

**ORDINANCE 2018 - 03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SUNNYSIDE, WASHINGTON, AMENDING CHAPTER 2.50 OF THE  
SUNNYSIDE MUNICIPAL CODE, PERTAINING TO CITIZEN ADVISORY  
BOARDS AND COMMISSIONS**

**WHEREAS**, pursuant to Chapter 35A.13 of the Revised Code of Washington, the City Council is charged with the legislative authority of the City of Sunnyside; and,

**WHEREAS**, Chapter 2.50 of the Sunnyside Municipal Code governs all citizen advisory boards and commissions, now existing or in the future; and,

**WHEREAS**, the City Council has determined that Chapter 2.50 should be amended to eliminate required meeting times and places, board and commission reports, and term dates; and,

**WHEREAS**, the City Council has further determined that Chapter 2.50 should be amended to reduce the number of Sunnyside Arts Commission members and remove the Senior Citizen Center Board; and,

**WHEREAS**, the City Council has determined that adoption of these amendments is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare; and,

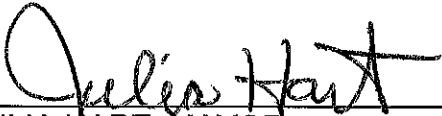
**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

**Section 1.** Chapter 2.50 SMC is amended as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 2.** Except as amended herein, Title 2 SMC shall remain unchanged.

**Section 3.** This Ordinance shall be effective five (5) days after passage, approval and publication as required by law.

**PASSED** this 9<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
JULIA HART, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DEBORAH ESTRADA, MMC, CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
KERR LAW GROUP, PLLC  
Attorneys for the City of Sunnyside

EXHIBIT A

Chapter 2.50

**CITIZEN ADVISORY BOARDS AND COMMISSIONS**

Sections:

- 2.50.010 Citizen advisory boards and commissions created.
- 2.50.020 Intent – Governing law.
- 2.50.030 Appointments and confirmation process.
- 2.50.040 Terms, membership and removal.
- 2.50.050 Residency requirements.
- 2.50.060 Chairperson and rules of conduct.
- 2.50.070 Meetings, reports and attendance.
- 2.50.080 Nondiscrimination – Compensation – Right of appeal for citizens.
- 2.50.090 Staff support.
- 2.50.100 Planning Commission specific requirements.
- 2.50.110 Board of Parks and Recreation specific requirements.
- 2.50.120 Lodging Tax Advisory Committee specific requirements.
- ~~2.50.130 Senior Citizens' Center Board specific requirements.~~
- 2.50.140 Municipal Airport Advisory Board specific requirements.
- 2.50.150 Sunnyside Arts Commission specific requirements.

**2.50.010 Citizen advisory boards and commissions created.**

There are established and created the following advisory boards and commissions of the City:

- A. Planning Commission.
- B. Board of Parks and Recreation.
- C. Lodging Tax Advisory Committee.
- D. Senior Citizens' Center Board.
- E. Municipal Airport Advisory Board.
- F. Sunnyside Arts Commission.

**2.50.020 Intent – Governing law.**

The intent of this chapter is to provide a single source for all citizen advisory boards and commissions of the City of Sunnyside, by addressing those requirements that should be considered for all advisory boards and commissions and creating a template from which to base the creation of all future citizen advisory boards and commissions.

The Revised Code of Washington (RCW) provides for specific requirements with respect to certain municipal boards and commissions, great lengths have been taken to ensure that this chapter complies with the RCW; however, where a conflict exists between this chapter and the RCW, the RCW prevails.

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### **2.50.030 Appointments and confirmation process.**

Upon notice of a citizen advisory board or commission vacancy, the Mayor or Deputy Mayor in the absence of the Mayor will direct the City Manager to publish notice of the vacancy in the City's paper of record, and on the City's website. A minimum of 30 days shall be provided to citizens at large to apply for the position; provided, however, that an appointment can be made in less than 30 days if the Mayor or Deputy Mayor in the absence of the Mayor finds that an emergency exists and the position must be filled immediately.

Unless otherwise provided, the Mayor or Deputy Mayor in the absence of the Mayor shall appoint all members of boards and commissions in this chapter; provided, that those appointments shall be subject to confirmation by a majority vote of the City Council.]

### **2.50.040 Terms, membership and removal.**

Unless otherwise provided, all citizen advisory boards and commissions will consist of seven members. Term limits after January 1, 2012, shall be four years, and shall expire on June 30, or until his or her successor is appointed and qualifies. ~~and a~~Any member thereof may be appointed and serve an indefinite number of consecutive terms, subject to the requirements of this chapter.

Except where the law provides for specific removal requirements, all members of citizen advisory boards and commissions shall serve at the pleasure of the City Council, and may be removed by a majority vote of the City Council.

### **2.50.050 Residency requirements.**

Residency in the City is a requirement for eligibility for membership on citizen advisory boards and commissions except for membership on boards or commissions with other political jurisdictions which require membership outside of the City and boards and commissions which expressly permit nonresident membership; provided, that a person who no longer maintains legal residence in the City may at the discretion of the City Council complete the term for which he or she was appointed. The Mayor or Deputy Mayor in the absence of the Mayor may appoint a nonresident in those cases where special expertise is required or there are no qualified applicants from City residents. Unless otherwise provided, no advisory board or commission may contain a majority of nonresident members.

### **2.50.060 Chairperson and rules of conduct.**

Unless otherwise provided, each advisory board or commission shall elect a chairperson and vice chairperson from their numbers at the first annual meeting. The chairperson shall act as the presiding officer over the meeting. It shall be the responsibility of the chairperson to coordinate with the City Manager or his designee to manage the agenda, and to coordinate with the Mayor or Deputy Mayor in the absence of the Mayor with respect to attendance of members, vacancies and other items of concern.

The chairperson may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all members, and shall not be deprived of any of

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the rights and privileges of a member of the board or commission by reason of their acting as the presiding officer.

For the purposes of this chapter, any duties or responsibilities designated to the chairperson shall transfer to the vice chairperson in their absence. In the event that both the chairperson and vice chairperson are absent from a meeting, the members of any citizen advisory board or commission may elect a chairperson pro tem from their number who shall be empowered to carry out said duties and responsibilities for that meeting.

"Robert's Rules of Order – The Modern Edition" shall govern the deliberations of all citizen advisory boards and commissions, except as they may conflict with other requirements in this chapter or other law.

All citizen advisory boards and commissions may adopt rules of procedure; provided, that such rules of procedure shall be subject to review and approval by the City Council.

### **2.50.070 Meetings, reports and attendance.**

A. Meetings. All meetings of citizen advisory boards and commissions shall be properly noticed and open to the public in accordance with the Washington State Open Public Meetings Act (Chapter 42.30 RCW). All actions taken by a citizen advisory board or commission, including minutes of all meetings, shall be filed with the City's Public Records Officer and are subject to review by the public in accordance with the Washington State Public Records Act (Chapter 42.56 RCW).

Unless otherwise provided, all citizen advisory boards and commissions shall meet no less than twice per calendar year ~~at least once per calendar quarter~~ or at any time that the chairperson, majority of members thereof, or the City Council shall decide; provided, that any such meeting shall be properly noticed in accordance with other provisions in this chapter.

B. Reports. ~~The staff liaison for each All-citizen advisory boards and commissions shall provide a written report of activities to to the City Council at least once per calendar year, and it shall be the responsibility of the chairperson or vice chairperson to provide the report both orally and in writing to the City Council on a date and time agreed to by the Mayor or Deputy Mayor in the absence of the Mayor.~~

C. Attendance. Attendance will be taken at all meetings of citizen advisory boards and commissions. No member of a citizen advisory board or commission may be absent and unexcused from any three consecutive meetings. Three consecutive unexcused absences may result in removal from board or commission. The chairperson of the citizen advisory board or commission will report unexcused absences to the Mayor or Deputy Mayor in the absence of the Mayor

### **2.50.080 Nondiscrimination – Compensation – Right of appeal for citizens.**

No person shall be ineligible as a member of a citizen advisory board or commission by reason of race, color, religion, creed, sex, age, marital status, national origin, physical

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disability, political affiliation, veteran status, or any other class of individuals protected from discrimination under state or federal law.

All members of citizen advisory boards and commissions shall serve without compensation; provided, however, that reimbursement of actual training expenses may be authorized by the City Council.

Unless otherwise provided, any decision or action taken by a citizen advisory board or commission may be appealed to the City Council.

### **2.50.090 Staff support.**

The City Manager shall appoint a City employee to serve as a staff liaison for each citizen advisory board or commission.

### **2.50.100 Planning Commission specific requirements.**

A. Governing Law. The Planning Commission is created pursuant to Chapter 35A.63 RCW.

B. Membership. The Planning Commission shall consist of seven members. At least five members of the Planning Commission shall reside within the boundaries of the City or the City's Urban Growth Area (UGA), as now existing or hereafter altered, and up to two members may reside within any area within the boundaries of Sunnyside School District No. 201, as such now exist or are hereafter altered.

C. Meetings. The Planning Commission shall hold one regularly scheduled meeting each month at the hour of 6:30 p.m., on the second Tuesday of each and every month. The Planning Commission may meet at any other time as needed when called by the chairperson, majority of members thereof, or the City Council; provided, that any such special meeting shall be properly noticed in accordance with SMC 2.50.070. In the event any meeting date should be a legal holiday, then any such meeting falling on such holiday shall be held on the next succeeding business day at 6:30 p.m., unless otherwise specifically provided.

D. Duties and Responsibilities. The responsibility of the Planning Commission shall be to consider all amendments, modifications or alterations to the City's comprehensive plan, to conduct hearings as otherwise specified by law, to hear, review, and recommend proposed annexations of the City, and to perform other planning functions as required by the City Council and state law.

### **2.50.110 Board of Parks and Recreation specific requirements.**

A. Membership. The Board of Parks and Recreation shall consist of seven members; four members shall be selected in accordance with the provisions in SMC 2.50.030. The three members shall be selected as follows: one member shall be from the staff of a Sunnyside area grade or secondary school, one member shall be a person involved with a Sunnyside area senior citizen organization, and one member shall be a youth representative (student) from a Sunnyside area high school.

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B. Terms. Members of the Board of Parks and Recreation shall serve the same terms provided for in SMC 2.50.040, except for the youth representative, who shall serve for a term of two years and who shall be limited to one term only.

C. Duties and Responsibilities. It shall be the responsibility of the Board of Parks and Recreation to make recommendations to the City Council and the City Manager or his designee on matters relative to the development, operation and use of the parks and recreational facilities of the City, and the planning, designing and implementation of City park facilities and recreational services and activities.

~~D. Meetings. The Board of Parks and Recreation shall hold one regularly scheduled meeting each month at the hour of 4:30 p.m. at City Hall, on the third Wednesday of each and every month. The Board of Parks and Recreation may meet at any other time as needed when called by the chairperson, majority of members thereof, or the City Council; provided, that any such special meeting shall be properly noticed in accordance with SMC 2.50.070. In the event any meeting date should be a legal holiday, then any such meeting falling on such holiday shall be held on the next succeeding business day at 4:30 p.m. at City Hall, unless otherwise specifically specified. [Ord. 2015-9 § 1 (Exh. A), 2015; Ord. 2011-3 § 1 (Exh. A), 2011.]~~

**2.50.120 Lodging Tax Advisory Committee specific requirements.**

A. Lodging Tax Advisory Committee Created. A Lodging Tax Advisory Committee is hereby established and created by the City Council. The purpose of the Lodging Tax Advisory Committee (LTAC) is to perform the functions and duties as required under RCW 67.28.1817.

B. Membership.

1. The Lodging Tax Advisory Committee shall consist of five members appointed by the City Council as follows:

- a. Two members who are representatives of businesses required to collect tax under Chapter 67.28 RCW;
- b. Two members who are persons involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and
- c. One member of the City Council who shall serve as chair of the LTAC.

2. Persons who are eligible for appointment under subsection (B)(1)(a) of this section are not eligible for appointment under subsection (B)(1)(b) of this section and vice versa.

3. The number of persons appointed as representatives of businesses required to collect tax under Chapter 67.28 RCW shall be equal to the number of members appointed as persons involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW and vice versa.

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4. The City Council may consider recommendations for appointment to the LTAC from organizations representing businesses required to collect tax under Chapter 67.28 RCW, organizations involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW, and local agencies involved in tourism promotion.

C. Terms. Terms for members of the Lodging Tax Advisory Committee shall be in accordance with the provisions of SMC 2.50.040. The appointment authority in SMC 2.50.030 shall review the membership of the Advisory Committee annually and make changes as appropriate.

D. Annual Review and Removal of Members. As required by State law, the City Council shall review the membership of the LTAC annually and make changes as appropriate both in regard to the number of appointments and the members appointed. This review shall occur by the last day of the month of November of each year. Members of the LTAC shall serve at the pleasure of the City Council and may be removed at any time, without cause, at their discretion.

E. Proposals to Be Reviewed. At least 45 days before final action or passage, the City shall submit the following proposals to the LTAC for review and comment: the imposition of a tax under Chapter 67.28 RCW; an increase in the rate of a tax imposed under Chapter 67.28 RCW; a repeal of an exemption from a tax imposed under Chapter 67.28 RCW; or a change in the use of revenue received under Chapter 67.28 RCW.

F. Duties and Responsibilities.

1. The LTAC shall promptly review all proposals as described in subsection (E) of this section, submitted for review and comment through generally applicable public comment procedures. These comments shall include the following analysis: 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 City's fund created under RCW 67.28.1815. Final legislative authority over these proposals shall remain with the elected City Council. Review, comments, or any recommendations presented by the LTAC are advisory only and shall not bind the City Council.

2. Failure of the LTAC to submit comments before final action on or passage of the proposal by City Council shall not prevent the City from acting on the proposal under RCW 67.28.1817(2).

3. The City may, but is not required to, submit an amended proposal to the LTAC for review

**~~2.50.130 Senior Citizens' Center Board specific requirements.~~**

~~A. Membership. The Senior Citizens' Center Board shall consist of five members, and they shall be known as the Board Officers. Among them shall include a President, Vice-President, Secretary, Treasurer and Sergeant-at-Arms. Each member shall be elected by the membership annually to serve a one-year term and any member can serve any number of consecutive terms. It shall be the responsibility of the President to~~



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~~communicate to the Mayor or Deputy Mayor in the absence of the Mayor the roster of newly elected officers annually.~~

~~B. Meetings. The Senior Citizens' Center Board shall hold regularly scheduled meetings each calendar month or at any time that the President, majority of members thereof, or the City Council shall decide; provided, that any such meeting shall be properly noticed in accordance with SMC 2.50.070.~~

~~C. Duties and Responsibilities. The Senior Citizens' Center Board shall govern the use of the Sunnyside Senior Citizen's Center and shall make recommendations to the City Council concerning the use and general operation of the center.~~

**2.50.140 Municipal Airport Advisory Board specific requirements.**

A. Membership. The Municipal Airport Advisory Board shall consist of nine members; four members shall be citizens at large who reside within the boundaries of Sunnyside School District 201, as such now exist or are hereafter altered, and who are knowledgeable in airport operations and maintenance; one member shall be a member of the City Council; one member shall be a member of the Port of Sunnyside Board of Commissioners or designee; one member shall be a City department head or designee; and one member shall be a designated representative of Sunnyside Community Hospital. Additionally, the City Manager shall serve as an ex officio member of the Board.

B. Duties and Responsibilities. It shall be the responsibility of the Sunnyside Municipal Airport Advisory Board to make recommendations to the City Council on the following matters relative to the operation of the Sunnyside Municipal Airport: (1) construction, enlargement, improvement, maintenance, equipment and operation of the Sunnyside Municipal Airport facilities; (2) adoption and amendment of rules and regulations for the operation and use of the Sunnyside Municipal Airport facilities; (3) leasing or assignment to private parties, municipal or state governments or the national government, or departments of any of the same, for the operation or use of any space, area, improvements or equipment of the Sunnyside Municipal Airport; (4) determination of charges or rentals for the use or leasing of any properties owned or under the control of the Sunnyside Municipal Airport and regarding the charges for any services or facilities and the terms and conditions related to the same; (5) securing and enforcement of liens as provided by law and enforcement of payment of any charges due related to the Sunnyside Municipal Airport; (6) promoting and fostering the development of the Sunnyside Municipal Airport for the benefit of the citizens of the City; (7) developing comprehensive and long-range plans for airport development and financing; (8) maintaining liaison with other governmental bodies regarding municipal airport operations and financing.

~~C. Meetings. The Municipal Airport Advisory Board shall hold one regularly scheduled meeting each month at the hour of 5:30 p.m. at the Sunnyside Fire Station on the third Tuesday of each and every month. The Municipal Airport Advisory Board may meet at any other time as needed when called by the chairperson, majority of members thereof, or the City Council; provided, that any such special meeting shall be properly noticed in accordance with SMC 2.50.070. In the event any meeting date should be a legal~~

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~~holiday, then any such meeting falling on such holiday shall be held on the next succeeding business day at 5:30 p.m. at the Sunnyside Fire Station, unless otherwise specifically specified. [Ord. 2015-9 § 1 (Exh. A), 2015; Ord. 2014-07 § 1, 2014; Ord. 2011-3 § 1 (Exh. A), 2011.]~~

**2.50.150 Sunnyside Arts Commission specific requirements.**

A. Definitions. For the purposes of this chapter; "art" is defined as the product or process of deliberately arranging symbolic elements in a way that influences and affects one or more of the senses, emotions, and intellect. It encompasses a diverse range of human activities, creations, and modes of expression, including but not limited to music, literature, film, photography, sculpture and paintings. An "artist" is a person(s) who has had their works of art exhibited in professional gallery spaces and/or has had their work included in professionally juried exhibitions or permanent collections; a "musician" is a person(s) who writes, performs, or makes music, and may be further defined as an instrumentalist, singer, vocalist, composer, songwriter, arranger, conductor or recording artist; an "actor" is a person(s) who acts in a dramatic production and who is typically involved in the film, television, theater or radio industries.

B. Membership. The Sunnyside Arts Commission shall consist of ~~nine~~ seven members who shall serve terms provided in SMC 2.50.040.; One member shall be a member of the City Council, three members will be citizens with a vested interest in any particular art or cultural endeavor, and three members will preferably be from the following classes: artist, musician, or actor. ~~three members shall be citizens at large and shall have no vested interest in any particular art or cultural endeavor; three members shall be from the following classes of individuals: artist, musician, or actor; one member shall be a Sunnyside fine arts teacher; one member shall be a youth representative (student) from a Sunnyside area high school; and one member shall be a member of the City Council.~~

C. Duties and Responsibilities. The Sunnyside Arts Commission shall be responsible for advising the City Council on all matters pertaining to the artistic, aesthetic and cultural aspects of the City. It shall recommend to the City Council the adoption of such ordinances, rules, and regulations necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community. It shall actively encourage programs for the cultural enrichment of the community, including visual and performing arts activities as well as arts education programs. The Commission shall participate in the designation of historical landmarks, and review design elements for public sculpture, fountains, murals, benches and other fixtures.