

Next Ord: 1778-13

Next Res: 888-13

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL WORKSESSION

AGENDA

September 4, 2013

7:00 PM

Sedro-Woolley Municipal Building

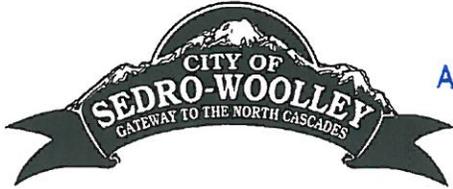
Public Safety Training Room

325 Metcalf Street

- A. Council Procedures
- B. Police Department Report
- C. Executive Session (RCW 42.30.140(4))

**CITY COUNCIL
WORKSESSION**

SEP 04 2013



AGENDA ITEM

A

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Council procedures
DATE: September 4, 2013

ISSUE: Councilman Loy requested an agenda item to discuss Council procedures.

BACKGROUND: Attached is Resolution 546 which was adopted on May 23, 1994 and establishes the rules for conduct at city council meetings. As you can see, the council's practices have changed over the past 19 years, both on the format of the agenda as well as the conduct during a meeting.

RECOMMENDATION: If the Council desires a change to the policy, provide direction and a new policy can be prepared for your review and consideration. I will note that Resolution 546 Section 14 conflicts with state law. The Resolution requires a minimum of four affirmative votes on ordinances, resolutions and most substantive motions. State law requires the affirmative vote of the majority of the council for ordinances, but a simple majority for resolutions and motions.

RESOLUTION # 546

THE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY SETTING FORTH THE RULES FOR CONDUCT FOR SEDRO-WOOLLEY CITY COUNCIL MEETING.

Whereas, a predetermined order of procedure for City Council meetings will be the most expedient means of conducting Council Meeting; and

Whereas, such order of procedure will avoid confusion and aid in the expeditious handling of business; now, therefore,

Be it resolved by the City Council of the City of Sedro-Woolley as follows:

ORDER OF BUSINESS

Section 1. The order of procedure herein contained shall govern deliberations and meetings of the Council of the City of Sedro-Woolley, Washington.

Section 2. Regular meetings of the Council shall be held as provided for by ordinance.

Section 3. At all meetings of the Council, a majority of the Council members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time to secure the attendance of absent members.

Section 4. The order of business shall be as follows:

1. Call to order.
2. Pledge of Allegiance.
3. Roll Call
4. Special presentations.
5. Consent calendar
 - a. Approval of minutes
 - b. Voucher Approval
 - c. Payroll Approval
 - d. Written Correspondence
 - i. Routine
 - ii. Written correspondence relating to quasi judicial, including land use public hearing matters and placed in the appropriate hearing file.
 - e. Authorization to call for bids (already discussed)
 - f. Award of bids (final)
 - g. Acceptance of public improvements and establishing lien periods
 - h. Approval of agreements
 - i. Resolutions and Ordinance (final)
 - j. Other routine items of business
6. Reports
 - a. Council Reports
 - b. City Supervisor Reports
 - c. Mayors Reports
7. Communication
 - a. Items from the audience (3 minute limitation. See Section 5)
 - b. Petitions

Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to this section, may be included on the Consent Calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a Resolution or Ordinance.

Any item may be removed from the Consent Calendar upon the request of any Council member. All items remaining on the Consent Calendar shall be approved by a single motion. Whenever an Ordinance is included on the Consent Calendar, approval of the calendar shall be by roll call vote.

8. Public hearings
9. Unfinished business
10. New Business
11. Items for information only
12. Staff reports
13. Announcements
14. Executive session
15. Adjournment

Section 5. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council:

1. During the time for "Items from the Audience", speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience".
2. During the time for "Items from the Audience", speakers will be limited to 3 minutes apiece. No more than 6 speakers may address the Council on any one subject. If there are both proponents and opponents of the matter who wish to speak, only the first 3 persons speaking in favor of the matter and the first 3 persons speaking in opposition to the matter may address the Council.

Section 6. Items of business to be considered at any Council meeting shall be submitted to the Clerk-Treasurer no later than Tuesday at 5:00 PM prior to the scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Thursday morning (11:00 am) preceding each meeting to each Council member.

Section 7. Written Correspondence: Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Sedro-Woolley residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of the Information only Nature - Correspondence which is purely of an in-

formational nature and which does not require a response or action should not be placed on the Council Meeting Agenda by the City Clerk, by rather transmitted to the Council members in their weekly informational packet

2. Routine Requests - Items of a routine nature (minor complaints, routine request, referrals, etc.) shall be placed by the City Clerk on the agenda under the Written Correspondence - Routine Section of the consent calendar. A brief memorandum should accompany each letter explaining the request and recommending a course of action.

3. Significant Correspondence - Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed by the City Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other items.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the consent agenda under the item Written Correspondence Relating to Quasi-Judicial Matters. Copies of such correspondence shall not then be included with in the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Council members at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

Section 8. ROBERT'S RULES OF ORDER, REVISED, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this resolution.

Section 9. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. State each motion and to require a second to that motion before permitting discussion.
4. Handle discussion in an orderly way.
 - a. Give every Council member who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate time.
 - c. Keep all speakers to the rules and to the questions.
 - d. Give pro and con speakers equal opportunity to speak.
5. Put motions to a vote and announce the outcome.
6. Suggest but not make motions for adjournment
7. Appoint committees when authorized to do so.

Section 10. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 11. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.

Section 12. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.

Section 13. Items for consideration shall be reduced to writing motions when presented. All resolutions and ordinances shall be in writing.

Section 14. Each member present shall vote on all questions put to the Council. Each vote will be recorded by count by the City Clerk. All abstention will be recorded with a reason. Any Council member who has a financial interest in the question or, in a quasi-judicial matter where a Council member has an appearance of fairness problem, that Council member must state that reason and step down before the question, and the duty to vote shall be excused. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

To adjourn, to table or continue a matter,

To go into or out of executive session,

To schedule a special meeting of the City Council,

To add or remove items on a Council meeting agenda,

To approve or authorize the sending of a letter or other communication sets forth a policy or position previously agreed to by a majority of the entire Council membership.

To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution,

To authorize call for bids or requests for proposals, and

To approve a consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on said consent calendar, has first been removed therefrom.

Section 15. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Council members are present. At that meeting, any member may move to take the matter off the table.

Section 16. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Council member may have to reconsider the matter at the next succeeding regular meeting at which all seven Council members are present.

Section 17. Except as provided in Sections 14 and 15, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

Section 18. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

Section 19. A motion for adjournment shall always be in order.

Section 20. The presiding officer of the Council may, at his discretion, call any member to take the Chair, to allow the presiding officer to address the Council, make a motion, or discuss any other matter at issue.

Section 21. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; PROVIDED that at least five (5) affirmative votes be cast.

Section 22. The chairman of each respective committee, or the Council member acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 23. The City Supervisor, City Attorney, City Clerk, and such other officers and/or employees of the City of Sedro-Woolley shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

Section 24. The City Clerk shall keep correct minutes of all proceedings. The votes of each Council member on any ordinance shall be recorded in the minutes. At the request of any member, the ayes and nays shall be taken on any question and entered in the minutes.

Section 25. The City Clerk need not be present at work secessions.

Copies of the minutes shall be given to the members of the Council prior to their next regular meeting.

ACTIONS FOR A PUBLIC HEARING

Section 1. The procedures for a public hearing are as follows:

a. Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer will require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or other wise.

b. The Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition.

c. The Presiding Officer introduces the agenda item, opens the public hearing, and announces the following Rules of Order.

1. All comments shall be made from the speaker's rostrum and any individual making comments shall first give their name and address.

2. It is not necessary to be proponent or opponent in order to speak.

3. No comments shall be make from any other location, and anyone making "out of order" comments may be subject to removal from the meeting.

4. There will be no demonstrations during or at the conclusion of anyone's presentation.

5. These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech.

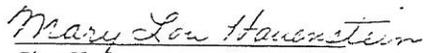
d. When Council conducts a hearing to which Appearance of Fairness applies, the Presiding Officer, or in the case of a potential violation by that individual, the Mayor Pro Tem, will ask if any Council member knows of any reason which would require such member to excuse themselves. The form of the announcement is as follows: "All Councilmembers should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte

contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time so that the Chair may inquire as to whether a violation of the Appearance of Fairness Doctrine exists."

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
23rd DAY OF May, 1994.


WILLIAM R. STENDAL - Mayor

Attest:


City Clerk

Approved:

Pat Hayden, City Attorney