

SPOKANE CITY COUNCIL

RULES OF PROCEDURE

AS AUTHORIZED BY CITY CHARTER SECTION 9(b)

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**SPOKANE CITY COUNCIL
RULES OF PROCEDURE**

AS AUTHORIZED BY CITY CHARTER SECTION 9(B)

RULE 1 - GENERAL PRINCIPLES

Rule 1.1 PURPOSE

It is the purpose of the City Council of the City of Spokane in adopting these rules to provide a method for the conduct of its affairs. It is not intended that these rules confer upon any person who is not a member of the Council any right to a particular procedure or affect the validity or legality of any Council action.

Rule 1.2 DUTY OF MUTUAL RESPECT

It is the constant duty of each Council member to maintain respect for each other, the City staff and the public. Likewise, the Council shall require corresponding respectful behavior from all persons who attend a meeting.

Rule 1.3 DUTY OF ETHICAL CONDUCT

1.3.1 Every Council member must uphold the constitution, laws, and regulations of the State of Washington and the Charter and ordinances of the City.

1.3.2 No Council member may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of his or her public duties. No Council member in his or her official capacity may participate in a transaction involving the City with a party in which the Council member, or a family member, owns a beneficial interest.

1.3.3 A) No Council member may accept employment or engage in any business or professional activity that the Council member might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of the Council member's official position.

 B) No Council member may disclose confidential information gained by reason of his or her official position or otherwise use the

information for his or her personal gain or benefit or the gain or benefit of another.

C) No Council member may disclose confidential information to any person not entitled or authorized to receive the information.

D) "Confidential information" means

1) specific information, rather than generalized knowledge, received by a Council member as a result of his or her position that is not available to the general public on request; or

2) information furnished to a Council member under circumstances as suggest the information is sensitive, including when the provider of the information identifies the information as confidential, and including

a) discussion of the selection of a site or the acquisition of real estate by lease or purchase, or the minimum price at which real estate will be offered for sale or lease, or the contents of real estate appraisals made for or by any agency relative to the acquisition or sale of property, when public knowledge regarding such information would cause a likelihood of a disadvantageous price change,

b) discussion with legal counsel relating to enforcement actions, or litigation or potential litigation to which the City, the City Council, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City,

c) evaluation of public employees, negotiations on public contracts and discussions of positions to be taken in collective bargaining, when presented during an executive session of the City Council; or

3) information made confidential by law, including specific intelligence information and specific investigative

records compiled by investigative, law enforcement, and penology agencies the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy; or

4) other information made confidential by the Public Records Act (Chapter 47.17 RCW) or the Open Public Meetings Act (Chapter 42.30 RCW).

1.3.4 Unless acting in good faith, a Council member may not intentionally conceal a record if he or she knows the record is required to be released under Chapter 42.17 RCW and is under a personal obligation to release the record.

1.3.5 A) No Council member may use or authorize the use of facilities of the City, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Facilities of the City include, but are not limited to, stationery, postage, machines, and equipment; City employees during working hours; vehicles, office space, publications of the City, and clientele lists of persons served by the City.

B) This rule does not apply to the following activities:

1) Action taken at an open public meeting by members of the City Council to express a collective decision, or to actually vote upon a motion, proposal, resolution, or order, or to support or oppose a ballot proposition as long as

a) required notice of the meeting includes the title and number of the ballot proposition, and

b) members of the City Council or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

2) A statement by a Council member in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this section it is not a violation for a Council member to respond to an inquiry regarding a ballot

proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds, as such term is defined by the Public Disclosure Commission.

Rule 1.4 *ROBERT'S RULES OF ORDER*

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to *Robert's Rules of Order, Newly Revised*.

Rule 1.5 *AMENDMENT*

These rules may be amended by formal resolution.

RULE 2 - MEETINGS

Rule 2.1 *PLACE AND TIME OF REGULAR MEETINGS*

2.1.1 As provided in Spokane Municipal Code Section 2.01.010, the regular meeting of the City Council is at 3:30 p.m. every Monday in the Council Chambers, Lower Level of City Hall. If a Monday is a City holiday, that week's regular meeting is held on the next day that is not a holiday if a quorum is available.

2.1.2 The 3:30 p.m. Council session is a briefing session for the purposes of receiving staff reports on matters of interest, committee reports, background information from staff regarding matters on the advance agenda for the next week's meeting and for that day's agenda, making any adjustments to the agenda and agreeing as to any issues of procedure for that day's meeting.

2.1.3 At the conclusion of the briefing session there is an administrative session during which action will be taken on the items on the administrative agenda. At the request of any Council member, an item on the administrative agenda will be carried over to the legislative session. A Council member may move reconsideration of an item voted on during an administrative session at that day's legislative session or at the next briefing session.

2.1.4 A) At the conclusion of the administrative session, or at other time properly announced, there may be an executive session for the purpose of engaging in deliberation on such matters as:

1) the selection of a site or the acquisition of real estate by lease or purchase, or the consideration of the minimum price at which real estate will be offered for sale or lease, when public knowledge regarding such consideration would cause a likelihood of increased or decreased price, as the case may be;

2) reviewing negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

3) the receipt and evaluation of complaints or charges brought against a public officer or employee, unless such officer or employee requests a public hearing or a meeting open to the public upon such complaint or charge;

4) evaluation of the qualifications of an applicant for public employment or review of the performance of a public employee;

5) evaluation of the qualifications of a candidate for appointment to elective office;

6) collective bargaining with employee organizations, including contract negotiations, grievance meetings and discussions relating to the interpretation or application of a labor agreement; and planning or adopting a strategy or position to be taken during the course of collective bargaining, professional negotiations or grievance or mediation proceedings; and reviewing the proposals made in negotiations or proceedings in progress;

7) discussions with legal counsel representing the City on matters relating to City enforcement actions or litigation or potential litigation to which the City, the Council, or a Council member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the

discussion is likely to result in an adverse legal or financial consequence to the City, or other privileged communications with legal counsel;

8) such adjudicative and other matters involving issues of personal privacy or vital public interest as are recognized by Washington law as appropriate for action in a closed meeting when exclusion of the public is reasonably necessary to protect the interests of the City, any of its officers or employees, or any other person.

B) The agenda of the executive session shall state, or the Chair shall declare before the Council convenes in executive session, the subject matter of the executive session with as much particularity as will not frustrate the purpose of the executive session.

C) The Council determines which persons shall attend each particular executive session and whether minutes shall be taken. If minutes be taken, they shall be filed in the office of the Council president, to be made public at such time as the need for confidentiality ceases to exist.

2.1.5 The 6:00 p.m. Council session is the legislative session for the purpose of taking public testimony, discussing and taking action on those items which were placed on that agenda or transferred from the administrative agenda, and for holding the open forum.

Rule 2.2 OPEN FORUM

2.2.1 When all the matters on the agenda have been acted on, unless it is 10:00 p.m. or later, an allotment of meeting time, not to exceed one-hour, will be devoted to public comment by citizens of the City on matters not on the current or advance agenda. If no one has signed up to speak at the open forum session, it will be dispensed with.

2.2.2 At the beginning of the open forum session a designated staff member will collect the cards upon which citizens have indicated their desire to speak at the open forum session and deliver them to the Chair so that the Chair can begin the determination of how the time of the open forum is to be allocated. In his or her discretion the Chair will determine the order of the speakers and will

impose on each speaker such time limit as may be appropriate to allocate the one hour maximum time. Each speaker may be limited to three minutes.

2.2.3 Because taking action on any matter brought up during the open forum session would violate these rules relative to advance notice to and participation by the public, no action, other than a consensus to bring the matter up as a future agenda item, will be taken during the open forum. Accordingly, it need not be recorded.

2.2.4 The open forum is a limited public forum and all matters discussed shall relate to affairs of the City. No person may use the open forum to speak on such matters and in such a manner as to violate the laws governing the conduct of municipal affairs. For example, the Council shall prevent a person from adversely affecting the fairness of a current or pending adjudicative proceeding and shall prevent the use of the open forum for political campaigning.

Rule 2.3 ADJOURNED MEETINGS

2.3.1 Any meeting may be adjourned to a place and time fixed in the motion. Unless otherwise specified in the motion, the meeting will be adjourned to the place and time fixed for the next regular meeting. If a regular meeting be adjourned to a place and time specified, that adjourned meeting is a regular meeting.

A) If at the time fixed for the beginning of any meeting, or at any time in the course of a meeting, less than a quorum be present, the Council President, or in the President's absence any member, or if there be no Council members present then the City Clerk, shall declare the meeting adjourned to the next regular meeting.

B) In the event a meeting is adjourned, all matters on the agenda not disposed of shall be continued to the adjourned meeting.

2.3.2 The City Clerk or other person designated by the Clerk shall post a written notice of adjournment conspicuously on or near the main door of the place of any meeting which has been adjourned. The notice shall be posted as soon as possible after the adjournment and shall state the fact of adjournment and the place and time to which the meeting was adjourned.

Rule 2.4 SPECIAL MEETINGS

A special meeting may be called by the Council President or by any four Council members. The Council may by motion during any meeting call a special meeting.

Rule 2.5 STUDY SESSIONS

The Council may schedule study sessions for such purposes as receiving background information as to staff matters, briefing from staff and discussion among Council members as to issues of concern. Such meetings are to be in a workshop format, with no public hearing, and the Council shall make no disposition of any item at a study session. A Council study session is a special meeting.

Rule 2.6 QUORUM

A quorum is four or more Councilpersons present and qualified to act, unless a particular action requires the affirmative vote of more than four. The quorum for the adoption of an ordinance making an emergency expenditure as provided in RCW 35.33.081 and .091, adoption of an ordinance effective immediately under subsection 19(a)1 of the Charter, and override of a veto as provided in subsection 16(b) is five.

RULE 3 - AGENDA

Rule 3.1 FUNCTIONS OF AGENDA

The agenda serves to introduce items to the Council, to establish the order of business and to give notice to the public. The notice of special meeting is the agenda for such meeting.

Rule 3.2 INTRODUCTION OF ITEMS

3.2.1 Items may be placed on a regular meeting agenda by the Council President, any Council member and by such administrative officers as the Mayor may authorize. Boards and commissions place items on the agenda through the Council President upon the recommendation of the Mayor. A Council member may not utilize administrative staff, other than of the City

Council or legal department, for the preparation of an item for the agenda without direction by the Council or authorization from the Mayor.

3.2.2 The agenda for every regular meeting is prepared by the office of the City Clerk in the manner and format prescribed by the Council President. The Mayor determines for each kind of item which administrative officials need to sign off on the agenda data sheet indicating it, and any accompanying packet material, is complete and ready for Council consideration. The agenda (notice of meeting) for special meetings is prepared by the Council Office.

Rule 3.3 AGENDA DATA

3.3.1 An item is submitted for the agenda in the form of an agenda data sheet presented to the City Clerk. The agenda data sheet shall have such form and content as prescribed by the Council President.

3.3.2 The wording for the agenda and the agenda data sheet is to be furnished by the person submitting the item but the City Clerk may edit the agenda wording and alter, add to, or delete agenda data and packet materials.

3.3.3 Each Council member is responsible to obtain and be familiar with all agenda data.

Rule 3.4 AGENDA DEADLINES

3.4.1 The deadline for submitting an advance agenda item is 5:00 p.m. on each Wednesday. Subsequent to the advance agenda deadline a member of management staff designated by the Mayor meets with the Council President to prepare the advance agenda.

3.4.2 The deadline for adding current agenda items is 5:00 p.m. each Tuesday or, in a week when the meeting is on a day other than Monday, by noon of the day following the meeting. The final agenda reflects changes and additions made to the advance agenda at the briefing session.

3.4.3 Claims and other items calling for the payment of money where delay might subject the City to interest or delinquent penalty may be added to the current agenda. For good cause and under emergent circumstances, an item may be added to the agenda after the deadline and can be acted upon if the Council finds such action necessary.

Rule 3.5 DISTRIBUTION OF AGENDA AND PACKET

3.5.1 The City Clerk is responsible for making sufficient copies of the agenda and agenda packets available to be picked up and distributed.

3.5.2 The agenda for each regular meeting shall be printed and available to be picked up and distributed in such number as the Mayor may prescribe, in preliminary form by 5 p.m. on the second Thursday preceding the meeting, and in final form by noon on the Thursday immediately preceding the meeting.

3.5.3 The agenda is delivered to each registered neighborhood organization representing an area in which an agenda item is located, is placed at each City fire station and library and is posted on the City's website.

RULE 4 - TIME AND NOTICE

Rule 4.1 NOTICE BY AGENDA

Unless a law requires particular notice of a particular item, such as an appeal from a land use decision provided in SMC Chapter 11.02, and except as provided below, the agenda is the only required notice.

Rule 4.2 SPECIAL MEETINGS

4.2.1 Notice of every special meeting shall be given in writing to every Council member, to the Mayor, to the City Attorney, and to all local news media representatives who have on file with the City Clerk a request for such notices. The notice shall be delivered personally, by mail, by facsimile or otherwise, so as to be received at least 24 hours before the meeting. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice.

4.2.2 Notice of a special meeting may be shortened or dispensed with in case of emergency involving likelihood of injury or damage to persons or property.

Rule 4.3 SPECIAL NOTICE

4.3.1 Where specific provision is made by statute or ordinance for the time of hearing, the person submitting the agenda item shall be responsible for advising the City Clerk concerning the time for hearing and the time, manner and recipients of notice. Otherwise when the time of hearing is to be set by the Council, the Council shall set the date so as to allow for at least ten days' notice by mail, unless for good cause an earlier hearing is warranted. Notice of the meeting at which the Council is to set a date of hearing need not be given. An interested party may speak to the matter of setting a hearing date either in person at the meeting or by filing a letter with the City Clerk prior to the meeting.

4.3.2 Unless otherwise provided when a hearing involves a specific piece of real estate, notice of the hearing of the Council shall be given by regular mail to every owner and taxpayer of record, as shown by the most recent Spokane County Assessor's computer record, and occupant of property located within three hundred feet, not counting the width of public rights of way, of the property that is the subject of the application, including any property that is contiguous and under the same or common ownership and control, or to the nearest ten residences, whichever produces the greater amount of notice.

4.3.3 Unless otherwise provided when the subject of a hearing has been the subject of a previous public hearing, notice of the hearing of the Council shall be given by regular mail to each person who has given testimony, in person or by letter, at a previous hearing.

4.3.4 If a hearing be continued, there is no particular requirement for giving notice of the continued hearing.

RULE 5 - CONDUCT OF MEETINGS

Rule 5.1 THE CHAIR

5.1.1 The Council President, or in his or her absence or incapacity that Council member elected by the Council to serve as Council President pro tem pursuant to SMC 3.01.120 A, each of whom is "the Chair," shall preside over meetings of the Council and cause the business of the Council to be transacted in accordance with these rules. The Chair shall be mindful that the meeting is being recorded and shall be responsible for informing speakers that their remarks are

to be recorded. The presiding officer may yield the Chair to a member of the Council's choice to conduct a portion of a meeting.

5.1.2 The Chair shall determine all questions of procedure, subject to appeal, but shall liberally grant leave to the Mayor, or a designated representative of the Mayor, City Attorney and parliamentarian, if any, to speak to the question. A ruling of the Chair can be appealed, before the ruling is acted on, by announcing an appeal and by a second. The Chair shall then state the question in terms of upholding the ruling and may state his or her reasons for the ruling. Then the member appealing has the floor to open debate on the appeal.

5.1.3 The Chair may make a motion only after asking and receiving permission from two Council members. The Chair may second and vote as any other Council member.

5.1.4 The Chair has authority to recess without appeal any meeting when noise, disturbance, indecorum, or other circumstances warrant a recess to enable the Council to conduct its meeting in an appropriate manner. The Chair may direct the Mayor's designated representative to cause any person disrupting a meeting to be removed from the chambers or to otherwise eliminate a source of disruption.

5.1.5 The Chair has the authority to recess a meeting upon the request of any Council member. Recognizing that fatigue, discomfort and tedium detract from the quality of participation in deliberative process on the part of all participants, the Chair is encouraged to call or grant requests for recesses at such frequency as dictated by the time of day, temperature and other factors.

Rule 5.2 ORDER OF BUSINESS

5.2.1 Briefing Session.

The ordinary order of business at a briefing session is

- A) staff reports of matters of interest,
- B) committee reports,
- C) background information from staff regarding matters on the advance agenda,
- D) discussion of and any adjustments to the advance agenda for the following week's meeting;
- E) any new background for items on the current agenda,

F) discussion of and any adjustments to the current agenda, particularly as to the content of the administrative agenda.

5.2.2 Administrative Session.

The ordinary order of business at an administrative session is

- A) roll call to establish the presence of a quorum;
- B) action on the items on the consent agenda.

5.2.3 Executive Session.

The business of an executive session is determined case by case within the restrictions of the Open Public Meetings Act.

5.2.4 Legislative Session.

The ordinary order of business at a legislative session is

- A) roll call to establish the presence of a quorum;
- B) Pledge of Allegiance, words of inspiration, special introductions;
- C) announcement of adjustments to the agenda;
- D) Council appointments, approval of Mayoral appointment, Council reports and City Administrator's report;
- E) reading of each agenda item by the Clerk;
- F) report by staff and questions to staff;
- G) motion and second (except for a hearing in which case the motion is made at the close of the hearing);
- H) comment from citizens;
- I) deliberation by Council, and such further dialogue with staff and citizens as Council may desire;
- J) vote;
- K) open forum.

5.2.5 Items shall be acted upon in the order in which they appear on the agenda, provided items may be taken out of order, combined, or separated by majority vote of the Council or by declaration of the Chair. Items on the agenda may be grouped under various headings or sections and entire sections may be read and acted upon at one time unless the Council decides otherwise.

5.2.6 All City Council appointments or Mayoral appointment requiring City Council approval shall be announced and voted upon by motion during the legislative session with the following exception. Approval of

appointments of department heads, the City Clerk and the City Attorney pursuant to Section 24 of the City Charter shall be by resolution.

Rule 5.3 FAIRNESS RULES

The Council recognizes the principle that hearings on matters which directly affect the liberty or property rights of an individual or identifiable group of individuals must be preceded by reasonable notice to those who may be affected and an opportunity to be heard. Procedures for land use decisions are provided in SMC Chapter 11.02, and for other adjudicative hearings in Rule 6.6.

Rule 5.4 SPEAKING DURING COUNCIL MEETING

5.4.1 No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet as a condition of recognition. In order for a Council member to be recognized by the Chair for the purpose of obtaining the floor, the Council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.

5.4.2 Each person speaking at the public microphone shall print his or her name and address on the sheet provided, and verbally identify him(her)self by name, address and, if appropriate, representative capacity.

5.4.3 Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.

5.4.4 In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, such as demonstrations, banners, applause and the like will be permitted.

5.4.5 A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

5.4.6 Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items and other items before the City Council requiring Council action. This rule shall not limit the public's right to speak during the open forum.

5.4.7 When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.

5.4.8 When any person, including members of the public, City staff and others are addressing the Council, Council members shall observe the same decorum and process, as the rules require among the members *inter se*. That is, a Council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or Council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in Robert's Rules of Order shall extend to all speakers before the City Council.

Rule 5.5 TIME LIMITS

5.5.1 A) Following an assessment by the Chair of factors such as complexity of issue, apparent number of people indicating a wish to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of Council present, impose the following procedural time limitations:

- 1) There shall be up to 15 minutes for staff, board, or commission presentation of background information, if any.
- 2) The designated representative of the proponents of the issue shall speak first and may include within his or her presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to 30 minutes shall be granted for the proponents' presentation. If there be more than one designated representative, they shall allocate the 30 minutes between or among themselves.
- 3) Three minutes shall be granted for any other person who wishes to speak on behalf of the proponents' position.
- 4) The designated representative, if any, of the opponents of the issue shall speak following the presentation

of all of the proponents and may include within his or her presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same time allotted as provided for the proponents.

5) Three minutes shall be granted for any other person who wishes to speak on behalf of the opponents' position.

6) Up to ten minutes of rebuttal time shall be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.

B) In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three minutes to present his/her position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.

C) In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.

D) The time taken for staff or Council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.

5.5.2 At 11:00 p.m. or at any time thereafter, it shall be in order for any member to move, or for the Chair to declare, based on the opinion that the business at hand cannot be concluded within a reasonable time, that a regular meeting be adjourned.

Rule 5.6 REASONS FOR DECISION

5.6.1 As a matter of policy, the Council shall endeavor to have explanations of reasons occur during the discussion or debate prior to voting. When the matter is one for which a report has been made containing an explanation of reasons for recommended action, or when the motion includes a statement of reasons, it will be presumed that those members voting for the adoption of the report or for the motion agree with and adopt the stated reasons in the absence of further explanation. When the motion is to adopt a formal written resolution or pass an ordinance, the motion includes any statement of findings, policy and reasons embodied within the document unless the document is amended.

5.6.2 The Council shall give reasons for its decision on hearing matters which affect individual liberty or property rights.

A) The findings and conclusions or other statement of reasons may be included in the oral motion or may be later adopted by oral motion or in writing; provided, the action determined by a motion shall not be final and effective until findings and conclusions or a statement of reasons have been agreed to and made a part of the record.

B) The discussion after a decision to agree upon findings and conclusions or statement of reasons need not be during a public hearing. The drafting of language of findings and conclusions or reasons to be adopted by the Council may be delegated to an individual Council member or committee, to a party or his or her representative, or to the staff.

5.6.3 If a motion be negative in effect, that is, does not change the status quo, it shall be sufficient that the motion include a conclusion that the criteria for making the change have not been met.

5.6.4 If a decision involves consideration or application of an established policy contained in an ordinance, resolution or other formally adopted policy, it shall be a sufficient expression of policy to refer to such policy.

5.6.5 If a decision be affirmative in effect, that is, changes the status quo, the final motion shall state the reasons for the decision, at least summarizing the salient facts found to exist which justify the decision. If the matter be one for which a board, commission, committee, department or official has made findings or given reasons in its report to the Council, the Council may,

if it deems the findings or reasons correct and adequate, adopt the report. If the Council decides contrary to the action of the reporting board, commission, department or official, it shall either refute or modify the material facts or reasons in the report or make its own findings and reasons.

Rule 5.7 ACTIONS ON RECOMMENDATIONS

5.7.1 When a matter comes before the Council upon a recommendation from an advisory board or commission, the Council will give the decision substantial weight.

5.7.2 At the start of any hearing on such item the Chair shall announce that the Council values advisory boards and commissions because they devote time and expertise to the investigation and deliberation of the issues coming before them, and that the Council will not lightly dismiss their processes and determinations.

5.7.3 Persons who participated in the process before the board or commission will be given first opportunity to address the Council and persons who did not participate will be allowed to speak only if time is available.

5.7.4 The Council will not decide the matter on the same day as its hearing but will defer decision to a later meeting.

5.7.5 Should it appear that the Council will decide the matter in a manner inconsistent with the recommendation, the decision will be deferred until a meeting of the Council, or some members of the Council, with the board or commission, or some members of the board or commission, can be held to discuss the matter and seek a compromise resolution.

Rule 5.8 VOTING

5.8.1 Except where a super-majority vote is required (e.g. Charter Sec. 19, RCW 35.33.081), and unless otherwise provided herein, all motions, except a motion to adjourn (which passes by a majority of votes cast), to carry must receive at least four affirmative votes. The failure of a motion negative in form does not result in the passage of the opposite side (positive in form) motion.

5.8.2 If a motion receives a majority of a favorable votes, but less than four, and if further voting cannot produce four votes for any motion, either

A) the matter will be continued or

B) if it appears that because of disqualification or other reason the Council will not obtain four votes for any motion to dispose of the matter, it shall be declared that no action was taken and the status quo shall prevail.

5.8.3 A tie vote, having failed to obtain the necessary votes, is final and defeats the matter upon which the vote is cast.

5.8.4 The Chair has full voting power as any other Council member.

5.8.5 The votes on any ordinance or formal resolution shall be individually taken and recorded. As to any other matter voting shall be by voice vote unless any member requests, prior to action on the next item of business, a different method. Unless the Council shall order otherwise, the alternative to voice vote shall be the electronic system currently in use.

5.8.6 In all cases of voting by other than voice vote, the Chair shall announce the names of those voting on each side of the question and of those abstaining and the Clerk shall enter the same upon the journal. In cases of voice vote, it shall be sufficient for the Chair to announce, and the journal to reflect, whether the motion carried or failed. Regardless of method of voting each Council member shall have the right, before the next matter is considered, to explain the reasons for his or her vote and such a request shall be regarded as a matter of privilege.

5.8.7 A Councilperson may only abstain from voting when he or she has a direct personal or pecuniary interest not common to other members of the Council, which is fully expressed to all other members of the Council during the Council meeting.

Rule 5.9 RECONSIDERATION

5.9.1 As provided in Rule 2.1.3, a member may move reconsideration of an item voted on during an administrative session at that day's legislative session or at the next briefing session.

5.9.2 A party to a hearing may request reconsideration or rehearing by filing with the City Clerk a written request by noon of the first Friday following the decision, stating in detail the reasons for the request. The Council shall at its next regular meeting decide whether to grant the request, based solely on the written request without hearing or further argument. The motion to grant the

request, if any, must be made by a Council member who voted on the prevailing side. The prevailing side on a question is that side receiving the most votes, abstentions not being counted. In case of a tie vote, the side voting so as to maintain the status quo prevails. If reconsideration or rehearing be granted, the Council shall set the date for further hearing.

5.9.3 When a motion for reconsideration would not be in order, a member may move to amend something previously adopted unless action has been taken that cannot be undone. Any member may make this motion after notice to the Council, which notice can be by placing the item on the agenda of a regular meeting.

Rule 5.10 COUNCIL POSITION VACANCY

5.10.1 Upon a vacancy of a City Council position, the Council President shall announce the vacancy and call for interested parties to submit their applications for consideration by a deadline agreed to by the Council.

Upon the close of the deadline, each member of the Council shall review the applications, interview on an individual basis whichever applicant they desire to interview and select those individuals who they believe should be interviewed by the entire City Council.

5.10.2 The Council, by motion, shall establish a committee to tabulate each Council member's list of candidates to be interviewed. The committee shall submit to the Council its proposed list of candidates to be interviewed by the entire City Council.

5.10.3 The Council, during a public meeting, shall review the proposed list of candidates submitted by the committee, as well as other candidates proposed by any member of the City Council, to determine which candidates will be interviewed by the entire City Council. The Council, upon motion, shall select which candidates to interview for the vacant Council position.

5.10.4 The Council shall conduct interviews of each individual candidate selected for interviews. The interviews shall be open to the public.

5.10.5 Upon completion of the interviews, the Council, pursuant to RCW 42.30.110 (1)(h), may go into executive session to evaluate the qualifications of each candidate.

The Council shall take final action appointing a candidate to fill the vacancy during an open public meeting.

5.10.6 Provisions regarding the selection of a candidate for a City Council vacancy not set forth by these rules shall be determined by the City Council upon a motion during an open public meeting.

5.10.7 The selection procedure set forth above shall apply if the vacancy occurs in a council position other than that of council president. In the event the council president position becomes vacant, the City Council may elect to appoint one of the existing councilpersons to fill the position of council president without following the selection procedure set forth above. If, upon a motion of the City Council, the City Council decides to consider someone other than an existing councilperson to fill the vacant position of council president, the City Council shall follow the selection procedure set forth above.

Rule 5.11 SUSPENSION OF RULES

These rules may be temporarily suspended for a particular matter by five votes.

Rule 5.12 PARTICIPATION BY TELEPHONIC COMMUNICATION

A Councilperson may participate telephonically in all or part of a Council Meeting if: 1) prior approval is given by the Council President for good cause, whose approval shall not be unreasonably withheld, 2) all persons participating in the meeting are able to hear each other at the same time, such as by the use of speaker phone and 3) the Councilperson participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Council Meeting related to the topic to which the Councilperson is voting on. Any technical prohibitions or difficulties that prevent all parties present at the Council Meeting from adequately communicating with one another will negate any authorization previously given by the Council President.

RULE 6 - HEARINGS

Rule 6.1 IN GENERAL

Any item on a Council agenda may be the subject of public hearing except matters discussed during an executive session or at a meeting in workshop format and except matters which have already been heard. A distinction is made between adjudicative hearings where participation is limited to parties to a case or controversy and all other hearings.

6.1.1 Hearings are initiated by a request in writing, whether a staff report, a proposed resolution or ordinance, a petition or other request from a citizen, or by motion of the Council.

6.1.2 When a department or officer is responsible for processing a petition, appeal or similar request pursuant to a prescribed procedure, and a question arises whether a person has complied fully with the procedure as regards, for example, form or time, the department or officer may, in lieu of completely processing the matter, report the question of compliance to the Council and the Council shall decide whether any defect or irregularity shall be waived and the matter processed to hearing.

Rule 6.2 HEARING ON ORDINANCE

If a hearing is to be held on an ordinance without another separate agenda item, the reading of the ordinance will be the occasion for the hearing. The hearing should be at the final reading to allow interested persons more time to prepare. In appropriate cases, a person may be allowed to speak at the first reading.

Rule 6.3 CHANGING HEARING DATE

After a hearing date has been set and notice thereof sent, a person requesting a change in the date shall have the obligation to attempt to achieve agreement by all interested parties. If the Council is satisfied that all interested parties are in agreement and that changing the date will not violate some provision of law or prevent adequate preparation by staff, then the Council may by motion change the date of hearing. Otherwise, the Council may change a date of hearing upon a showing of good cause.

Rule 6.4 WITHDRAWAL

After a hearing has been set, the matter will remain on the agenda even though the requesting party asks that the matter be withdrawn. When the time for the hearing arrives, the Council shall hear comment from parties as to whether the hearing should be held and determine by majority vote whether to hear the matter.

Rule 6.5 MOTION ON HEARING ITEM

A motion on a hearing item should be made at the close of the hearing. If the motion be to continue the hearing to a later date, the interested parties shall be given opportunity to speak to the issue of the continued date.

Rule 6.6 - ADJUDICATIVE HEARINGS

6.6.1 In recognition of the principle that all evidence and argument in an adjudicative proceeding be presented during a hearing after notice, permission will be given to a person to speak or submit documents on a hearing item at a time other than that fixed for the hearing only when necessary to avoid extreme hardship. In such case when the person will be unable to appear at the scheduled hearing, he or she may be allowed to speak. His or her oral remarks shall be written into minute form by the Clerk as quickly as possible and be placed with the other file documents available for public inspection.

6.6.2 No person shall be allowed to discuss any matter pending hearing with any member or members of the Council except in the Council Chambers in the regular course of a Council meeting. Each Council member shall vigorously strive to avoid any outside communication from anyone in any form concerning a matter pending hearing or decision. If an outside contact cannot be avoided, the Council member shall immediately make a note of the contact and shall at the beginning of the Council's hearing on the matter announce the fact of the contact, the identity of the person, and the substance of the communication. If the communication be in written form, the Council member shall as soon as possible file it with the City Clerk.

6.6.3 When the Council's discussion and vote on a hearing item is at a meeting other than the hearing, it shall be the obligation of every Council member participating in the action to be familiar with the facts in order to reach

an informed, independent judgment. When a member discussing or voting on a matter was not present at the hearing, that member will have familiarized him(her)self with the report and record using the Clerk's minutes of the hearing. Such familiarization shall be confined to the official files and referenced documents. A Council member shall not be briefed by anyone except in an open meeting (which can be a briefing session).

6.6.4 A Council member shall disqualify him(her)self from participating in a hearing whenever bias, interest or other influences will prevent or appear to prevent him or her from exercising fair-minded, independent judgment on the facts and established policy. Disqualifying influences include prejudgment of the issues that cannot be swayed by the facts in evidence, a partiality or personal bias for or against a party, and a personal pecuniary interest in the subject matter. Examples of disqualifying bias include a close personal, family or business relationship with a party, ownership of property the value of which might be affected by the decision, and a business or personal financial situation that might be affected by the decision.

6.6.5 Should a Council member be aware of circumstances which might appear to disqualify him or her, he or she can either disqualify him(her)self or explain the circumstances before the hearing and let the rest of the Council, by majority vote, decide whether he or she participate. Should the Council be aware of circumstances which might appear to disqualify a member, the Council, may, by majority vote, disqualify the member. The Council's discussion concerning disqualification of a member may occur in executive session. A disqualified member shall be absent from the chambers during the hearing and during the discussion and voting.

RULE 7 - ORDINANCES AND FORMAL RESOLUTIONS

Rule 7.1 FILING

7.1.1 Unless impractical in a given case, ordinances and formal resolutions shall be filed with the Clerk and copies included in the Council's packet by the second Friday preceding the meeting for which the ordinance is on the agenda. In any event, an ordinance or formal resolution must have been filed with the Clerk prior to the meeting of which it is an agenda item. No ordinance or

formal resolution, except emergency measures, shall be passed until it has been on file with the Clerk for at least three business days, including the day of the Council meeting.

7.1.2 If an ordinance or formal resolution has not been on file with the Clerk for at least three business days, its reading shall be a reading in full. If an ordinance or formal resolution has been so pre-filed, it shall be sufficient reading to read its title or a summary.

Rule 7.2 AMENDMENT

7.2.1 Amendment of the wording of an ordinance or formal resolution on file does not require repetition of all filing and reading procedures. The Council may elect to defer final action until the amendatory language has been embodied in the document and the document resubmitted, or to pass or adopt the measure as amended in which case the City Attorney shall be responsible for redrafting or changing the document for record purposes.

7.2.2 A revised version of an ordinance or formal resolution may be substituted for the one in the packet between readings or between meetings when the differences between the two versions are minor. When a substituted ordinance or formal resolution makes a significant change from the earlier version, it is to be processed as an original item. That is, a substituted ordinance will be given first reading and carried over and a substituted resolution will be deferred.

7.2.3 The deletion of an emergency clause converts the ordinance to a regular ordinance which requires a second reading at a subsequent meeting. The addition of an emergency clause requires the ordinance to be deferred to allow public hearing.

Rule 7.3 SUBJECT MATTER

The Council shall not consider or pass any ordinance or resolution the subject matter of which is not directly related to local affairs or municipal business.

RULE 8 - PROCESSING ORDINANCES

Rule 8.1 PUBLICATION, SIGNATURE AND RECORDING

8.1.1 An ordinance passed by the City Council shall, within five days thereafter, be presented to the Mayor.

8.1.2 An ordinance

- A) making the annual tax levy,
- B) adopting the original annual budget,
- C) making appropriations,
- D) implementing a local improvement district or confirming the assessments therefore,
- E) which is an emergency budget ordinance,
- F) which is an emergency ordinance, or
- G) which has been approved by the electors by referendum

or initiative shall become effective immediately upon passage.

8.1.3 Ordinances signed by the Mayor, and the approved parts of ordinances that have been partially vetoed, will thereupon be filed with the Clerk for recording and publication if not already published.

8.1.4 Ordinances not signed by the Mayor after ten days will be filed with the Clerk for signature, recording and publication as necessary.

Rule 8.2 VETO

If within ten days of presentment the Mayor vetoes an ordinance or part of an ordinance and signs a veto message, the ordinance or part thereof, along with the veto message, is returned to the City Council. If, within thirty days of the Mayor's veto or partial veto, the ordinance receives at least five votes for passage, it shall thereupon take effect. It will be signed by the Council President, or two Council members, and filed with the City Clerk for publication and recording.

RULE 9 – COMMITTEES

Rule 9.1 STANDING COMMITTEES

There shall be five standing committees: the Public Safety Committee, the Finance Committee, the Public Works Committee, the Neighborhood Committee and the Planning/Community and Economic Development Committee. Committee membership shall be comprised of the Council President or his or her designee, and two other Council members nominated by the Council President and approved by the City Council. The Council President or his or her designee shall preside over the committee meetings

A) The Public Safety Committee, upon the request of the City Council or Mayor shall review, consider and make recommendations to the City Council on issues related to the public health, safety and welfare of the citizens of Spokane specifically including, but not limited to, considering and reviewing programs, plans and other non-personnel activities involving the police and fire departments and other public safety activities of the City of Spokane, and making recommendations where appropriate.

The Public Safety Committee shall be the liaison between the City Council and the citizens' review commission, receive reports and complaints and summaries of findings thereon from the commission and instruct the commission on trend monitoring.

B) The Finance Committee is charged with the responsibility to review and report its recommendations on the annual budget and to this end may hold public hearings. The committee shall also consider and report on such other financial matters as may from time to time be referred to it by the Council.

The Finance Committee shall meet not less than quarterly for the purposes of fulfilling its obligations.

C) The Public Works Committee reviews subjects of a public works nature.

D) The Neighborhood Committee shall act as liaison between the City Council and the various neighborhood organizations.

E) The Planning/Community and Economic Development Committee shall review, consider and make recommendations to the City

Council on issues relating to planning, community and economic development including land use planning and programs and policies to improve community and economic development.

F) The Council President shall appoint the members of standing committees at the second meeting in January of each year.

Rule 9.2 SELECT COMMITTEES

Select committees with specified functions may be established for a designated term by motion of the Council. Unless already determined by the Council, such matters as number, members and time for report of a committee shall be declared by the Chair subject to appeal.

Rule 9.3 REFERRAL

By declaration of the Chair (subject to appeal) or by motion of the Council, a matter before the Council may be referred to a committee, except that no committee shall investigate the facts of, nor shall any member or members of the Council take independent action on, any pending or contemplated adjudicative matters.

Rule 9.4 REPORT

9.4.1 A committee shall advise the Council that it is ready to report by making such announcement at a briefing session, at which time the Council may decide on what agenda the matter shall be placed, or by filing the report with the Clerk for placement on an agenda in coordination with the Council President and Mayor as any other agenda item.

9.4.2 A report of a committee recommending that the Council take specific action shall be in writing and pre-filed, except in emergencies, in the manner of a formal resolution. Such pre-filing may substitute for full reading. Any committee member disagreeing with any part of the committee's report shall be given the opportunity to express his or her disagreement, orally or in writing, prior to Council action on the matter. If it be moved and seconded that the minority report be adopted, that motion shall be voted on before a motion to adopt the committee report.

Rule 9.5 INTER-GOVERNMENTAL COMMITTEES AND BOARDS

Unless governed by other regulations, statutes or ordinances, appointment of City Council members to inter-governmental committees or boards shall be made by the Council President with the City Council’s consent.

Rule 9.6 OPEN MEETINGS

If a committee be comprised of more than three Council members, or if other Council members attend a meeting so that more than three are present, the meeting shall comply with the Open Public Meetings Act (RCW 42.30).

Adopted October 1, 2001 (Resolution No. 01-84)
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