

**City of Tumwater  
City Council Rules and Procedures**

**Section 1. Authority**

- 1.1 The Tumwater City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided in these rules.
- 1.2 Council rules for quasi-judicial proceedings are supplementary to these rules.
- 1.3 Eligibility for Council office shall be determined by Washington State law.<sup>1</sup>

**Section 2. Types of Council Meetings**

- 2.1 **Regular.** A formal meeting for the purpose of conducting official City business. This includes citizen comments; public hearings; presentations; and the adoption of ordinances and resolutions, contracts, agreements, and budgets. These meetings are generally televised locally.
  - a. Council's regular meetings will be held the first and third Tuesday of each month in the Council Chambers at City Hall. The meeting on the first Tuesday of the month will begin at 7:00 p.m. and the meeting on the third Tuesday shall start at 6:30 p.m. in order to accommodate interagency reports. The time and place of regular meetings is established in TMC 2.04.
  - b. If possible, only one or two major topics (defined as issues of high interest or controversy, or those which take an extraordinary amount of time at the meeting) will be scheduled per meeting. Generally, meetings should not last more than two to three hours.
  - c. A regular meeting may be canceled by motion of the Council or by failure to produce a quorum.
- 2.2 **Work Session.** An informal meeting for the purpose of receiving briefings from staff, discussing forthcoming significant programs or projects, or similar activities.

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<sup>1</sup> RCW 35A.12.030: "No person shall be eligible to hold elective office under the mayor-council plan unless the person is a registered voter of the city at the time of filing his or her declaration of candidacy and has been a resident of the city for a period of at least one year next preceding his or her election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilmember shall hold within the city government no other public office or employment except as permitted under the provisions of chapter."

- a. Council work sessions will be held, if needed, on the second and fourth Tuesday of each month. Work sessions will be held in a publicly accessible location, generally within City Hall or the Fire Department Headquarters. They shall begin at 5:30 p.m. and shall generally not last longer than two hours in length. A quorum is required to convene and conduct a work session.
  - b. Additional work sessions may be called by the Mayor or majority of the City Council at any time, subject to the provision of adequate public notice.
  - c. No final action may be taken at a work session. Decisions on those issues will be scheduled for a regular or special Council meeting. If action is needed, a special meeting may be held in conjunction with a work session.
  - d. Work sessions will not include public comment or participation unless the Mayor allows it.
  - e. A work session may be canceled by the Mayor or by a majority of the City Council.
- 2.3 Special Meetings. Any Council meeting other than the regular Council meeting, which has been called for the purpose of conducting official action, is a special meeting. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. Notice may be provided to Councilmembers by confirmed telephone, e-mail, fax or regular mail. A special Council meeting may be scheduled by the Mayor or by a majority of the members of the City Council.
- 2.4 Emergency. A special Council meeting called without 24 hours notice is an emergency meeting. An emergency meeting deals with an emergency such as involving injury or damage to persons or property or the likelihood of such injury or damage, by reason of fire, flood, earthquake or other emergency, or otherwise when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided under RCW 42.30.070. The minutes will indicate the reason for the emergency.
- 2.5 Executive Session. An executive session is a Council meeting, or portion of a Council meeting, that is closed except to the Council, City Administrator, Mayor, City Attorney, authorized staff members, and/or consultants authorized by the City Administrator or Mayor. The public is restricted from attendance. Executive sessions may be held during regular or special Council meetings, work sessions, or as separate meetings, and will be announced by the Mayor. Executive session topics are strictly limited to those matters authorized by RCW 42.30.110 or RCW 42.30.140. An executive session may occur at any point in the agenda.

- a. Before convening an executive session, the Mayor shall announce the purpose of the meeting (including citing the RCW and specific exemption to justify the executive session) and the anticipated time the session will be concluded. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. Should the executive session end prior to the time specified and action is required, the Council may not take action until the specified time has lapsed.
  - b. The content of an executive session is limited to the reason that was publicly announced for the specific executive session.
  - c. At the conclusion of the executive session, if appropriate, the public meeting will reconvene to formally adjourn the meeting, for taking action on the item resulting from the executive session if properly noticed, or to continue the meeting.
- 2.6 Minutes. The City Clerk (or designee, hereafter referred to as City Clerk), will keep minutes of all proceedings of the Council in accordance with the statutory requirements, along with summaries of Council comments and committee report proceedings, and will be entered into a journal constituting the official record of the Council.

### **Section 3. Scheduling**

- 3.1 Holidays. If a regularly scheduled meeting or work session falls on a legal holiday, the regular meeting or work session shall be held on the next business day at the same time and place, unless sufficient notice is otherwise provided for an alternate time and location.
- 3.2 Election Days. Regular meetings or work sessions which fall on a primary or general election day may be moved to the immediately prior Monday at the discretion of the Mayor.

### **Section 4. Order of Regular Council Meeting Agenda**

- 4.1 Call to Order. The Mayor or designee calls the meeting to order.
- 4.2 Roll Call. Roll shall be called verbally and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.
- 4.3 Intergovernmental Reports. If Intergovernmental Reports are a part of the agenda, the Mayor will call on Councilmembers to make brief reports on the activities of interest occurring at each intergovernmental committee. The

Mayor will determine the order in which Councilmembers are called, but shall vary the order to help ensure equal placement over time. The Mayor may also make comments or reports on intergovernmental activities during this time.

- 4.4 Flag Salute. The Mayor, or the Mayor's designee, will lead the flag salute.
- 4.5 Agenda. The Mayor will ask the Council if there are additions to the agenda which may be added pursuant to these rules.
- 4.6 Special Items. Special Items may include the presentation of a proclamation or other presentation to elected officials, staff, or the public by the City or presentations to the City or any official made by someone else. Other special presentations by citizen groups or outside agencies that make requests to present information on issues of interest to the City may also occur at this time with prior approval of the Mayor. Discretion shall be used in scheduling proclamations and presentations to help ensure their topics are timely, relevant to Tumwater and the City's business, and of general interest to the community. The City will strive to include at least one positive presentation or item at the start of each regular meeting, not more than two scheduled special items per meeting, and no more than 10 minutes per item.
- 4.7 Public Comments. Members of the audience may comment on items relating to any matter that is not scheduled for a public hearing. Comments may be limited to five (5) minutes, or another time limit, at the discretion of the Mayor. A "citizen comment sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to address the Council. The Mayor may allow citizens to also comment on individual agenda items during a regular or special meeting. These comment times may similarly be limited in duration at the discretion of the Mayor.
- 4.8 Consent Agenda. Consent Agenda items are considered to be routine and non-controversial and are approved by one motion. Items suitable for the consent agenda could include, but are not limited to, minutes, business claims, setting hearing dates, contract payments, bid awards, project acceptance, housekeeping amendments to ordinances and resolutions, agreements, and ordinances and resolutions which have previously been subject to public review at either a Council committee or a work session. Consent items are not subject to debate; however, any Councilmember may remove any item(s) from the consent agenda for separate discussion and action; a second is not required. When an item is removed, the consent agenda is considered for action without that item. After the consent agenda has been considered, the item which was removed is moved to the Section titled "Council Considerations".

- 4.9 Public Hearings. Public Hearings are held to receive public comment on important issues and/or issues requiring a public hearing by state statute or City of Tumwater ordinances. The Mayor will state the public hearing procedures at the beginning of the public hearing. A "public hearing signup sheet" will be available at each meeting for the use of citizens wishing to give testimony. Citizens wishing to give testimony will follow the same procedure as for "Citizen Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making. Public hearing testimony shall be subject to the provisions of Section 6.
- 4.10 Council Considerations. Items for consideration by the Council are subject to presentation, usually by City staff, followed by the opportunity for Council discussion. They are submitted to Council in the form of an agenda bill which includes the subject matter (title for agenda), submitter, action requested, financial information (if applicable), attachments, and alternatives. All action items on the agenda shall have an Agenda Bill. The City Clerk will be responsible for assigning a number to the agenda bill. Agenda bills will also be used for Consent Agenda Items.
- 4.11 Committee Reports. The Mayor calls upon each committee chair, or their designee, to report on the activities of their respective committee.
- 4.12 Mayor and City Administrator Reports.
- a. The Mayor makes announcements of upcoming meetings and events, and reports on meetings and events in which he/she has participated.
  - b. Staff reports and announcements are made to the Council by the City Administrator on issues of interest to the Council which do not require Council action.
- 4.13 Any Other Business. This is an opportunity for the Council to introduce new items or to make announcements regarding specific City business. Because it is at the end of the meeting, Councilmembers should strive to bring up new items for announcement or action at earlier portions of the meeting if appropriate.
- 4.14 Executive Session. An Executive Session may be held in compliance with these rules and RCW 42.30.110 or RCW 42.30.140. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene to adjourn or, if properly noticed, to take action.
- 4.15 Adjournment. The Mayor shall adjourn Council meetings upon the conclusion of the agenda.

- 4.16 Work Session Announcements. As part of a Work Session, the agenda may include a provision for individual Councilmembers to make announcements or make short comments of general interest to the Council as a whole. These should be limited to no more than 2 minutes per Councilmember.
- 4.17 Special Meetings. Following lawful notice of a special meeting, items may be added to the agenda, but no final action is allowed on items that are added to the agenda of a special meeting.

## **Section 5. Agenda Preparation**

- 5.1 The City Clerk will prepare an agenda packet for each Council meeting and work session specifying the time and place of the meeting, and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the City Administrator or Mayor.
- 5.2 Agenda items will be completed by the appropriate department staff and submitted to the City Clerk for finalizing by 1:30 p.m. on the Thursday prior to the following Tuesday Council meeting. The "agenda bill" form will be used for all items submitted for a meeting agenda of committees, regular or special meetings, and work sessions. Agenda packets will be ready for distribution to the Council by 3:00 p.m. Friday prior to the following Tuesday's Council meeting.
- 5.3 An item may be placed on a Council meeting agenda by any of the following methods: 1) approval of the City Administrator; 2) approval of the Mayor; 3) request of any two or more Councilmembers. Staff will ensure Councilmembers are provided sufficient information to make decisions.
- 5.4 An agenda shall be prepared and provided to the Council and available to the public on the Friday prior to each meeting. Public availability shall include posting on the website and distribution by email to an established mailing list. Any item may be placed on a regular Council meeting or work session agenda, at any time after the distribution of the agenda by the City Administrator, Mayor, or by a majority vote of the Council, except that an ordinance for consideration may not be added to the agenda following distribution.
- 5.5 The City Administrator will prepare and keep current a calendar of agenda items for all Council regular and special meetings, work sessions, and committee meetings.
- 5.6 Legally required and advertised public hearings and other items required by statute or with predetermined deadlines will have a higher priority over other scheduled agenda items which have been scheduled by convenience rather than for statutory or other legal reasons. Agenda items that are

continued from one meeting to another will have preference on the agenda to the extent possible.

- 5.7 The Mayor and City Administrator shall schedule matters for Council and committee review as necessary for the smooth and orderly transaction of City business and in order to keep the Council advised as to the business of the City.

### **Section 6. Rules Supplemental**

- 6.1 On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in Robert's Rules of Order Newly Revised, 1990 Edition, shall serve as a guide. In the event of a conflict, these Council policies and procedures shall prevail. The Mayor shall have the authority to interpret these rules and make rulings.

### **Section 7. Comments, Concerns and Testimony to Council**

- 7.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address, and limit their remarks to five (5) minutes or other limit established by the Mayor. All remarks will be addressed to the Council as a whole. Any person making impertinent or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Comments should be limited to those related to City business and those which do not relate to City business may be restricted. A speaker shall generally be limited to speaking only once on an agenda item.
- 7.2 The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.
- 7.3 Speakers shall not be allowed to comment upon, promote, advocate for, oppose or speak against a pending initiative, ballot measure, or candidate unless properly noticed on the agenda.
- 7.4 Citizens with complaints, concerns, or questions will be encouraged to contact the City Administrator or Mayor or the Council may ask that the matter be placed on a future City Council meeting, Work session or Council committee meeting agenda with the appropriate background information. Councilmembers should not engage speakers in dialog or rebut public comments. The presiding officer should acknowledge people's comments and provide clarification such as advising them of pending public meetings, other applicable agencies, or direct them to specific City staff.

## **Section 8. Council Actions**

8.1 The following actions may be considered at Council meetings:

- a. Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance.
- b. Resolutions are adopted to express Council policy or to direct certain types of administrative action. They have the same effect as a motion, but in a written form. A resolution may be changed by adoption of a subsequent resolution.
- c. Proclamations are issued solely under the Mayor's authority. It is not required that they be read or presented at a Council meeting.
- d. Motions are official Council actions which do not require documentation in writing. They often are the Council authorizing action (e.g., signing an agreement by the Mayor) or to provide direction to staff to prepare an item for future consideration.

## **Section 9. Motions**

- 9.1 If a motion does not receive a second, it dies. Motions that do not need a second include nominations, withdrawal of a motion, agenda order, request for a roll call vote, point of order, and adjournment. After consideration of the Mayor's ability to break a tie vote according to State law<sup>2</sup>, a motion that receives a tie vote is deemed to have failed. Motions shall be clear and concise and not include statements for the motion within the motion.
- 9.2 After a motion and a second, the Mayor will state the names of the Councilmembers making the motion and second.
- 9.3 After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote. Public comment shall not be allowed when a motion is pending.
- 9.4 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council or the seconder of the motion.
- 9.5 A motion to table is not debatable, and requires a second. It shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the

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<sup>2</sup> RCW 35A.12.100, in part: "The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money."

agenda of a future regular or special meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

- 9.6 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or at a time certain at a future regular or special Council meeting.
- 9.7 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if a motion to reconsider receives an affirmative vote.
- 9.8 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fulfill the 2/3 requirement. Debate is reopened if the motion fails.
- 9.9 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out and inserting, or substituting language in the motion.
- 9.10 Discussion of the motion only occurs after the motion has been moved and seconded.
- 9.11 The motion maker, Mayor, or City Clerk shall repeat the motion prior to voting.
- 9.12 The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law. No Councilmember shall be allowed to pass when called upon and vote later in the order. Councilmembers may abstain from the entire vote as provided for in these rules and State law.
- 9.13 At the conclusion of any vote, the Mayor shall inform the Council of the result of the vote. The City Clerk may confirm the result.
- 9.14 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. A motion for reconsideration may not occur until the following meeting.
- 9.15 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 9.16 Voting by telephone or other electronic means is allowed provided it is in compliance with State public meetings and public records law and the

Councilmember(s) appearing by telephone can hear the entire proceedings and participants at the meeting can hear the Councilmembers that are appearing by telephone.

### **Section 10. Ordinances**

- 10.1 All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by the Mayor, City Administrator, City Attorney, Council committee, or a majority vote of the Council.
- 10.2 The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. In the event an ordinance is proposed to change substantially by either staff or by a discussion at a prior Council meeting, a substitute ordinance shall be submitted. The substitute ordinance shall be identified by the same ordinance number with an indication of the ordinance's substitute status. (For example, Ordinance No. 2004-005 would be replaced with Ordinance No. 2004-005-S1.
- 10.3 Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor and City Attorney. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 10.4 Ordinances, or ordinance summaries, shall be promptly published as provided by law. The City will strive to reduce publication costs when possible.
- 10.5 An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified.
- 10.6 There shall be one reading of an ordinance prior to any action and adoption by the City, unless a second reading is required by state statute or City code.
- 10.7 The Mayor may veto an ordinance as provided for in State law.<sup>3</sup>

### **Section 11. Mayor and Mayor Pro Tem**

- 11.1 The presiding officer at all meetings of the Council shall be the Mayor, and in the absence of the Mayor, the Mayor Pro Tem shall act in that capacity. If both the Mayor and Mayor Pro Tem are absent, the Councilmembers present shall elect one of their members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tem.

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<sup>3</sup> RCW 35A.12.130, in part: "*The mayor shall have the power to veto ordinances passed by the council and submitted to him or her as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all councilmembers plus one more vote.*"

11.2 The Presiding Officer shall:

- a. Preserve order and decorum in the Council Chambers/meeting room.
- b. Observe and enforce all policies and procedures adopted by the Council.
- c. Decide all questions on order, in accordance with these policies and procedures, subject to appeal by any Councilmember.
- d. Recognize Councilmembers in the order in which they request the floor.

11.3 Challenges to Ruling of Presiding Officer. Notwithstanding anything herein contained, including Robert's Rules of Order, to the contrary, any member of the Council shall have the right and privilege to challenge any ruling of any kind made by the presiding officer at any Council meeting, in which case the approval or disapproval of the ruling of the presiding officer shall immediately and without debate or comment be put to a vote of the Council, and the decision of the majority of the members of the Council present, shall prevail.

## **Section 12. Council Relations with Staff**

12.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.

12.2 City staff acknowledges the Council as policymakers, and the Councilmembers acknowledge it is City staff's responsibility to implement Council policy.

12.3 Councilmembers shall not attempt to influence City staff in the selection of, or retention of, personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits, except as otherwise provided by law. The Mayor may invite Councilmembers to participate in certain hiring or consultant selection processes.

12.4 Councilmembers shall not attempt to interfere with the administration or internal operation and practices of any City department.

12.5 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated to all appropriate persons as soon as practicable after it arrives. Regular and electronic mail received by the City and addressed to Councilmembers shall be opened, provided to the Councilmembers, distributed to appropriate persons within the City, and retained in compliance with public records laws. Mail of all types that relate to political campaigns will be unopened, destroyed and not distributed.

- 12.6 No Councilmember shall direct the City Administrator or staff to initiate any action or prepare any report that requires significant resources, or initiate any project or study without the consent of a majority of the Council.
- 12.7 Individual requests for information can be made directly to the department director unless otherwise determined by the City Administrator or Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Administrator or Mayor. For questions regarding items pending before the Council, Councilmembers may contact the identified staff contact.
- 12.8 Requests for staff attendance at community meetings shall be made to the City Administrator or Mayor and may be approved on a staff availability basis. No request may be granted within 90 days prior to any election where a seated Councilmember is up for election.

### **Section 13. Council Meeting Staffing**

- 13.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Administrator has an excused absence, the designated Acting City Administrator or applicable department directors, shall attend the meeting.
- 13.2 The City Attorney shall attend all regular meetings of the Council unless excused by the City Administrator or Mayor and shall, upon request, give an opinion either written or oral on legal questions. An Acting City Attorney may attend meetings when the City Attorney has been excused. The City Attorney or designated City Attorney shall attend any executive sessions that are scheduled for the purpose of discussing potential or pending litigation.
- 13.3 The City Clerk or designee shall attend regular, special, and work session meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

### **Section 14. Councilmember Attendance at Meetings**

- 14.1 Councilmembers will inform the City Administrator, Mayor, another Councilmember or Executive Assistant if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence.

- 14.2 As provided for in State law, a Councilmember shall vacate a position upon three unexcused consecutive absences from regular meetings.<sup>4</sup>

### **Section 15. Media Representation at Council Meetings**

- 15.1 All public meetings of the City Council and its advisory committees, except executive sessions, shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. The public may not be prohibited from electronic recording of Council meetings. In no case may media or public recording be disruptive to the meeting.

### **Section 16. Council Representation**

- 16.1 If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clearly states these statements do not represent the majority Council's position. Councilmembers and the Mayor, when serving as a Tumwater representative, may act without authorization on specific votes for matters which pertain to the general operation of the organization or are emergency in nature. Issues which have a direct financial impact on Tumwater finances, the level of service provided in Tumwater, or are issues of significant policy shall be reported back to the Tumwater Council for feedback and potential authorization before taking action.

### **Section 17. Confidentiality**

- 17.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive session to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of executive session when the information is marked confidential.
- 17.2 Regarding executive session or confidential matter, all contacts with the outside parties shall be done by designated City staff handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney or City staff designated by the City Administrator or Mayor, Councilmembers should review such potential discussion with the Mayor, City Administrator or City Attorney. Any Councilmember having any such contact or discussion shall make full

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<sup>4</sup> RCW 35A.12.060: "In addition a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council."

disclosure to the Mayor, City Administrator, City Attorney and/or the City Council in a timely manner.

### **Section 18. Conflict of Interest**

- 18.1 City Councilmembers and Mayor shall comply with the City's gift acceptance policy.
- 18.2 City Councilmembers and Mayor shall excuse themselves from consideration of any proceeding in which they have a direct interest. If a conflict exists, the affected Councilmember or Mayor shall excuse themselves and leave the Council Chambers/meeting room prior to any briefing, hearing, discussion, or other consideration of the issue. Ultimate compliance with the State of Washington Conflict of Interest statutes is the responsibility of individual Councilmembers and the Mayor.

### **Section 19. Public Records**

- 19.1 Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.
- 19.2 As elected officials, the Mayor and Councilmembers have sole responsibility for compliance with all State Public Disclosure Commission rules and regulations.

### **Section 20. Mayor Pro Tem Selection Process**

- 20.1 The Mayor Pro Tem shall be elected to a two year term at the first regular Council meeting in January following a municipal election year. The Mayor shall conduct the election for the Mayor Pro Tem who shall be elected by a majority of the full Council.

### **Section 21. City Council Committees**

- 21.1 The following standing City Council Committees are formed as described:
  - a. **Budget and Finance**. Develop and review policy issues and make recommendations regarding budget amendments, financial contracts, social and health services funding, financing, and budget development not otherwise covered by other committees or the full Council.

- b. Public Works. Develop and review policy issues and make recommendations regarding streets, utilities (water, sewer, storm sewer), utility rates, sidewalks, bicycle paths, competitive bidding for public works projects, award of public works projects, public transit, transportation planning, and traffic safety.
- c. General Government. Develop and review policy issues and make recommendations regarding parks, recreation, facilities, golf course, trails, planning, licensing and regulation, zoning and land use regulations, historic preservation, economic development, and intergovernmental relations not covered by another committee.
- d. Public Safety. Develop and review policy issues and make recommendations regarding police, municipal court, fire, emergency services, dispatch and communications systems, and disaster and emergency planning.

21.2 Each committee shall have a membership of three (3) Councilmembers.

21.3 The Mayor shall appoint the members of each Council committee by the second meeting of each even numbered year. Committee members shall serve two year terms. The Mayor shall designate the Chair of each Committee.

21.4 Committee Work Programs and Agendas

The Council Committee shall, with staff support, study issues and make recommendations to the full Council for action.

- a. Committee Agendas. Committee Agendas shall be prepared by at least the Friday prior to the committee meeting in coordination with the committee chair and in consultation with the City Administrator or Mayor. The City Administrator, the Administrator's designee, Committee Chair, majority of a committee, or the Mayor may add things to the agenda. If there are no agenda items for a meeting at the time the agenda is due, the meeting will be canceled. Emergent issues may be added at the request of the Mayor or City Administrator and approval of the Committee chair. The Committee members shall be notified of the change to the agenda by telephone.
- b. Committee Minutes. The City Clerk will maintain minutes of meetings recording attendance, discussion topics, and actions at a minimum. The minutes shall serve as the reports of the committee to the full Council. Committee chairs may supplement the minutes with additional information at the full Council meeting.
- c. Committee Function and Scope. The scope of Council committees is limited primarily to policy matters. They shall review such matters within

their general areas of jurisdiction and shall formulate recommendations to the full Council for action. In certain circumstances, and with prior specific authorization from the full Council, a committee may conduct a public hearing.

#### 21.5 Council Committee Schedule and Member Attendance

- a. Each committee shall establish a regular meeting time of at least once per month. The committee schedule and the agendas for meetings shall be noticed in accordance with State law and posted at City Hall and on the City's website.
- b. All committee meetings are open to the public unless the subject matter is such that it would be the basis for the committee to meet in executive session according to state law.
- c. Committee members will strive to attend their assigned meetings. If a committee member can not attend, that committee member shall arrange for another Councilmember to attend in their place.
- d. Any Councilmember wishing to attend a meeting of a committee which he or she is not a regular member shall provide the chair of that committee sufficient advance notice of his or her intent to attend, and will attend in the capacity of an observer only.

### **Section 22. Appointments to Regional Organizations**

#### 22.1 Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made by the Mayor.

- a. Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body directly to the Mayor.
- b. When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. Any names shall be submitted by the Mayor to the regional body which will then make the appointment(s) subject to confirmation by the Council.
- c. When the City has the authority to make direct appointment to a regional committee, the Mayor shall appoint said representatives on an annual basis, unless the appointments are for a longer term.

#### 22.2 When the Mayor and/or Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the

voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

### **Section 23. Suspension and Amendment of Rules**

- 23.1 Suspension of the Rules. Any provision of these rules not governed by State law or ordinance may be temporarily suspended upon proper motion and second and a majority vote of the Council.
- 23.2 Amendments to Rules. Permanent amendments to these rules shall be made by resolution of the Council, provided the amendments are not approved at the same regular meeting where they are introduced.

### **Section 24. Other Rules**

- 24.1 The activities of the Mayor and City Councilmembers shall also be subject to the City's administrative and personnel policy manual. Copies of these policies and procedures shall be provided to new Councilmembers at orientation and to all Councilmembers upon amendment.

### **Section 25. Disciplinary Sanctions**

- 25.1 The Council has power under general State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.
- a. When a Councilmember or the Mayor believes that another Councilmember may have violated the adopted Council operating protocols, rules, laws, or policies, the suspecting Councilmember or Mayor shall discuss the issue with the offending Councilmember privately in an attempt to resolve the issue informally.
  - b. In the event the violations are believed to continue, by majority vote of the City Council, the Council may commission an investigation of the charges. In such case, the investigation may be done by a party outside the City of Tumwater. If an investigation is required, the investigation shall, where appropriate, follow generally accepted management and supervisor procedures as outlined in the relevant administrative and personnel policy manual.
  - c. The results of the investigation shall be submitted to the Mayor and City Council.

- d. The charged councilmember shall be given the opportunity to respond to any allegation, report or finding prior to any action being taken.
- e. The City Council shall review the findings and by majority vote shall consider and adopt the applicable findings. The process for this action shall be consistent with these rules and applicable personnel policies.
- f. Sanctions may be imposed for material violations pursuant to this section and shall be determined by a majority vote of the Council. The process for this action shall be consistent with these rules. The Council shall consider the intent, risk, and severity of the violation to determine the appropriate level of sanction or punishment.
  - i. Consequences and sanctions could include, and range between, a verbal admonition, a written reprimand, censure, or removal of a Councilmember from Council committee chair positions or committee memberships, or removal of intergovernmental duties.
  - ii. Additional consequences may include leadership development or other training. The Councilmember in question may spend time with the City Administrator, Mayor, or Human Resources staff to develop leadership skills and / or develop a corrective action plan that is mutually agreed upon.
- g. If a Councilmember is believed to have violated State Law, any individual Councilmember may choose to refer the alleged violation to the Thurston County Prosecuting Attorney's office, Public Disclosure Commission, or other appropriate agency for appropriate action.