

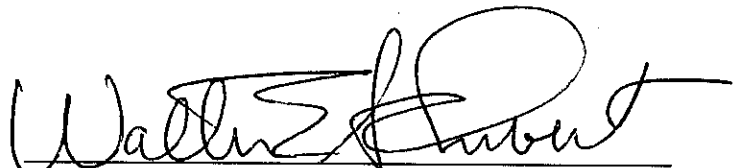


CITY OF SEQUIM
 RESOLUTION NO. R-2006-15

CITY COUNCIL RULES
 OF PROCEDURE

A Comprehensive Collection of Meeting Rules, Coordination Procedures, Public Hearing Procedures, and Applicable References from the Revised Code of Washington.

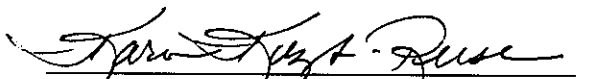
Adopted December 4, 2006.




 Walter E. Schubert, Mayor

Attest:

Approved as to form:



 Karen Kuznek-Reese, CMC
 City Clerk



 Craig A. Ritchie
 City Attorney



City of Sequim

Office of the City Manager

152 West Cedar Street, Sequim, Washington, 98382
(360)683-4139 Fax (360)-681-3448

INTRODUCTION

The City of Sequim changed from Mayor/Council to Council/Manager government in 1995. Participating in the legislative process had already become more difficult as government itself had become more complex. Standards and proven practices which can help guide a City Council do exist, but are generally scattered through many resources and references.

The City Council undertook to adopt Rules of Procedure, Resolution R95-9 and adopted updated Rules in May 2001, March 2003, and October 2006. The City Council continues to review and update the rules as necessary.

The City of Sequim's Revised Council Rules of Procedure is a comprehensive collection of meeting rules, coordinating procedures, administrative references, committee guidelines, public hearing procedures, Revised Code of Washington sections for Council/Manager government and several related appendices.

These rules are not to be construed to invalidate any action of the Council which is otherwise in compliance with applicable law.

It is our recommendation that every member of the City Council and administration be familiar with the contents and keep this booklet close at hand.

RESOLUTION NO. R-2006-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEQUIM, WASHINGTON, SETTING RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS, PUBLIC HEARINGS, LEGISLATIVE PROCESS AND PUBLIC COMMENTS OR COMPLAINTS

WHEREAS, the City Council desires that all Council meetings be open and responsive to the public; and


WHEREAS, such meetings should be carried out with efficiency and uniformity in the manner of Council and public participation; and

WHEREAS, written rules of procedures best assure an atmosphere conducive to said efficiency and uniformity and that no member of the Council or public need be embarrassed in the exercise of his/her right of free expression,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEQUIM DOES HEREBY RESOLVE:

SECTION 1. There is hereby adopted by reference, City Council Rules of Procedure dated November 27, 2006 and attached hereto as **Exhibit "A"**.

ADOPTED by the City Council of the City of Sequim, Washington at the regular meeting of the City Council on the 27th of November 2006.


Walter E. Schubert, Mayor

Attest:



Karen Kuznek-Reese, CMC, City Clerk

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Exhibit A – City Council Rules of Procedure

RESOLUTION NO. R-2006-17

GENERAL POLICY RESOLUTION OF CORE BELIEFS

A RESOLUTION OF THE CITY OF SEQUIM ESTABLISHING A *GENERAL POLICY RESOLUTION* EMANATING FROM THE CORE BELIEFS OF THE CITY COUNCIL AND SETTING FORTH DUTIES OF BOTH ELECTED AND APPOINTED OFFICIALS OF THE CITY TO HELP GUIDE CORPORATE AND EXECUTIVE DECISIONS TOWARD EFFECTIVE, RESPONSIVE, AND OPEN GOVERNMENT

WHEREAS, the City Council of the City of Sequim, as the elective legislative body, is charged with promulgating Ordinances and Resolutions which become the law of the city; and

WHEREAS, such Ordinances and Resolutions must provide enforceable provisions subordinate to, and in harmony with, all other applicable federal and state statutes and regulations; and

WHEREAS, the City Council desires to provide a clear set of general policy guidelines for the conduct of city government;

NOW, THEREFORE, the City Council of the City of Sequim does hereby affirm and resolve that the following core beliefs shall serve as guidelines for the conduct of affairs by all branches of Sequim city government.

Section 1. We believe that Sequim should be a visionary city encouraging its citizens and their government to look to the future beyond the present generation and to bring such ideas to public discussion, including the goals and objectives of the Visioning Report dated September 16, 1993.

Section 2. We believe that corporate decision making is the only lawful and effective way to conduct the public’s legislative business and that careful observance of a clear set of rules of procedure can best enhance public discussion and decision making.

Section 3. We believe in the City Council as policy leaders of the City. One or more City Council members should take the lead, where practical, in all matters which may result in the passage of legislative policy, Ordinances or Resolutions excepting quasi-judicial or other public hearings and the statutory duties of the City Manager as set forth in RCW 35A.13.020.

Section 4. We believe in maintaining a professional and respectful relationship and agree to abide by the following norms:

- Council and staff maintain courtesy in public
- Respect each other
- Don't blind side each other (no surprises)
- Consult with each other before taking action
- Promote equitable diversity
- Speak no evil (praise in public -- correct in private)
- Don't pass on rumors (check facts with source)
- All information shared with all
- Wait for recognition before speaking (address if necessary)
- Everyone is responsible for the process (no parking lot "after talks")
- Pick your cause
- Trust each other to do the right thing (even if you're not there)
- Support group decisions
- Listen (really listen)...
 - Listen to understand all sides
 - Listen for content
- Come on time...Leave on time
- Be prepared
- Communicate responsibly
- Facts Matter

Section 5. We believe in hearing the public view. We affirm that members of the public should be encouraged to speak and be heard through reasonable rules of procedure when the public business is being considered thus giving elected officials the broadest perspectives from which to make decisions.

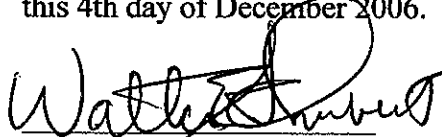
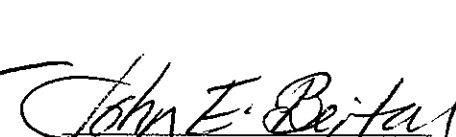
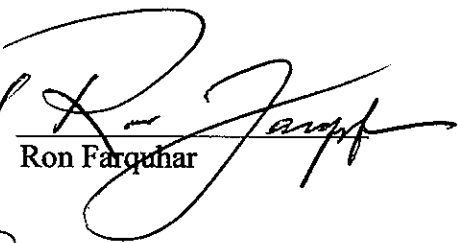
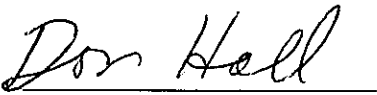

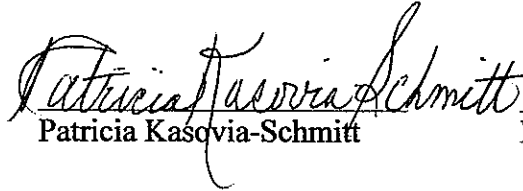
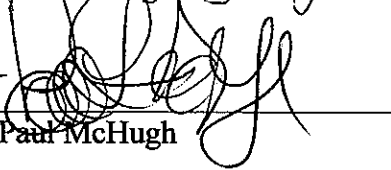
Section 6. We believe that the economic and commercial job base of the community must be protected and encouraged to grow to support basic city services. We believe it imperative to have an expanded and more diverse economic base, including representation from the light industrial and high-tech sectors, for example.

Section 7. We resolve that a duty of the City Manager shall be to conduct the affairs of the city within his/her authority by directing administrative policies designed to carry out the following:

- a. Promote mutual respect between the city staff and the City Council by encouraging the organizational team work necessary for effective, responsive and open government;
- b. Prescribe procedures for administrative personnel which give the City Council and the public advance notice of issues to be brought for discussion.

- c. Establish and maintain a formal city-wide customer service program with emphasis on timely response, a user-friendly atmosphere, and an attitude of facilitation and accommodation within the bounds of responsibility, integrity, and financial capability of the city;
- d. Direct administrative personnel to practice cost-saving wherever possible to contain or impede the rising cost of governmental services.
- e. Require that city departments review and examine their operations and employments as to whether there are more effective ways to organize or conduct departmental activities whenever opportunities such as attrition, budget preparation, etc. make such examination appropriate;
- f. Provide a data base of projects so that good ideas are not lost and the status of projects can be readily determined.

Passed by the City Council of the City of Sequim, Washington at a public meeting held this 4th day of December 2006.

 Walter E. Schubert, Mayor	 John Beitzel, Mayor Pro Tem	 Ron Farquhar
 Don Hall	 Bill Huizinga	
 Patricia Kasovia-Schmitt	 Paul McHugh	

ARTICLE I - COUNCIL MEETING PREPARATION

- 1.1 Council Meeting - Time and Location.** All regular meetings of the City Council shall be held at the times and locations specified by applicable ordinances and resolutions of the Council.
- 1.2 Council Meetings - Open to the Public.** All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.
- 1.3 Presiding Officer.** The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Mayor Pro Tem, an acting Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences. The Mayor or Mayor Pro Tem are referred to as "Presiding Officer" from time-to-time in these Rules of Procedure.
- 1.4 Quorum.** At all meetings of the Council, a majority of the Council members who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time-to-time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170, 35A.12.120)
- 1.5 Attendance, Excused Absences.** RCW 35A.12.060 provides that a Council member shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer, City Clerk, or City Manager prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or City Clerk, 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 City Clerk will make an appropriate notation in the minutes.
- 1.6 Special Council Meetings. Procedures for setting a special meeting are as follows:**
- (a) A special meeting may be called by the Mayor or any three (3) members of the Council. (RCW 35A.12.110)

- (b) Notice of the special meeting may be prepared in writing by the City Clerk. The notice shall contain the following information about the meeting: time, place, and business to be transacted.
 - (c) The notice shall be delivered by regular or electronic mail or personally to the residence of each Council member, the City Manager, and the business office of each local newspaper, radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.
 - (d) The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080, that is: (1) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, (2) As to any member who was actually present at the meeting at the time it convenes, and (3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.
- 1.7 Council Material.** Council members and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.
- 1.8 Council Packets.** Council members shall personally pick up their agenda packets from the individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council.
- 1.9 Council Meeting Agenda.** The City Clerk, under the direction of the City Manager, 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 and Mayor Pro Tem, a copy of the agenda and supporting materials shall be prepared for Council members, the City Manager, Department Heads, and City Attorney on or before 4:30 p.m., four (4) days before a regular Council meeting. The Presiding Officer shall have the option of deleting any item from such agenda until the next regular Council meeting when the full council shall vote on whether to introduce the item on the agenda or for a subsequent Council meeting. The Presiding Officer, three (3) Council members, a majority of the Council members present, or the City Manager may introduce a new item to the agenda at a meeting.
- 1.10 Consent Agenda.** The City Manager, in consultation with the Presiding Officer, shall place matters on the consent agenda which: (1) have been previously discussed by the Council; or (2) based on the information delivered to members of the Council by administration can be reviewed by a Council member without further explanation; or (3) are so routine, technical or "housekeeping" in nature that passage without discussion is likely.

- 1.11 Study Sessions.** Study sessions may be called as Special Meetings following the procedures in Section 1.6 of this document. Study Sessions need have no formal agenda, except when required for special meetings under RCW 42.30.080. The purpose of study session discussions is to allow Council members to be made aware of impending business, allow informal discussion of upcoming issues, or to do concentrated preliminary work with the administration on single, but time-consuming, subjects or complex matters. All business able to be transacted at a regular Council meeting may be transacted at a study session.

End of Article I - Council Meeting Preparation

ARTICLE 2 - COUNCIL MEETING PROCEDURES

2.1 Rules of Order. Rules of order not specified by statute, ordinance or resolution shall be governed by the chart of the most common "Rules of Order" questions. Attached as **Exhibit A-3.**

A. Forms of Address. The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". The Mayor Pro Tem shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Council member (surname)".

B. Seating Arrangement. Council members shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

C. Dissents and Protests. Any Council member shall have the right to express dissent from or protest against any motion, ordinance or resolution of the Council and have the reason therefore entered in the minutes.

D. Out of Order Requests.

Occasionally a member of the public may wish to speak on an agenda item but cannot remain until the item is reached on the agenda. During Open Comments From the Public, such person may request permission to speak by explaining the circumstances. The Presiding Officer in his/her sole discretion shall rule on allowing or disallowing the out of order request.

2.2 Motions and Discussion.

A. All items of business placed before the Council that require the expenditure of Council and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

B. Agenda items scheduled as New or Unfinished Business shall require a motion by a Council member before discussion unless the Council shall suspend the requirement by majority vote. Upon failure of either a prior motion or rule suspension, the agenda item shall be passed over and may not be reintroduced until the next regular meeting.

C. When possible, Council members should direct questions primarily to the City Manager.

2.3 Order of Business. The business of all regular meetings of the Council shall be transacted as follows: provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously.

- (a) Call to order by the Presiding Officer.
- (b) Pledge of Allegiance (Presiding Officer's discretion).
- (c) Roll Call (see Section 1.5 for procedure to excuse an absence).
- (d) Introductions and Correspondence not previously received by the Council.
- (e) Committee, board and liaison summary reports. Extended reports shall be placed after New Business or submitted in writing.
- (f) Presiding Officer's report.
- (g) City Manager's administrative summary report. Extended reports shall be placed after New Business or submitted in writing.
- (h) Comments from the public on **subjects not on the agenda** - limit 3 minutes each, unless modified by the Presiding Officer.

i. **Subjects on the current agenda.** If there is an item on the agenda that is marked with an asterisk (*), comments will be taken from the public on that item at the appropriate time. Any member of the public who wishes to address the Council on an item on the current agenda shall sign in on the sign-in sheet. Once the names have been called from the list, additional speakers may address the council upon recognition by the Presiding Officer. The City Attorney shall rule on the appropriateness of public comments as the agenda item is reached and shall rule on a specific individual or group time limit for public comment. The Presiding Officer may change the order of speakers so that comment is heard in the most logical groupings. (See Article 7 Public Participation for further details.)

- (i) Public Hearings (see **Article 6** for procedural details).
- (j) Consent Agenda

i. The City Clerk shall read the consent agenda titles.

The proper Council motion on the consent agenda is as follows: "I move adoption of the consent agenda". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Agenda. Since adoption of any item on the consent agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Presiding Officer shall inquire if any Council member wishes an item to be withdrawn from the consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.

- (k) Unfinished Business.
- (l) New Business.
- (m) Public Comments.
- (n) Good of the Order Reports. (Extended reports or tracking of an administrative nature deferred under (E) and (6) above.)
- (o) Executive Session (as required).

- (p) Next meeting date announced by Presiding Officer.
- (q) Adjournment. No Council meeting should be permitted to continue beyond approximately 9:30 p.m., without approval of a majority of the Council members who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council as herein specified, the items not acted on shall be deferred to the next regular Council meeting as unfinished business, unless the Council, by a majority vote of members present, determines otherwise.

2.4 Adjournment Due to Emergency or Disruption. In the event of emergency, such as a fire, threatened violence, or inability to regain good order, the Mayor shall forthwith declare the meeting adjourned and the City Council shall immediately leave the premises.

2.5 Permission Required to Address the Council. Persons other than Council members and administration shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or the chair of the appropriate Council committee. Public comments will be taken on items marked with an asterisk (*). The Presiding Officer will acknowledge speakers at the appropriate time during the meeting.

2.6 Voting. 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, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
- (b) In case of a tie vote on any proposal, the motion shall be considered lost.
- (c) Every member who was in the Council chambers when the question was put, shall give his/her vote or abstention. The Mayor shall ask for abstentions.
- (d) The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.
- (e) 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 a budget amendment, shall require the affirmative vote of at least a majority plus one (1) of the whole membership of the Council. (RCW 35A.13.190) In the event calamitous conditions should prevent assembly of such majority through death or injuries, the provisions of RCW 35A.13.035 may be invoked.

- (f) The passage of any motion or resolution not subject to the provisions of Washington law, the Sequim Municipal Code, or this Resolution as amended requiring a "super majority" for approval, shall require the affirmative vote of at least a majority of the membership of the Council who are present and eligible to vote.
- 2.7 City Manager.** The City Manager, as the chief executive officer and head of the administrative branch of city government, or his/her designee, shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems it advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City administration. RCW 35A.13.080.
- 2.8 City Clerk - Minutes - Public Information Access.** The City Clerk shall be ex-officio Clerk-of-the-Council and shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall record the proceedings of all public hearings, regular meetings, and of all land use matters and quasi-judicial matters, and shall keep and make available an agenda index to the contents of each tape recording, which will facilitate location of the recorded proceedings for any item of business so recorded. Access to the meeting recordings shall be made reasonably available to any party who so requests, according to City public information procedures. (Refer to SMC 2.50.)

End of Article II - Council Meeting Procedures

ARTICLE 3 – ADMINISTRATION AND HOUSEKEEPING

3.1 "Three Touch Rule" Defined. The following procedures are designed to prevent "surprises" to the City Council and citizens as much as possible. Decision makers at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions.

(a) **Qualifying Conditions** – Any subject or proposal for adopting or changing public policy, ordinances, resolutions or City Council directives which will eventually result in a decision of the City Council, shall meet the "Three Touch Rule". The subject should "touch" (oral, written or any combination thereof) the persons or groups, who may eventually approve a final action, three separate times. Quasi-judicial matters and any subject discussed in executive sessions are excluded from the "Three Touch Rule."

(b) **Three Touch Rule Elements:**

1. **First Touch** - A specific oral or written notification that a given subject is being considered or developed for future consideration along with a preliminary estimate of the time lines involved.
2. **Second Touch** - A more detailed review/discussion of the proposal with adequate preparation made or personnel available to answer most questions and receive preliminary feedback.
3. **Third Touch** - A presentation (oral or written as appropriate) of final details of the proposal in the appropriate draft proposal form which **could be adopted** as amended or referred to further process before final action.

(c) The "Three Touch Rule" is a general guide to help prevent "surprises" for the public and elected policy makers of the City. The need to avoid "surprises" also exists within the administration of the City. Thus the City Manager may also use the "Three Touch Rule" to facilitate better administrative decision making.

(d) It is recognized that, on occasion, unknown or emergency circumstances may arise wherein utilization of the "Three Touch Rule" is impossible. The hands of decision makers should not be tied unnecessarily. However, when unusual circumstances or emergency conditions arise which justify an expedited decision, the persons requesting the expedited decision should explain the circumstances.

3.2 Enacted Ordinances, Resolutions and Motions.

(a) *An enacted ordinance* is a legislative act prescribing general rules of organization or conduct relating to the corporate affairs of the municipality. Council action

shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty.

- (b) *An enacted resolution* is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.
- (c) *An enacted motion* is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances, resolutions or these rules.
- (d) What is the *difference between a resolution and an ordinance*? Both a resolution and an ordinance represent actions by the City Council which are binding until rescinded or amended. An ordinance will generally prescribe permanent rules of conduct or government, whereas a resolution will generally deal with matters of a special or temporary character. A resolution is typically an act that is less solemn or formal than an ordinance and generally is simply an expression of the opinion or mind of the official body.

3.3 Ordinances. The procedures for ordinances are as follows:

- (a) A Council member may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting an ordinance. The Presiding Officer then may assign the proposed ordinance to the administration, a committee or the Council-of-the-Whole for consideration. The committee or administration shall report its findings to the Council. The City Manager may propose the drafting of ordinances (RCW 35A.13). Citizens and Boards and Commissions may also propose consideration of ordinances and resolutions.
- (b) Sponsorship. When a Council member wishes to assume sponsorship of an ordinance or resolution, he or she shall make the initial motion and direct the introduction and background presentation.
- (c) All ordinances shall normally have two (2) separate readings at separate Council meetings. At each reading, the title of an ordinance shall, in all cases, be read by the City Clerk prior to its passage; provided that should a Council member request that the entire ordinance or certain of its sections be read, such request shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.
- (d) The provision requiring two (2) separate readings of an ordinance may be waived at any meeting of the Council by a majority vote of all members present.

- (e) If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.
- (f) Any ordinance repealing any portion of the Sequim Municipal Code shall also repeal the respective portions of the underlying ordinance(s) except that repeal of underlying ordinances shall not repeal clauses in such ordinances repealing earlier ordinances and repeal shall not apply to acts, incidents, transactions or decisions occurring before such repeal.
- (g) Once an ordinance is adopted, it must be published in the newspaper of record. An ordinance becomes effective five (5) days following its publication date, except as provided in RCW 35A.11.090.

3.4 Resolutions. A resolution may be put to its final passage on the same day on which it was introduced. However, Council may invoke the two (2) reading procedures described in **Section 3.3 (c)** above to facilitate public understanding and/or comment on the resolution. The title of each resolution shall, in all cases, be read prior to its passage. A Council member may request that the entire resolution or certain of its sections be read, and such request shall be granted.

3.5 Reconsideration. Any action of the Council, including final action on applications for legislative changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made if there is new information which may reverse a decision. Such motion must be made by a member of the prevailing side on the original action.

An original motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until all parties or their attorneys and all persons testifying have been given at least five (5) days advance notice of such discussion and/or action. [Lejeune v. Clallam County, 64 Wn. App. 257.]

3.6 Legislative Process, Preparation, Introduction and Flow of Ordinances and Resolutions and Motions. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as **DRAFTS**. All such drafts shall also be dated to include the most recent revision.

- (a) **PROPOSED DRAFTS** shall contain the name of the group or individual originating or sponsoring the proposal prior to the first presentation to the City Council, where a vote is taken directing some action or further consideration. Proposed drafts may be initiated by the City Manager, citizens or by boards, commissions or other task groups.
- (b) **COUNCIL DRAFTS** shall be documents or proposals which have been presented in open session and voted on by the City Council when the resultant Council action was other than passage or a vote to cease further consideration.

3.7 Complaints and Suggestions to Council. When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- (a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to a committee, administration, or the Council-of-the-Whole for study and recommendation.
- (b) If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief the Council when the City Manager's response is made.

3.8 Filling Council Vacancies. If a vacancy occurs on the City Council, the Council will follow the procedures outlined in RCW 35A.13.020. In order to fill the vacancy with the most qualified person available until an election is held, the Council will publish a notice of the vacancy, the procedure, and distribute the application form for applying. The Council will draw up an application which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Council member.

3.9 Election of Officers. Procedures for electing officers are as follows:

- (a) Biennially, at the first meeting of the new Council, the members thereof shall choose a presiding officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, there shall be an election for Mayor Pro Tem. The term of the Mayor Pro Tem shall run concurrently with that of the Mayor. (RCW 35A.13.030)

- (b) The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one (1) person, and nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The election for Mayor Pro Tem shall be conducted by the Mayor elect, and nominations shall be made in the manner previously described for the election of the Mayor.

- (c) In the event the Council is unable to agree on a Mayor by majority vote of members present, the Office of Mayor shall be temporarily filled by an **Acting Mayor**. Ties shall be resolved in a contest by chance. The office of **Acting Mayor** shall be filled by the Council member who just previously served as Mayor Pro Tem, or if such person is not a member of the Council, the Council member with the next highest seniority. The Acting Mayor and Acting Mayor Pro Tem shall continue in office and exercise such authority as is described in RCW 35A.13 until the members of the Council agree on a Mayor, at which time the role of Acting Mayor and Acting Mayor Pro Tem shall cease and terminate.

End of Article 3 – Administration/Housekeeping

ARTICLE 4 - COMMITTEES, BOARDS & COMMISSIONS

4.1 Committees.

- (a) All standing committees which are required by state law shall consist of three members of the Council appointed by the Mayor in January of each year, or at such time as new standing committees are required by state law.
- (b) All other Council committees, liaisons and citizen's taskforce groups and rules or operating procedures thereof shall be established by Council directive with special attention to RCW 35A.13.120, and after consultation with the City Manager. Such committees shall be subject to periodic review so as to determine whether the committee and its function continues to be appropriate and necessary.
- (c) Special ad hoc committees for a particular purpose may be appointed by the Mayor, along with a clear task description and "sunset" provision.
- (d) Committees, liaisons and citizen's taskforce groups shall make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson shall present the recommendation(s) which could lead to final action during the discussion of the business item on Council agenda.
- (e) No committee shall be delegated the authority to take any final action outside of an open public meeting.

4.2 Council Relations with Boards, Commissions and Council Citizen Advisory.

All statutory boards and commissions and Council citizen advisory bodies shall provide the City with copies of minutes of all meetings. Communications from such boards, commissions and bodies to the City Council shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee, Board and Liaison Reports." Should any member of the Council determine that any such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

4.3 Standing committees shall be appointed by Mayor and confirmed by Council:

Finance -- three members

Committee Procedures: Standing Council committees shall have no regular prescribed duties or meetings except the required bills and payroll procedures required by state law, unless specifically charged by the City Council. Members of standing committees constitute a COUNCIL LEADERSHIP POOL wherein each member has a special expertise and/or interest.

Committee meetings (when held) should be open to the public unless discussing matters which would qualify for an executive session if discussed within the whole Council. All Council Committee meetings shall be for the purpose of considering legislative policy matters, rather than administrative matters unless requested by the City Manager. Legislative policy considerations should be brought to the Council-of-the-Whole, unless referred to a committee for pre-study.

The Mayor may appoint such other ad-hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad-hoc committees shall be defined by a clear task and a method of "sunsetting" the committee at the conclusion of the assigned task.

4.4 Council liaison appointees shall be appointed by the Mayor (no confirmation required):

Board and Commission liaisons:

Planning Commission - one member

Park Advisory Board - one member

Lodging Tax Advisory Committee (Sequim Marketing Action Committee (SMAC)) - one member who shall serve as chair

Others as designated and assigned

Liaison Procedures.

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attendance when the group or activity takes place or communication with appropriate leaders so the liaison Councilor can keep Council informed. Liaisons may, at times, advocate Council actions on behalf of their assigned group or activity. Extreme care must be taken to avoid appearance of fairness or conflict of interest possibilities with agencies or circumstances where such possibilities may exist (ie: Planning Commission quasi-judicial). Liaisons functions and duties may be further defined and/or directed by the Presiding Officer with concurrence of Council.

4.5 Task Force/Public Forum Steering Procedures.

Upon being commissioned by a motion of the City Council, a Councilor may be appointed by the Mayor as a liaison leader to organize a steering group for a particular task force subject or issue. The steering group shall consist of two Councilors and one member of City administration. The Councilors shall be appointed by the Mayor and the technical support shall be appointed by the City Manager. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed. The steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned. Various City representation roles and Council liaisons may be involved in bringing information together on the task or issue. The steering group liaison informs Council of the group's activity at Council meetings (when appropriate). Such task force group shall be created by Council motion.

Task Force/Public Forum Procedures.

When major public policy development warrants, and after adequate preparation of issues and alternatives, the steering group may conduct larger citizen forums to help develop a public consensus on the issues. The product of such citizen forums, when held, shall be presented to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action.

The City Manager may also appoint such ad-hoc or special projects **administrative advisory task groups** as he or she may deem necessary to assist City administrative activity. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed.

4.6 Citizens Task Force Steering Procedures.

When the nature of a major issue indicates a need for increased citizen involvement or expertise at the steering level of a task force, the Council may, by legislative directive, commission a **Citizens Task Force Steering Group** consisting of one (1) council member, one (1) qualified citizen, and the City Manager. The Citizens Task Force shall function in a manner similar to the Task Force Procedures contained in Sections 4 and 5 above.

4.7 Multi-Agency Coordinating Task Force Steering Procedures.

When a major public/private effort involves key agencies outside of City Government but vital to community coordination, the Council may create by legislative directive, an appropriately named **Coordinating Task Force Steering Group**. Membership shall consist of one (1) council member, the City Manager, one (1) representative from each City Board or Commission key to the issue or project and one (1) member from each private, non-profit agency with key interest or resources vital to the issue or project.

Each agency shall appoint one (1) member to serve on the Steering Group and one (1) member to serve as alternate. Except for the first organizational start-up meeting, alternates shall not attend Steering Group meetings. Steering Group members shall function in a manner similar to the task force procedures described in Sections 4, 5, and 6 above.

4.8 General Town Hall/Neighborhood Meetings.

The public should be encouraged to attend regular and special City Council meetings to participate in their government. The City Council Rules of Procedure are designed to facilitate an open atmosphere for citizen participation. However, any two (2), but not more than three (3), members of the City Council may desire to convene a citizens town hall/neighborhood meeting or series of meetings for the purpose of providing a general forum on city operations. Such town hall meetings shall, when convened, provide information pertaining to any known issues as well as opportunity for citizens to express their views on any subject. The Councilors may request that the City Manager or his/her designee attend these meetings to answer questions on administrative matters. Although

not official council meetings, members of the City Council shall report issues to the City Council. Councilors should avoid discussion or receiving testimony which pertains or may pertain to potential lawsuits, land use issues, or other quasi-judicial proceedings which might later come before the Council.

End of Article 4 - Committees, Boards & Commissions

ARTICLE 5 - RELATIONS WITH CITY MANAGER & ADMINISTRATION

5.1 Role of the City Manager. The City Manager is the chief administrative officer of the City of Sequim. The Manager is directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments. The powers and duties of the City Manager are defined by Washington law, RCW 35A.13.080. Such duties may be expanded by Ordinance or Resolution. Balanced with City Manager's accountability to the City Council for policy implementation is the need for the Council to allow the City Manager to perform legally defined duties and responsibilities without inappropriate interference by the City Council in the day-to-day management decisions of the City Manager.

5.2 Administrative Interference by Council Members. Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the City Manager, either publicly or privately: provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. RCW35A.13.120.

5.3 Administrative Complaints Made Directly to Individual Council Members. When administrative policy or administrative performance complaints are made directly to individual Council members, the Council member shall then refer the matter directly to the City Manager for review and/or action. The individual Council member may request to be informed of the action or response made to the complaint.

5.4 Administrative Complaints - "Best Practice". Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Council members should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with customer service unless an unsatisfactory result has occurred. In that case refer to Section 5.3 above.

End of Article 5 – Relations with City Manager & Administration

ARTICLE 6 - PUBLIC HEARING PROCEDURES**6.1 Appearance of Fairness Doctrine.** Appearance of Fairness Doctrine and its Application:

Appearance of Fairness Doctrine Defined. "In short, when the law which calls for public hearings gives the public not only the right to attend, but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance." Smith vs. Skagit County, 75 Wn.2d 715 (1969). "The test of whether the appearance of fairness doctrine has been violated is ... as follows: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Swift vs. Island County, 87 Wn.2d 348 (1976).

Types of Hearings to Which Doctrine Applies. The Appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide (versus site-specific) significance (RCW 42.36.010). Street vacations are typically legislative actions, unless clearly tied to, and integrated into, a site-specific development proposal which is quasi-judicial in nature.

(c) Obligations of Council Members Procedure.

Council members should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Council member or a Council member's business associate, or a member of the Council member's immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Council member's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each council member should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Council member should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Council member and to the Presiding Officer.

Anyone seeking to disqualify a Council member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure

to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Council member shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or *ex parte* contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Council member and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in Superior Court. Should such challenge be made in the course of a quasi-judicial hearing, the Council member shall either recuse him/herself or the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

3. The Presiding Officer shall have sole authority to request a Council member to excuse him/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Council members believe that an Appearance of Fairness violation exists, such individuals may move to request a Council member to excuse him/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Council members shall give due regard to the opinion of the City Attorney.

4. Notwithstanding the request of the Presiding Officer or other Council members, the Council member may participate in any such proceeding.

(d) Specific Statutory Provisions.

1. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning, (RCW 42.36.040), except that sitting Council members shall not express their opinions on any such matter which is or may come before the Council.

2. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

3. During the pendency of any quasi-judicial proceeding, no Council member may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Council member: (1) places on the record the substance of such oral or written communications; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060.

6.2 Public Disclosure File. The City Clerk shall maintain a public disclosure file, which shall be available for inspection by the public. As to elected officials, the file shall

contain copies of all disclosure forms filed with the Washington State Public Disclosure Commission.

6.3 **Procedure On Application.** Any person making application for any action leading to a quasi-judicial hearing before the Planning Commission and City Council shall be provided with a document containing the following information: (1) the names and address of all members of the City Council, and the Planning Commission; (2) a statement that public disclosure information is available for public inspection regarding all such Council members, and (3) a statement that if the applicant intends to raise any appearance of fairness issue, the applicant should do so at least two (2) weeks prior to any public hearing, if the grounds for such issue are then known and in all cases, no later than before the opening of the public hearing. The applicant shall acknowledge receipt of such document.

6.4 **Actions for a Public Hearing.** The procedures for a public hearing are as follows:

(a) Prior to the start of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the City Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.)

(b) The following script shall be utilized:

Initial Date _____
Continued Date _____
Subject _____
Quasi-Judicial? _____

1. **Presiding Officer shall announce that “all persons wishing to be heard shall sign in with the City Clerk, giving their name, address, the agenda item, and whether they wish to speak in favor, opposed or otherwise to this issue. Any person who fails to sign in shall not be permitted to speak until all those who signed in have spoken. All persons who have signed in and wish to be heard shall be heard.”**

NOTE – If there is a question of whether or not an item is quasi-judicial, request an opinion from the city attorney now.

RULES

The following ground rules have been agreed to by your City Council to promote an orderly system of holding public hearings, to give every person an opportunity to be heard, and to ensure

that the free speech rights of all speakers are protected and no individuals are embarrassed by exercising their right to free speech.

Establish speaker time limits.

Appoint a time keeper.

Please avoid repetitious comments, personal attacks, or comments not related to the subject before the Council.

2. Announce "Please make all comments from the speaker's rostrum giving your name and address so that a proper record may be made. Comments made from any location other than the rostrum will be considered "out of order" and anyone making "out of order" comments shall be subject to removal from the meeting.

3. Out of respect for all speakers, no unruly behavior such as applause, booing, harassing remarks or other audience participation during or at the conclusion of anyone's presentation will be tolerated. The Council is not allowed to consider such material and it can intimidate the speaker and make the proceedings last longer than necessary.

4. Quasi-Judicial Only: If you are neither in favor or opposed to this issue, please speak during the time when those opposed to this issue are speaking and identify yourself as being neither in favor or opposed.

5. Because this is a Quasi Judicial Matter, the Council will disclose any possible Appearance of Fairness issues and listen to any objections to any council member's participation. Each Council member should now disclose whether or not you have:

a. a demonstrated bias for or against any party to the proceedings;

b. whether you stand to gain or lose any financial benefit as a result of the outcome of the hearing;

c. whether you can hear and consider the application/information in a fair and objective manner;

d. whether you had ex-parte contact with any individual, excluding administrative staff, prior to the hearing. If any Council member should answer "yes", then that Council member should state the reason for their answer at this time.

6. Ask attorney if a violation of the Appearance of Fairness Doctrine exists.

7. Are there any members of the audience who wish to challenge, on appearance of fairness grounds, participation in this matter by any member of the Council? If so, please come forward to the speaker's rostrum, state your name and address, the council member you are objecting to and the reason for your objection.

NOTE – If there is an objection announced, the presiding officer may ask the challenged councilperson to respond and / or may ask the city attorney for a ruling or opinion.

8. Does everyone understand the rules?

9. Quasi-Judicial only – Clerk administer the oath to all who are present. (If you provide testimony, do you promise to tell the truth in this matter presently before the City Council?)
10. The subject of this public hearing is _____
11. “The public hearing is now open”
12. When considering a **site-specific** Comprehensive Plan and zoning amendment or zoning reclassification, announce: “Site plans, artistic renditions, and the like in support of a zoning amendment should be avoided except as they help to explain the terms of any proposed or anticipated conditions for approval. Any graphic representations should be used for illustrative purposes only, and the administration and City Council should avoid indicating approval or disapproval of such plans. Such evidence shall be entered into the record by exhibit number and remain a part of the record.”
13. Ask City Manager if staff has testimony to present.
14. Questions from members of Council to staff.
15. Applicant presentation including presentation of any materials.
16. Questions from members of Council to applicant.
17. Ask for speakers in favor in quasi-judicial or speakers in non-quasi-judicial. Have Clerk call for speakers in order.
18. Either:
 - a. Ask: “Are there additional speakers” TWO TIMES
 - or
 - b. Ask: “Are there additional speakers in favor” TWO TIMES.
19. Either:

If non-quasi-judicial, inquire if the administration wishes to introduce any material in response to subjects raised by the speakers or alter in any regard its initial recommendations;

AND THEN

Ask if Council members have any questions to ask the speakers or administration; if so, please address your questions to me.

OR

If quasi-judicial, call for speakers opposed and persons who are neither in favor or opposed to the issue. If anyone opposed, or neither in favor or opposed has questions to ask of anyone giving testimony in favor, ask the questions during your presentation. Those having spoken in favor of this issue will be required to answer any reasonable questions, when they speak in rebuttal, provided that I reserve the right to rule any question out of order.

City Clerk please call speakers from the sign up sheet.

20. Ask "Are there additional speakers opposed or neither in favor or opposed to this issue."
TWO TIMES.
21. Call for those in favor of this issue to speak in rebuttal but to introduce no new materials.
(If in favor does, then opposed shall be allowed to rebut the new elements.)
22. Ask "At this time, will the Administration introduce any material on subjects raised by
any of the speakers on this issue?"
23. Ask "Do any Council members have any questions to ask any of the speakers or
administration. If so, please address your questions to me."
24. Close the public hearing.
25. Ask: "Is there an affirmative motion by any Council member?" Second? Discussion?
Any further discussion? Any final comments or recommendations from administration?
26. Will the City Clerk please read the motion. Those in favor of the motion say AYE.
Those opposed to the motion say NO. Those that abstain say so now. Motion passes.
Motion fails.
27. Direct the administration to prepare findings to be placed on the agenda of the next
regular meeting; or _____.

End of Article 6 - Public Hearing Procedures

ARTICLE 7 – PUBLIC PARTICIPATION

Note: the City Council desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. At any time, the Presiding Officer, in the Presiding Officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption of other necessary business.

Prior to public comments, the Presiding Officer reads the rules to the audience.

1. “Your City Council is committed to listening to the community. We have established rules to protect the free speech rights of all citizens and promote an orderly forum for the Council to hear all views and ensure that every person has the opportunity to be heard without the risk of embarrassment or ridicule.
 1. Comments are limited to items NOT on the agenda at this time.
 2. If there is an item on the agenda marked with an asterisk (*), comments will be taken from the public concerning that item at the appropriate time.
 3. Come to the rostrum, state your name, address, and topic for the record.
 4. Limit comments to 3 minutes. (Appoint _____ as timekeeper.)
 5. Please do not repeat what has already been said.
 6. The Council cannot, by law, consider comments that could be a part of a public hearing in the future.
 7. Please make comments from the rostrum. Comments made from any other location will be considered “out of order” and can lead to removal from the meeting.
 8. Out of respect to all speakers, the Council requests there be no demonstrations during or at the conclusion of anyone’s presentation. Any disruptive behaviour, as determined by the Presiding Officer, shall be cause for removal from the meeting room.
 9. Is there anyone in the audience who does not understand the rules?
 10. City Clerk is there a list of speakers? Please call speakers from the list.”
 11. Once the names have been called from the list, the Presiding Officer will ask the audience “to raise their hand and be recognized at this time if you wish to address the Council.”

Following such comments, the Presiding Officer may place the matter on the agenda or a future agenda, or refer the matter to administration or a Council committee for investigation and report.

End of Article 7 – Public Participation

ARTICLE 8 – USE OF RULES

- 8.1 Purpose.** These City Council Rules of Procedure are designed to provide guidance for the City Council. They are not to be considered restrictions or expansions of City Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.
- 8.2 Use.** No action taken by a member or by the Council which is not in compliance with these rules but which is otherwise lawful shall invalidate such member or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Council may enforce these rules or rely on these rules. Failure of the City Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.
- 8.3 Public Use or Reliance Not Intended.** Because these rules are designed to assist the City Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, “appearance of fairness rules”, public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

End of Article 8 – Use of Rules

Motion "To Approve the Telephone Tree Memo Herein Contained and Incorporated as Exhibit A-1 of the City of Sequim Council Rules of Procedure."

EXHIBIT A-1



MEMORANDUM

DATE: FEBRUARY 24, 2003

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: TELEPHONE TREE FOR COUNCIL-MANAGER FORM OF GOVERNMENT

Sometimes an important happening occurs in the City where Council members should be briefed:

For example:

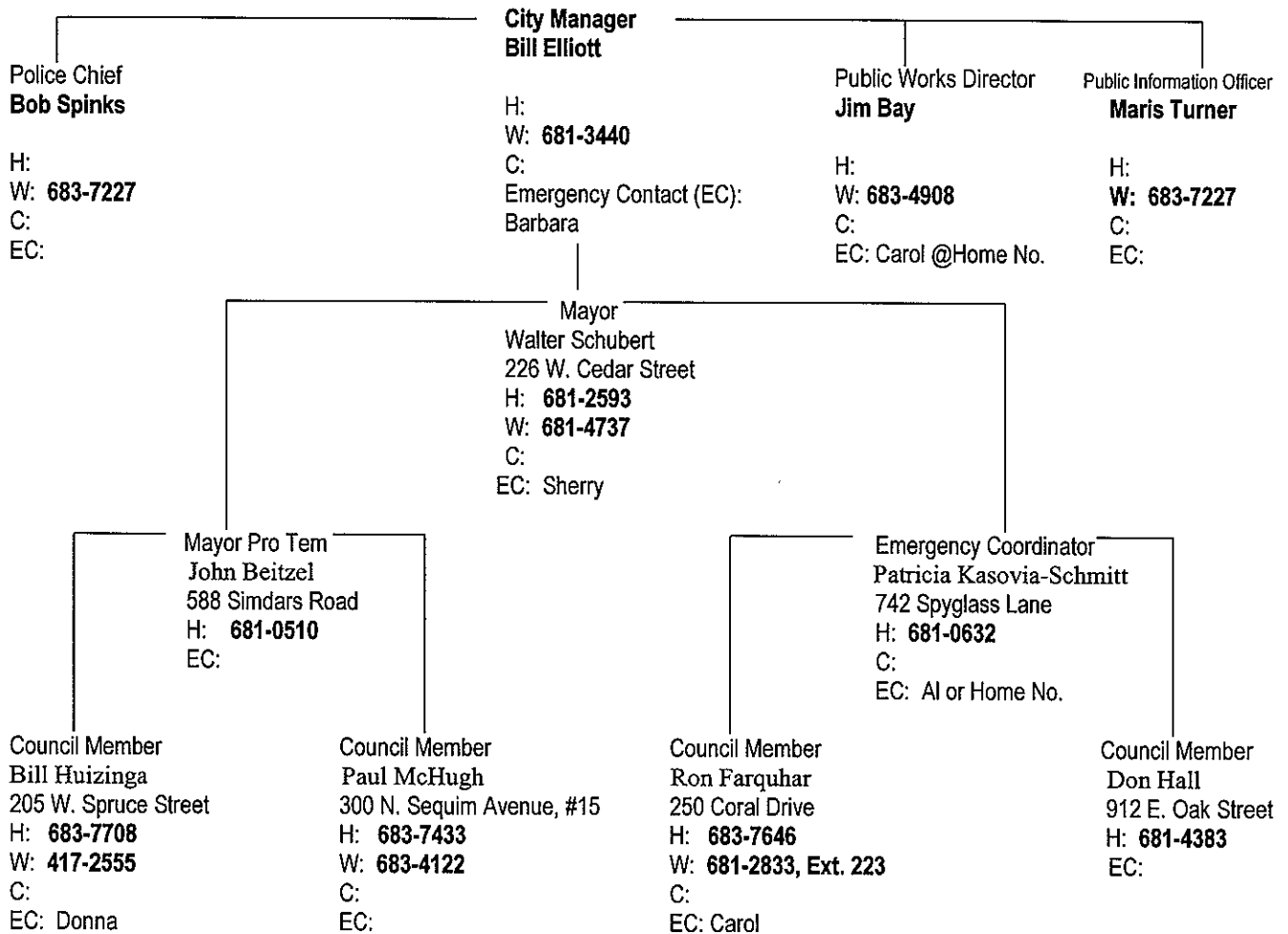
- Major News! Accident, Disaster, Major Utility Failure!**
- Storm Damage**
- Major Police Problem**
- Civil Emergency**

A pre-arranged "telephone tree" informs the entire Council in the shortest possible time. It can be embarrassing to be asked by a citizen about a major event if you have to say, "I haven't even heard about it!"

The telephone tree for timely briefings of major news is shown on the attached sheet. The Mayor assigns the tree according to availability of the members.

EXHIBIT A-2

Motion "To Approve the **Telephone Tree for Council/Manager Chart** Herein Contained and Incorporated as **Exhibit A-2** of the City of Sequim Council Rules of Procedure."



In the event of a natural disaster, when it is highly probable that telephone communications will fail, all members of the Emergency Management team will assemble at their designated stations, either at the EOC or at City Hall.

When the Emergency Operations Center (EOC) is activated, the following will report to the EOC in Fire Station #3:

Bill Elliott, City Manager, Emergency Management Director	Walter Schubert, Mayor
Patricia Kasovia-Schmitt, Council Member, Emergency Coordinator	Jim Bay, Public Works Director
Bob Spinks, Police Chief	

The following will report to City Hall:

John Beitzel, Mayor Pro Tem	Ron Farquhar, Council Member
Bill Huizinga, Council Member	Paul McHugh, Council Member
Don Hall, Council Member	

EXHIBIT A-3

Motion "To Approve the **Parliamentary Procedure at a Glance** Herein Contained and Incorporated as **Exhibit A-3** of the City of Sequim Council Rules of Procedure."

PARLIAMENTARY PROCEDURE AT A GLANCE					
To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..."	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration of this"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..."	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront-- chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

Exhibit A4

**REVISED CODE of WASHINGTON
Title 35A RCW OPTIONAL MUNICIPAL CODE
Chapter 35A.13 RCW COUNCIL-MANAGER PLAN OF GOVERNMENT**

**Chapter [REDACTED] RCW
COUNCIL-MANAGER PLAN OF GOVERNMENT**

- 35A.13.010 City officers--Size of council.
- 35A.13.020 Election of councilmen--Eligibility--Terms--Vacancies--Forfeiture of office--Council chairman.
- 35A.13.030 Mayor--Election--Chairman to be mayor--Duties.
- 35A.13.033 Election on proposition to designate person elected to position one as chairman--Subsequent holders of position one to be chairman.
- 35A.13.035 Mayor pro tempore or deputy mayor.
- 35A.13.040 Compensation of councilmen--Expenses.
- 35A.13.050 City manager--Qualifications.
- 35A.13.060 City manager may serve two or more cities.
- 35A.13.070 City manager--Bond and oath.
- 35A.13.080 City manager--Powers and duties.
- 35A.13.090 Creation of departments, offices, and employment--Compensation.
- 35A.13.100 City manager--Department heads--Authority.
- 35A.13.110 City manager--Appointment of subordinates--Qualifications--Terms.
- 35A.13.120 City manager--Interference by council members.
- 35A.13.130 City manager--Removal--Resolution and notice.
- 35A.13.140 City manager--Removal--Reply and hearing.
- 35A.13.150 City manager--Substitute.
- 35A.13.160 Oath and bond of officers.
- 35A.13.170 Council meetings--Quorum--Rules--Voting.
- 35A.13.180 Adoption of codes by reference.
- 35A.13.190 Ordinances--Style--Requisites--Veto.
- 35A.13.200 Authentication, recording and publication of ordinances.
- 35A.13.210 Audit and allowance of demands against city.
- 35A.13.220 Optional division of city into wards.

35A.13.230 Powers of council.RCW 35A.13.010 City officers--Size of council.

The council members shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a council-manager code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

[1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § 35A.13.010.]

Notes:

Severability--1987 c 3: See note following RCW 3.46.020.

Severability--1979 ex.s. c 18: See note following RCW 35A.01.070.

Population determinations, office of financial management: Chapter 43.62 RCW.

RCW 35A.13.020 Election of councilmen--Eligibility--Terms--Vacancies--Forfeiture of office--Council chairman.

In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030.

[1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 § 35A.13.020.]

RCW 35A.13.030 Mayor--Election--Chairman to be mayor--Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number unless the chairman is elected pursuant to RCW 35A.13.033. The chairman of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § 35A.13.030.]

RCW 35A.13.033 Election on proposition to designate person elected to position one as chairman--Subsequent holders of position one to be chairman.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chairman of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chairman upon taking office.

[1975 1st ex.s. c 155 § 3.]

RCW 35A.13.035 Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilman, the remaining members by majority vote may appoint a councilman pro tempore to serve during the absence or disability.

[1969 ex.s. c 81 § 1.]

Notes:

Effective date--1969 ex.s. c 81: "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

RCW 35A.13.040 Compensation of councilmen--Expenses.

The salaries of the councilmen, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmen may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmen of a newly-organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmen shall be entitled to compensation in the same manner and in the same amount as councilmen of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmen shall be entitled to compensation as follows: In cities having less than five thousand inhabitants--twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants--a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants--a salary of four hundred dollars per calendar month. A councilman who is occupying the position of mayor, in addition to his salary as a councilman, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmanic salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

Notes:

Severability--1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.13.050 City manager--Qualifications.

The city manager need not be a resident at the time of his appointment, but shall reside in the code city after his appointment unless such residence is waived by the council. He shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

[1967 ex.s. c 119 § 35A.13.050.]

RCW 35A.13.060 City manager may serve two or more cities.

Whether the city manager shall devote his full time to the affairs of one code city shall be

determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[1967 ex.s. c
119 §
35A.13.060.]

RCW 35A.13.070 City manager--Bond and oath.

Before entering upon the duties of his office the city manager shall take an oath or affirmation for the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[1967 ex.s. c
119 §
35A.13.070.]

RCW 35A.13.080 City manager--Powers and duties.

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;
- (5) To recommend for adoption by the council such measures as he may deem necessary or expedient;
- (6) To prepare and submit to the council such reports as may be required by that body or as he may deem it advisable to submit;
- (7) To keep the council fully advised of the financial condition of the code city and its future needs;
- (8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution.

[1987 c 3 § 17; 1967 ex.s. c 119 § 35A.13.080.]

Notes:

Severability--1987 c 3: See note following RCW 3.46.020.

RCW 35A.13.090 Creation of departments, offices, and employment--Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § 35A.13.090.]

RCW 35A.13.100 City manager--Department heads--Authority.

The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[1967 ex.s. c 119 § 35A.13.100.]

RCW 35A.13.110 City manager--Appointment of subordinates--Qualifications--Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119
§ 35A.13.110.]

RCW
35A.13.120
City manager--
Interference by
council
members.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[1967 ex.s. c 119 § 35A.13.120.]

RCW 35A.13.130 **City manager--Removal--Resolution and notice.**

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him from duty, but his pay shall continue until his removal becomes effective.

[1967 ex.s. c 119 § 35A.13.130.]

RCW 35A.13.140 **City manager--Removal--Reply and hearing.**

The city manager may, within thirty days from the date of service upon him of a copy thereof, reply in writing to the resolution stating the council's intention to remove him. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[1967 ex.s. c 119 § 35A.13.140.]

RCW
35A.13.150 **City**
manager--Substitute.

The council may designate a qualified administrative officer of the city or town to perform the

duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § 35A.13.150.]

RCW 35A.13.160 Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § 35A.13.160.]

RCW 35A.13.170 Council meetings--Quorum--Rules--Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § 35A.13.170.]

Notes:

Severability--1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.13.180 Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

[1967 ex.s. c 119 § 35A.13.180.]

RCW 35A.13.190 Ordinances--Style--Requisites--Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new

ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[1967 ex.s. c 119
§ 35A.13.190.]

RCW 35A.13.200 Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

[1967 ex.s. c 119 § 35A.13.200.]

RCW 35A.13.210 Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

[1967 ex.s. c 119 § 35A.13.210.]

RCW 35A.13.220 Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

[1967 ex.s. c 119 § 35A.13.220.]

RCW 35A.13.230 Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.

[1967 ex.s. c 119 § 35A.13.230.]

