

**CITY OF Langley
ORDINANCE No. XXXX**

DRAFT

**AN ORDINANCE OF THE CITY OF Langley,
WASHINGTON, RELATING TO ADMINISTRATION
AND PERSONNEL BY ADOPTING A NEW
CHAPTER 2.05 TO THE Langley MUNICIPAL
CODE (LMC), CREATING THE CITY
ADMINISTRATOR POSITION ; AMENDING
CHAPTERS 2.16 AND 2.12 LMC, CREATING NEW
CLERK ROLES AND RESPONSIBILITIES;
REMOVING MISC. REFERENCES TO CLERK-
TREASURER THROUGHOUT THE LMC;
AMENDING CHAPTER 2.19 LMC TO CREATE THE
NEW DEPUTY FINANCE DIRECTOR POSITION;
AND AMENDING THE BOND REQUIREMENTS IN
CHAPTER 2.12 LMC FOR THE ABOVE NEW
POSITIONS; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, RCW 35A.11.020 empowers the legislative bodies of code cities to create and define the functions, powers, and duties of city officers and employees and, within certain limitations, to fix the compensation and working conditions of said officers and employees; and

WHEREAS, RCW 35A.12.090 gives mayors in mayor-council code cities the power to appoint and remove all appointive officers and employees; and

WHEREAS, RCW 35A.12.100 makes the mayor the chief executive and administrative officer of the city, in charge of all departments and employees, and further empowers the mayor to “appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter” and gives the mayor the power of “general supervision of the administration of city government and all city interests”; and

WHEREAS, the City Council of the City of Langley desires to create by code the position of city administrator and to outline the roles and responsibilities for such position; and

WHEREAS, the creation of the city administrator position as reflected in this ordinance does not unduly infringe or interfere with the mayor’s appointment and administrative authority granted under RCW 35A.12.090 and 35A.12.100; and

WHEREAS, the City Council desires the new city administrator position to assume many of the responsibilities previously undertaken by the clerk-treasurer; and

WHEREAS, the City Council recently created the finance department and finance director position under Ordinance No. 1103, which department and position assumed many of the responsibilities of the clerk-treasurer; and

WHEREAS, the City Council now wishes to eliminate the position of clerk-treasurer and establish by code the position of clerk and outline the roles and responsibilities of such position; and

WHEREAS, the City Council wishes to revise all references in the code to “clerk-treasurer” to either “clerk” or “finance director” as appropriate and indicated herein; and

WHEREAS, the City Council wishes to adopt by code the position of deputy finance director, which the City Council previously desired but neglected to include when creating the finance department under Ordinance No. 1103; and

WHEREAS, the City Council wishes to amend the code to include the bond requirements for the newly created positions of city administrator, clerk, and deputy finance director;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New Langley Municipal Code Chapter 2.05 (City Administrator), Adopted. A new Langley Municipal Code Chapter 2.05, to be entitled “City Administrator,” is hereby adopted to read as:

2.05.010 - Position created.

There is created the position of city administrator, who shall be and act as the administrative and executive supervisor of the city government under the authority and direction of the mayor. The position of city administrator shall be filled by appointment of the mayor with the consent and approval of a majority of the city council. The position of city administrator shall be an at-will position; any person so appointed to the position of city administrator shall serve at the pleasure of the mayor. Appointment of any person to the position of city administrator shall not be deemed to have conferred upon such appointee any express or implied contractual right to nor any property interest or liberty interest in continued employment with the city as city administrator or in any other capacity. The city may, at its option, enter into a formal contract with any person appointed as city administrator; provided, however, that such contract may not vary the provisions of this section.

2.05.020 - Duties.

A. The city administrator shall assist the mayor in the performance of his or her duties and shall do all things required by the mayor to assist in the administration of the business of the city government. The city administrator shall oversee and supervise the

various city departments as directed by the mayor and shall assist in the coordination of city business between the city council and various city officers and departments.

B. Without limiting the generality of the foregoing, in accordance with state and local law, the city administrator shall have the following specific duties, powers and responsibilities:

- 1.Under the direction and authority of the mayor, the city administrator shall supervise, administer and coordinate the activities and functions of the various city officers and departments in carrying out the requirements of city ordinances and policies of the city, and to administer and supervise the carrying out of the decisions, regulations and policies of the various city departments, as designated from time to time by the mayor and council.
2. The city administrator shall plan and direct all administrative activities in the city, develop and implement internal policies and procedures, appraise the efficiency and effectiveness of city employees and take necessary actions to ensure the maximum efficiency of the general operations of the city.
4. The city administrator shall regularly report to the mayor concerning the status of all assignments, duties, projects and functions of the various city officers and departments.
- 5.The city administrator shall serve as personnel officer for the city. As personnel officer, the city administrator shall, subject to approval of the mayor, supervise the hiring and discharge of all city employees except employees and officers required by state law or city ordinance to be appointed by the mayor or elected by the voters of the city.
- 6.The city administrator shall assist the mayor in supervising preparation of the annual budget and its submission to the council, and be responsible for supervising its administration after adoption.
- 7.The city administrator shall assist the mayor in conducting the city's business in all matters, and perform such other duties and assume such other responsibilities as the mayor may direct, or as may be required by ordinance or resolution of the city council.
- 8.The city administrator shall meet with the mayor and city council as often as is necessary to keep them informed of the status and result of departmental operations and projects.
- 9.The city administrator shall act as the city representative in areas such as labor relations, intergovernmental relations, conferences, conventions and seminars related to improved city administration. They shall delegate responsibility as necessary to accomplish desired objectives.
- 10.The city administrator shall undertake special projects at the direction or request of the mayor.
- 11.The city administrator shall be informed about and remain cognizant of federal and state grant and loan opportunities that could be of pecuniary value to the city, and shall alert the proper city officials to any opportunities for taking advantage of federal and state grants which could benefit the city.

12. The city administrator shall be responsible for oversight of the various citizen commissions established by the city council and ensure their compliance with relevant city code and state laws pertaining to them. They shall propose to the city council revisions to city code when appropriate to ensure the effective operations of citizen commissions. They shall alert the city council to open positions, solicit and collect applications for open positions, and encourage productive communication between commissions, city staff, and the city council.

2.05.030 - Compensation.

The compensation for the office of the city administrator shall be as may be fixed by the city council annually at the time that the budget is adopted.

2.05.040 Combined Offices.

In the event the office of city administrator is combined with any other appointive position in the city where the same is not prohibited by statute, compensation for such combined offices shall be as fixed by the city council and shall not necessarily be the total of the compensation fixed for each office individually.

2.05.050 Residency requirements.

The city administrator need not reside within the city.

2.05.060 - Conflict of provisions.

To the extent that the provisions of this chapter or any employment contract with a city administrator relating to employee tenure, compensation and benefits conflict with any other ordinances, resolutions or the employee manual of the city, the provisions of this chapter and such employment contract shall prevail. To the extent that such provisions of this chapter conflict with any such employment contract, the provisions of this chapter shall prevail.

Revise Chapter 2.16 City Clerk/Treasurer

Current	New
Title: City Clerk/Treasurer	Title: Clerk
2.16.010 Office created. There is created and established the office of city clerk-treasurer, to be appointed by the mayor subject to city council confirmation, as provided in Chapter 2.12 . (Ord. 354, 1981)	2.16.010 Office created. There is created and established the office of clerk , to be appointed by the mayor subject to city council confirmation, as provided in Chapter 2.12 . (Ord. 354, 1981, new ord)

<p>2.16.020 Powers – Duties.</p> <p>A. The city clerk-treasurer shall have the powers and duties provided by statute and ordinance, now existing or hereafter adopted, and shall be subject to the general supervision of the mayor of the city.</p> <p>B. The duties of the city clerk-treasurer shall include, but are not limited to, attendance by the clerk, or a deputy, at all meetings of the city council to record the proceedings and keep an accurate record thereof, to maintain custody of all official records and to provide for public inspection and copying, to attest to public instruments and official acts of the mayor, to keep the council fully advised of the financial condition of the city, and to assist in the preparation of a proposed budget for the fiscal year, and to be responsible for its administration upon adoption. (Ord. 354, 1981)</p>	<p>2.16.020 Powers – Duties.</p> <p>A. The clerk shall have the powers and duties provided by statute and ordinance, now existing or hereafter adopted, to be performed by a clerk of a non-charter code city operating under the mayor council plan.</p> <p>1. The clerk shall keep a full and true record of every act and proceeding of the city council, and to keep such book accounts and make such reports as may be required by the Division of Municipal Corporations in the office of the State Auditor.</p> <p>2. The clerk shall record all ordinances and resolutions, annexing thereto a certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law, and that the record is a true and correct copy thereof.</p> <p>3. The clerk shall be custodian of the seal of the city and to have authority to acknowledge the execution of all instruments by the city which require acknowledgments.</p> <p>4. The clerk shall have the authority to take all necessary affidavits to claims against the city and certify them without charge.</p> <p>5. The clerk shall perform such other duties as may be required by statute or ordinance.</p> <p>6. The clerk shall serve as the city's public records officer and shall have all powers and duties assigned to that role under the Washington State public records act.</p> <p>7. The clerk shall delegate such duties and responsibilities unless otherwise prohibited by law.</p>
--	--

2.16.030 Deputy clerk-treasurer. One or more deputy city clerk-treasurer positions may be created, which shall be filled by appointment by the mayor and approval of the city council as provided by Chapter 2.12. (Ord. 354, 1981)	2.16.030 Deputy Clerk. One or more deputy clerk positions may be created, which shall be filled by appointment by the mayor and approval of the city council as provided by Chapter 2.12. (Ord. 354, 1981, new ord)
2.16.040 Compensation. The compensation for the office of the city clerk/treasurer shall be as may be fixed by the city council annually at the time that the budget is adopted. (Ord. 354, 1981)	2.16.040 Compensation. The compensation for the office of the clerk shall be as may be fixed by the city council annually at the time that the budget is adopted. (Ord. 354, 1981)
NEW ADDITION	2.16.050 Combined Offices. In the event the office of clerk is combined with any other appointive position in the city where the same is not prohibited by statute, compensation for such combined offices shall be as fixed by the city council, and shall not necessarily be the total of the compensation fixed for each office individually.

Revise Chapter 2.19 Finance Department and Director

NEW ADDITION	2.19.060 Deputy Treasurer. One or more deputy treasurer positions may be created, which shall be filled by appointment by the mayor and approval of the city council as provided by Chapter 2.12. (Ord. 354, 1981, new ord)
--------------	---

Revise Chapter 2.12.020 Bond requirement

Current	New
<p>2.12.020 Bond requirement.</p> <p>A. Before entering into the performance of their respective duties to the city, the following officers of the city shall furnish to the city a good and sufficient surety bond conditioned upon the faithful performance and discharge of their duties, and for the proper application and payment of all funds or property received by virtue of their official positions with the city:</p> <ol style="list-style-type: none"> 1. Clerk-treasurer, \$50,000; 2. Deputy clerk-treasurer, \$5,000; 3. Chief of police, \$1,000; 4. Patrolman, \$1,000. <p>B. The required surety bond shall be filed with the city clerk and thereafter the city shall pay the reasonable cost of the surety bond or reimburse the officer for its cost.</p> <p>C. In the event of the expiration or cancellation of the surety bond, notice shall be served upon the city clerk-treasurer who shall notify the city council at its next regularly scheduled meeting.</p> <p>D. The surety bonds which are required by this section may be either of the blanket or individual type. (Ord. 504, 1987; Ord. 353, 1981)</p>	<p>2.12.020 Bond requirement.</p> <p>A. Before entering into the performance of their respective duties to the city, the following officers of the city shall furnish to the city a good and sufficient surety bond conditioned upon the faithful performance and discharge of their duties, and for the proper application and payment of all funds or property received by virtue of their official positions with the city:</p> <ol style="list-style-type: none"> 1. City Administrator, Clerk, Finance Director, Treasurer, \$50,000; 2. Deputy Clerk, Deputy Treasurer, \$5,000; 3. Chief of police, \$1,000; 4. Patrolman, \$1,000. <p>B. The required surety bond shall be filed with the city clerk and thereafter the city shall pay the reasonable cost of the surety bond or reimburse the officer for its cost.</p> <p>C. In the event of the expiration or cancellation of the surety bond, notice shall be served upon the city clerk who shall notify the city council at its next regularly scheduled meeting.</p> <p>D. The surety bonds which are required by this section may be either of the blanket or individual type. (Ord. 504, 1987; Ord. 353, 1981; new ord)</p>

Revise Other Misc. References to Clerk-Treasurer

Current	New
<p>2.06.030 Special meetings.</p> <p>2.06.060 Meetings – Attendance</p> <p>2.06.070 Meetings – Agenda – Preparation – Distribution.</p> <p>2.06.080 Meetings – Order of business.</p> <p>2.06.090 Meetings – Conduct.</p> <p>2.06.110 Officers – Mayor.</p> <p>2.06.120 Officers – Presiding officer.</p> <p>2.06.190 Conflict of interest – Appearance of fairness.</p> <p>2.06.230 Public hearings.</p> <p>2.06.260 Complaints and suggestions.</p> <p>2.10.010 Clerk-treasurer defined.</p> <p>2.10.020 Request for records.</p> <p>2.10.030 Response to request.</p> <p>2.10.050 Records copy charge.</p> <p>2.10.060 Alteration of cost schedule.</p> <p>2.10.070 Costs – Court transcripts.</p> <p>5.04.050 Procedure.</p> <p>5.04.060 Term of license and renewal.</p>	<p>Replace all references to “clerk-treasurer” with just “clerk”.</p>
<p>3.28.020 Initiation of improvement.</p> <p>3.28.090 Collection of assessment – Local improvement district fund.</p>	<p>Replace all references to “clerk-treasurer” with just “finance director”.</p>

<p>3.28.095 Foreclosure of delinquent assessments.</p> <p>3.28.100 Bond – Assessment.</p> <p>3.28.110 Bond – Installment plan.</p> <p>3.80.020 Responsibility for administration.</p> <p>3.80.030 Determination of value.</p> <p>3.80.040 Report to clerk-treasurer – Initial procedure.</p> <p>3.80.045 Property worth \$1,000 or less.</p> <p>3.80.050 Procedure – Property of a value greater than \$1,000 and less than \$20,000.</p> <p>3.80.060 Procedure – Property of a value of \$20,000 or more.</p> <p>13.01.010 Water system – Definitions.</p> <p>13.01.040 Water department established – Administration.</p> <p>13.01.050 Application – Generally.</p> <p>13.01.060 Application – Form.</p> <p>13.01.100 Connection to water main.</p> <p>13.01.280 Billing disputes – Responsible party – Reduced utility charges in special cases.</p> <p>13.01.530 Delinquent payments.</p> <p>13.01.560 Meter testing – Adjustment of bill.</p> <p>13.01.630 Termination of service.</p> <p>2.52.065 Donation/transfer of lots or plots.</p>	
--	--

<p>2.52.070 Price schedule.</p> <p>2.52.110 Burials.</p> <p>3.68.010 Audit of claims.</p> <p>3.68.040 Payment of claims.</p> <p>3.68.050 Clerk-treasurer's bond.</p> <p>3.68.062 Purchase order procedures.</p>	
<p>2.06.130 Officers – Clerk-treasurer.</p> <p>As per Chapter 2.16, the city clerk-treasurer shall:</p> <p>A. Have the powers and duties provided by statute and ordinance, now existing or hereafter adopted, and shall be subject to the general supervision of the mayor of the city;</p> <p>B. The duties of the city clerk-treasurer shall include, but are not limited to, attendance by the clerk-treasurer or a deputy at all meetings of the city council to record the proceedings and keep an accurate record thereof, to maintain custody of all official records and to provide for public inspection and copying, to attest to public instruments and official acts of the mayor, to keep the council fully advised of the financial condition of the city and to assist in the preparation of a proposed budget for the fiscal year, and to be responsible for its administration upon adoption. (Ord. 559, 1990)</p>	Remove
<p>2.06.140 Officers – Deputy clerk-treasurer.</p> <p>One or more deputy clerk-treasurer positions may be created, which shall be filled by appointment by the mayor and approval of the city council as provided by Chapter 2.12. (Ord. 559, 1990)</p>	Remove

Section 2. Severability. If any section, paragraph, subsection, clause, or phrase of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 4. Effective Date. This Ordinance shall be in full force and effect five days after publication and posting of an approved summary thereof, consisting of the title.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF Langley,
WASHINGTON, AT A REGULAR MEETING THERETO, THIS 27TH DAY OF
FEBRUARY, 2023.**

Scott Chapin, Mayor

ATTEST:

Darlene Baldwin
Interim City Clerk

APPROVED AS TO FORM:

Zach Lell,
City Attorney