

ORDINANCE NO. 769

AN ORDINANCE of the City Council of the City of Lakewood, Washington, approving the City of Lakewood Appointment and Removal Process to City Committees, Boards and Commissions amending Lakewood Municipal Code Sections 2.11.060, 3.36.055, and creating Lakewood Municipal Code Sections 2.22.090, 2.26.070, 2.36.100, 2.38.090, 2.48.036, 2.66.080, 2.67.035 and 2.90.035.

**WHEREAS**, in connection with the need to provide for the orderly handling of its business, the City Council has created various advisory boards, commissions, committees and task forces to provide recommendations to the City Council and perform other functions for the City; and

**WHEREAS**, the City Council developed an Appointment Process for City Committees, Boards and Commissions adopted on January 12, 1996 and twice amended, most recently via Motion No. 2007-09 on March 5, 2007; and

**WHEREAS**, since adoption and implementation, the City Council desires to create a more uniform process to govern the removal and resignation of members.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN, as follows:

Section 1. That the City of Lakewood Appointment and Removal Process to City Committees, Boards and Commissions are hereby adopted as reflected in the document marked as “Exhibit A,” a copy of which is attached hereto, and incorporated herein by this reference.

Section 2. That Section 2.11.060 of the Lakewood Municipal Code entitled “Removal” is hereby amended to read as follows:

The City Council may remove a member of the Salary Commission from office for cause, ~~of~~ including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 3. That Section 3.36.055 of the Lakewood Municipal Code entitled “Lodging Tax Advisory Committee” is hereby amended to read as follows:

A. There is hereby created a Lodging Tax Advisory Committee which shall be composed as follows:

1. At least five members, appointed by the legislative body of the municipality, unless the municipality has a charter providing for a different appointment authority. The Committee membership shall include:

a. At least two members who are representatives of businesses required to collect tax under this chapter; and

b. At least two members who are persons involved in activities authorized to be funded by revenue received under this chapter.

Persons who are eligible for appointment under subsection [\(A\)\(1\)\(a\)](#) of this section are not eligible for appointment under subsection [\(A\)\(1\)\(b\)](#) of this section. Persons who are eligible for appointment under subsection [\(A\)\(1\)\(b\)](#) of this section are not eligible for appointment under subsection [\(A\)\(1\)\(a\)](#) of this section. Organizations representing businesses required to collect tax under this chapter, organizations involved in activities authorized to be funded by revenue received under this chapter, and local agencies involved in tourism promotion may submit recommendations for membership on the Committee. The number of members who are representatives of businesses required to collect tax under this chapter shall equal the number of members who are involved in activities authorized to be funded by revenue received under this chapter. One member shall be an elected official of the municipality who shall serve as chair of the Committee. An advisory committee for a city or town may include one nonvoting member who is an elected official of the county in which the city or town is located. The appointing authority shall review the membership of the Advisory Committee annually and make changes as appropriate. The City Council may remove a member of the Lodging Tax Advisory Committee from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

2. Any proposals for the imposition or expenditure of hotel-motel/lodging tax funds, whether it involves the imposition of a tax, an increase in the rate of a tax, repeal of an exemption from a tax, or a change in the use of revenue received, shall be submitted to the Lodging Tax Advisory Committee for review and comment. The submission shall occur at least 45 days before final action on or passage of the proposal by the municipality. The Advisory Committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. The comments 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 fund created under RCW [67.28.1815](#). Failure of the Advisory Committee to submit comments before final action on or passage of the proposal shall not prevent the municipality from acting on the proposal. A municipality is not required to submit an amended proposal to an Advisory Committee under this section.

Section 4. That Section 2.22.090 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of the Public Safety Advisory Committee from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 5. That Section 2.26.070 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of the Community Services Advisory Board from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 6. That Section 2.36.100 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of the Parks and Recreation Advisory Board from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 7. That Section 2.38.090 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of the Lakewood’s Promise Advisory Board from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 8. That Section 2.48.036 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of the Landmarks and Heritage Advisory Board from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 9. That Section 2.66.080 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of the Lakewood Arts Commission from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 10. That Section 2.67.035 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

The City Council may remove a member of an ad hoc committee from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 11. That Section 2.90.035 of the Lakewood Municipal Code entitled “Removal” is hereby created to read as follows:

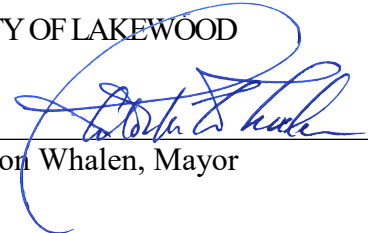
The City Council may remove a member of the Planning Commission from office for cause, including but not limited to incapacity, incompetence, neglect of duty, or malfeasance in office.

Section 12. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 13. This Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

PASSED by the City Council this 2<sup>nd</sup> day of May, 2022.

CITY OF LAKEWOOD

  
\_\_\_\_\_  
Jason Whalen, Mayor

Attest:



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Briana Schumacher, City Clerk

Approved as to form:



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Heidi Ann Wachter, City Attorney

CITY OF LAKEWOOD  
Appointment and Removal Process  
City Committees, Boards and Commissions

## **Purpose**

It is the City Council's intent to provide opportunities for individuals to participate in the affairs and activities of city government through its committees, boards and commissions to the maximum extent possible. The purpose of these procedures is to provide information and definitions and to establish a process for appointment that encourages diverse representation and a balance of viewpoints representative of the community and is open and fair to all involved.

## **Types of citizen groups**

Official citizen groups include committees, boards, commissions, and ad hoc committees established by the City Council. These groups are defined in general terms as follows:

**Committee:** City committees are usually formed by resolution. A committee is defined as "a body of persons delegated to perform a particular function or task." A committee's recommendations are forwarded to the City Council or any other appropriate body for action or review.

**Board:** City boards are established by resolution or ordinance. A board is defined as "an organized body of individuals to consider, inquire, investigate and take action on certain functions or duties."

**Commission:** Generally, City commissions are established by ordinance. A commission is defined as "a group of persons given authority to perform certain functions or duties."

**Ad Hoc Committee:** An ad hoc committee is a body established by the Mayor or a majority of the City Council to study or work on a particular subject or problem. The formal definition indicates that an ad hoc committee is a "temporary group under one leader for the purpose of accomplishing a definite objective." Often an ad hoc committee will cease to exist upon completion of its charge as given by the City Council.

## **Appointment and Removal Process**

**Appointments** All appointments, where not in conflict with State law, shall be made by majority vote of the Councilmembers from nominees whose names and qualifications are presented in writing to the City Council by the Mayor. In all cases where the State law provides for the procedure to be followed in making appointments, provisions of the State law shall govern and be followed. While public participation is encouraged, only individuals properly appointed are members of the committee to which they are appointed. Authority of appointees is as proscribed at the time of appointment by the City Council and can only be expanded or modified by the City Council.

The City Clerk shall give written notice of pending vacancies on the City's committees, boards and commissions and deadlines for submitting applications to all members of the City Council and to the public through a list of groups and organizations maintained by the City Clerk. The recruitment period may be extended to ensure a sufficient number of qualified candidates.

Standard application forms for City committees, boards and commissions are available on the city's website. Completed applications must be submitted by all applicants, new and incumbent, to the City Clerk by the established deadline.

The City Clerk shall submit the names and qualifications of the individuals to be considered by the Mayor to the City Council not less than ten days preceding the Council meeting date at which nominations for appointment shall be considered by the full Council. City Councilmembers shall provide any comments regarding appointments to the Mayor by the Monday, one week preceding the Council meeting date, for appointment.

**Reappointments:** Members will not automatically be reappointed to committees, boards and commissions. Incumbents wishing to be considered for reappointment shall submit a new application. The Mayor shall consider the current composition of the group when considering an appointment.

**Removal:** The Mayor may recommend removal of any member of any committee, board or commission for any single or combination of the following reasons:

1. Good Cause, which shall be determined by the Mayor and shall be stated in any such removal action.
2. Failure to assume the duties of the committee within 30 calendar days of confirmation by the City Council.
3. A member is absent from three consecutive regular meetings and such absences have not been excused.
4. A member ceases to have the qualifications required by state law or Ordinance of the City of Lakewood.

At the next regularly scheduled meeting of the City Council following a removal as described here, the Mayor shall notify the City Council of such removal. A majority of the City Council may reverse the Mayor's decision to remove within 30 days of the Mayor's notice to the City Council of the removal, after which time the Mayor's decision to remove is final.

**Resignation:** A member may voluntarily resign from his or her position by submitting his or her written resignation to the City Clerk. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation. If no effective date is specified in the resignation, the resignation will be deemed to be effective immediately.

**Terms:** All appointments are made for specified terms. In the event a replacement is not appointed before a member's term expires, the current committee member shall be allowed to serve until a replacement is found. Members cannot delegate a proxy to serve in their absence.

### **Appearance of Fairness and Conflicts of Interest**

It is the policy of the City Council to avoid conflicts of interest and to act both fairly and with the appearance of fairness with respect to committee appointments and actions. Any person appointed to serve on City committees, boards and commissions are subject to the provisions of the City of Lakewood's Code of Ethics.

### **Exceptional Appointments**

The Council may, by majority vote, make an exceptional appointment for unique purposes that benefits the City.

### **Public Comment**

It is the policy of the City to encourage public comment to the extent such does not interfere with the conduct of City business. Toward that end, Committees, Boards and Commissions are

expected to provide time at each of their meetings for public comment.

### **Attendance**

Individuals appointed to service on Committees, Boards and Commissions are expected to attend meetings regularly. The City Council expects to be informed in the event any Committee, Board or Commission member has three unexcused absences. The City Council may, in the event of three unexcused absences, dismiss the individual from service.

### **Miscellaneous Provisions**

City committees, boards and commissions are subject to the provisions of the Open Public Meetings Act.

### **Further Information**

Questions regarding committees, boards and commissions should be directed to the Office of the City Clerk, City of Lakewood, 6000 Main Street SW, Lakewood WA 98499-5027. (253)589-2489.

January 12, 1996

Amended 8/5/02 (Motion 2002-25)

Amended 03/05/07 (Motion 2007-09)

Amended May 2, 2022 (Ordinance No. 769)