

COUNCIL RULES OF PROCEDURE

1.0 INTRODUCTION

It is up to every City Council to establish rules for the conduct of their meetings. With new personnel and increased public involvement, the Council has determined that adopting these Council Rules of Procedure will make Council meetings more efficient and professional and will instill the public's confidence in City government.

2.0 GENERAL RULES

- 2.1 Attendance, Excused Absences:** Pursuant to RCW 35A.12.060, a Council member shall forfeit his/her office upon failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. To be excused, the member shall contact the Chair before the meeting and give the reason for his/her inability to attend the meeting. If the member cannot contact the Chair, the member shall contact the City Clerk or Deputy City Clerk, who shall convey the message to the Chair. The Chair shall inform the Council of the member's absence and reason therefore, and ask if there is a motion to excuse the member. The Council may excuse an absent member by a majority vote. The Recorder will note in the minutes whether the member's absence was excused or unexcused.
- 2.2 Journal of Proceedings:** A journal of all proceedings (minutes) of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.
- 2.3 Right of Floor:** Any member desiring to speak shall first be recognized by the Chair.
- 2.4 Decorum:** All members shall preserve order, decency and decorum at all times while the Council is in session. No member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any member who is speaking. No member shall refuse to obey an order of the Chair. Members shall confine their remarks to one subject under consideration or to be considered. Discussion shall relate to the subject under consideration and shall be relevant and pertinent thereto so as to provide for the expeditious disposition and resolution of the City's business. No member shall use any impertinent, degrading or slanderous language as to any other member, staff, or public. There shall be no lectures, speeches or grandstanding. For purposes of this section, "member" includes the Mayor.

- 2.5 City Staff Decorum:** City staff and employees shall observe the same rules of order and decorum as are applicable to the Council.
- 2.6 Council Roles:** The City Council is to work through the Mayor when dealing with administrative services of the City. Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect the staff from undue influence and pressure from individual council members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the whole Council to do so as a matter of Council policy.

No council member, directly or indirectly, shall become involved in or attempt to influence personnel matters that are under the direction of the Mayor. The Council is not prohibited, while in open session, from fully and freely discussing with the Mayor anything pertaining to appointments and removals of City officers and employees and City affairs.

- 2.7 City Council/Mayor Relationship:** The relationship between the Mayor and City Council honors the fact that the Mayor is the chief executive of the City. The Council's dealings with the Mayor, whether in public or private, should respect the authority of the Mayor in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Mayor.

The Mayor respects and is sensitive to the policy responsibilities of the Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

3.0 PRESIDING OFFICER

- 3.1 Mayor:** The Mayor shall preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. In case of the Mayor's absence or temporary disability, the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and Mayor Pro Tempore, the members of the Council shall select a member to act as Mayor during the continuance of the absences. The Mayor or Mayor Pro Tempore are referred to as the "Chair" or "Presiding

Officer" from time-to-time in these Rules of Procedure.

- 3.2 Call to Order:** The meetings of the Council shall be called to order by the Mayor or, in his absence, by the Mayor Pro Tempore. In the absence of both the Mayor and Mayor Pro Tempore, the meeting shall be called to order by the City Clerk or Clerk's designee for the election of a temporary Chair.
- 3.3 Preservation of Order:** The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' or public motives and confine members or public in debate to the question under discussion.
- 3.4 Points of Order:** The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"
- 3.5 Questions to be stated:** The Chair shall state all questions submitted for a vote and announce the results. A roll call vote shall be taken upon request of any member.
- 3.6 Mayor – Voting Powers:** The Mayor may vote to break a tie vote of the Council except with respect to the passage of any ordinance, grant, revocation of a franchise or license, or any resolution for the payment of money (RCW 35A.12.100 as now enacted or hereafter amended). The Mayor may veto an ordinance, but the Mayor's veto can be overruled by a majority plus one of the entire council membership (RCW 35A.12.130 as now enacted or hereafter amended).

4.0 COUNCIL MEETING AGENDA

- 4.1 The City Clerk, under the direction of the City Administrator, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. After the proposed agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Council members, the City Administrator, and the press on or before noon the Friday before a regular Council meeting. The Presiding Officer shall have the option of deleting any item from the agenda until the next regular Council meeting when the full Council shall vote on whether to place the item on the current agenda or schedule it for a subsequent Council meeting. The Presiding Officer, three (3) Council members, or the City Administrator may introduce a new item to the agenda.
- 4.2 **The Consent Agenda** may contain items which are of a routine and non-controversial nature and may include, but are not limited to the following: meeting minutes, payroll, claims, budget amendments, park use requests and any item previously approved by Council with a unanimous vote and which is being submitted to Council for final approval. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Council member or any person attending a Council meeting.
- 4.3 **Council Agenda:** The City Clerk shall prepare the agenda for Council meetings in accordance with the procedure outlined in section 4.1. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations as determined by a majority vote of the Council.

5.0 MOTIONS

- 5.1 Members who wish to make a motion must first be recognized by the Presiding Officer. After the member makes a motion (and after the motion is seconded if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are some exceptions: nominations, points of order, requests to remove an item from the consent agenda, and motions to table.
- 5.2 A motion to table does not require a second and is not debatable. The Presiding Officer will state the motion and call for the vote.
- 5.3 Motions for reconsideration must be made by a member from the prevailing

side. Any member may make the second. The following rules apply to motions for reconsideration:

- (a) Motion must be in a timely manner but in no instance more than six (6) months after the original action.
- (b) When (6) months have elapsed, any member may bring the item before the Council.
- (c) No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

6.0 VOTING

6.1 The votes during all meetings of the Council shall be transacted as follows:

- (a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council member, the Clerk shall take a roll call vote. The Presiding Officer shall determine the order of the roll call vote.
- (b) The passage of any ordinance, grant or revocation of a franchise, any motion or resolution for the payment of money, and any approval of warrants shall require a majority vote of the whole Council.
- (c) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as budget amendment, shall require five affirmative votes of Council.
- (d) Council members shall vote on all matters before the Council unless a statutory conflict of interest exists. If there is a conflict of interest, that Council member shall abstain from voting. If any Council member refuses to vote "aye" or "nay", their vote shall be counted as a "nay" vote and their conduct shall be considered disorderly and malfeasance of office. Council members may not abstain from voting except in the event of a statutory conflict of interest, which must be stated for the record. Abstentions shall be shall be treated as the absence of a vote and the abstaining member shall not be counted as present.

7.0 AUDIENCE PARTICIPATION

7.1 Addressing the Council.

- 7.1.1 Agenda Items.** Anyone desiring to speak to the Council on an agenda item must first provide a properly completed request form to the Presiding Officer. Request forms are provided by the City. When that

agenda item is on the floor for discussion, the Presiding will recognize such persons to address the Council.

7.1.2 Non-Agenda Items. Anyone desiring to speak to the Council on a non-agenda item must first provide a properly completed request form to the Presiding Officer. The Presiding Officer, in his discretion, may permit such persons to address the Council and may limit the time for comment as needed.

7.2 Manner of Addressing the Council. Each person addressing the Council shall step up to the microphone, give his/her name and address and subject matter of comments in an audible tone of voice for the record and, unless further time is granted by the Chair, shall limit their address to three minutes. All comments shall be made to the entire Council and not to any single member nor to staff. Any questions for Council members or staff shall be presented through the Presiding Officer. The Council will determine the disposition of any issues raised (e.g., placed on the present agenda, workshop, other agendas, refer to staff, or do not consider).

7.3 Conduct of Audience. All audience members shall abide by the rules of decorum contained in paragraph 2.4 above. No audience member shall disrupt the conduct of the meeting or clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so shall be determined out of order and the Presiding Officer may have such person removed from the Council chambers immediately. Such person shall not be permitted to attend the remainder of that Council meeting.

8.0 COMPLAINTS TO COUNCIL

All citizen complaints shall be submitted to the City Clerk in writing, on the form provided by the City. Such forms are available at City Hall and must be signed by the person making the complaint. The City Clerk shall forward any such written complaints to the appropriate person for review. Citizen complaints brought directly to the Council during a meeting will not be heard or considered.

9.0 FILLING COUNCIL VACANCIES

9.1 Notice of Vacancy. If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

9.2 Letters of Interest. The Council will announce the vacancy and will accept letters of interest from any interested, qualified person. A committee comprised of the Mayor and two (2) Council members will review the letters of interest and/or interview the applicants. The committee will then submit the names of the proposed appointee(s) to the full Council for action.

10.0 EXECUTIVE SESSIONS

If the Council convenes an executive session to discuss what is permitted by law, there is no valid reason to disclose publicly what was discussed and reviewed privately. Everything which is discussed during an executive session, and all written materials which are reviewed during an executive session, shall be considered confidential and no Council member shall publicly disclose any such information. The Council finds that disclosing publicly what was discussed and reviewed during an executive session undermines the whole purpose of meeting in executive session. Public disclosure may be made in the event a majority of the Council members vote to approve the public disclosure prior to its disclosure. Any request for such a vote shall be first raised during an executive session for discussion purposes prior to a vote in open session.

11.0 CRIMINAL CONVICTIONS AND VIOLATIONS OF THE CODE OF ETHICS FOR MUNICIPAL OFFICERS AND OATH OF OFFICE

No Council member shall serve on the City Council after having been convicted of any criminal violation of Chapter 42.23 RCW (as now enacted or hereafter amended) or any felony or malfeasance in office (RCW 9.92.120, as now enacted or hereafter amended). No Council member shall serve on the City Council after having violated any of the provisions of Chapter 42.23 RCW (as now enacted or hereafter amended). No Council member shall serve on the City Council after having been convicted of any offense involving a violation of his or her official oath (RCW 42.12.010(5), as now enacted or hereafter amended).

12.0 PRESERVING THE ATTORNEY CLIENT PRIVILEGE

No Council member shall make any disclosures or release any information which would result in the waiver of the attorney/client privilege without first obtaining the approval of a majority of the Council in open session. Such a request for disclosure shall first be raised during an executive session for discussion prior to a vote in open session.

13.0 GOOD FAITH COOPERATION WITH INSURANCE CARRIER

All Council members shall cooperate in good faith with any insurance carrier or attorney representing the City in connection with a defense provided by an insurance carrier.

14.0 ULTRA VIRES ACTIONS

Council members shall not act *ultra vires*, or outside the scope of their authority and duties as Council members.

15.0 VIOLATION OF COUNCIL RULES OF PROCEEDINGS

15.1 These Rules of Procedure/Proceedings are adopted with the intent that they be fully enforceable and that violations thereof result in Council action against members as provided herein and pursuant to RCW 35.23.270 and Title 35A RCW, as now enacted or hereafter amended. Any violation of these Rules of Procedure/Proceedings is deemed to constitute disorderly conduct by such member.

15.2 Any claim of violation of these Rules of Procedure must be made in writing by a Council member and filed with the City Clerk and made a part of the minutes of the Council meeting where the charge is first considered.

15.3 Violations of Rules Nos. 10.0-14.0 above shall be processed as follows:

A) Any member violating Rules of Procedure Nos. 10.0-14.0 above, may be subject to removal from office pursuant to the process set forth in subparagraph 15.4.3 below, unless the Council determines to utilize the admonition and reprimand process contained in subparagraphs 15.4.1 and 15.4.2 below.

15.4 Members violating any other Rules of Procedure shall be subject to admonition for the first violation of a particular rule, reprimand for a second or third violation of that same rule, and removal from office on the fourth violation of that same rule as follows:

15.4.1 Admonition: An admonition shall be a verbal vote in open session, recorded in the minutes, made by the Council to the member.

15.4.2 Reprimand: A reprimand shall be administered to the member by

letter. The letter shall be prepared by the City Council after action in open session to approve such letter. If the member objects to the contents of such letter, he/she may file a request for review of the content of the letter of reprimand with the City Council. The City Council shall review the letter of reprimand based upon the request for review and any record established, and may take whatever action appears appropriate under the circumstances.

15.4.3 Removal from

office: Removal from office shall occur after trial on written charges before the City Council upon a two-thirds majority vote of the whole Council.

15.5 The action of the City Council in response to a violation of these Rules shall be final and not subject to further review before the City Council.

16.0 AMENDMENT OF THESE RULES

These rules may be amended or new rules adopted by a majority vote of the full Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.