability to discipline or terminate an employee.

(3) The provisions of this chapter shall have no force or effect with respect to any accident, occurrence, or circumstance for which the town or the official, employee, or volunteer is insured against loss or damages under the terms of any valid insurance policy; provided, that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee, or volunteer. The town shall have the right to require an employee to utilize any such policy protection prior to requesting the protection afforded by this chapter. [Ord. 716 § 4, 1998.]

#### **2.63.040 Determination of exclusion.**

The determination of whether an official, employee, or volunteer shall be afforded a defense by the town under the terms of this chapter shall be made by the town council on the recommendation of the mayor and town attorney. The decision of the town council shall be final as a legislative determination and shall be based upon a finding that the claim or suit against an official, employee, or volunteer meets or does not meet the criteria of this chapter. Nothing herein shall preclude the town from undertaking an official's, employee's, or volunteer's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the town council shall be made without the vote of such member or members of the town council unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the town council, all such affected members shall retain their voting privileges under this section.

Denial of a request for representation or indemnification may be reviewed only by an action in the Skagit County Superior Court filed within 15 days of the denial by town council. [Ord. 716 § 5, 1998.]

#### **2.63.050 Representation and payment of claims – Conditions.**

The provisions of this chapter shall apply only when the following conditions are met:

(1) In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official, employee, or volunteer involved shall, as soon as practicable, give the town attorney written notice thereof, identifying the official, employee, or volunteer involved, all information known to the official, employee, or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

(2) Upon receipt thereof, the official, employee, or volunteer shall promptly deliver any claim, demand, notice, or summons or other process relating to any such incident or conduct to the town attorney, and shall cooperate with the town attorney or an attorney designated by the town and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the town because of any damage or claim arising from said incident or course of conduct, including, but not limited to, rights of recovery for costs and attorney's fees arising out of state or federal statute upon a determination that the lawsuit brought was frivolous in nature.

(3) Such official, employee, or volunteer shall attend interviews, depositions, hearings and trial and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official, employee, or volunteer and, in the event that an employee has left the employ of the town, no fee or compensations shall be provided.

(4) Such official, employee, or volunteer shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to said claim or suit, other than for medical first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss, or damage. Nothing herein shall be deemed to preclude any official, employee, or volunteer from retaining an attorney to represent his/her interests relating to

## 2.63.060

such claim or lawsuit; however, all costs and expenses incurred thereby shall be paid by the official, employee, or volunteer.

(5) An official, employee, or volunteer shall also give notice to the mayor of his/her request for defense and indemnification from a claim or action. [Ord. 716 § 6, 1998.]

### **2.63.060 Effect of compliance with conditions.**

If legal representation of an official, employee, or volunteer is undertaken by the town, all of the conditions of representation are met, and a judgment is entered against the official, employee, or volunteer, or a settlement made, the town shall pay such judgment or settlement not otherwise covered by insurance in the same manner as a judgment or settlement against the town, except any portion of the judgment which is for punitive damages.

The town council may, by separate resolution, authorize payment of a judgment for punitive damages against a person who has been represented by the town attorney or a designated attorney under LCMC 2.46.020(B). The town reserves the right to appeal any judgment at its sole discretion. [Ord. 716 § 7, 1998.]

### **2.63.070 Failure to comply with conditions.**

In the event that any official, employee, or volunteer fails or refuses to comply with any of the conditions set forth in LCMC 2.63.050, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions for defense and indemnification in this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation. [Ord. 716 § 8, 1998.]

### **2.63.080 Reimbursement of incurred expenses.**

(1) If the town determines that an official, employee, or volunteer does not come within the provisions of this chapter and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the town shall pay any judgment rendered against the official, employee, or volunteer and reasonable attorney's fees incurred in defending against the claim. The town shall pay any costs, and reasonable attorney's fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter, including court appeals;

however, if a court of competent jurisdiction determines that such claim does not come within the provisions of this chapter, then the official, employee, or volunteer shall pay the town's costs and reasonable attorney's fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter, including appeals.

(2) If the town determines that a claim against a town official, employee, or volunteer comes within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the town shall be reimbursed for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter. [Ord. 716 § 9, 1998.]

### **2.63.090 Conflict with provisions of insurance policies.**

The indemnification provisions of this chapter do not constitute a policy of insurance, and nothing contained in this chapter shall be construed to modify or amend any provisions of any policy of insurance where any town official, employee, or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's, official's, or volunteer's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter only outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter. [Ord. 716 § 10, 1998.]

### **2.63.100 Pending claims.**

The provisions of this chapter shall apply to any pending claim or lawsuit against an official, employee, or volunteer, or any such claim or lawsuit hereinafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit. [Ord. 716 § 11, 1998.]

**2.63.110 Modification of chapter.**

The provisions of this chapter shall be subject to amendment, modification, and repeal, at the sole discretion of the town council; provided, that any such amendment, modification or repeal shall apply prospectively only, and shall have no effect on the obligation of the town to indemnify or defend against any claim which is based, in whole or in part, upon any action or omission of an official, employee, or volunteer occurring prior to the effective date of such amendment, modification or repeal. [Ord. 716 § 12, 1998.]

**2.63.120 Construction.**

In the event of any conflict between this chapter and any collective bargaining agreement, the terms of the collective bargaining agreement shall prevail. [Ord. 716 § 13, 1998.]

**Chapter 2.65**

**COMPENSATION**

Sections:

- 2.65.010 Mayoral.
- 2.65.020 Councilmember.
- 2.65.030 Travel reimbursements.
- 2.65.040 Town employee salary ranges.
- 2.65.050 Town employee compensation in the event of town closure.

**2.65.010 Mayoral.\***

The mayor of the town of La Conner shall receive the sum of \$150.00 per month for executing the duties and obligations of the mayor of the town of La Conner. [Ord. 922 § 1, 2004; Ord. 604 § 1, 1991.]

\*Code reviser’s note: Ord. 1002 provides as follows:

Section 1. Effective January 1, 2008, the salary for the Mayor of the Town of La Conner shall be adjusted to \$475.97 per month for 2008. The Mayor’s compensation shall not include payment of medical or dental insurance provided by the Town.

Section 2. The salary set forth in item 1 above shall be adjusted annually by the documented increase in the Mayor’s personal medical insurance premium; but in no case shall the Mayor’s salary exceed \$150.00 plus the amount the Town would pay to carry the mayor on its own medical insurance policy per month.

Section 3. Immediately upon the current mayor leaving office, the salary of the Mayor of the Town of La Conner will revert back to \$150.00 per month and the Mayor’s compensation shall then include payment of the premium required to include the Mayor on the Town’s medical insurance policy.

**2.65.020 Councilmember.**

Each councilmember of the town of La Conner shall receive the sum of \$25.00 for attendance at each regular monthly meeting of the town council. A maximum number of two meetings per month will be paid. [Ord. 604 § 2, 1991.]

**2.65.030 Travel reimbursements.**

(1) The town shall reimburse town employees/officials for business-related mileage at the rates set forth annually by the Internal Revenue Service. This reimbursement will not apply to normal daily travel.

(2) The town shall reimburse town employees/officials for other travel-related expenses including lodging, meals, and necessary supplies/expenses when evidenced by receipts.

**2.65.040**

(3) The expenses claimed shall be directly related to the travel-related official business, shall only relate to expenses incurred by the employee/official, shall not include any expenses related to other nonemployees/officials, and shall not include any tips or gratuities.

(4) The town administrator shall have authority to review and approve/disapprove of these reimbursements including the determination of the reasonableness and necessity of the claimed expenses. [Ord. 754 § 1, 1999.]

**2.65.040 Town employee salary ranges.**

Exempt and hourly employees shall be hired by the mayor and employed by the town, using the following salary ranges to establish initial salary levels; thereafter, salary ranges may be used to compensate exempt and hourly employees for exemplary service on behalf of the town; and the town shall review these salary ranges every four years to assure their continued appropriateness:

<b>Position (Exempt)</b>	<b>Salary Range</b>
Administrator	\$55,000 – \$70,000
Public Works Director	\$45,000 – \$60,000
Finance Director	\$45,000 – \$60,000
Planning Director	\$45,000 – \$60,000
<b>Position (Hourly)</b>	<b>Salary Range</b>
Deputy Clerk	\$35,000 – \$45,000
Planning Assistant (part-time)	\$14,000 – \$24,000
Staff Assistant (part-time)	\$14,000 – \$18,000
Code Enforcement Officer (part-time)	\$6,000 – \$7,000

[Ord. 995 § 1, 2007.]

**2.65.050 Town employee compensation in the event of town closure.**

In the event of the closure of town offices and/or the late opening due to severe weather conditions or other extraordinary events when employees are told to go home or not to come into work, these official town closures will be considered paid time off.

However, during times of inclement weather or natural disaster, it is essential that the town continue to provide vital public services such as police, fire services, certain public works services and

wastewater treatment services. For services that must continue, the mayor or town administrator, working with the department head, will determine the level of staffing required and the process by which it is decided which employees can be released and which must remain on duty. Otherwise employees are expected to report to work as usual unless excused by the mayor or the administrator. Individual decisions not to report to work due to any of the above conditions will be viewed as leave without pay or vacation leave.

Further, in the event that the duration of the severe weather conditions or other extraordinary events is deemed significant by the mayor, the mayor may terminate his decision to pay some or all employees for time away from the office. [Ord. 995 § 2, 2007.]

Chapter 2.70

COUNCIL CHAMBER

(Repealed by Ord. 805)

Chapter 2.75

PIONEER PARK\*

Sections:

- 2.75.010 Park use hours.
- 2.75.015 Community group fee.
- 2.75.020 Overnight camping.
- 2.75.030 Reserving kitchen facilities.
- 2.75.040 Reserving park for group events.
- 2.75.050 Plant materials.
- 2.75.060 Garbage removal.
- 2.75.070 Water usage.
- 2.75.080 Animals.
- 2.75.090 Malicious mischief.
- 2.75.100 Violation – Penalty.

\*Prior legislation: Ord. 475.

**2.75.010 Park use hours.**

(1) The park shall be open for public use from 6:00 a.m. to 10:00 p.m. during May, June, July, August, September and October.

(2) The park shall be open for public use from 7:00 a.m. to 7:00 p.m. during November, December, January, February, March and April.

(3) The park is closed to the public at all other times. [Ord. 610-A § 1, 1992.]

**2.75.015 Community group fee.**

(1) The La Conner High School senior class, Volunteer Firefighters Association Easter Egg Hunt, Pioneer Association Picnic and La Conner Masonic Lodge may reserve Pioneer Park and the kitchen facilities for a fee of \$1.00. There will be no requirement for a damage deposit.

(2) The town council may approve a reduced fee to reserve Pioneer Park and the kitchen facilities and waive the damage deposit for community groups not included in subsection (1) of this section. [Ord. 819, 2001; Ord. 810, 2001.]

**2.75.020 Overnight camping.**

There shall be no overnight camping within the park boundaries. [Ord. 610-A § 2, 1992.]

**2.75.030 Reserving kitchen facilities.**

Groups or individuals wishing to reserve Pioneer Park kitchen shall pay in advance \$100.00 per day for such use. In addition, a deposit of \$50.00 for cleaning shall be required. Users shall be charged \$25.00 per worker hour for cleanup, if

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required, otherwise such deposit or portion thereof shall be returned to user within 21 days of use. [Ord. 783 § 1, 2000; Ord. 610-A § 3, 1992.]

**2.75.040 Reserving park for group events.**

The park may be reserved for group gatherings. A reservation shall be made at Town Hall. [Ord. 610-A § 4, 1992.]

**2.75.050 Plant materials.**

It shall be unlawful for any person to pick flowers or to cut, tear, break, or otherwise damage flowers, shrubs, trees or other plant life in the park. [Ord. 610-A § 5, 1992.]

**2.75.060 Garbage removal.**

Garbage shall be disposed of in the appropriate receptacles. [Ord. 610-A § 6, 1992.]

**2.75.070 Water usage.**

Water shall be available for all persons enjoying the use of the park. Water shall not be transported from the park for private use which is not associated with the recreational use of the park. [Ord. 610-A § 7, 1992.]

**2.75.080 Animals.**

Animals shall be kept on leashes. [Ord. 610-A § 8, 1992.]

**2.75.090 Malicious mischief.**

(1) There shall be no malicious mischief actions or behavior permitted within the park. A person is guilty of malicious mischief if he knowingly and maliciously:

(a) Causes physical damage to the park property in an amount less than \$250.00;

(b) Creates a substantial risk of interruption or impairment of service rendered to the public by tampering with the park property.

(2) Malicious mischief is a crime. [Ord. 610-A § 9, 1992.]

**2.75.100 Violation – Penalty.**

The violation of any provision of this chapter shall constitute a misdemeanor and shall be punished by a fine not to exceed \$1,000. [Ord. 610-A § 10, 1992.]

**Chapter 2.80**

**AMBULANCE SERVICE**

(Repealed by Ord. 858)

Chapter 2.85

REPORTING IMPROPER GOVERNMENTAL ACTION

Sections:

- 2.85.010 Policy statement.
2.85.020 Definitions.
2.85.030 Procedures for reporting.
2.85.040 Protection against retaliatory actions.
2.85.050 Responsibilities.

2.85.010 Policy statement.

It is the policy of the town of La Conner to encourage its employees to report improper governmental action taken by the town of La Conner officers or employees and to protect the town of La Conner policies and procedures. [Ord. 616, 1992.]

2.85.020 Definitions.

As used in this policy, the following terms shall have the meanings indicated:

(1) "Improper governmental action" means any action by a town of La Conner officer or employee:

(a) That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

(b) That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

(2) "Retaliatory action" means any adverse change in the terms and conditions of a town of La Conner employee's employment.

(3) "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property. [Ord. 616, 1992.]

2.85.030 Procedures for reporting.

(1) Town of La Conner employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the town ombudsman or such other person as may be designated by the town council to receive reports of improper governmental action.

(2) In case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

(3) The supervisor, the ombudsman or the town council's designee, as the case may be, shall take prompt action to assist the town of La Conner in properly investigating the report of improper governmental action. Town of La Conner officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

(4) Town of La Conner employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the town of La Conner to determine whether an improper governmental action occurred, or that insufficient action has been taken by the town of La Conner to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

(5) Town of La Conner employees who fail to make a good-faith attempt to follow the local's procedures in reporting improper governmental action shall not receive the protections provided by the town of La Conner in these procedures. [Ord. 616, 1992.]

**2.85.040 Protection against retaliatory actions.**

(1) Town of La Conner officials and employees are prohibited from taking retaliatory action against a town of La Conner employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

(2) Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the ombudsman or the town council's designee. Town of La Conner officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

(3) If the employee's supervisor, the ombudsman or the town council's designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the town council that:

(a) Specifies the alleged retaliatory action; and

(b) Specifies the relief requested.

(4) Town of La Conner employees shall provide a copy of their written charge to the town ombudsman no later than 30 days after the occurrence of the alleged retaliatory action. The town ombudsman shall respond within 30 days to the charge of retaliatory action.

(5) After receiving either the response of the town of La Conner or 30 days after the delivery of the charge to the ombudsman, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the ombudsman within the earlier of either 15 days of delivery to the ombudsman's response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to the town council for response.

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(6) Upon receipt of the request for hearing, the town of La Conner shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
 P.O. Box 42488  
 4224 Sixth S.E.  
 Rowe Six, Bldg. 1  
 Lacey, WA 98504-2488  
 (360) 459-6352

(7) The town of La Conner will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed. [Ord. 616, 1992.]

**2.85.050 Responsibilities.**

(1) The mayor is responsible for implementing the town of La Conner’s policies and procedures:

- (a) For reporting improper governmental action; and
- (b) For protecting employees against retaliatory actions.

(2) This includes ensuring that this policy and these procedures:

- (a) Are permanently posted where all employees will have reasonable access to them;
- (b) Are made available to any employee upon request; and
- (c) Are provided to all newly-hired employees.

(3) Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. [Ord. 616, 1992.]

**Chapter 2.90**

**INSPECTION OF PUBLIC RECORDS**

Sections:

- 2.90.010 Request for records.
- 2.90.020 Response to request.
- 2.90.030 Information exempt from public inspection.
- 2.90.040 Record copy charge.
- 2.90.050 Alteration of cost schedule.
- 2.90.060 Payment of cost of transcription of verbatim written transcript for court proceedings.
- 2.90.070 Disclosure prohibited.
- 2.90.080 Reference to clerk-treasurer.

**2.90.010 Request for records.**

All persons desiring to inspect or receive a copy of any public record of the town must make their request to the town clerk-treasurer, or his/her designee, on forms specified by the town clerk-treasurer. [Ord. 659 § 1, 1994.]

**2.90.020 Response to request.**

(1) Responses to requests for records will be made with reasonable promptness. If the request is for a record maintained or indexed other than in the clerk-treasurer’s office, the requester will be advised that the request has been forwarded to the appropriate department. All assistance necessary to help the requester shall be provided either by an employee of the clerk-treasurer’s office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the town or the other duties of assisting employees. If the written request includes a request for copies, a payment in accordance with the town’s fee schedule shall be paid.

(2) Whenever a member of the public has requested to inspect an identifiable public record and that request has been denied, such person may submit a written request and have such denial reviewed by the town clerk-treasurer. The review of the denial by the town clerk-treasurer shall be as prompt as possible.

(3) Under no circumstances shall original documents, tapes, or electronically or photographically recorded material be removed from the town offices nor control and custody thereof be with any person other than town employees, agents, or elected officials. [Ord. 659 § 2, 1994.]

## 2.90.030

### 2.90.030 Information exempt from public inspection.

The following shall be exempt from public inspection and copying:

(1) Personal information and any files maintained for prisoners.

(2) Personal information and any files maintained for town employees, appointees or elected officials to the extent the disclosure would violate their right to privacy.

(3) Information required of any taxpayer or town license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer's or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee.

(4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement, ombudsman or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for nondisclosure.

(6) Test questions, scoring keys and other examination data used to administer license, employment or civil service examination.

(7) Except as provided by Chapter 8.26 RCW, the contents of any real estate appraisals made for or by any agency, including the town, relative to the acquisition of property by the town until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal.

(8) Valuable formulas, designs, drawings and research data obtained or produced by the town, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss.

(9) Preliminary drafts, note, recommendations and intra-agency memoranda in which opinions are expressed or policies formulated or recommended,

except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a current or potential litigation to which the town or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(11) Any library record which could disclose the identity of a user of library materials.

(12) Lists of individuals requested for commercial purposes.

(13) Any public record access which the superior court has found would damage any person or vital government function.

(14) Residence address and telephone number of town employees or volunteers.

(15) Residence address and telephone number of town utility customers.

(16) Applications for employment, including name of applicant, resume, and other related material submitted with respect to an applicant.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Ord. 659 § 3, 1994.]

### 2.90.040 Record copy charge.

(1) Copies of any disclosable public record (or portions thereof) including, but not limited to map, reports, codes, and plans, shall be made and provided by the town upon request and payment of the actual cost incidental to reproducing the same. The town clerk-treasurer, in consultation with appropriate departments, is directed to prepare and have on file as a public document a schedule of such costs of reproduction. In determining the cost of reproduction, all costs incident to such reproduction shall be includable factors, including labor and mailing costs.

(2) Where the request is for a certified copy, there shall be an additional charge to cover the additional expense and time required for certification.

(3) Payment for the cost of reproduction of all public records shall be made at the time the request for public records is submitted to the town clerk-treasurer. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the town clerk-treasurer in the schedule of costs for reproduction. If the actual amount of the cost of reproduction exceeds the amount tendered, the balance shall be paid upon delivery of the requested copy or copies. In the event the amount tendered exceeds the actual cost, the balance shall be refunded at the time of the delivery of the copy or copies. Except as specifically provided herein, there shall be no refunds. [Ord. 659 § 4, 1994.]

**2.90.050 Alteration of cost schedule.**

When a change in the established cost schedule is required, the town clerk-treasurer, in consultation with appropriate department(s), shall change the schedule by filing a new schedule. [Ord. 659 § 5, 1994.]

**2.90.060 Payment of cost of transcription of verbatim written transcript for court proceedings.**

(1) Whenever the town is required to prepare a verbatim written transcript of any proceeding of the town in response to a writ of review or other action filed in the superior court or any other state or federal court, the cost of preparing the same shall be borne by the party filing the action. The party filing such action shall pay to the town clerk-treasurer the estimated cost of the preparation of the transcript (as established by the town clerk-treasurer), including copying costs, and the town clerk-treasurer shall thereafter make a provision for the preparation of the transcript.

(2) Should the actual cost incurred by the town in preparation of the transcript exceed the amount deposited with the town clerk-treasurer, the party making such deposit shall be required to reimburse the town for such additional amount within 10 days of notification that such amount is due or prior to the time the transcript is required to be filed with the court, whichever occurs first. Should the actual cost incurred by the town be less than the estimated cost deposited, such credit due shall be reimbursed by the town to the party making the deposit. [Ord. 659 § 6, 1994.]

**2.90.070 Disclosure prohibited.**

The town shall not be required to permit public inspection and/or copying of any record to the extent public disclosure is prohibited, restricted, or limited by state or federal laws. [Ord. 659 § 7, 1994.]

**2.90.080 Reference to clerk-treasurer.**

Any reference herein to “town clerk-treasurer” includes the town clerk-treasurer and his or her designee. [Ord. 659 § 8, 1994.]

**Chapter 2.95**

**CLAIMS AGAINST THE TOWN**

Sections:

- 2.95.010 Filing.
- 2.95.020 Contents of claim – Filing on behalf of claimant.
- 2.95.030 Bar to action.
- 2.95.040 Action maintained.
- 2.95.050 Duties of town clerk.
- 2.95.060 Duties of town attorney.
- 2.95.070 Authority for payment.

**2.95.010 Filing.**

All claims for damages of any type based on any type of claim against the town shall be presented in writing and filed with the town clerk. [Ord. 751 § 1, 1999.]

**2.95.020 Contents of claim – Filing on behalf of claimant.**

All claims for damages against the town, provided for in LCMC 2.95.010, shall accurately state the time, place, source, nature, extent and basis of the alleged damage, and give the actual residence of the claimant by street and number as of the date of presenting such claims for damages accrued and shall be verified by affidavit of the claimant, or such other person, as may be authorized by law to verify such claims to the effect that the same is true.

If the claimant is incapacitated from verifying and filing his/her claim for damages within the time prescribed, or if the claimant is a minor, or in the case the claim is for damages to real or personal property, and the owner of such property is a non-resident of such town or is absent therefrom during the time within which the claim for damages to said property is required to be filed, then the claim may be verified and presented on behalf of the claimant by any relative, attorney, or agency representing the injured person, or in the case of damages to property, representing the owner thereof. [Ord. 751 § 1, 1999.]

**2.95.030 Bar to action.**

The omission to present any claim for damages or injuries against the town in the manner or within the time this section provides shall be a bar to any action against the town therefor. [Ord. 751 § 1, 1999.]

**2.95.040 Action maintained.**

No action shall be maintained in any court or before any arbitrator against the town or its agents, employees, or elected officials for any damages or injuries until 60 days after presentation and filing of such claim to the town clerk. [Ord. 751 § 1, 1999.]

**2.95.050 Duties of town clerk.**

Upon presentation of any claim for damages or injuries against the town, the town clerk shall indelibly mark on such claim the date of receipt and shall forthwith deliver a true and complete copy of said claim to the town attorney and town administrator. [Ord. 751 § 1, 1999.]

**2.95.060 Duties of town attorney.**

The town attorney shall promptly examine all claims for damages or injuries against the town submitted to him/her by the town clerk. The town attorney is authorized to conduct such investigation into the facts and law relative to any claim for damages or injuries against the town as he/she may deem necessary. Alternatively, the town attorney may refer any claim to any entity providing insurance coverage applicable to the claim. The town attorney and/or town administrator shall recommend disposition of the claim to the mayor and town council. [Ord. 751 § 1, 1999.]

**2.95.070 Authority for payment.**

Approval or settlement of any claim shall occur only upon approval of the town council. [Ord. 751 § 1, 1999.]

Chapter 2.100

Chapter 2.110

TOWN HOLIDAYS

COMMUNITY EVENTS

Sections:

- 2.100.010 Town holidays.
- 2.100.020 Observance.

Sections:

- 2.110.010 Community events.

**2.100.010 Town holidays.**

The following town holidays shall be observed:

<u>Holiday</u>	<u>When Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Native American Day	Fourth Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving Day
Christmas Day	December 25

Any holiday falling on a Saturday will be celebrated on the preceding Friday.

Any holiday falling on a Sunday will be celebrated on the following Monday.  
[Ord. 762 § 1, 2000.]

**2.100.020 Observance.**

Town of La Conner offices will be closed in observance of the holidays listed under LCMC 2.100.010, with the exception of Native American Day. Town employees are encouraged to participate in scheduled Native American Day activities and will not lose compensation for time spent participating in such events that fall within their normal workday schedule. [Ord. 965 § 1, 2005; Ord. 762 § 2, 2000.]

**2.110.010 Community events.**

The following community events shall be recognized as official local events:

- (1) Smelt Derby;
- (2) Tulip Festival;
- (3) Fourth of July;
- (4) Vintage and Classic Boat Show;
- (5) Arts Alive;
- (6) Native American Day;
- (7) Outdoor Arts Festival.

Other events may be added by resolution of the La Conner town council. [Ord. 886 § 1, 2003; Ord. 844 § 1, 2002; Ord. 811 §§ 1, 2, 2001.]

## **2.115.010**

### **Chapter 2.115**

#### **TOWN CRIER**

##### Sections:

2.115.010 Position created.

2.115.020 Compensation.

##### **2.115.010 Position created.**

There is created the volunteer position of town crier, who shall serve as an ambassador for the town and as a conduit for news and information upon the town's streets. The position shall be filled by appointment of the mayor, and shall serve at the pleasure of the mayor. [Ord. 836 § 1, 2001.]

##### **2.115.020 Compensation.**

There shall be no compensation for this position, either in salary or benefits. [Ord. 836 § 1, 2001.]