Next Ord: 1840-16
Next Res: 935-16

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/PLANNING COMMISSION WORKSESSION AGENDA

February 3, 2016
7:00 PM
Sedro-Woolley Municipal Building
Public Safety Training Room
325 Metcalf Street

A. Proposed Comprehensive Plan Amendments – 2016 Docket.....2
(Staff Contact – John Coleman)

B. Council Rules and Procedures.....3-123
(Staff Contact – Eron Berg)

CITY COUNCIL
WORKSESSION
FEB 03 2016
AGENDA ITEM A

Planning Department
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: Mayor, City Council and Planning Commission

From: John Coleman
Planning Director

Date: February 3, 2016 – Work session

Subject: Proposed Comprehensive Plan Amendments – 2016 Docket

ISSUE

Introduction of the proposed amendments to the Comprehensive Plan for 2016 Docket – First Read

PROJECT DESCRIPTION/ HISTORY

Per the Growth Management Act (Chapter 36.70A RCW), changes to the Sedro-Woolley Comprehensive Plan may be considered no more than once per year. Amendments may be suggested by citizens, staff of elected officials. All proposed amendments to the Comprehensive Plan must be considered at one time; this list of proposed amendments is termed the "Docket." The City Council determines what items are included on the Docket.

The entire Comprehensive Plan must be updated by June 30, 2016, which is being done as part of the 2015 Docket. The Planning Commission has been working on this goal since March of 2015. There is still considerable work left for the 2015 Docket, thus the Planning Commission will not begin any work on the 2016 Docket until June 2016 at the earliest. Therefore there is less time in the 2016 docket cycle than in typical years. No applications from the public in general have been received. This is the appropriate time for Council to propose any desired Comprehensive Plan changes for 2016.

The proposed 2015 Docket includes the following items:

1) Any rezone requests received between now and June 30, 2016. Leave the application period for zoning changes in 2016 open until June 30, 2016.
2) Amendments to the Comprehensive Plan or Zoning map desired by Council.

RECOMMENDED ACTION

No Action – First Read

CITY COUNCIL
WORKSESSION
FEB 03 2016
AGENDA ITEM B

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/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Council rules and procedures
DATE: February 3, 2016

ISSUE: Should the Council update its rules and procedures?

BACKGROUND: Attached is Resolution 546 which is the current version of the council's rules and procedures. This has not been updated since it was adopted on May 23, 1994. The council does not follow these procedures.

Also attached are four recent examples of other councils' rules and procedures:

1. City of Spokane Valley	Adopted 2015	Council-manager
2. City of Sequim	Adopted 2010	Council-manager
3. City of Lake Forest Park	Adopted 2014	Mayor-council
4. City of Woodland	Adopted 2013	Mayor-council

Most city councils use Robert's Rules of Order as the basis for conducting meetings, but make adjustments that fit their own communities. Sedro-Woolley has long held less formal meetings with robust opportunities for public engagement; some of other communities are much more restrictive of the public's ability to participate (under state law, your meetings are public meetings, not meetings of the public).

Resolution 546 and these other examples are provided for your discussion and consideration of a possible rewrite of the city council's rules and procedures that better fits our actual practice and reflects the type of organization you want the Sedro-Woolley city council to become.

RECOMMENDATION: Provide guidance to staff.

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 m 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 pursuance 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 received 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:

Mary Lou Hauenstein
City Clerk

Approved:

Pat Hayden, City Attorney

Governance Manual

Adopted by Resolution 15-007
A Comprehensive Collection of Rules and Procedures

Adopted August 11, 2015

Resolution 03-028 adopted 05-13-2003, replaced by
Resolution 04-013 adopted 05-25-2004, replaced by
Resolution 05-021 adopted 09-13-2005, replaced by
Resolution 06-022 adopted 11-14-2006, replaced by
Resolution 07-020 adopted 12-11-2007, replaced by
Resolution 09-012 adopted 09-08-2009, replaced by
Resolution 10-020 adopted 12-28-2010, replaced by
Resolution 12-002 adopted 04-10-2012, replaced by
Resolution 13-005 adopted 04-23-2013, replaced by
Resolution 14-003 adopted 02-25-2014, replaced by
Resolution 15-007 adopted 08-11-2015

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CHAPTER 1
Council Meetings

A. General

1. Council Meetings - Time and Location

Unless otherwise specified in a meeting notice, regular meetings of the City Council shall be held at Spokane Valley City Hall Council Chambers on Tuesdays beginning at 6:00 p.m.

2. Council Meetings - Open to the Public

All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110[i] (Executive Sessions), or RCW 42.30.140[ii] (Open Public Meetings Act). Councilmembers shall notify appropriate staff of Councilmember's plans to attend any of the various outside public meetings hosted by other organizations or agencies, or City meetings hosted by various City Departments, so that notice may be published concerning such attendance in order not to risk any real or perceived violation of the Open Public Meetings Act.

3. Presiding Officer

The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties unless specifically set forth herein. In case of the Mayor's absence or temporary disability, the Deputy Mayor shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Deputy Mayor, an acting Mayor Pro Tempore selected by majority vote of the remaining members of the Council, shall act as Mayor during the continuance of the absences [RCW 35A.13.035[iii]]. The Mayor, Deputy Mayor (in the Mayor's absence) or Mayor Pro Tem are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

B. Types of Meetings

1. Regular Meeting

Any Council meeting that meets in the Spokane Valley City Council Chambers on Tuesday at 6:00 p.m. shall be deemed a "regular meeting."

a. Formal Format

1. Normally held 2nd and 4th Tuesdays. The City Clerk, under the direction of the City Manager in consultation with the Mayor, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. On or before close of business on a Friday preceding a Tuesday Council meeting, or at the close of business at least 24 hours preceding a special Council meeting, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, appropriate staff, and the media who have filed a notification request. Agendas may be amended as required, and expeditiously distributed to Council and appropriate staff.

2. Requests for presentations from outside entities or individuals will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, must be submitted to the City Clerk at least ten days prior to the appropriate Council meeting.

3. Forms of Address. The Mayor shall be addressed as "Mayor (surname)." The Deputy Mayor shall be addressed as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)" unless waived by the Presiding Officer.

4. Order of Business. The business of all regular formal meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."

a. *Call to Order by the Presiding Officer.*
b. *Invocation.*
c. *Pledge of Allegiance.*
d. *Roll Call.* (See Chapter 1, C3 [page 13] for procedure to excuse an absence)
e. *Approval of Agenda.* In case of an emergency or an extremely time-sensitive issue which neither the administration nor the entire Council was aware of prior to the distribution of the agenda and accompanying materials, a new item may be introduced by the Presiding Officer, with concurrence of at least three Councilmembers, or by the City Manager and suggested as an amended agenda item for the present meeting. If a new item(s) is added, Council shall then consider a motion to approve the amended agenda. ("Three-Touch Principle" should be followed whenever possible.)
f. *Introduction of Special Guests and Presentations.*
g. *Councilmember Reports.* Council or government-related activities (e.g. synopsis of committee, commission, task force or other board meetings). These verbal reports are intended to be brief, City work-related reports of significance in keeping the Council informed of pertinent policy issues or events stemming from their representation of the City on a regional board, committee, task force or commission, whether as a formal member or as a liaison. Extended reports shall be placed as future agenda items for presentation or submitted in writing as an informational memo. (See Appendix C for chart concerning Council comments and reports)

h. Mayor's Report.

i. Proclamation.

j. *Public Comments.*

1. An opportunity for public comments on subjects not on the agenda for action (as well as comments connected with action items) are limited to three minutes each unless modified by the Presiding Officer. Although the City Council desires to allow the opportunity for public comment, the business of the City must proceed in an orderly, timely manner. At any time the Presiding Officer, in the Presiding Officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption or undue delay of other necessary business.

a. Subjects Not on the Current Agenda. Although it is not necessary for members of the public to sign in to speak, the Presiding Officer may invoke a sign-in procedure for speakers. Speakers shall state their name and city of residence, and the subject of their comments, and spell their last name for the record. The Presiding Officer may allow the verbal comments subject to such time limitations as the Presiding Officer deems necessary. Following such verbal comments, the Presiding Officer may place the matter on a future agenda, or refer the matter to administration for investigation and/or report.

b. Subjects on the Current Agenda. Any member of the public who wishes to verbally address the Council on an action item on the current agenda, shall proceed to the podium at the time when comments from the public are invited during the agenda item discussion. The Council may hear such comments before or after initial Council discussion. The Presiding Officer may also invoke a sign-in procedure. If necessary the Presiding Officer in consultation with the City Manager and/or City Attorney shall rule on the appropriateness of verbal public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that comment is heard in the most logical groupings.

c. Comments shall only be made from the podium microphone, first giving name, city of residence and subject. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting. The public shall be reminded that this is not an opportunity for dialogue or questions and answers, but public comment. When appropriate, staff shall research issues and report back to those making the comment as well as to Council. Verbal public comments are opportunities for speakers to briefly address Council, and those speaking are to address members of Council and not the audience. In order to prevent disruption of the Council meeting, members of the public are asked to refrain from distributing materials to the audience, since Council meetings are not a public forum to address the audience. Since this is an opportunity for verbal public comment, in the interest of time and keeping in mind all documents submitted during Council meetings become the property of the City, graphs, charts, posterboards, PowerPoint presentations, or other display materials are not permitted, although written comments and written materials including photographs and petitions may be submitted to Council via the City Clerk.

d. Demonstration, applause or other audience participation before, during or at the conclusion of anyone's public comments is prohibited. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

e. Any ruling by the Presiding Officer relative to the subsections 1 and 2 above may be overruled by a vote of a majority of Councilmembers present.

f. Council shall not permit public comments if they relate to any matter upon which a quasi-judicial hearing has been required, scheduled, or held. (See Chapter 4 for procedure for taking public comment on legislative matters.) Unless solicited and scheduled, comments shall not be permitted relative to any future or possible/probable future ballot issue. (See Chapter 2, F Ballot Measures.)

2. Written Public Comments. Citizens have the option of submitting written views, opinions, comments, data and arguments to Council on any topic and at any time, not just prior to or during public Council meetings. Unless the Mayor asks the Clerk to read written comments, or the citizen reads their own prepared written comments, such comments shall not be read aloud

during regular or special Council meetings although they shall be included as part of the public record on the topic and if appropriate, may be publicly acknowledged. Any written comments submitted to Council via the City Clerk shall be distributed to Council by placing copies at each Councilmember's workstation or City desk; or in the case of e-mailed or other electronic comments, shall be forwarded to Council via e-mail. If individual Councilmembers receive written (including electronic) public comments or materials for the purpose of reading/sharing those materials during Council meetings, those materials should be submitted to the City Clerk prior to the Council meeting so the Clerk can make copies for later distribution to members of Council.

Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns. (See also C8 Internet Use)

k. *Public Hearings*. (See Chapter 4 for procedural details)

l. *Consent Agenda*.

1. Items which may be placed on the Consent Agenda are those which: (1) have been previously discussed by the Council; (2) based on the information delivered to members of the Council by administration can be reviewed by a Councilmember without further explanation; (3) are so routine, technical or nonsubstantive in nature that passage without discussion is likely; or (4) otherwise deemed in the best interest of the City.

2. The proper Council motion on the Consent Agenda is: "I move approval of the Consent Agenda." This motion has the effect of moving to approve all items on the Consent Agenda. Prior to the vote on the motion to approve the Consent Agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting, or the matter may be addressed immediately after passage of the remaining items on the Consent Agenda.

m. *Unfinished Business* [includes matters that were pending when a previous meeting adjourned, or matters specifically postponed to the present meeting]

n. *New Business*. [Action items are designated as New Business]

o. *Public Comments*. [Same as j above] (Three-minute time limit each)

p. *Administrative Reports*. Reports or tracking of an administrative issue or topic.

q *Information Only Items*. These items are generally not discussed or reported.

r. *City Manager Comments*.

s. *Executive Session (as required)*. (See Chapter 1, section B1c below)

t. *Adjournment*. No Council meeting should be permitted to continue beyond approximately 9:00 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be established before taking a Council vote to extend the meeting.

When a motion is made to adjourn into Executive Session for a specified period of time, no additional motion is needed to extend the meeting beyond 9:00 p.m. since that is implied as part of the motion to adjourn into Executive Session.

In the event that a meeting has not been closed or continued by Council as herein specified, the items not acted on shall be deferred to the next regular formal Council meeting, unless the Council by a majority vote of members present determines otherwise.

b. <u>Study Session Format</u>

1. Normally held 1st, 3rd and 5th Tuesdays. The purpose of the study session format is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. Action items should normally not be included on a study session agenda, although there may be times when due to deadlines or other pertinent issues, action items must be included. Study sessions shall be in a less formal setting than regular formal meetings. Council may be seated other than at the dais, but shall not discourage public observation. Unless there are designated action items which permit public comment, there shall be no public comment at study sessions although

the Council may request staff or other participation in the same manner as a regular formal Council meeting. The City Clerk, under the direction of the City Manager, shall arrange a Council study session agenda for the meeting. For each item, the agenda shall contain the discussion subject, the discussion leader, the activity and the discussion goal. A copy of the agenda and accompanying background materials shall be prepared for Councilmembers, the City Manager, appropriate staff and the press, on or before 4:30 p.m., one day before the meeting. Councilmembers have the option of accessing their Council packet via the City's website. Unless notified otherwise, the City Clerk shall prepare a hard copy agenda packet for individual Councilmembers. During a Council meeting, the Presiding Officer may rearrange items on the agenda to conduct Council business more expeditiously without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."

a. *Voting.*

1. Action Items on the Agenda. Although action items may occasionally be included on a study session agenda, it is the practice of Council to keep those instances to a minimum. Because a study session is a recognized meeting according to the "Open Public Meetings Act," it is permissible for Council to take final action during these meetings.

2. Non-action Items on the Agenda. Because study sessions are usually understood by the public and media as referring to meetings at which Council considers and discusses items and does not take final action or vote, it could be misleading to the public as to the purpose of the meeting if a motion is made unexpectedly. As it is Council's practice to invite public comment after most motions, it would be inappropriate to make a "surprise" motion unless there is a rare special circumstance. Voting or making a motion when neither is included on an agenda does not violate state law, but for consistency sake and to avoid any surprises to the public and media, the practice is discouraged.

2. Discussion Leader's Role. During the Council study session, the discussion leader should introduce the subject and give background information, identify the discussion goal, act as facilitator to keep the discussion focused toward the goal, and alert the Presiding Officer when it is appropriate, to schedule the topic for a motion or official direction of the Council.

3. The role of the Presiding Officer is to facilitate Councilmembers engaged in free flowing discussion without the necessity of each Councilmember being recognized by the Presiding Officer. The Presiding Officer retains the option of assuming the function of the discussion leader at any time in order to maintain decorum and ensure all Councilmembers have the opportunity to be heard, and to keep the discussion properly focused.

4. Requests for presentations from outside entities or individuals will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos , DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager, who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, shall be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting.

5. Council Comments. The purpose of this agenda item is to allow Councilmembers an opportunity to report on an activity or key issue which either just arose, needs immediate or imminent action, or to simply report on something in connection with their role as a Councilmember that transpired since the last Council meeting. It is also an opportunity for Councilmembers to bring up topics for clarification, or to address other upcoming concerns. (See Appendix C for chart concerning Council

comments and reports.) Pre-scheduled materials Council wishes to share as part of the Council packet, may also be included on study session agendas under "Council Comments."

6. City Manager Comments. The purpose of this agenda item is to allow the City Manager the opportunity to brief Council on an activity or issue which either just arose, needs immediate or imminent action, or to simply inform Council of items that transpired since the last Council meeting.

7. Forms of Address. Councilmembers and staff have the option of addressing each other on a first name basis during the study session format meetings.

8. Roll Call. The City Clerk shall conduct a roll call of Councilmembers. (See Chapter 1, C3 for procedure to excuse an absence.)

c. Executive Sessions

1. If Council holds an executive session, it shall be held pursuant to the Open Public Meetings Act, RCW Chapter 42.30. Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall ask for a motion from Council to: publicly announce the purpose for adjourning into executive session; the approximate length of time for the executive session; and the likelihood of Council taking action at the close of the executive session and return to open session.

a. At the close of the executive session and upon Council's return to chambers, the Presiding Officer declares Council out of executive session, and asks for the appropriate motion (i.e. an action motion or a motion to adjourn).

b. To protect the best interests of the City, Councilmembers shall keep confidential all verbal and written information provided during executive sessions. Confidentiality also includes information provided to Councilmembers outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW 42.52[iv]) and/or the Public Records Act (RCW 42.56[v]).

2. RCW 42.30.110 explains the purpose for holding an executive session, some of which include:

a. RCW 42.30.110(1)(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price *(pending land acquisition)*;

b. RCW 42.30.110(1)(g). To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4) (*labor negotiations*), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public; [note that stating that an executive session is to discuss a "personnel matter" is not sufficient because only certain types of personnel matters are appropriate for discussion in an executive session.] *(review qualifications of a public employee)*

c. RCW 42.30.110(1)(h). To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public (*review qualifications of an elected official*)

d. RCW 42.30.110(1)(i). To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency *litigation or potential litigation* to which the agency, the governing body, 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 agency. For purposes of this subsection (1)(i), "potential/pending litigation" means matters protected by Rules of Professional Conduct (RPC) 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

3. Council may adjourn into executive session even if it is not listed on the meeting agenda. There is a requirement in RCW 35A.12.160[vi] that the public be made aware of the preliminary agendas of meetings in advance of the meeting, but that does not mean that an item that arises after the agenda has been posted cannot be discussed at the meeting, even in executive session. Since final action on the matter would not be taken at the executive session, it would not violate any provision in state law to hold an executive session at a regular Council meeting even if the executive session was not listed on the agenda. [per MRSC Index-General Government-Executive sessions.] Although amending the agenda is not required in order to adjourn into executive session, it is a good practice for the Mayor to announce at the beginning of the meeting, that Council will be adjourning into an executive session at the end of the regular meeting.

4. Attendance at Executive Sessions. The City Attorney or Deputy City Attorney shall attend executive sessions which address litigation or potential litigation. The question of who may attend an executive session other than the Council is determined by the City Manager.

2. Special Meetings

Meetings set at days, times, and places other than Tuesdays at 6:00 p.m. in the Spokane Valley City Council Chambers shall be deemed "special meetings," such as joint meetings with other jurisdictions or entities (Board of County Commissioners, Planning Commissioners), and Council workshops or retreats.

A special meeting may be called by the Mayor or any three members of the Council. (RCW 35A.13.170[vii], 35A.12.110[viii]). Written notice of the special meeting shall be prepared by the City Clerk. The notice shall contain information about the meeting, including date, time, place, and business to be transacted and shall be posted on the City's website and displayed at the main entrance of the meeting location (RCW 42.30.080[ix]). The notice shall be delivered to each member of Council at least 24 hours before the time specified for the proposed meeting (RCW 35A.12.110[x]).

The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080[xi], that is: (a) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, (b) As to any member who was actually present at the meeting at the time it convenes, and (c) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.

Agendas shall be drafted in a form submitted by the City Clerk, approved by the City Manager, and distributed in a manner similar to agendas for formal and study session meetings. The processes and rules for agenda content apply to regular formal, study session format, as well as special meetings.

Agenda Items: :

1. Action Items on the Agenda. Action items may be included on an agenda for a special meeting, and could even be the reason the special meeting is called. It is the practice of Council to allow time for the public to comment on action items and the "public comment" should be so noted on the agenda. . Once the Special Meeting Agenda has been published and distributed, the agenda may be amended provided the amended agenda is distributed to Councilmembers and to the media, and posted on the City's website and at the meeting doorway, at least 24 hours in advance of the special meeting. Final disposition shall only be taken on those noted action items, and shall not be taken on any other matter at that special meeting (RCW 42.30.080(3)[xii])

2. Non-action Items on the Agenda. Special meetings in the form of a workshop, retreat, or with other jurisdictions, shall only include non-action items and as noted above, no final disposition shall be taken during these meetings.

3. Pre-Agenda Meetings:

The City Manager, City Clerk, Mayor and Deputy Mayor generally meet at a fixed weekly time to review the Council agenda of the upcoming meeting, which gives all involved an opportunity to ask questions and gather any additional materials or research needed for the impending meeting. This meeting also serves as an opportune time to discuss the Advance Agenda, which is a planning document to aid in scheduling items on future Council agendas.

4. Placing Items on an Agenda:

a. Routine Council Business: Through the normal course of business, Council may move items forward to a future agenda by consensus.

b. New Item Council Business: At the appropriate time during a Council meeting (such as Council Comments, or Advance Agenda), Councilmembers may request to have items placed on a future agenda. Each request shall be treated separately. The City Manager is most familiar with staff's workload and shall determine when the item can be prepared and brought forward to Council. The following process shall be used to propose an item on a future Council meeting:

i. A Councilmember proposes an item and gives brief explanatory background of the issue and its importance to the City;
ii. Councilmembers may ask clarifying questions but should not engage in debate;
iii. The item shall be considered at the next meeting of the Agenda Committee taking into account legal or other appropriate scheduling issues as determined by the City Attorney or City Manager;
    a. The Committee may place the item on a future agenda or as a pending item; or
    b. The Committee may determine not to place the item on a future agenda or as a pending item and shall notify the proposing Councilmember who has the option of bringing the issue up again during the advance agenda portion of a meeting for further discussion. At that time, a consensus of three or more Councilmembers shall move the item forward to a future agenda or as a pending item, taking into account legal or other appropriate scheduling issues as determined by the City Attorney or City Manager.

c. Staff: except for routine items such as those found on most Consent Agendas, requests for items to come before Council shall be routed through the City Manager or come directly from the City Manager as part of the normal course of business.

C. Meeting Rules and Procedures

1. Council Rules of Order

The City Clerk shall serve as the official parliamentarian for all Council meetings, and shall keep a copy of the most current "*Robert's Rules of Order*" (RONR) in Council Chambers during Council meetings.

2. Quorum

At all regular and special meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors pursuant to RCW 42.30.090[xiii]. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170[xiv], 35A.12.120[xv])

3. Attendance, Excused Absences

RCW 35A.12.060[xvi] provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, City Clerk, or City Manager prior to the meeting and state the reason for his/her inability to attend the meeting. Following roll call, the Presiding Officer shall inform the Council of the member's absence, and inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk shall make an appropriate notation in the minutes.

4. Respect and Decorum

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall preserve order and decorum and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any Councilmember while speaking. Councilmembers and the public shall comply with the directives of the Presiding Officer. Any person making disruptive, disparaging or impertinent remarks or unreasonably disturbing the business of the Council, either while addressing the Council or attending its proceedings, shall be asked to cease such disruption, or may be asked to leave, or be removed from the meeting. At any time during any Council meeting, any Councilmember may object to personal affront or other inappropriate comments, by calling for a "point of order." After the Councilmember is recognized by the Presiding Officer and the Councilmember explains their point concerning respect and decorum, or lack thereof, the Presiding Officer shall rule on the remark and may ask the person making the disturbance to cease or leave the room. Continued disruptions may result in a recess or adjournment as set forth in #9 below.

5. Seating Arrangement

Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

6. Dissents and Protests

Any Councilmember shall have the right to express dissent from or protest verbally or in writing, against any motion, ordinance or resolution of the Council and have the reason therefore entered or retained in the minutes.

7. Councilmember Meeting Participation by Telephone/Video Conference

Telephone/video conference participation by Councilmembers may be allowed provided that a quorum of Councilmembers shall be physically present for the Council meeting in question, and provided technical availability and compatibility of electronic equipment enables the conferencing Councilmember(s) to hear the proceedings, be heard by those present, and participate in Council discussion. More than one Councilmember may request participation via telephone for the same meeting, provided that those

Councilmembers would be able to be reached at the same phone number, as the Council Chamber's current system can only accommodate the use of one telephone number per meeting.

a. Requests to use telephone/video conference participation shall be approved by the Council by motion. Such participating Councilmember(s) shall be present and counted. So as not to disrupt the Council meeting, adequate notice shall be given to allow appropriate setup in time for the beginning of the meeting.

b. Telephone/video conference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings, and the requesting Councilmember(s) shall declare that (s)he has reviewed the associated material (if any) provided for those hearings and/or proceedings prior to the time the vote will be taken by Council.

8. Internet Use

Use of the City's network systems implies Council is aware of and understands that the system is provided to assist in the performance of their roles as Councilmembers, and as such, Councilmembers are obligated to use, conserve and protect electronic information and information technology resources and to preserve and enhance the integrity of those resources which belong to the citizens of Spokane Valley.

a. As noted on page 8, Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns. Likewise, Councilmembers shall avoid browsing the Internet of non-City business during Council meetings in order that Council's full attention can be given to the topic at hand.

b. Information technology resources are provided for the purpose of conducting official City business. The use of any of the City's information technology resources for campaign or political use, unless such use has been determined not a violation of RCW 42.17A.555[xvii] by the City Attorney, Washington State Attorney General, or Washington Public Disclosure Commission, or as otherwise authorized by law, is absolutely prohibited.

c. Confidential material shall not be sent via e-mail.

d. All letters, memoranda, and interactive computer communication (e-mail) involving Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, with specific exceptions stated in the Public Records Act (RCW 42.56) are public records. Copies of such letters, memoranda and interactive computer communication shall not be provided to the public or news media without filing a public record request with the City Clerk.

e. E-mail communications that are intended to be distributed among all Councilmembers, whether concurrently or serially, shall be considered in light of the Open Public Meetings Act. If the intended purpose of an e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur, and Council discussion should wait until everyone has had ample opportunity to view the message before including such topic(s) on an upcoming agenda.

9. Adjournment Due to Emergency or Disruption

In the event of an emergency such as a fire or other natural or catastrophic disaster, threatened violence, or inability to regain or retain good order, the Presiding Officer shall forthwith declare a recess, adjourn, or continue the meeting, and the City Council as well as everyone in the room shall immediately leave the meeting room. The Presiding Officer may reconvene the meeting when it has been determined by the appropriate safety officials that it is safe to do so.

10. Permission Required to Address the Council

Persons other than Councilmembers and staff shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or City Manager.

11. Approaching the Dais

Once a Council meeting has been called to order, stepping between the speaker's podium and the dais is prohibited, and stepping behind any part of the dais, including those parts occupied by staff is also prohibited. This includes, but is not limited to, video recording, still photography, tape recording, and distributing written handouts. Council reserves the right to invite anyone forward to the podium to be addressed by Council.

12. Out of Order Requests

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

13. Photographs, Motion Pictures or Videos Requiring Artificial Illumination – Prior Permission Required

No overhead projection, photographs, motion pictures, or videos that require the use of floodlights, or similar artificial illumination shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

14. Voting

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

a. The Presiding Officer shall first call for a vote from those in favor of the motion, followed by a call for those opposed to the motion, and afterwards shall state whether the motion passed or failed. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice. At the request of any Councilmember or the City Clerk, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.

b. In case of a tie vote on any proposal, the motion shall be considered lost.

c. Every member who was present when the question was called, shall give his/her vote. If any Councilmember refuses to vote "aye" or "nay," their vote shall be counted as a "nay" vote unless the Councilmember has abstained or recused themself due to actual or perceived appearance of a conflict of interest, which shall be so stated prior to the vote at hand.

d. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council[xviii]. Except as provided in "e" below, all other motions or resolutions shall require an affirmative vote of at least a majority of the quorum present.

e. Majority Plus One: The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090[xix]), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190[xx]).

15. Motions and Discussion

a. Order of Procedure:

1. Member of Council makes a motion by stating: "**I move . . .**"

The motion is seconded.

Staff makes their presentation.

Mayor asks Council if there are any questions for staff.

Once all questions have been addressed, the staff member steps away from the podium to allow for the public comment opportunity.

2. The Mayor invites public comments. Public comments should be limited to one comment per person per topic and limited to three minutes. The Mayor reminds the public this is time for comments and not discussion; and if the public has questions, those questions shall be addressed by staff at another time outside the meeting.

3. The Mayor opens the floor to Council for discussion.

The maker of the motion normally begins the discussion.

The discussion must have bearing on whether the pending motion should be adopted (RONR §43); and can be prefaced by a few words of explanation, but must not become a speech (RONR §4). All Council remarks should be addressed through the Mayor.

4. When discussion has ended, the Mayor re-states the motion or asks the Clerk to re-state the motion. Once the motion is re-stated, the Mayor calls for the vote, which is normally taken by voice. The Mayor or the Clerk then states whether the motion passed or failed.

b. In General:

1. Except in rare circumstances, Council motions shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.
2. Agenda items scheduled for Council action shall require a motion by a Councilmember before discussion unless by majority vote the Council suspends the requirement. If a motion fails , the agenda item shall be considered concluded. However, said item could be reconsidered if done during the same meeting, or through Council majority vote could be brought back at a later meeting to "rescind an action," or to "amend something previously adopted." (Mayoral appointments excepted. See Committees for further discussion.)
3. Councilmembers should direct questions to the City Manager or the designated presenter.
4. Main motions are made when no other motion is pending (see chart below). They are debatable and subject to amendment. Since seconding a motion means "let's discuss it," if there is no second but discussion ensues, the matter of having a second to proceed is moot and the motion can proceed. However, if there is no second and no discussion, the motion does not progress. Note that the motion does not "die for a lack of a second" but it merely does not progress.
5. The maker of a motion can withdraw their motion without the consent of the seconder, and if the mover modifies the motion, the seconder may withdraw the second. The person making the motion is entitled to speak first to the motion. A maker of the motion may vote against the motion but cannot speak against their own motion.
6. No one should be permitted to speak twice to the same issue until everyone else wishing to speak has spoken. All remarks shall be directed to the Presiding Officer and shall be courteous in language and deportment (*Robert's Rules of Order Newly Revised*, Article VII, Section 43, Decorum in Debate), keeping in mind it is not the Councilmember, but the measure that is the subject of debate.
7. When an amended motion is on the floor, the vote is taken on whether to adopt the amendment. If adopted, the next vote is on the fully amended motion.
8. Motions should be reserved for items marked on the agenda for action, so as to avoid any surprises for Council, staff and the public.

Parliamentary Procedure at a Glance

Roberts Rules of Order §	IF YOU WANT TO	YOU SAY	INTERRUPT ?	NEED 2ND?	Can be Debated ?	Can be Amended?	VOTE
11	Postpone indefinitely (the purpose is to prevent action or kill an issue.)	I move to postpone . . . . (an affirmative vote can be reconsidered; a negative vote cannot.) indefinitely	No	Yes	Yes	No	Majority
12	Modify wording of motion	I move to amend the motion by . . .	No	Yes	Yes	Yes**	Majority
14	Postpone to a certain time	Ex: I move to postpone the motion to the next Council meeting.	No	Yes	Yes	Yes	Majority
16	Close debate	I move the previous question, or I call for the question ***	No	Yes	No	No	Majority*
17	To Table a motion	I move to lay on the table, the motion to	No	Yes	No	No	Majority
19	Complain about noise, room temperatures, etc.	Point of Privilege	Yes	Yes	Yes	Yes	Chair decision
20	Take break	I move to recess for . . .	No	Yes	No	Yes	Majority
21	Adjourn meeting	I move to adjourn	No	Yes	No	No	Majority
23	Object to procedure or personal affront	Point of Order	Yes	No	No	No	Chair decision
25	Suspend rules	I move to suspend the rules and . . .	No	Yes	No	No	Majority*
34	Take matter from table	I move to take from the table the motion to . . .	No	Yes	No	No	Majority
35	Reconsider something already disposed of	I move we reconsider action on . . .	No	Yes	Yes	Yes	Majority

It should be noted that **the purpose of tabling a motion** is not to simply postpone an issue or a vote. If the intended purpose is to postpone, then the motion to postpone should be used. If more information is needed or desired in order to make the most informed vote possible, then an option would be for the maker of the motion to simply withdraw the motion. The consent of the seconder is not needed to withdraw a motion. While a motion is still on the table, no other motion on the same subject is in order. The motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen. The motion to "Lay on the Table" is out of order if the evident intent is to kill or avoid dealing with a measure. *(Robert's Rules of Order Newly Revised, 10th Edition)*

*(*Robert's Rules of Order Newly Revised* states 2/3 vote required. Council direction is to base vote on majority except on matters where 2/3 (or majority plus one) is required by state statute.

** If the main motion to amend can be amended.

***Call for the Question: if it is felt that debate on a motion on the floor has continued longer than warranted, a member of Council may "call the question." The "call for the question" is a motion to end debate and vote immediately. If this "call for the question" motion is passed by a majority vote, then the vote must be taken on the original debated motion on the floor.

16. Ordinances

Except for unusual circumstances or emergencies, ordinances and resolutions shall customarily be prepared, introduced and proceed in accordance with the "Three Touch Principle." Prior to final passage of all ordinances or resolutions, such documents shall be designated as drafts.

a. A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance for a specific purpose. The Presiding Officer then may assign the proposed ordinance to the administration, a committee, or the Council for consideration. The committee or administration shall report its findings to the Council. The City Manager may propose the drafting of ordinances (RCW 35A.13[xxi]). Citizens, Boards and Commissions may also propose consideration of ordinances and resolutions.

b. Sponsorship. When a Councilmember wishes to assume sponsorship of an ordinance or resolution, once on the agenda, he or she should so announce, make the initial motion and provide an introduction of the measure.

c. Ordinances shall normally have two separate readings at separate Council meetings. Unless waived by the City Council at each reading, the title of an ordinance shall be read by the City Clerk prior to its passage. However, if a Councilmember requests that the entire ordinance or certain sections be read, such request shall be granted. Printed copies shall be available upon request to any person attending a Council meeting.

d. The provision requiring two separate readings of an ordinance may be waived at any meeting of the Council by a majority vote of all members present. (This would require a successful motion to suspend the rules and pass the ordinance on a first reading.)

e. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to first reading.

f. Any ordinance repealing any portion of the Spokane Valley Municipal Code shall also repeal the respective portions of the underlying ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

17. Resolutions

A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may invoke the two reading procedures described above to facilitate public understanding and/or comment on the resolution. If Council invokes the two reading procedures, a Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested. Printed copies shall be made available upon request to any person attending a Council meeting.

18. Reconsideration

The purpose of reconsidering a vote is to permit change or correction of an erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. Any action of the Council, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider except:

1. any action previously reconsidered;
2. motions to adjourn or motions to suspend the rules;
3. an affirmative vote to lay an item on, or take an item from, the table;
4. a previously passed motion to suspend the rules; or
5. a vote electing to office one who is present and does not decline.

Such motion for reconsideration:

1. shall be reconsidered during the same Council meeting;
2. shall be called up when no business is pending (no action is pending);
3. if action is pending, the Mayor asks the Clerk to note that the motion to reconsider has been made and shall be taken up when a member calls the motion to reconsider the vote when no other business (action) is pending;

4. shall be made by a member who voted on the prevailing side on the original motion. This means a reconsideration can be moved only by one who voted aye if the motion involved was adopted, or no if the motion was lost. It is permissible for a Councilmember who cannot make such a motion, but believes there are valid reasons for one, to try to persuade someone who voted on the prevailing side, to make such a motion.
5. a member who makes this motion should state that he or she voted on the prevailing side;
6. needs a second, and can be seconded by any member;
7. is debatable if the type of motion it reconsiders is debatable; and
8. is not amendable and requires a majority vote to adopt.

Step 1: A member of Council who voted on the prevailing side makes the motion, such as "I move to reconsider the vote on the resolution relating to holidays. I voted for [or against] the resolution." This motion needs a second, which can be seconded by any Councilmember.

Step 2: If the motion for reconsideration is adopted, the original motion is then placed before Council as if that motion had not been voted on previously; and Council again takes that motion under discussion, followed by a new vote.

Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter, may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five days advance notice of such discussion and/or action.

19. Council Materials

a. Council Material

Councilmembers and staff should read the agenda material and ask clarifying questions of the City Manager or other appropriate staff prior to the Council meeting when possible. Council recognizes there are times when Councilmembers may wish to bring additional documentation to a meeting on a specific subject, whether that subject is on the agenda or not, in order to share with Council and staff. When possible, the materials should be distributed to Councilmembers and staff prior to the Council meeting, or if distributed during a meeting, Councilmembers should indicate the materials are for future reading, since except in an emergency, Councilmembers would normally not take time at the dais to read material just received. Pre-scheduled materials Council wishes to share as part of the Council packet could also be included on study session agendas under "Council Comments."

b. Council Packets

Councilmembers shall personally pick up their agenda packets from their individual inboxes provided at each Councilmember's desk, unless otherwise arranged by the Councilmember or further directed by Council. Councilmembers have the option of accessing their Council packet via the City's website. Unless notified otherwise, the City Clerk shall prepare a hard copy agenda packet for individual Councilmembers.

c. Packet Materials

Request for Council Action form (RCA): This is a cover sheet used by staff to introduce an agenda item. It includes the agenda item title, citing of governing legislation associated with the topic, previous Council action taken, and background on the topic. Options for Council consideration are also included, as well as a staff recommended action or motion. The options and recommended action or motion should be viewed as aids to Council in making a motion or taking action, but should not be thought of as obligatory, as Council always has the option of making a motion different from what is included on the form. Generally, by the time an item is ready for a motion, Council has already read, heard, and/or discussed the item at least three times (as an informational item, an administrative report, and lastly as an action item), and the wording of a motion would not normally be controversial, although it is important to state the motion as a motion, such as "I move to" or "I move that" or other similar language.

20. "Three Touch Principle"

Decision makers and citizens at all levels of the City should have adequate time to thoroughly consider the issues prior to final decisions. It is the intent of the Council that the Council and administration shall abide by the "Three Touch Principle" whenever possible. These procedural guidelines are designed to avoid "surprises" to the City Council, citizens and administrative personnel.

Any request or proposal for adopting or changing public policy, ordinances, resolutions or City Council directives which require a decision of the City Council or administration, should "touch" the decision makers three separate times. This includes verbal or written reports, "information only" agenda items, or any combination thereof. To facilitate the Council's strategic use of legislative time at its meeting, staff may satisfy the first touch by issuing an informational memorandum, unless the subject matter is complex in nature. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the "Three Touch Principle."

It is recognized that unexpected circumstances may arise wherein observance of the "Three Touch Principle" is impractical. However, when unusual circumstances arise which justify a "first discussion" decision, the persons requesting the expedited decision should also explain the timing circumstances. This principle excludes staff reports and other general communications not requiring a Council decision.

CHAPTER 2
Legislative Process

A. Election of Officers

Procedures for electing officers are as follows:

1. Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, election of a Deputy Mayor shall be conducted in the same manner. The term of the Deputy Mayor shall run concurrently with that of the Mayor. (RCW 35A.13.030[xxii])

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

3. Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Selection of Mayor and of Deputy Mayor shall each be determined by majority vote of Councilmembers present. The City Clerk shall publicly announce the results of the election. Thereafter, the City Clerk shall record the individual Councilmember's vote in the minutes of the meeting.

4. If the first round of votes results in no majority vote of Councilmembers present, the voting process shall be repeated no more than two more times. During subsequent votes, Councilmembers do not have to vote the same as they did in the previous vote. If after three attempts, Council is unable to agree on a Mayor by majority vote of Councilmembers present, the office of Mayor shall be temporarily filled by an Acting Mayor, which shall be the Councilmember who just previously served as Mayor if that person is still a member of Council, or if the previous Mayor is no longer a Councilmember, then by the Deputy Mayor, or if such person prefers not to serve as Mayor or if that person is no longer a member of Council, the Councilmember with the next highest seniority. The Acting Mayor shall continue in office and exercise such authority as is described in RCW 35A.13[xxiii] until the members of the Council agree on a Mayor, which shall be determined at the next scheduled Council meeting, at which time the role of Acting Mayor shall cease and terminate.

5. At the next scheduled Council meeting voting for Mayor shall proceed in the same manner as the initial first round of voting from the previous Council meeting, but Councilmembers shall only vote on the Councilmembers who received the highest number of votes. If after three voting attempts, there is still no majority vote of Councilmembers present, the vote shall be determined by whichever Councilmember has the most votes at the third voting attempt. If at that time, there is a two-way tie of Councilmembers receiving the most votes, the tie shall be broken based on the flip of a coin. The City Manager shall flip the coin. If there are more than two Councilmembers tying with the most votes, that tie shall be determined by another means of chance to narrow the Councilmembers down to two, at which time the outcome shall be determined by written ballot.

B. Filling Council Vacancies: Permanently Filling a Vacancy

1. Permanently Filling a Vacancy: If a vacancy occurs on the City Council, the Council shall follow the procedures outlined in RCW 35A.13.020[xxiv] and Council's adopted procedure in compliance with RCW 35A.13.020[xxv],as well as RCW 42.12.070[xxvi]. The timeline will vary depending on when the process begins. Pursuant to RCW 35A.13.020, City Council has 90 days from the vacancy to appoint a qualified person to the vacant position. If this timeframe is not met, the City's authority in this matter would cease and the Spokane County Board of Commissioners would appoint a qualified person to fill the vacancy. Public comment shall not be taken during this entire process.

a. Procedure for Filling a Council Vacancy, Timeline/Procedure-Publication: The City Clerk shall publish the vacancy announcement inviting citizens of the City who are interested and qualified to sit as a Councilmember, to apply on an application form provided by the City. Qualifications to sit as a Councilmember are set forth in RCW 35A.13.020, which refers to RCW 35A.12.030: (1) must be a registered voter of the city at the time of filing his or her declaration of candidacy; (2) has been a resident of the city for a period of at least one year next preceding his or her election. Additional qualifications include never having been convicted of a felony, and that Councilmembers shall not hold any other office or employment within the Spokane Valley City government [RCW 35A.12.030]. In order to avoid any real or perceived conflict of interest, no member of Council's immediate family may be currently employed by the City of Spokane Valley since employment is considered a contractual matter, and a councilmember would have a prohibited interest in a contract between a family member who is an employee of the city, and the city. (See Appendix A Definitions for description of immediate family.) If possible, the vacancy announcement shall be published for three consecutive weeks.

b. The City Clerk shall establish the deadline to receive applications, for example, no later than 4:00 p.m. on a certain date.

c. As per RCW 42.30.110(1)(h), set a special meeting with an executive session beginning at 5:00 p.m. Council shall meet and adjourn to executive session to review and discuss all of the applications. After the review and discussion, Council shall return to Council Chambers and the Special Meeting shall be adjourned.

d. Hold a regular 6:00 p.m. meeting, same evening as above special meeting. Per RCW 42.30.110(1)(h), Council shall meet in open session and part of this agenda shall include selection of applicants to interview. Selection shall be by nomination and second. A vote shall be taken and candidates receiving three or more votes shall be interviewed. Immediately after this Council meeting or as soon as practicable, the Clerk shall send a list of potential questions to all those to be interviewed.

e. Schedule a regular 6:00 p.m. Council meeting to conduct the interviews. Per RCW 42.30.110(1)(h), the interviews shall be conducted during an open Council meeting. Each interview shall be a maximum of 30 minutes.

f. Schedule a special 5:00 p.m. meeting with an executive session. Per RCW 42.30.110(1)(h), Council shall meet and adjourn to executive session (closed session) to discuss applicants. After the discussion, the Special Meeting shall be adjourned as usual.

g. Hold a regular 6:00 p.m. meeting, same evening as f above special meeting. Per RCW 42.30.110(1)(h), Council shall meet in open session; and the last action item of that agenda will include a vote to fill the vacancy. Upon selection of the new Councilmember, that person shall be sworn in by the City Clerk, and take their seat at the dais.

2. <u>Interview Questions/Process</u>: If a vacancy occurs on the City Council, the Council shall follow

a. During the interview, each Councilmember may ask each candidate up to three questions. Follow-up questions are to be counted as one of the three questions.

b. Candidates shall be interviewed in alphabetical order of last name.

c. Candidates should be prepared to answer any of the following questions, even though every question might not be asked of each candidate, and Council has the option of asking questions not included in this list of potential questions. Council has the option of asking follow-up questions up to a total of three questions per candidate. Follow-up questions are included as part of and not in addition to, the three maximum questions.

d. Potential Council Applicant Interview Questions:

i. What is a Councilmember's primary responsibility to the citizens of Spokane Valley?

ii. What are the most important issues our City faces today?

iii. Please explain your view of the most difficult aspect of being a Councilmember.

iv. What do you think is the biggest challenge facing the City Council?

v. What are the three highest priorities the City needs to address and how do you propose to address these issues?

vi. As a Councilmember, one of the most challenging issues we face is balancing the City budget. Keeping in mind that the majority of our revenue is from sales tax and property tax, how would you propose to strike a balance between revenues and

expenses; and at what point, if at all, would you support additional revenues to maintain service levels?

vii. Discuss your ideas on pavement preservation including solutions for long-term sustainability of our roads.

viii. How can we determine what the citizens want for the future of Spokane Valley?

ix. What do you envision the City of Spokane Valley will be like ten and twenty years from now?

x. All total, Councilmembers serve on approximately 20 different boards, committees, councils and task forces. Does your life style allow you to serve on outside committees and share these responsibilities? It could mean up to 10 hours per month in addition to your Council duties.

xi. Do you plan to run and/or actively campaign for the November election for what will be a four-year term?

xii. Have you attended City Council meetings in the past?

xiii. What did you discover from attending Council meetings?

xiv. Why do you want to be on the City Council?

xv. Please explain your familiarity with and understanding of our City's form of government, including the difference between Council and staff responsibilities.

xvi. What do you hope to accomplish as a Councilmember and what do you offer the City?

xvii. If the majority of the Council took a position that you were against, how would you handle your response to the public and/or media?

xviii. As a Councilmember, what new or different perspective would you bring to the City Council?

xix. Are you aware and knowledgeable about the Open Public Meeting Act?

xx. Are you aware and knowledgeable about the Public Record Act?

3. <u>Nomination and Voting Process</u>

a. Nomination Process: Councilmembers may nominate an applicant to fill the vacancy. A second is required. If no second is received, that applicant shall not be considered further unless no applicant receives a second, in which case all applicants who were nominated may be considered again. Councilmembers may not make more than one nomination unless the nominee declines the nomination and unless there is no second to the nomination; in which case the Councilmember make another nomination. Once the nominations are given, the Mayor shall close the nominations and Council shall proceed to vote.

b. Voting Process. RCW 42.12.070 states that where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position. By adoption of this policy, Council has chosen the following process for making such appointment:

i. Except when there is only one nominee, a vote for an applicant shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it.

ii. The vacancy may only be filled when a majority of the remaining City Council (whether present or not) affirmatively votes for the applicant, i.e. if five City Councilmembers are present, this would require at least four Councilmembers voting for an applicant. If subsequent rounds of voting are needed, each round of voting follows the same process. The Mayor may ask for Council discussion between voting rounds.

a. <u>Round One Vote</u>: The City Clerk shall publicly announce the results of the election. The applicant receiving the majority of votes shall be the new Councilmember. If no applicant receives a majority of votes from the City Council, then the three applicants receiving the most affirmative votes would be considered in a second round.

b. <u>Round Two Vote:</u> Round Two proceeds the same as Round One. If one of the three applicants still fails to receive a majority of affirmative votes, then the two applicants of the three who received the most affirmative votes would then be considered in a third round; or if there are only two applicants

and they receive tie votes, a third round shall be taken. Councilmembers may change their vote between rounds.

c. Round Three Vote: Round Three proceeds the same as Rounds One and Two. If after this round, the vote of the two applicants results in a tie, then the City Manager, with concurrence of Council shall flip a coin to determine who shall fill the vacancy, with the applicant whose last name is closest to the letter A being assigned "heads" and the other person assigned "tails." In the rare circumstance where both applicants' last name begins with the same letter of the alphabet, the applicant whose entire last name is closest to the letter A shall be assigned "heads" and the other person assigned "tails."In the equally rare circumstance where both applicants have the same last name, the applicant whose first name is closest to the letter A shall be assigned "heads" and the other person assigned "tails."

4. Seating of New City Councilmember: Once an applicant either has received a majority of votes or wins the coin flip, if the appointed applicant is at the meeting, the City Clerk shall administer the oath of office, and the new Councilmember shall be officially seated as a City Councilmember. If the appointed applicant is not at the meeting, such action is not official until the applicant takes the oath of office.

C. Filling Council Vacancies:Temporarily Filling a Council Position

1. Temporarily Filling a Council Position Any member of Council may request that the Council discuss the extended excused absence of a Councilmember. This could either be an impromptu discussion, or one scheduled for an upcoming Council meeting. Once the issue has been discussed, a motion may be made to begin the process of temporarily filling the Council position. Council should also consider the length of the term for the temporary Councilmember, particularly if the absent Councilmember's term is set to expire in ninety days or less since the impending election would render this process moot. Public comment shall not be taken during this entire selection process. If such motion is approved:

a. Publication: The City Clerk shall publish the vacancy announcement inviting citizens of the City who are interested and qualified to sit as a Temporary Councilmember (maximum of one year), to apply on an application form provided by the City. Qualifications to sit as a Councilmember are set forth in RCW 35A.13.020, which refers to RCW 35A.12.030, and as noted below. If possible, the vacancy announcement shall be published for two or three consecutive weeks.

i. The City Clerk shall establish the deadline to receive applications, for example, no later than 4:00 p.m. on a certain date.

ii. Once applications are received and the due date has passed, the City Clerk shall send each Councilmember copies of all the applications for Council's review.

b. Executive Session: Council has the option of holding an Executive Session to discuss applicants (RCW 42.30.110(1)(h)).

c. Qualifications:

i. registered voter of the City at the time of selection

ii. by the time of selection, continuously resided within the City limits of Spokane Valley for at least one year

iii. never been convicted of a felony

iv. no member of the selected individual's immediate family may be currently employed by the City of Spokane Valley

v. selection shall not create a conflict of interest or an appearance of a conflict of interest

vi. Councilmembers shall not hold any other office or employment within the Spokane Valley City government [RCW 35A.12.030].

2. Considerations and Process: This term shall be for a maximum of one year and shall terminate upon the return of the absent Councilmember or the permanent vacation of the position, whichever occurs

first. If the disability or absence of the Councilmember becomes permanent (through resignation or other reason), Council shall follow the procedures set forth in RCW 35A.13.020 and Council's adopted procedure for handling Council vacancies. The pro tempore individual may apply for the Council position if it is permanently vacated, if so desired. If the time period of the selected pro tempore individual is set to expire prior to the selected timeframe for filling a Council vacancy, Council may, by majority vote of the whole Council (including the pro tempore Councilmember), move to permit the pro tempore individual to remain in that capacity until such Council vacancy has been filled.

3. <u>Nomination Options for Conducting Interviews:</u>

a. After holding an executive session to review applications, during a subsequent open session, any Councilmember may

i. nominate an applicant to be interviewed.
ii. the nomination must be seconded
iii. Councilmembers may make more than one nomination, but only one at a time
iv. the Mayor shall ask if there are further nominations
v. if no further nominations, the Mayor shall close the nominations
vi. votes shall be taken on each applicant in the order of nomination.
vii. votes shall be by raised hand
viii applicants receiving three or more votes shall be interviewed
ix. once all voting has taken place, the City Clerk shall summarize which applicants shall be interviewed based on the voting outcome
x.as soon as possible after the Council meeting, the City Clerk shall
a. notify each applicant to inform them if they will or will not be interviewed
b. notify those to be interviewed, of the date and time for their interview
c. send each person to be interviewed, the list of possible interview questions

OR

i. Instead of the above nomination process, after holding an executive session to review applications, Council may choose to interview all applicants.
ii. the length of the interview shall be determined based upon the number of applicants
iii. interviews shall be done in last-name alphabetical order
iv the City Clerk shall notify all applicants of the date, time and procedure for their interview
v. to keep the process as fair as possible, on the date of the interview applicants not yet interviewed, shall be asked to wait in a waiting area outside the Council Chambers.

4. <u>Nomination and Voting Process to Fill the Position</u>:

a. Council again has the option of holding an Executive Session to discuss applicants [RCW 42.30.110(1)(h)].

b. Voting Process: shall be done in open session

i. Any Councilmember may move to nominate an applicant to fill the position. A second is required. If no second is received, the applicant shall not be considered further.
ii. Additional nominations shall continue in the same manner. Councilmembers may not make more than one nomination.
iii. The Mayor shall ask if there are any further nominations. If there are no further nominations, the Mayor shall close the nominations.
iv. Any vote for approval shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it.
v. The position shall only be filled if a majority of the remaining (six, assuming there is one council position to consider) City Council affirmatively votes for the applicant. If there are only five members present at the time the vote is taken, this would require at least four out of those five Councilmembers voting for an applicant. [RCW 35A.13.035. Note: By statute, this process differs from filling a permanent position where a coin-flip option is included.]

vi. After nominations are closed, each Councilmember shall submit a written ballot with the one name of their choice for the Temporary Councilmember.

vii. If the first round of voting does not result in one applicant receiving a majority of votes, or in the case of a tied majority vote, then the three applicants receiving the most affirmative votes would be considered in a second round. Each Councilmember shall submit a written ballot with the one name of their choice for the Temporary Councilmember. The City Clerk shall publicly announce the results of the election. Thereafter, the City Clerk shall record the individual Councilmember's vote(s) in the minutes of the meeting.

OR

viii. If the vote to approve the first nominated individual fails, voting shall continue on the remaining nominated individuals until a majority of affirmative votes is eceived. The first applicant to receive a majority of affirmative votes shall be the new Councilmember.

ix. If no one applicant receives a majority vote, Council has the option to make a motion for reconsideration for any of the motions just failed; or request that the process start again from the beginning with City staff re-advertising for the position, and the selection shall be scheduled for a future Council meeting; or decide not to fill the position.

x. Once either the first vote or a subsequent vote results in a majority, if the applicant is at the meeting, the City Clerk shall immediately administer the oath of office and the temporary Councilmember shall be officially seated at the Council dais. If the approved applicant is not at the meeting, such action is not official until the applicant takes the oath of office.

5. <u>Interview Question Process:</u> During the interview, each Councilmember

a. may ask each candidate up to three questions. Follow-up questions shall be counted as one of the three questions.

b. Candidates shall be interviewed in alphabetical order of last name.

c. Candidates should be prepared to answer any of the following questions, even though every question might not be asked of each candidate. Council has the option of asking questions not included in this list of potential questions

d. Potential Council Applicant Interview Questions:

i. What is a Councilmember's primary responsibility to the citizens of Spokane Valley?

ii. What are the most important issues our City faces today?

iii. Please explain your view of the most difficult aspect of being a Councilmember.

iv. What do you think is the biggest challenge facing the City Council?

v. What are the three highest priorities the City needs to address and how do you propose to address these issues?

vi. As a Councilmember, one of the most challenging issues we face is balancing the City budget. Keeping in mind that the majority of our revenue is from sales tax and property tax, how would you propose to strike a balance between revenues and expenses; and at what point, if at all, would you support additional revenues to maintain service levels?

vii. Discuss your ideas on pavement preservation including solutions for long-term sustainability of our roads.

viii. How can we determine what the citizens want for the future of Spokane Valley?

ix. What do you envision the City of Spokane Valley will be like ten and twenty years from now?

x. Have you attended Spokane Valley City Council meetings, or other Council meetings in the past?

xi. What did you discover from attending Council meetings?

xii. Why do you want to be on the City Council?

xiii. Please explain your familiarity with and understanding of our City's form of government, including the difference between Council and staff responsibilities.

xiv. What do you hope to accomplish as a Councilmember and what do you offer the City?
xv. If the majority of the Council took a position that you were against, how would you handle your response to the public and/or media?
xvi. As a Councilmember, what new or different perspective would you bring to the City Council?
xiii. Are you aware and knowledgeable about the Open Public Meeting Act?
xviii. Are you aware and knowledgeable about the Public Records Act?

D. Legislative Agenda

Councilmembers work each year (or sometimes every two years) to draft a "legislative agenda" to address Council ideas, suggestions and specific legislative programs in terms of upcoming or pending legislative activity in Olympia that would or could have an effect on our City. Additionally, Councilmembers have the option of creating a similar legislative agenda to address concerns on a national level, which can be addressed during Council's participation in the annual National League of Cities Conferences held in Washington, D.C.

E. Council Travel Provisions

Council is allocated a budget to handle certain City business-related travel expenses. The total allocation of travel funding budgeted for the legislative branch for the fiscal year shall be apportioned one-seventh (1/7) to each Councilmember. These monies may be used to defray expenses for transportation, lodging, meals and incidental expenses incurred in the conduct of City business. Periodic updated statements of expenditures shall be provided to each Councilmember by the Finance Department. Should a Councilmember exhaust their apportionment of funds, that person shall be responsible for payment of any travel and related expenses, or they may request a voluntary allocation from another Councilmember who has a balance in their travel apportionment. To be reimbursed for expenses incurred as part of City business, Councilmembers should timely submit detailed receipts with their reimbursement form. During the last six months of a Councilmember's current term of office, incurring City business-related travel expenditures requires the prior authorization of the Finance Committee, except when such travel fulfills the obligations of the Councilmember's service on statewide or regional boards, commissions or task forces.

F. Ballot Measures:

1. State Law

RCW 42.17A 555. State law has enacted statutory prohibitions (with limited exceptions) against the use of public facilities to support or oppose ballot propositions:

> *"No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:*
>
> > *(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board,*

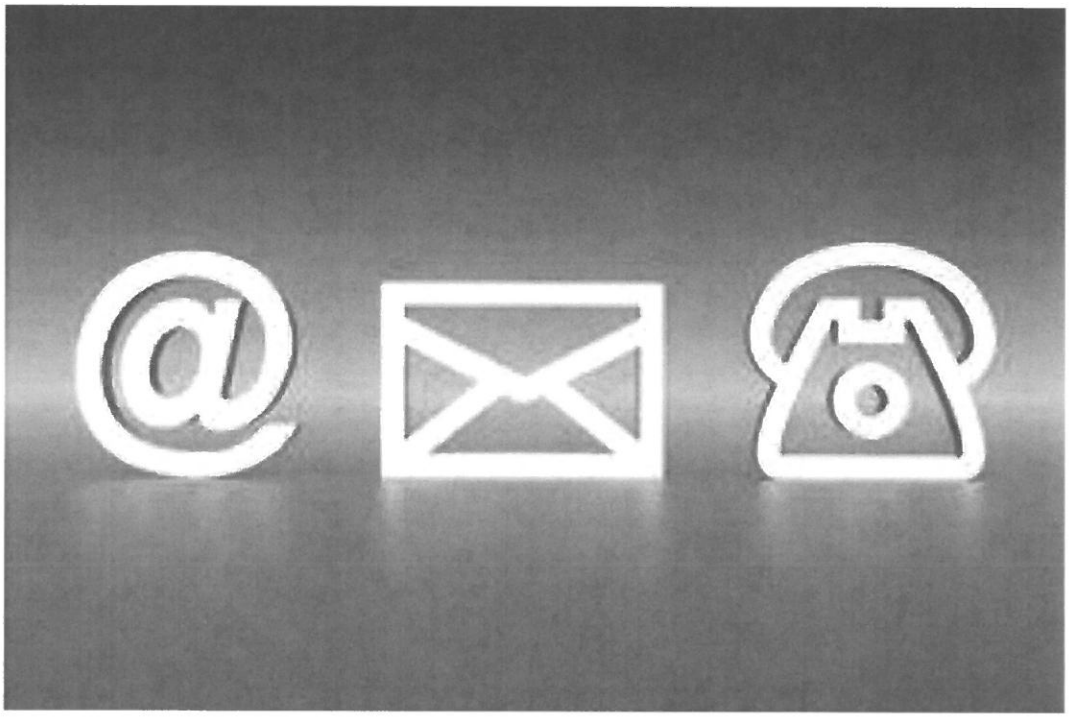
council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.
(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
(3) Activities which are part of the normal and regular conduct of the office or agency." [emphasis added]

2. City's Implementation of RCW 42.17A.555
In the City's implementation of RCW 42.17A.555, the City Council shall not, during any part of any Council meeting, consider requests from outside agencies for Council to support or oppose ballot measures; nor shall Council permit any public comment on any proposed or pending ballot issue, whether or not such comments seek endorsement or are just to inform Council of upcoming or proposed ballot issues; nor shall Councilmembers disseminate ballot-related information.

3. Providing Informative Materials to Council
The requestor has the option of mailing materials to individual Councilmembers via the United States Postal Office. Because even the use of e-mail for ballot purposes could be construed as use of public facilities and could be interpreted as being in violation of RCW 42.17A.555, materials should be sent via regular mail through the United States Postal Office. Information shall be objective only and not soliciting a pro or con position.

4. Public Comment.
Council has chosen not to support or oppose ballot issues as those are left to the will of the people voting. The use of any of the City's facilities including the use of the Council chambers and/or broadcast system would likely be construed as being in violation of RCW 42.17A.555 and therefore, general public comment on ballot issues, or proposed ballot issues shall not be permitted.

CHAPTER 3
Council Contacts



A. Citizen Contact/Interactions Outside of a Council Meeting

1. Mayor/Council Correspondence

Councilmembers acknowledge that in the Council/Manager form of government, the Mayor is recognized by community members as a point of contact. To facilitate full communications, staff shall work with the Mayor to circulate to Councilmembers, copies of emails and written correspondence directed to the Mayor regarding City business. This provision shall not apply to invitations for mayoral comments at various functions, nor requests for appointments or other incidental contact between citizens and the office of the Mayor.

2. Concerns, Complaints and Suggestions to Council

When citizen concerns, complaints or suggestions are brought to any, some, or all Councilmembers, the Mayor shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

a. If legislative, and a concern or complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if such complaint suggests a change to an ordinance or resolution of the City, the Mayor and City Manager may refer the matter to a future Council agenda for Council's recommendation in forwarding the matter to a committee, administration, or to the Council for study and recommendation.

b. If administrative, and a concern or complaint regards administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Mayor should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief the Council when the City Manager's response is made.

3. Administrative Complaints Made Directly to Individual Councilmembers

When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember shall then refer the matter directly to the City Manager for review and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. However, the City Manager shall not be required to divulge information he/she deems confidential, in conformity with applicable statutes, ordinances, regulations, policies or practices.

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

4. Social Media

Councilmembers shall not use social media as a mechanism for conducting official City business, although it is permissible to use social media to informally communicate with the public. Examples of what may not be communicated through the use of social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not been released to the public. As with telephone and e-mails, communication between and among Councilmembers via social media could constitute a "meeting" under the Open Public Meetings Act, and for this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers.

5. Donations

On occasion, Councilmembers could be contacted by citizens or businesses regarding donations. The City has administrative procedures to receive donations, and Councilmembers should direct the donor to

contact the appropriate City staff. Councilmembers shall not accept nor physically receive any donation. Councilmembers shall always be cognizant of their ethical responsibilities when discussing donations with citizens, including but not limited to a responsibility to avoid conflicts of interest, the prohibition on creating a special privilege or exemption for themselves or others, and from disclosing confidential information of the City. Councilmembers should avoid circumstances which are likely to give rise to a perception of a conflict of interest or of providing or procuring a special privilege or exemption.

B. Staff Contacts and Interactions

1. Role of the City Manager

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

2. City Staff Attendance at Meetings

The City Manager or his/her designee shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. (RCW 35A.13.080)

It is Council's intent that the City Manager schedule adequate administrative support during Council meetings for the business at hand, keeping in mind that the City Manager must also protect the productive capability of department heads and of all staff. Required attendance at meetings by City staff shall be at the pleasure of the City Manager.

3. City Clerk - Minutes

The City Clerk, or in the Clerk's absence the Deputy City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk and the Deputy City Clerk, the City Clerk shall appoint a replacement to act as Clerk during the Council meeting. The Clerk shall keep minutes which identifies the general discussion of the issue and complete detail of the official action or agreement reached, if any. As a rule and when possible and practical, regular meetings, or those Council meetings held at 6 p.m. on Tuesdays, (which includes formal format and study session format) shall be video-recorded. Special meetings shall not normally be video-recorded. Executive Sessions shall not be video or audio recorded. Original, signed and approved minutes shall be kept on file in the City Clerk's office and archived according to State Record Retention Schedules. Copies of the approved minutes shall also be posted on the City's website as soon as practical after such minutes are approved and signed. Whenever possible, video recordings of Council meetings shall be posted on the City's website.

4. Administrative Interference by Councilmembers

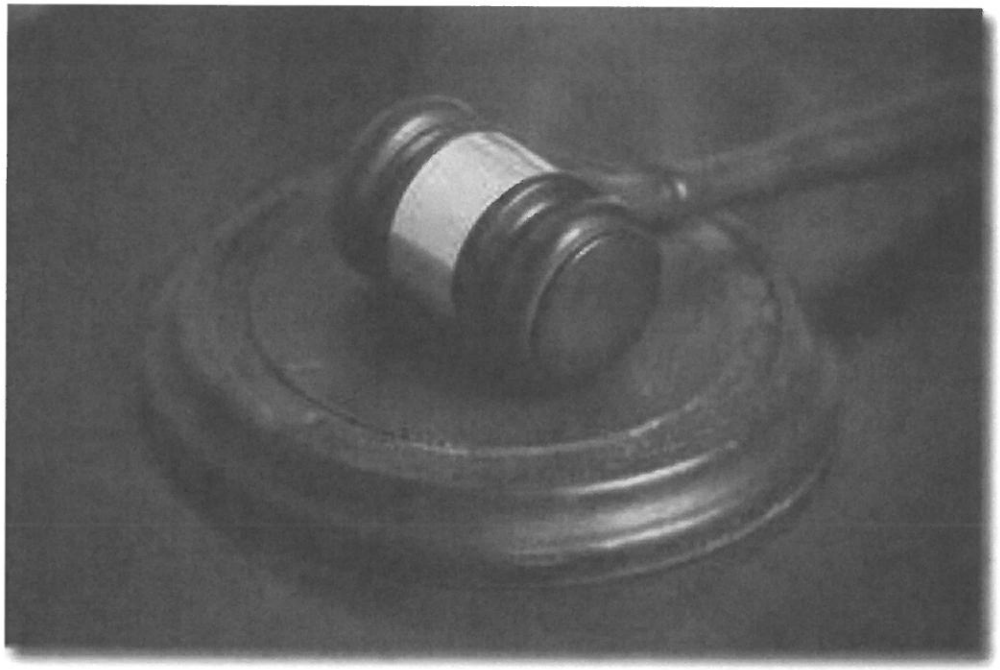
Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except

for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any directives, tasks, or orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A.13.120.)

5. Informal Communications Encouraged

The above RCW requirement is not to be construed as to prevent informal communications with City staff that do not involve orders, direction, or are meant to influence actions or administrative policy. Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining explanations of policies and programs or providing incidental information to staff relevant to their assignment. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers must be careful in such interaction to avoid giving direction or advice to members of City staff. While maintaining open lines of communication, City staff responding to information requests from Councilmembers shall inform their supervisor of such contact and provide the supervisor with the same information shared with the Councilmember.

CHAPTER 4
HEARINGS



A. General Public Hearings

1. Purpose

Legislative public hearings are hearings held to obtain public input on legislative decisions on matters of policy. Legislative public hearings are required by state law when a city or county addresses matters such as comprehensive land use plans, or the annual budget. They are generally less formal than quasi-judicial public hearings. They do not involve the legal rights of specific, private parties in a contested setting, but rather affect a wider range of citizens or perhaps the entire jurisdiction. The wisdom of legislative decisions reached as a result of such hearings is not second-guessed by the courts; if challenged, they are reviewed only to determine if they are constitutional or violate state law. For example, a court will not review whether the basic budgetary decisions made by a city were correctly made.

2. Legislative Public Hearings

a. State statutes do not specify how public hearings should be conducted. Because legislative hearings are generally informal, the main concern is to provide an opportunity for all attending members of the public to speak if they so desire. Time limits should be placed on individual comments if many people are intending to speak, and the public should be advised that comments must relate to the matter at hand. The "ground rules" for the conduct of the hearing may be stated by the Presiding Officer at the beginning of the hearing:

1. All public comments shall be made from the speaker's podium, shall be directed to the Mayor and Council, and any individual making comments shall first give their name and city of residence. This is required because an official recorded transcript of the public hearing is being made.
2. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting.
3. Unless otherwise determined by the Presiding Officer, all comments by the public shall be limited to three minutes per speaker.
4. There shall be no demonstrations, applause or other audience participation, before, during or at the conclusion of anyone's presentation. Such expressions are disruptive and take time away from the speakers.
5. Unless read and/or handed in by the individual speaker during the public hearing, previously received written public comments shall be read by the City Clerk at the pleasure of the Mayor. In the interest of time, the Mayor may limit the reading of such comments, to the Clerk reading whom the letter or written material is from, and if easily discernible, whether that person is for or against the issue at hand. All written comments become an official part of the record.
6. These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard, and to ensure that individuals are not embarrassed by exercising their right of free speech.

b. The Presiding officer declares the public hearing on _____ (topic) open, notes the time for such opening, and asks staff to make their presentation.

c. After staff presentations, the Presiding Officer calls for public comments.

d. The Presiding Officer asks if any members of Council have questions of any of the speakers or staff. If any Councilmember has questions, the appropriate individual shall be recalled to the podium.

e. The Presiding Officer declares the public hearing closed and notes the time for such closing.

B. Quasi-Judicial Hearings

1. Purpose

Quasi-judicial public hearings involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the "record" developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Most quasi-judicial hearings held by local government bodies involve land use matters, including site specific rezones, preliminary plats, variances, and conditional uses. (*MRSC Public Hearings When and How to Hold Them by Bob Meinig, MRSC Legal Consultant August 1998)*

2. Specific Statutory Provisions

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

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

c. Public Disclosure File. The City Clerk shall maintain a public disclosure file, which shall be available for inspection by the public. As to elected officials, the file shall contain copies of all disclosure forms filed with the Washington State Public Disclosure Commission.

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

3. Actions/Procedures for a Quasi-Judicial Public Hearing

See the following excerpt from the Spokane Valley Municipal Code *Appendix C for City Council Appeal Hearing Procedures*:

Appendix C

CITY COUNCIL APPEAL HEARING PROCEDURES

A. The Council shall not consider any new facts or evidence outside the verbatim transcript and certified record submitted by the Hearing Examiner, except for:

1. Grounds for disqualification of the Hearing Examiner, when such grounds were unknown by the appellant at the time the record was created; or

2. Matters that were improperly excluded from the record after being offered by a party to the hearing before the Hearing Examiner; or

3. Matters that were outside the jurisdiction of the Hearing Examiner.

The Council shall allow the record to be supplemented if the offering party demonstrates grounds for supplementation as set forth in subsections (A)(1), (2) or (3) of this appendix.

a. Any party requesting that the record be supplemented shall submit such request, along with the specific evidence to be offered to the Council, within 14 calendar days of the date the appeal hearing was scheduled.

b. The Council may require or permit the correction of ministerial errors or inadvertent omissions in the preparation of the record.

c. The Council will allow the submittal of memoranda by the appellant, or a party of record in opposition to the appeal, subject to the following requirements:

i. The appellant may file a memorandum in support of the appeal. The memorandum must be filed no later than 12:00 noon on the third Friday preceding the date set by the Council for consideration of the appeal.

ii. Any party of record in opposition to the appeal may submit a reply memorandum in opposition to the appeal. Any reply memorandum must be filed no later than 12:00 noon on the second Friday preceding the date set for consideration of the appeal.

iii. All memoranda shall be limited to stating why the record or applicable laws or regulations do or do not support the decision, and shall not contain any new facts or evidence, or discuss matters outside the record, except as permitted above.

iv. The offering party shall promptly submit a copy of the memorandum or request to supplement the record to the City Attorney, and to opposing parties as practicable.

B. The Council will allow oral argument by the appellant, or a party of record in opposition to the appeal, subject to the following requirements:

1. It is expected that all parties can reasonably be aligned as either in support of the appeal or opposed to the appeal. Accordingly, all parties who desire to make oral argument shall communicate with other parties aligned on the same side of the appeal and attempt to reach agreement in selecting a representative, or otherwise arrange for the allocation of time allowed under these rules to those in support of or those opposed to the appeal.

2. Oral argument shall be presented first by the appellant, followed by those parties of record in opposition to the appeal, and then rebuttal and surrebuttal.

3. Oral argument shall be limited to stating why the record or applicable laws or regulations do not support the decision, and shall not contain any new facts or evidence unless allowed by subsection A of this appendix.

4. Oral argument shall be limited to 20 minutes total for the appellant, and 20 minutes total for those parties in opposition to the appeal, regardless of how many parties make up each side.

5. The respective times allowed for oral argument above include the combined time used by a side for opening argument, rebuttal and surrebuttal. The time taken to respond to questions from the Council is not included in the time allowed for argument.

C. The Council may affirm or reverse the Hearing Examiner's decision, or remand it for further proceedings. The Hearing Examiner's decision will be presumed to be correct and supported by the record and law. A tie vote on any motion shall have the effect of affirming the Hearing Examiner's decision.

D. The Council may reverse the Hearing Examiner's decision, or remand it for further proceedings, if the appellant has carried the burden of establishing that one or more of the following standards are met:

1. The Hearing Examiner engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

2. The decision is an erroneous interpretation of the law, after allowing for such deference as is due to construction of law by a local jurisdiction with expertise;

3. The decision is not supported by evidence that is substantial when viewed in light of the entire record;

4. The decision is a clearly erroneous application of the law to the facts;

5. The decision is outside the authority of the Hearing Examiner.

E. The Council may also remand the decision to the Hearing Examiner if the appellant offers newly discovered evidence that would reasonably have affected the decision had it been admitted in the proceedings before the Hearing Examiner. "Newly discovered evidence" is evidence that with reasonable

diligence could not have been discovered and produced at the time the proceedings before the Hearing Examiner were conducted.

F. The Council shall adopt written findings and conclusion in support of its decision. If the Council concludes that a finding of fact by the Hearing Examiner, upon which the decision is based, is not supported by substantial evidence, the Council may modify the finding or substitute its own finding, citing substantial evidence in the record that supports the modified or substitute finding. In the event of a tie vote on the proposed findings of fact, that vote shall be considered a final action, the findings shall reflect the same, and the decision of the Hearing Examiner shall be affirmed.

G. The Council's decision shall include a notice stating that the decision can be appealed within 21 calendar days from the date the decision was issued, by filing a land use petition with the Superior Court as provided in Chapter 36.70C RCW and meeting the other provisions of such chapter, and that the decision shall act as official notice under RCW 43.21C.075.

H. The notice included in the Council's decision shall also state that affected property owners may request the Spokane County Assessor for a change in valuation for property tax purposes notwithstanding any program of revaluation, pursuant to RCW 36.70B.130.

I. The City Clerk shall, within five business days from the date of the Council's decision on the appeal, mail a copy of the Council's decision to the appellant, the applicant (if different than the appellant), any other party who testified or submitted a memorandum at the closed record appeal hearing before the Council, any person who requested notice of the decision, and any person who submitted substantive comments on the application. The City Clerk shall also provide notice of the decision to the County Assessor.

J. Where the Hearing Examiner's decision recommends approval of the proposal and no appeal has been filed within the time period set forth above, the City Manager or designee shall modify the official zoning map of the City according to the Hearing Examiner's decision. The modification of the zoning map completes the Hearing Examiner's decision and shall be considered the final legislative action of the City Council. Such final action, for zoning purposes, is considered an official control of the City by exercise of its zoning and planning authority pursuant to Washington law. (Ord. 08-022, 2008).

4. Appearance of Fairness Doctrine

a. "The test of whether the Appearance of Fairness Doctrine has been violated is ... as follows: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Swift vs. Island County, 87 Wn.2d 348 (1976); Smith vs. Skagit County, 75 Wn.2d 715 (1969).

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

c. Obligations of Councilmembers - Procedure.

1. Immediate self-disclosure of interests that may appear to constitute a conflict of interest is hereby encouraged. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve *ex parte* (outside the hearing)

communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.

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

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

d. When Council conducts a hearing to which the Appearance of Fairness Doctrine applies, the Presiding Officer (or in the case of a potential violation by that individual, the Mayor Pro Tem) shall ask if any Councilmember knows of any reason which would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. 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. Had *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 Councilmembers should state the reason for his/her answer at this time, so that the Chair may inquire of administration as to whether a violation of the Appearance of Fairness Doctrine exists.

CHAPTER 5
COMMITTEES, BOARDS, COMMISSIONS

A. Regional Committees, Boards, etc.

1. Committees

Spokane Valley Councilmembers and/or residents who seek representation on any standing committee, board, or commission required by state law, shall be appointed by the Mayor with confirmation by the Council.

a. Appointment Process: Any committee, board, commission, task force, etc., requiring Mayoral appointment of committee members, shall also require confirmation by the Council, which shall be by majority vote of those present at the time the confirmation vote takes place. By majority vote, Council can reject the appointment. If Council fails to confirm the recommended appointment, the Mayor could either make another recommendation, or the appointment may be postponed to a later date, giving City staff opportunity to further advertise for committee openings.

2. Council Relations with Boards, Commissions and Council Citizen Advisory Bodies

Councilmembers are encouraged to share with all Council members, copies of minutes from any statutory boards, commissions, or committees on which they serve and participate. Communications from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter from the Mayor. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee, Board and Liaison Reports." If any member of the Council requests that any such communication be officially answered by the Council, the Presiding Officer may place the matter on an agenda under New Business, Information, Council Comments (study session format), or other appropriate place, for a specific Council meeting, or take other appropriate action.

Councilmember(s) may be designated by the City Council to take the lead on particular significant issues and to provide appropriate feedback of information to Council, in order to gain corporate approval and coordination of corporate efforts. No Councilmember may speak for the Council unless Council has designated that person as the lead on that particular issue.

B. In-House Committees, Boards, etc.

1. Standing committees or commissions required by law shall be appointed by the Mayor for a time certain not to exceed the term provided by law or the term of office of the appointing Mayor and confirmed by Council. Following are established in-house committees:

a. Planning Commission -- 7 members.

"SVMC 18.10.010 Establishment and purpose.

There is created the City of Spokane Valley Planning Commission (hereafter referred to as the "Planning Commission"). The purpose of the Planning Commission is to study and make recommendations to the Mayor and City Council for future planned growth through continued review of the City's Comprehensive Land Use Plan, development regulations, shoreline management, environmental protection, public facilities, capital improvements and other matters as directed by the City Council. (Ord. 07-015 § 4, 2007).

18.10.020 Membership.

A. Qualifications. The membership of the Planning Commission shall consist of individuals who have an interest in planning, land use, transportation, capital infrastructure and building and landscape design as evidenced by training, experience or interest in the City.

B. Appointment. Members of the Planning Commission shall be nominated by the Mayor and confirmed by a majority vote of at least four members of the City Council. Planning commissioners shall be selected without respect to political affiliations and shall serve without

compensation. The Mayor, when considering appointments, shall attempt to select residents who represent various interests and locations within the City.
C. Number of Members/Terms. The Planning Commission shall consist of seven members. All members shall reside within the City. Terms shall be for a three-year period, and shall expire on the 31st day of December.
D. Removal. Members of the planning commission may be removed by the mayor, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from three consecutive regular meetings. Failure to qualify as to residency shall constitute a forfeiture of office. The decision of the City Council regarding membership on the planning commission shall be final and without appeal.
E. Vacancies. Vacancies that occur other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments.
F. Conflicts of Interest. Members of the planning commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers; Chapter 42.36 RCW, Appearance of Fairness; and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City. No elected official or City employee may be a member of the planning commission. (Ord. 07-015 § 4, 2007).

b. Lodging Tax Advisory Committee -- 5 members.

"SVMC 3.20.040 Lodging tax advisory committee.
The City Council shall establish a lodging tax advisory committee consisting of five members. Two members of the committee shall be representatives of businesses required to collect the tax, and at least two members shall be persons involved in activities authorized to be funded by this chapter. The City shall solicit recommendations from organizations representing businesses that collect the tax and organizations that are authorized to receive funds under this chapter. The committee shall be comprised equally of members who represent businesses required to collect the tax and members who are involved in funded activities. One member of the committee shall be from the City Council. Annually, the membership of the committee shall be reviewed. The Mayor shall nominate persons and the Councilmember for the lodging tax advisory committee with Council confirmation of the nominees. Nominations shall state the term of committee membership. Appointments shall be for one- and two-year terms. (Ord. 27 § 4, 2003)."

c. Finance Committee-- 3 members.

"SVMC 2.50.120(a) and (b) Establishing travel policies and procedures.
a. The responsibility and authority for developing, adopting, modifying and monitoring the travel policies and procedures for reimbursement of expenses incurred while on official business of the City of Spokane Valley is delegated to the City Council Finance Committee. It is recognized by the City Council that public officials and employees will periodically be required to travel and incur related expenses on behalf of the City. The purpose of the travel policies and procedures is to provide criteria for payment and/or reimbursement of valid expenses. The Council directs that the Finance Committee consider the following in the development of travel policies and procedures: (A). Reimbursement for transportation costs when using personal automobiles including rates to be established on a mileage or other reasonable basis and for airfare or other mode of travel; (B). Reimbursement for hotel/motel accommodations; (C). Reimbursement for meals either at actual cost including a per meal maximum amount or a per diem allocation; (D). Reimbursement for incidental expenses such as parking, taxis, buses, rental cars, etc.; and (E). Such other matters that are reasonably related to travel.

b. The finance department, under the supervision of the Finance Committee, is directed to develop a fully itemized travel expense form which shall be used to administer the City travel policy and account for expenditures and reimbursement of officials or employees. Claims for reimbursement must be accompanied by receipts showing the amount paid and items/services received unless otherwise provided in the policies and procedures. All claims for reimbursement shall be duly certified by the individual submitting such claim on a form approved by the Finance Director in compliance with state regulations and guidelines established by the State Auditor. For administrative staff, the City Manager or designee shall approve expenses and reimbursement. The City Council shall approve, through budget allocation, travel expenses and reimbursement for Council members. The Council reserves the right to review the travel policies and procedures of the City including modifying and amending the same from time to time. (Ord. 29 § 1, 2003)."

The Finance Committee shall have no regularly prescribed duties or meetings except the bills/payroll and warrant procedures required by state law, unless specifically charged by the City Council. The City Manager may also request meetings to discuss matters of financial interest with the Finance Committee.

SVMC 3.35.010(D) Contract Authority

The Finance Committee of the City Council is authorized to approve change orders on short notice that are in excess of the amounts authorized in subsection C of this section, in circumstances where such a change order is necessary to avoid a substantial risk of harm to the City. In such an event, the City Manager shall provide appropriate information to the City Council at its next regular meeting setting forth the factual basis for the action. (Ord. 07-004 §2, 2007; Ord. 03-072§ 2, 2003.).

2. When required by law, committee meetings should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the whole Council. All Council committee meetings shall be for the purpose of considering legislative policy matters, rather than administrative matters unless requested by the City Manager. Legislative policy considerations should be brought to the Council unless referred to a committee for pre-study.

3. The Mayor may appoint such other ad hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of "sunsetting" the committee at the conclusion of the assigned task. As with all committee vacancies, ads announcing a vacancy or soliciting membership or participation in a task force or other committee shall be placed on the City's website, and in the City's official newspaper.

4. Council Liaison. Appointments shall be by the Mayor and confirmed by the Council for a time certain not to exceed the term of the appointing Mayor. Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attendance when the group or activity takes place, or communication with appropriate leaders so the liaison Councilmember can keep Council informed. Liaisons may, at times, advocate Council actions on behalf of their assigned group or activity. Extreme care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities with agencies or circumstances where such possibilities may exist (i.e.: Planning Commission quasi-judicial). Liaison functions and duties may be further defined and/or directed by the Presiding Officer with concurrence of Council.

5. Task Force. The City Council may create, and confirm the Mayor's recommendation to appoint members to small task force groups. A task force is a temporary group formed and "tasked" by legislative authority to study a specific subject for a specified period of time.

6. After consultation with the City Manager, any other Council committees, citizen task forces or similar organized groups shall have rules or operating procedures thereof established by Council directive with special attention to RCW 35A.13.120. Such committees shall be commissioned for a time certain, not to exceed two years or the term of the appointing Mayor, whichever is less and be provided with a clear task description. Appointment shall be by the Mayor. Council may waive confirmation in the instrument creating said committee or group. Such committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary. Members of any committee, board or commission which have been appointed or confirmed by the Council, may be removed without cause by a majority vote of the Council. No advisory board, commission, committee or task force shall take any final action outside of an open public meeting unless permitted to do so per state statutes, and when permitted by state statutes, no final action shall be taken without the foreknowledge and approval of majority vote of the Council.

C. Private Committees, Boards, Commissions

The Council recognizes there are various other private boards and committees, such as Spokane Neighborhood Action Partners (SNAP), which appointments are made by their own board. These boards and committees which do not require an appointment by our Mayor, with confirmation by our Council, are nonetheless important aspects of our community and we recognize the time commitment any Councilmember may extend as a member of any of these committees and/or boards. As well, Council appreciates hearing a periodic report or update on activities and issues surrounding those boards and committees.

CHAPTER 6
Disclaimer

A. Purpose

These City Council Rules of Procedure are designed to provide guidance for the City Council. They are not to be considered restrictions or expansions of City Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

B. Use

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Council may enforce these rules or rely on these rules. Failure of the City Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

C. Reliance

Public Use or Reliance Not Intended. Because these rules are designed to assist the City Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules," public hearing rules, or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

Appendix A: Definitions

Action: All transactions of a governing body's business, including receipt of public testimony, deliberations, discussions, considerations, reviews, and evaluations, as well as "final" action. [RCW 42.30.010, 42.30.020(3)].

Codified: The process of forming a legal code (i.e., a codex or book of laws) by collecting and including the laws of a jurisdiction or municipality.

Consensus: A collective judgment or belief; solidarity of opinion: *"The consensus of the group was that they should meet twice a month.* General agreement or harmony. [*Random House Webster's College Dictionary*, April 2001] [Wikipedia: explains it as a group decision making process; not necessarily the agreement. In other words, the question to the group is: "Is this something you can live with?" or, Does anyone object?] It is not unanimity, but more a process for deciding what is best overall. Members of the group reach a decision to which they **consent** because they know it is the best one overall. It differs from voting which is a procedure for tallying preferences. Sometimes knowing there will be an up-down vote at the end often polarizes the discussion. It does not require each member of the group to justify their feelings. [Taken from: *Consensus Is Not Unanimity: Making Decisions Cooperatively, by Randy Schutt."]* Similar to a type of verbal "show of hands" on who feels particularly strong on this?" Sometimes thought of as preliminary approval without taking final "action." A show of hands is not an action that has any legal effect. ["Voting and Taking Action in Closed Sessions" by Frayda Bulestein.]

Ex-parte: from a one-sided or partisan point of view; on the application of one party alone. An ex-parte judicial proceeding is conducted for the benefit of only one party. Ex-parte may also describe contact with a person represented by an attorney, outside the presence of the attorney.

Immediate Family: includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person (RCW 42.17A.005(24)).

Motion: An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing state or federal statutes, City ordinances or resolutions.

Ordinance: An enacted ordinance is a law passed [enacted] by a municipal organization legislatively prescribing specific rules of organization or conduct relating to the corporate affairs of the municipality and those citizens and businesses therein. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. Special ordinances such as adopting the budget, vacating a street, amending the Comprehensive Plan and/or Map, and placing a matter on an election ballot, including general obligation bonds, are not codified into the City's municipal code.

Resolution: An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

Regular Meeting: Any Council meeting that meets in the Spokane Valley City Council Chambers on Tuesday at 6:00 p.m. shall be deemed a "regular meeting."

Social Media: A term used to define the various activities that integrate technology, social interaction and content creation. Through social media, individuals or collaborations of individuals create on-line web content, organize content, edit or comment on content, combine content, and share content. Social media uses many technologies and forms including syndicated web feeds, weblogs (blogs), wiki, photo-sharing, video-sharing, podcasts, and social networking. (From MRSC, and Social Media and Web 2.0 in Government, WebContent.gov)

Appendix B: Frequently Used Acronyms

AACE - American Association of Code Enforcement

ADA - Americans with Disabilities Act

ADT - Average Daily Traffic

ATF - Bureau of Alcohol, Tobacco & Firearms

AWC - Association of Washington Cities

BOCC - Board of County Commissioners

CAFR - Comprehensive Annual Financial Report

CDBG - Community Development Block Grant

CIP - Capital Improvement Plan

CM - City Manager

CM/AQ - Congestion Mitigation & Air Quality Program

CTED - Community, Trade, & Economic Development (now Department of Commerce)

CTR - Commute Trip Reduction (legislation)

CUP - Conditional Use Permit

DEIS - Draft Environmental Impact Statement

DEM - Department of Emergency Management

DNR - Department of Natural Resources

DNS - Declaration of Non-Significance

DOE - Department of Ecology; Department of Energy

DOT - Department of Transportation

E911 - Enhanced 911

EA - Environment Assessment

EDC - Economic Development Council

EEO/AA - Equal Employment Opportunity/Affirmative Action

EEOC - Equal Employment Opportunity Commission

EIS - Environmental Impact Statement

EOE - Equal Opportunity Employer

EPA - Environmental Protection Agency

ERU - Equivalent Residential Unit (for measuring water-sewer capacity and demand)

ESU - Equivalent Service Unit (for measuring stormwater utility fees)

F & WS - Federal Fish & Wildlife Service

FAA - Federal Aviation Administration

FCC - Federal Communications Commission

FEIS - Final Environmental Impact Statement

FEMA - Federal Emergency Management Agency

FICA - Federal Insurance Contribution Act

FIRM - Flood Insurance Rate Maps

FLSA - Fair Labor Standards Act

FMLA - Family Medical Leave Act

FY - Fiscal Year

GAAP - Generally Accepted Accounting Principles

GASB - Governmental Accounting Standards Board

GIS - Geographic Information System

GMA - Growth Management Act

GPM - Gallons Per Minute

HOV - High-Occupancy Vehicle

HR - Human Resources

HUD - Housing & Urban Development (Department of)

ICMA - International City/County Management Association

L & I - Labor & Industries (Department of)

LID - Local Improvement District

MGD - Million Gallons per Day

MOA - Memorandum of Agreement

MOU - Memorandum of Understanding

MPO - Metropolitan Planning Organization

MRSC - Municipal Research Services Center

NEPA - National Environment Policy Act

NIMBY - Not In My Backyard

NPDES - National Pollutant Discharge Elimination System

PE - Preliminary Engineering; Professional Engineer

PERC - Public Employment Relations Commission

PMS - Pavement Management System

PPE - Personal Protective Equipment

PPM - Parts Per Million; Policy & Procedure Manual

PUD - Public Utility District

PW - Public Works

QA - Quality Assurance

RCW - Revised Code of Washington

REET - Real Estate Excise Tax

RONR *Robert's Rules of Order Newly Revised*

ROW - Right of Way

SAO - State Auditor's Office

SBA - Small Business Administration

SEPA - State Environmental Policy Act

SMA - Shorelines Management Act

SWAC - Solid Waste Advisory Committee

TIB - Transportation Improvement Board

TIP - Transportation Improvement Program

TMDL - Total Maximum Daily Load

UBC - Uniform Building Code

UFC - Uniform Fire Code

UGA - Urban Growth Area

WAC - Washington Administrative Code

WACO - Washington Association of County Officials

WCIA - Washington Cities Insurance Authority

WCMA - Washington City/County Management Association

WSDOT - Washington State Department of Transportation

WSP - Washington State Patrol

WUTC - Washington Utilities & Transportation Commission

WWTP - Wastewater Treatment Plant

APPENDIX C: Council Report/Council Comments

Formal Council Meetings **Council Reports/ Committee Updates**	**Study Sessions** **General Council Comments**
Concerning Council's Participation on Regional Committees and Boards: • Budget updates or proposed cuts • Upcoming or recent events • Newly appointed or assigned CEO's • Vision, mission, goals & objectives discussed, adopted or changes • Long range financial plans	General Comments Not necessarily connected with any committee or board: • Upcoming events • Items that occurred after last week's meeting that you want/need to share before the next Council meeting • General questions or comments to City Manager

APPENDIX D: RESOLUTION 07-019

CITY OF SPOKANE VALLEY
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 07-019

AMENDED GENERAL POLICY RESOLUTION OF CORE BELIEFS

A RESOLUTION OF THE CITY OF SPOKANE VALLEY AMENDING RESOLUTION 03-027, ESTABLISHING A *GENERAL POLICY RESOLUTION* EMANATING FROM THE CORE BELIEFS OF THE CITY COUNCIL AND COMMUNITY AND SETTING FORTH DUTIES OF BOTH ELECTED AND APPOINTED OFFICIALS OF THE CITY TO HELP GUIDE LEGISLATIVE AND EXECUTIVE DECISIONS TOWARD EFFECTIVE, RESPONSIVE, AND OPEN GOVERNMENT

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

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

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

Section 1. Modifying Resolution 03-027 as set forth below by adding new section 7. The remainder of the resolution 03-027 is unchanged:

NOW, THEREFORE, the City Council of the City of Spokane Valley does hereby affirm and resolve that the following **core beliefs** shall serve as guidelines for the conduct of affairs by all branches of Spokane Valley City Government.

Section 1. We believe that Spokane Valley should be a visionary city encouraging its citizens and their government to look to the future beyond the present generation and to bring such ideas to public discussion and to enhance a sense of community identity.

Section 2. We believe that elected body decision-making is the only lawful and effective way to conduct the public's legislative business and that careful observance of a clear set of Governance Coordination rules of procedure can best enhance public participation and decision making.

Section 3. We believe in the City Council as policy leaders of the City. One or more City Councilmembers are encouraged to take the lead, where practical, in sponsoring Ordinances or Resolutions excepting quasi-judicial or other public hearings and the statutory duties of the City Manager as set forth in RCW 35A.13.020.

Section 4. We believe in hearing the public view. We affirm that members of the public should be encouraged to speak and be heard through reasonable rules of procedure when the public business is being considered, thus giving elected officials the broadest perspectives from which to make decisions.

Section 5. We believe that the City of Spokane Valley's governance should be known as "user friendly," and that governance practices and general operations should consider how citizens will be served in the most responsive, effective and courteous manner.

Section 6. We believe that the economic and commercial job base of the community should be preserved and encouraged to grow as an alternative to increasing property taxes. We believe it imperative to have an expanded and diverse economic base,

Section 7. We believe that Councilmembers set the tone for civic discussion and should set an example by:

(a) Setting high standards of decorum and civility.

(b) Encouraging open and productive conversation amongst themselves and with the community about legislative matters.

(c) Demonstrating respect for divergent points of view expressed by citizens, fellow Councilmembers and the staff.

(d) Honoring each other and the public by debating issues within City Hall and the Community without casting aspersions on members of Council, the staff, or the public.

(e) Accepting the principle of majority rule and working to advance the success of "corporate" decisions.

Section 8. We solicit the City Manager's support in conducting the affairs of the city with due regard for:

(a) Promoting mutual respect between the Citizens, City staff and the City Council by creating the organizational teamwork necessary for effective, responsive and open government.

(b) Providing the City Council and public reasonable advance notice when issues are to be brought forward for discussion.

(c) Establishing and maintaining a formal city-wide customer service program with emphasis on timely response, a user-friendly atmosphere, and an attitude of facilitation and accommodation within the bounds of responsibility, integrity, and financial capability of the city, including organizational and job description documents while pursuing "best practices" in customer service.

(d) Seeking creative ways to contain or impede the rising cost of governmental services, including examination of private sector alternatives in lieu of governmentally provided services.

(e) Providing a data base of future projects and dreams for the new City of Spokane Valley so that good ideas from its citizens and leaders are not lost and the status of projects can be readily determined.

Approved by the City Council this 11th day of December, 2007.

ATTEST:

/s/ CHRISTINE BAINBRIDGE
Christine Bainbridge, City Clerk

/s/ DIANA WILHITE
Diana Wilhite, Mayor

Approved as to form:
/S/ MICHAEL F. CONNELLY
Office of the City Attorney

APPENDIX E: STATEMENT OF ETHICS

SPOKANE VALLEY CITY COUNCILMEMBERS' STATEMENT OF ETHICS

By adoption of the Resolution which adopts this Governance Manual, the Spokane Valley City Councilmembers hereby agree to be bound by the following rules of ethics:

DECLARATION OF PURPOSE:

- Provide guidelines and set high ethical standards for Councilmembers to perform their duties in an open, honest, and unbiased manner.
- Establish procedures for prevention and/or elimination of possible conflicts of interest.
- Improve and strengthen the public's perception and trust in their local government.

DEFINITIONS:

Compensation: Anything of economic value regardless of amount, however designated, which is paid, loaned, advanced, granted, transferred, or gifted, or to be paid, loaned, advanced, granted, transferred or gifted for or in consideration of personal services to any person or that person's immediate family as that term is defined in RCW 42.17A.005(24).

Contract: Includes any contract or agreement, sale, lease, purchase, or any combination of the foregoing. A contracting party is any person, partnership, association, cooperative, corporation, whether for profit or otherwise, or other business entity which is a party to a contract with a municipality.

PROHIBITED CONDUCT:

(a) Acceptance of Gifts: No Councilmember, based solely on their position with the City of Spokane Valley, shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value regardless of the amount, as a gift, gratuity, or favor from any person or entity outside the City organization. Campaign donations made and reported in conformance with Washington law are exempt from this provision.

(b) Interest in Contracts, Exceptions: No Councilmember shall be beneficially interested, directly or indirectly, in any contract where the City of Spokane Valley is named as a party to the contract; and no Councilmember shall accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract. This prohibition shall not apply to the exceptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth.

(c) Incompatible Service; Confidential Information: No Councilmember shall engage in or accept private employment or render services for any person, or engage in any business or professional activity when such is incompatible with the faithful discharge of his/her official duties as a Councilmember. No Councilmember shall disclose confidential information acquired by reason of such official position, nor shall such information be used for the Councilmember's personal gain or benefit.

PERSONAL OR PRIVATE INTERESTS, PUBLIC DISCLOSURE:

Any Councilmember who has a financial or other private or personal interest in any ordinance, resolution, contract, proceeding, or other action pending before the City Council or any of its committees, shall promptly disclose such interest at the first public meeting when such matter is being considered by the City Council, and a summary of the nature of such interest shall be incorporated into the official minutes of the City Council proceedings. Any Councilmember who feels disqualified by reason of such interest in any matter before the City Council, shall make a public statement and disclose the reasons why that Councilmember feels disqualified, and state that they are recusing themselves from the issue, and with permission of the Presiding Officer, will leave the Council Chambers until such time as the issue at hand has been disposed of in the regular course of business.

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[i] RCW 42.30.110 – Open Public Meeting Act, Executive Sessions

[ii] RCW 42.30.140- Open Public Meeting Act,

[iii] RCW 35A.13.035- Optional Municipal Code (35A) – Council-manager plan of government

[iv] RCW 42.52 – Ethics in Public Service

[v] RCW 42.56 – Public Records Act

[vi] RCW 35A.12.160 Optional Municipal Code (35A) – Council manager plan of government; public notice of hearings and meeting agendas

[vii] RCW 35A.13.170 – Optional Municipal Code (35A) – Council manager plan of government; council meetings – quorum, rules - voting

[viii] RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.

[ix] RCW 42.30.080 – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

[x] RCW 35A.12.110 – Council meetings shall meet reguarly, at least once a month.

[xi] RCW 42.30.080 - Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

[xii] RCW 42.30.080(3) – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

[xiii] RCW 42.30.090 – Open Public Meetings Act, Adjournments

[xiv] RCW 35A.13.170 - Optional Municipal Code (35A) – Council mgr plan of gov't; meetings: quorum, rules, voting

[xv] 35A.12.120 – Council meetings, shall meet regularly, at least once a month

[xvi] RCW 35A.12.060 – 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.

[xvii] RCW 42.17A.555 – Use of public office or agency facilities in campaigns – Prohibition – Exceptions

[xviii] RCW 35A.12.120 – Council – Quorum – Rules – Voting

[xix] RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.

[xx] RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

[xxi] RCW 35A.13 - Council-manager plan of government.

[xxii] RCW 35A.13.030 - Mayor – election – chair to be mayor – duties: Biennially at the first meeting of the new council members shall choose a chair from among their number; chair's title shall be mayor and preside at meetings.

[xxiii] RCW 35A.13 – Council-manager plan of government.

[xxiv] RCW 35A.13.020 – Mayor – election, chair to be mayor, duties

[xxv] RCW 35A.13.020 – ibid.

[xxvi] RCW 42.12.070 – Filling nonpartisan vacancies

CITY OF SEQUIM
RESOLUTION NO. R-2010-10
CITY COUNCIL RULES OF PROCEDURE

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

Adopted July 12, 2010.

Ken Hays
Ken Hays, Mayor

Attest:

Karen Kuznek-Reese
Karen Kuznek-Reese, MMC
City Clerk

Approved as to form:

Craig A. Ritchie
Craig A. Ritchie
City Attorney

City of Sequim
Office of the City Manager
152 West Cedar Street, Sequim, Washington, 98382
(360)683-4139 Fax (360)-681-3448

INTRODUCTION

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

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

The City of Sequim's Revised Council Rules of Procedure is a comprehensive collection of meeting rules, coordinating procedures, administrative references, and committee guidelines.

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

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

RESOLUTION NO. R-2010-10

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

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

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

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

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

SECTION 1. There is hereby adopted by reference, City Council Rules of Procedure dated July 12, 2010 and attached hereto as **Exhibit "A".**

ADOPTED by the City Council of the City of Sequim, Washington at the regular meeting of the City Council on the 12th of July 2010.

Ken Hays

Ken Hays, Mayor

Attest:

Karen Kuznek-Reese

Karen Kuznek-Reese, MMC, City Clerk

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ARTICLE I – COUNCIL MEETING PREPARATION

1.1 Council Meeting - Time and Location. All regular meetings of the City Council shall be held at the times and locations specified by applicable ordinances and resolutions of the Council.

1.2 Council Meetings - Open to the Public. All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30. 110 or RCW 42.30.140.

1.3 Presiding Officer. The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Mayor Pro Tem, an acting Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences. The Mayor or Mayor Pro Tem are referred to as "Presiding Officer" from time-to-time in these Rules of Procedure.

1.4 Quorum. At all meetings of the Council, a majority of the Council members who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time-to-time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170, 35A.12.120)

1.5 Attendance, Excused Absences. RCW 35A.12.060 (as authorized by RCW 35A.13.020) provides that a Council member shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer, City Clerk, or City Manager prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes.

1.6 Special Council Meetings. Procedures for setting a special meeting are as follows:

(a) A special meeting may be called by the Mayor or any three (3) members of the Council. (RCW 35A.12.110) (as authorized by RCW 35A.13.170.)

(b) Notice of the special meeting shall be prepared in writing by the City Clerk pursuant to RCW 42.30.080. The notice shall contain information about the meeting: time, place, and business to be transacted.

(c) The notice shall be delivered by regular or electronic mail, personally to the residence of each Council member, the City Manager, and the business office of each local newspaper, radio and television station which has on file a written request for notice of special meetings, or as authorized by state law. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

(d) The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080, that is: (1) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, (2) As to any member who was actually present at the meeting at the time it convenes, and (3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.

1.7 **Council Material.** Council members and affected staff should read the agenda material in preparation for the Council meeting. If a Councilor needs clarification on an issue, the Councilor should contact the City Manager or appropriate department head and ask clarification questions prior to the Council meeting, when possible.

1.8 **Council Packets.** Council members may personally pick up their agenda packets from the individual mailboxes located at City Hall or download the packet from the website, , unless otherwise arranged by the member or further directed by Council.

1.9 **Council Meeting Agenda.** The City Clerk, under the direction of the City Manager, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. After the proposed agenda has been approved by the presiding officer and Mayor Pro Tem, a copy of the agenda and supporting materials shall be prepared for Council members, the City Manager, Department Heads, and City Attorney on or before 4:00 p.m., four (4) days before a regular Council meeting. The Presiding Officer shall have the option of deleting any item from such agenda until the next regular Council meeting when the full Council shall vote on whether to introduce the item on the agenda or for a subsequent Council meeting. The Presiding Officer, three (3) Council members, a majority of the Council members present, or the City Manager may introduce a new item to the agenda at a meeting.

1.10 **Consent Agenda.** The City Manager, in consultation with the Presiding Officer, shall place matters on the consent agenda which: (1) have been previously discussed by the Council; or (2) based on the information delivered to members of the Council by administration can be reviewed by a Council member without further explanation; or (3)

are so routine, technical or "housekeeping" in nature that passage without discussion is likely.

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

End ofArticle I - Council Meeting Preparation

ARTICLE 2 - COUNCIL MEETING PROCEDURES

2.1 Motions and Discussion.

A. All items of business placed before the Council that require the expenditure of Council and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.
B. When possible, Council members should direct questions primarily to the City Manager.

2.2 Order of Business. The agenda should be arranged to best serve the needs and/or convenience of the Council and the public. The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. The business of all regular meetings of the Council may include the following :

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

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

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

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

The proper Council motion on the consent agenda is as follows: "I move adoption of the consent agenda". This motion shall be non-debatable and will have the effect of moving to adopt all items on

the Consent Agenda. Since adoption of any item on the consent agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Presiding Officer shall inquire if any Council member wishes an item to be withdrawn from the consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.

(k) Unfinished Business.
(l) New Business.
(m) Information/Council Questions Invited.
   a. This information is provided in a written report. If a Council member has comments or questions there would then be a discussion. However, no presentation is planned by City staff.
(n) Public Comments. (See item h above.)
(o) Good of the Order Reports. (Extended reports or tracking of an administrative nature deferred under (e) and (g) above.)
(p) Executive Session (as required).
(q) Next meeting date announced by Presiding Officer.
(rq) Adjournment. No Council meeting should be permitted to continue beyond approximately 9:30 p.m., without approval of a majority of the Council members who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council as herein specified, the items not acted on shall be deferred to the next regular Council meeting as unfinished business, unless the Council, by a majority vote of members present, determines otherwise.

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

2.4 Permission Required to Address the Council. Persons other than Council members and staff shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or the chair of the appropriate Council committee. The Presiding Officer will acknowledge speakers at the appropriate time during the meeting.

2.5 Voting. The votes during all meetings of the Council shall be transacted as follows:

(a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council member, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.

(b) In case of a tie vote on any proposal, the motion shall be considered lost.

(c) Every member who was in the Council chambers when the question was put, shall give his/her vote or abstention. The Mayor shall ask for abstentions.

(d) The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as a budget amendment, shall require the affirmative vote of at least a majority plus one (1) of the whole membership of the Council. (RCW 35A.13.190) In the event calamitous conditions should prevent assembly of such majority through death or injuries, the provisions of RCW 35A.13.035 may be invoked.

2.6 **City Manager.** The City Manager, as the chief executive officer and head of the administrative branch of city government, or his/her designee, shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems it advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a staff member to attend the meeting in their absence. RCW 35A.13.080.

2.7 **City Clerk - Minutes - Public Information Access**. The City Clerk shall be Clerk-of-the-Council and shall keep minutes and records as required by law RCW35.23.121..

End ofArticle II - Council Meeting Procedures

ARTICLE 3 – ADMINISTRATION AND HOUSEKEEPING

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

(a) **Qualifying Conditions** – Any subject or proposal for adopting or changing public policy, ordinances, resolutions or City Council directives which will eventually result in a decision of the City Council, should meet the "Three Touch Rule." (Recognizing that it is best to provide as much time as possible for decision-making, there may be items that are routine in nature or minor issues where, as directed by the City Manager, the 3-Touch Rule may not be utilized.) The subject should "**touch**" (oral, written or any combination thereof) the persons or groups, who may eventually approve a final action, three separate times. Quasi-judicial matters and any subject discussed in executive sessions are excluded from the "Three Touch Rule."

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

1. **First Touch** - A specific oral or written notification that a given subject is being considered or developed for future consideration along with a preliminary estimate of the time lines involved.

2. **Second Touch** - A more detailed review/discussion of the proposal with adequate preparation made or personnel available to answer most questions and receive preliminary feedback.

3. **Third Touch** - A presentation (oral or written as appropriate) of final details of the proposal in the appropriate draft proposal form which **could be adopted** as amended or referred to further process before final action.

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

3.2 **Reconsideration.** Any action of the Council, including final action on applications for legislative changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can

only be made if there is new information which may reverse a decision. Such motion must be made by a member of the prevailing side on the original action.

An original motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until all parties or their attorneys and all persons testifying have been given at least five (5) days advance notice of such discussion and/or action. [Lejeune v. Clallam County, 64 Wn. App. 257 (1992).]

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

(a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to a committee, City Manager, or the Council-of-the-Whole for study and recommendation.

(b) If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief the Council when the City Manager's response is made.

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

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

(a) Biennially, at the first meeting of the new Council, the members thereof shall choose a presiding officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the

unexpired term. Following the election of the Mayor, there shall be an election for Mayor Pro Tem. The term of the Mayor Pro Tem shall run concurrently with that of the Mayor. (RCW 35A.13.030)

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

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

End of Article 3 – Administration/Housekeeping

ARTICLE 4 - COMMITTEES, BOARDS & COMMISSIONS

4.1 Committees.

(a) All standing committees which are required by state law shall be established and perform the duties as outlined by said law.

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

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

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

Finance -- three members

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

Committee meetings may be required to comply with the Open Meetings Act, RCW 42.30.

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

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

Board and Commission liaisons:
Planning Commission - one member
Park Advisory Board - one member
Lodging Tax Advisory Committee - one member who shall serve as chair
Others as designated and assigned

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

End of Article 4 - Committees, Boards & Commissions

ARTICLE 5 - RELATIONS WITH CITY MANAGER

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

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

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

End of Article 5 – Relations with City Manager & Administration

ARTICLE 6 - PUBLIC HEARING PROCEDURES

6.1 Public Hearings shall be conducted and noticed pursuant to state law.

End of Article 6 - Public Hearing Procedures

ARTICLE 7 – PUBLIC PARTICIPATION

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

End of Article 7 – Public Participation

ARTICLE 8 – USE OF RULES

8.1 **Purpose.** These City Council Rules of Procedure are designed to provide guidance for the City Council. They are not to be considered restrictions or expansions of City Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

8.2 **Use.** No action taken by a member or by the Council which is not in compliance with these rules but which is otherwise lawful shall invalidate such member or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Council may enforce these rules or rely on these rules. Failure of the City Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

8.3 **Public Use or Reliance Not Intended.** Because these rules are designed to assist the City Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

End of Article 8 – Use of Rules

RESOLUTION NO. 1420

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, ADOPTING A MANUAL OF CITY GOVERNANCE POLICIES, PROCEDURES AND GUIDELINES FOR THE MAYOR-COUNCIL FORM OF GOVERNMENT

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City Council started to work toward that goal with its June 1, 2013, City Council retreat and has continued to work in committee or as a full governing body toward development of a governance manual; and

WHEREAS, the City Council has invited the Mayor to participate in the process and/or to comment on the product, understanding that agreement on processes, roles and responsibilities is an important cornerstone to the governance manual; and

WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Forest Park hereby adopts the City Governance Manual, which is attached hereto as Exhibit "A".

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council this 22nd day of May, 2014 and signed into authentication this 17th day of June, 2014.

APPROVED:

Mary Jane Goss, Mayor

ATTEST:

Evelyn Jahed, City Clerk

APPROVED MAY 22, 2014

RATIFIED JUNE 12, 2014

1 Principles of Government

1.1 Form of Government

The City of Lake Forest Park was incorporated in 1961 and operates as a non-charter code city with a Mayor-Council form of government. The Mayor and seven City Councilmembers are non-partisan elected officials who serve four-year terms. Municipal elections are held in November of odd-numbered years and terms are staggered so that no more than four positions are up for election every two years.

1.2 Legislative Branch

The City Council is the legislative body of the City. It enacts laws and regulations, establishes policy direction for the City, establishes tax and fee rates, adopts an Annual Budget, and approves payments of all City moneys.

1.3 Executive Branch

The Mayor is the chief executive and administrative officer and ceremonial head of the City. The Mayor is in charge of all departments and employees and has authority to designate assistants and department heads.

1.4 Judicial Branch

Lake Forest Park has its own Municipal Court, which is organized under Revised Code of Washington (RCW) 3.50 as a limited jurisdiction court to hear misdemeanor crimes and civil infractions committed within its geographical boundaries. The Presiding Judge is appointed by the Mayor and confirmed by the City Council for a four-year term.

1.5 Guiding Principles

Guiding principles establish the values that Lake Forest Park elected officials, employees, and volunteers embody.

A. **Collaboration**
   We achieve greater results through collaborative engagement of each other and the communities around us.
B. **Equity**
   Our actions provide all people with access to a good quality of life.
C. **Accountability**
   We are committed to addressing the concerns and priorities of Lake Forest Park through transparent community engagement, decisions and actions.
D. **Stewardship**
   We are effective, efficient, financially prudent and innovative stewards of the public's resources, and strive to achieve sustainable results through continuous improvement.
E. **Integrity**
   We uphold the high standards, skills, competencies, and integrity of our professions in doing the work of City government.

2 Legislative Branch

2.1 Organization of City Council
The Council shall, biennially in even years, elect a Chair and Vice Chair of the Council at its first regular Council meeting of the year.

2.2 Duties of the Council Chair
The Council Chair shall coordinate the business of the Council and is the primary liaison for the Council with the Mayor and City Administrator. The Chair's duties include, but are not limited to:

A. Meet regularly with the Mayor and the City Administrator to review and approve Council agendas;
B. Represent the Council at the Quarterly Commission Chairs meetings;
C. Coordinate reporting on achievement of the Council's work plan;
D. Serve as the Deputy Mayor and preside over meetings of the Council at which the Mayor is not present (RCW 35A.12.110); and
E. Act as City's ceremonial head in the Mayor's absence.

2.3 The Council Chair May Embody Other Leadership Roles
By consensus of its members, the City Council may assign other roles and duties to the Council Chair pursuant to the authority granted to the Council in RCW 35A.12.120 for the conduct of Council business. In doing so, the City Council is providing for its own efficiency and is not delegating or ceding its corporate legislative authority to the Chair of the Council.

2.4 Duties of the Vice Chair
The Vice Chair shall exercise the duties, powers and prerogatives of the Council Chair in the event of the Chair's absence.

2.5 Service on Regional Bodies
The Council designates by motion the individual(s) to serve in liaison roles based on the desire, qualifications and skills of those interested. Councilmembers and the Mayor may make interest in being a representative known prior to the time the representative is considered, and are eligible to be selected.

2.6 Council Commissions Liaisons
The Council designates, by motion, members to serve as liaisons to each of the Commissions.

3 Functioning of City Council

3.1 Importance of Open Public Meetings
The City shall comply with the Open Public Meetings Act under Washington law (RCW 42.30).

3.2 Representatives of the City Act in Accordance with City Policies
It is a duty of City Councilmembers, the Mayor and City staff who represent the City to advocate positions that are consistent with the City Council's adopted or approved policies, projects, and plans. Should the circumstance occur in which a staff member is in a position of leadership in a professional association, the staff member shall make it clear as to which entity (the City or the professional association) is being represented. As well, in the rare occasion the elected official is

expressing the official's personal interest or that of another organization, the identity of the interest being expressed shall be made clear.

3.3 Council is Mindful of Limited Resources

Council expense reimbursement is limited by policy to budget and requires receipts. An annual Council Budget is determined each year during the Budget process.

3.4 Council Authorizes Certain Grant Applications Before Submittal

The Administration is authorized to submit grant applications that align with the goals and priorities of the City and adopted policy. If a grant would require material matching dollars affecting current budget, impact policy, or require conditions inconsistent with current operations, the Administration will seek Council approval prior to applying. The Council may also initiate the process of pursuing a grant.

3.5 Citizen Volunteers Play an Important Role

For citizen advisory committees, boards and commissions, the Mayor is the appointing authority and the Council is the confirming authority.

3.6 Cell phones

Cell phones are allowed in the Council Chambers when they are on silent or meeting mode. Cell phone calls will be answered outside the Council Chambers during meetings.

3.7 Council E-mail Policy.

E-mail viewed by four or more Councilmembers is not an appropriate venue for discussions of policy. Any e-mails, whether from a member of the Council or from City staff, that are to be viewed by at least four Councilmembers shall include a copy to the City Clerk so that they may be included as part of the City's official record. Councilmembers shall not reply to all other Councilmembers or a quorum of the Council by e-mail to discuss policy; and, in no case, shall Councilmembers make decisions by e-mail.

4 Council Meetings

The Council is required to act as a corporate body in a very transparent manner. All Council and Committee meetings are open to the public and have established rules for notification and process.

4.1 The "Three-Touch" Rule

Decision makers and citizens of the City should have adequate time to thoughtfully consider the issues prior to final decisions. It is the intent of the Council that the Council and Administration should abide by the "Three-Touch Rule" whenever possible (unless an exception applies). The following procedural guidelines are designed to avoid "surprises" to the Council, Administration and citizens.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions or directives which will require a decision of the City Council or Administration should normally "touch" (oral, written or any combination thereof) the decision makers at least three separate times. Quasijudicial matters and any subject discussed in Executive Sessions are excluded from application of the "Three-Touch Rule."

It is recognized that the hands of decision makers should not be tied unnecessarily. Unexpected circumstances may arise wherein observance of the "Three-Touch Rule" is impractical. However, when unusual circumstances arise which justify a "first discussion" decision, the persons requesting the expedited decision should also explain the timing need. The "Three-Touch Rule" excludes staff reports and other general communications not requiring a future Council decision.

4.2 City Staff – Attendance at Meetings

Attendance at meetings by City staff shall be at the discretion of the Mayor. It is the intent of the Council that the Mayor schedule adequate administrative support for the business at hand, while protecting the productive capability of department heads. When sound system or other monitoring capabilities exist, the City Administrator may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

4.3 Administrative Presentations and Briefings

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible.

4.4 Special Council Meetings

Special meetings shall be called as provided in the Open Public Meetings Act and as otherwise required by RCW. Special meetings will be strictly limited to time-sensitive matters that cannot be accommodated within regular business meetings or work/study sessions. The notice of a special meeting shall identify the agenda item(s). The notice of meeting shall suffice as the meeting's agenda.

4.5 Public Notice

Notice of all meetings and hearings shall be provided as required by the Open Public Meetings Act and as otherwise required by the RCW and Lake Forest Park Municipal Code (LFPMC). Notice of regular, special and study session meetings, along with draft agendas, shall be posted on City bulletin boards designated for public notice, any public library located in the City, Third Place Commons and the City website.

4.6 Use of Recycled Products

Material provided to the Council shall meet the City requirements for recycled content. The Council will be provided a container for recycling waste in the Council Chambers.

4.7 Remote Participation

A Councilmember may participate and vote telephonically or via other electronic means in all or part of a regular or special council meeting if the following conditions are met:

A. The majority of the Council membership consents and such consent shall not be unreasonably withheld; and
B. All persons participating in the meeting are able to hear each other at the same time, such as by the use of a speaker phone, computer speaker or other amplification; and
C. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately hearing and speaking to each other shall be addressed immediately; and

D. The Councilmember participating telephonically or via other electronic means bears any costs of such participation but may use the communications equipment owned by the city at City Hall without charge.

4.8 Council Meetings Open to the Public

Council differentiates among five types of public meetings: (1) committee meetings; (2) work/study sessions (and single-issue workshops); (3) business meetings; (4) goal-setting retreats; and (5) public meetings, forums and town halls. All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

4.9 Council Committees

Council Committees are a part of the governance structure that extends the reach of the Council and makes it effective between meetings. Council Committees are established to inform and educate the Council on existing City programs and issues, to provide an opportunity to explore the implications of policy alternatives as part of the policy development process, and to serve in an advisory capacity to the Council in reviewing policy matters referred to them by the Council, and such other matters as the Council, by simple majority vote, may direct. The Committees shall have no power or authority to commit the City or to take any binding action on their part without the express authorization of the Council. The Committees shall be concerned primarily with policy matters and matters vested in the legislative body of the City and shall not become involved in the administration of the City government.

A. All Council Committee meetings shall be open to the public and posted at City Hall per the Open Public Meetings Act. Participation by Councilmembers not named to the Committee, the Mayor, other public officials and the public shall be at the discretion of the Chair of the Committee.
B. It is the responsibility of the Chair of the Committee to notify the City Clerk of the date, time and place of any Council Committee meeting, and to provide a committee agenda at least seven calendar days prior to committee meeting. The City Clerk will arrange for notice to be conveyed to the public, the Mayor and all Councilmembers.
C. The Mayor will work with the Chair of each committee to assign staff to support Committee deliberations. The Chair of each Committee will report on their deliberations and recommendations to the Council after each Committee meeting.
D. Council may change membership of Committees by majority consent.
E. The following Council Committees and Committee responsibilities are hereby established:

1. **Council Committee of the Whole**: All seven Councilmembers serve on the Committee of the Whole. The Council Chair shall chair the Committee. The Committee considers policy issues of concern to the entire Council, with the exception of issues of specific concern to other Council Committees that are charged with specific responsibilities, such as the Budget and Finance Committee.

   The Committee of the Whole may send legislation and policy issues for final action by the Council during a Council business meeting.

   The Committee is responsible for the Council's annual work program, rules procedures and organization for council operations and city governance, the City's

state and federal legislative agenda, complex interdisciplinary issues that are beyond the scope of other policy committees and may host public meetings.

2. **Budget and Finance Committee**: Three Councilmembers serve on the Committee. The Committee is responsible for the review and recommendations associated with current and projected financial conditions, supplemental budget considerations, finance, reserve and financial operational policies, audits, financial reports, the review and tracking of capital improvement projects, and salary schedules.

   The Chair of the committee or his/her designee on the committee will recommend approval of checks or warrants drawn on behalf of the City, except for payroll.

   The Committee is responsible for reviewing the Mayor's proposed biennial and interim budget and recommending a biennial and interim budget to the Council for consideration.

   For purposes of considering the Mayor's proposed biennial and interim budget and recommending a biennial and interim budget, all seven Councilmembers shall be members of the Committee. The Chair is responsible for notifying the City Clerk of any Committee agenda that will contain consideration of the Mayor's proposed biennial budget or recommendations related to a biennial budget.

4.10 Council Work Sessions

Council work sessions are meetings of the Council at which legislative proposals and proposals relating to city administration, inter-governmental relations, or other city business are studied, discussed and evaluated by the Councilmembers. Work sessions will normally be held in an informal, collegial setting conducive to discussion. Council work sessions are the primary venue for briefings and presentations. Public comment will not be taken at the work session.

4.10.1 Schedule of Work Sessions

Work sessions of the Council of the City of Lake Forest Park shall be held on the second Thursday of each month, January through December of each year. Council work sessions shall be held at 6:00 p.m. at Lake Forest Park City Hall, located at 17425 Ballinger Way NE, Lake Forest Park, Washington, 98155.

4.10.2 Work Session Agendas

A. Work session agendas will include:

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Confirmation Review Calendar
5. Council Discussion Topics
6. Adjourn

B. Agendas will list the following elements for each Council Discussion Topic:

1. Subject: The project designation or descriptive name for the item. The person requesting the item should use the same title in any subsequent business.
2. Identify the Discussion Leader: The person who will introduce the subject and give the background information; identify the discussion goal; and act as facilitator to keep the discussion focused toward the goal.
3. Activity: A brief description and time estimate of the discussion necessary for the Council to speak to the question posed in the "Goal" column.
4. Goal: The reasonable outcome contemplated, whether a final action, advancement to a future agenda, just a "touch" according to the "Three-Touch Rule," or for general information.
5. Time: Estimated time for presentation and discussion of the item.

C. Board, Commission and Youth Council Engagement

Boards, Commissions and the Youth Council may request a place on the agenda in advance of the meeting. The specific date shall be within three work session meetings and coordinated through the agenda preparation and review meeting.

4.11 Regular Business Meetings

A regular business meeting is a meeting convened on a regular series of dates (and at a time) stated in City ordinance. A regular or special meeting of the Council is primarily for the purpose of voting on the City's business, generally in the form of motions, resolutions or ordinances.

4.11.1 Schedule of Regular Business Meetings

Regular business meetings of the Council of the City of Lake Forest Park shall be held on the second and fourth Thursdays of each month, January through the second week of December each year. Regular business meetings shall be held at 7:00 p.m. at the City Hall Council Chambers, located at 17425 Ballinger Way N E, Lake Forest Park, Washington, 98155.

4.11.2 Public Comment

A business meeting typically includes public comment for a limited period of time stated in advance on the agenda, during which a member of the public may address the Council on any matter of public concern (whether or not on the agenda) for up to three minutes. The actual time allowed for individual public comment shall be determined by the presiding officer and stated publicly at the beginning of the public comment period.

A. Any member of the public wishing to address the Council will fill in the sign-in sheet provided for that purpose. Speakers must be recognized by the chair, come forward to the microphone and identify themselves by name, address, and organization, if any, and state the agenda item or topic they are addressing before proceeding. The speaker shall abide by the time limits established for the particular hearing or comment period. The Mayor shall announce this rule at the beginning of any meeting or hearing.
B. Lengthy comments should be submitted in written form and presented in summary within the allotted time. The Council encourages written comments be submitted for consideration on all issues. The City Administration will provide a written summary of all questions asked by citizens. The Mayor is responsible for providing a City response to the questions and will inform the Council of his/her follow-up actions.

4.11.3 Public Hearings

Public hearings required by State law shall be held before the Council, but legislative action shall not be taken during such a hearing. Public hearings may be scheduled during a regular meeting or a special meeting.

A. The Chair shall open the hearing and state its subject, explain the rule governing public participation, limit the period for individual comments (3 to 5 minutes, depending on the subject), confirm the duration of the hearing, and, if necessary, arrange for continuation of the hearing. If appropriate, a City representative will provide background information, and then speakers will be recognized by the Chair in order according to the sign-in sheet. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice.
B. The Council may request the Administration to respond to any question raised and not answered during the hearing.

4.11.4 Business Meeting Agendas

Proposed agendas shall state the date, time, and location of the Council meeting. Proposed agendas shall be delivered in electronic format to members of the Council no later than two days before the meeting date. The agenda will be posted at city hall, the Council Chambers and the library by 5:00 p.m. on the Friday preceding the meeting. Updated agendas will be posted by 12:00 noon on the day of the meeting.

A. Regular Meeting Agendas shall include:
   1. Call to Order: 7:00 p.m.
   2. Pledge of Allegiance
   3. Proclamations
   4. Adoption of Agenda
   5. Public Hearings
   6. Citizen Comment
   7. Consent Calendar
   8. Final Confirmation
   9. Ordinances and Resolutions for Introduction/Referral
   10. Ordinances and Resolutions for Council Discussion
   11. Ordinances and Resolutions for Action
   12. Council Discussion and Action
   13. Council Committee Reports
   14. Council/Mayor/City Administrator Reports
   15. Other Business
   16. Executive Session
   17. Adjourn
   18. Future Schedule

B. The Consent Calendar is used for Council action items that do not need further discussion at the Regular Business meeting either because they are routine, such as contract renewal, or have been thoroughly vetted as a function of the Work Session. Councilmembers may request that any item on the Consent Calendar be removed to Council Discussion and Action.

C. Business items on the agenda shall be annotated with the expected work and action of the Council for that item at that meeting. There shall be a bold notice at the bottom of all agenda pages indicating that the council may take action on items not on the agenda or may take other actions on agenda items that are not annotated, as allowed by Washington State law and in the best interest of the City.
D. Citizen Comments shall be held at or as close to the beginning of the meeting as possible.
E. Each agenda item should be annotated with the allotted time and requested Council action.
F. Executive Sessions will be convened only for purposes allowed by the Open Public Meetings Act. The Mayor may convene Executive Sessions at any time during a Council meeting. The Mayor shall announce the general purpose of the session and the associated RCW reference, its anticipated duration, and if the Council may take action after returning to the regular meeting. The Mayor shall interrupt an Executive Session exceeding its announced duration and notify the public of an extension and its estimated duration. At the conclusion of the Executive Session, the Mayor shall reconvene the Council meeting and resume Council business. No action shall be taken in an Executive Session. Only those staff members whose presence is required for the topic currently under discussion should remain in the Council Chambers during an Executive Session.
G. Confirmation Review may be placed at any time during the meeting.
H. No less than five copies of proposed ordinances on the agenda shall be available to the public on the public information table before consideration of such ordinances by the Council during the meeting. Every effort shall be made to provide sufficient public copies in anticipation of the interest in specific issues at the meeting.

4.11.5 Councilmember Requested Agenda Items

Members should notify the City Clerk by noon on the preceding Friday of requested agenda items, particularly those requiring final action at the same meeting. The deadline for the updated agenda is 9:00 a.m. on the day of the meeting.

4.11.6 Council's Business Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation. and vetting of issues during the prior Work Session enables Council business meetings to be expeditious. The Presiding Officer's role, especially at the business meeting, is to keep Council business focused and expeditious.

4.11.7 Inauguration

Prior to the end of November of odd numbered years, the Council shall set a day and time for the official City inauguration of newly elected officials, which shall occur prior to and apart from the first regular meeting. The inauguration purpose is a public celebration of community unity and pride in Lake Forest Park with the beginning of a new biennial period in the City's history.

4.11.8 Organizational Meeting

At the first regular meeting in January following an election, the Council shall begin the meeting with an organizational agenda as follows:

A. Adoption of Governance Manual
B. Election of Council Chair and Vice Chair
C. Appointment of Committee Chairs and Vice Chairs

4.12 Goal Setting Retreats

A retreat is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, consider priorities and goals for the citizen commissions, or set goals for the City. These goals should be elements of annual performance evaluations. Although a detailed listing of the City's activity plan for a coming year may result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution. Retreats are open to the public, but participation is limited to Councilmembers and others that are designated by the Council, such as a facilitator.

4.13 Public Meetings

The Council may organize other meetings with the public in various settings outside of City Hall, such as public forums, presentations to community organizations, town halls, and so on. In such settings, the meeting shall ideally include one or more Councilmembers and one or more members of the Administration.

4.13.1 Public Forums

When major public policy development warrants, and after adequate preparation of issues and alternatives, public forums can be used to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments.

4.13.2 Community Forums

Community Forums are informal public meetings, functions, or events convened to engage residents and stakeholders. Such meetings are convened as special Council or Committee meetings, where Council attendance is recorded and Council decisions are not typically made. These meetings typically involve significant collaboration and work effort with the City Administration and as such are jointly planned by the Administration and designated Councilmember(s).

5 Council Deliberations

5.1 Effective Decision-Making Requires Finality

Effective decision making results in finality and "moving on," and as a result, shall limit the prerogative to reconsider a Council decision. The process for reconsideration is such that immediately following a vote, if a Councilmember feels she/he voted incorrectly, she/he may immediately request a revote, stating the reason. A revote will be taken upon a majority vote to approve by the Council, and such consent shall not be unreasonably withheld.

5.2 Council Meeting Agendas Are Set by a Team

Agendas for Council Business Meetings and Work Sessions are routinely developed and refined by the Council Chair, the Mayor, and City Administrator or designee. The agenda-setting team shall review the next three months' meeting topics and coordinate other meetings to ensure staff work and public notices support the Council's work schedule.

The Administration shall establish a 12-month prospective calendar of agenda items for Council Business Meetings and Work Sessions, which shall be reviewed in the Committee of the Whole quarterly. Councilmembers should inform the Council Chair with regard to topic requests for

upcoming agendas. The agenda setting team shall make every effort to reasonably accommodate requests in a timely manner.

5.3 Council Actions

Council actions take the form of motions, resolutions and ordinances. All actions require a motion and a second for discussion and then a majority vote of a quorum of the Council for adoption.

5.3.1 Motion

Only Councilmembers may discuss a motion pending before the Council. Others may address the Council only at the request of a Councilmember with the consent of the Council.

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally oral, much shorter and worded in a more informal manner than a resolution. An adopted motion is the administrative equivalent of a resolution.

5.3.2 Resolution

An adopted resolution is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where a written expression of legislative policy that is lengthier or more meticulously worded than a motion is desired. While resolutions are often just a statement of policy, a resolution may also have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

5.3.3 Ordinance

An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within the City Council's law-making sphere, similar to the way in which a statute is a legislative act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution.

5.3.4 Motion to "Lay on the Table"

The motion to "lay on the table" shall require that the main motion be brought back to the Council at that meeting immediately after the final action item or immediately after the City Administrator's report, whichever comes first. This motion shall not be used to end discussion on an item. The proper motion to end discussion is to either move the previous question or to move to postpone indefinitely or to a definite time. In the latter case, the item remains on the agenda for the next meeting.

5.3.5 Reconsideration-Revote

Any action of the Council (including without limitation a final action on applications for legislative changes in land use status), shall be subject to a motion to reconsider, except for:

A. Any action previously reconsidered;
B. Motions to adjourn or motions to suspend the rules; or
C. A vote electing to office one that is present and does not decline.

Immediately following a vote a Councilmember, if he/she feels that he/she has incorrectly voted or that a fellow Councilmember has voted incorrectly, he/she can request a revote if approved by a majority of the Council. Approval is not to be unreasonably withheld.

5.3.6 Reconsideration-Mayor's Veto

The motion for reconsideration of an ordinance--Ordinance Veto Override--may be placed as the first item on the final action calendar at the next regular meeting or as an action item at a special meeting, following the filing of the Mayor's veto message. The motion may not be tabled or postponed. The Deputy Mayor will chair the meeting during this agenda item. The Mayor, if present, may have up to three minutes to address the Council. Council discussion on the motion will follow.

At the conclusion of discussion, if any, the Deputy Mayor shall put the motion to a vote. Councilmembers present shall cast an "aye" or "nay" vote unless they are recused. The vetoed ordinance must receive five affirmative votes to be adopted. Fewer than five votes for the ordinance shall mean that the veto is sustained.

5.3.7 Dissents and Protests

Any Councilmember shall have the right to express dissent from, or protest, orally or in writing, any motion, resolution or ordinance of the Council and have the reason therefore entered or retained in the minutes.

5.3.8 Comprehensive Plan Amendment

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise holds a public hearing before passage.

5.3.9 Budget Adoption

The Council adopts or amends the budget document for the City on an annual or biennial basis. Although the budget is a maximum spending plan, it must be managed by the Mayor and City Administrator to operate within actual revenue received for each fund.

5.3.10 Capital Facilities Plan (CFP) Adoption or Amendment

The CFP is a 6-year capital facility and infrastructure development and financing plan that is required by the Growth Management Act, RCW 36.70A.070(3). It is required to be kept up to date on an annual basis, and may by law be amended outside the regular Comprehensive Plan update process if the amendment occurs concurrently with the adoption of the City's budget, RCW 36.70A.130(2)(a)(iv). It is done in Lake Forest Park as a companion to the budgeting process and establishes priorities for construction or replacement of capital facilities of the City. A full update is on a two-year cycle that coincides with the mid-biennial budget review.

The biennial budget also includes any project additions or updates as needed, such as new projects for which grants have been received.

5.3.11 Quasijudicial Ruling

A quasijudicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Planning Commission wherein the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and, as such, are appealable to a higher authority or court of law. The role of the deciding authority is carried out as a legal duty in the manner prescribed by the facts and applicable laws or regulations. The deciding authority's role in this regard is separate from the more usual role of legislative preference, and Council and the Planning Commission should be mindful of this role on the limited occasions during which a quasijudicial decision is before it.

5.3.12 Confirmation of City Officials

The following procedure shall apply to all confirmation proceedings:

A. The Mayor will make nominations to the Council indicating the name and address of the nominee, commission or position of appointment, term expiration, and position number on the agenda for confirmation review.
B. At the time of nomination, the Mayor will provide to each Councilmember a copy of the nominee's application and resume, and a letter from the nominee (if any).
C. The confirmation agenda item at a regular meeting will be divided into two items:
    1. Confirmation Review; and
    2. Final Confirmation Calendar
D. All nominees shall appear on the agenda for the first time for confirmation review preferably during study sessions. After completion of the review process, final confirmation of the nominee shall be placed on the Consent Calendar for final confirmation during the regular meeting. Upon consent of the Council, the nominee may be confirmed at the same meeting as the confirmation review.
E. Confirmation review process shall include:
    1. Introduction of nominee by the Mayor.
    2. Three-minute statement by the nominee that should address the following issues:
        a. Why does the nominee seek to serve the City as a commissioner or official?
        b. What qualifications, skills, or abilities does the nominee bring to the commission or position?
    3. Questions from Councilmembers for the nominee.
F. Final Confirmation Calendar: The list of nominees for final confirmation may be a separate addendum sheet to the regular agenda, provided it is posted with the agenda for the public. The entire list may be confirmed as part of the Consent Calendar, except any one Councilmember may remove any name from such a motion and that nominee shall thereafter be voted upon by separate motion.
G. All nominees shall appear before the Council during confirmation review unless the nominee requests to be excused and such request is approved by the Council. An approved motion to suspend this rule and excuse the nominee from appearing shall allow the nominee to be scheduled for the final confirmation calendar. The confirmation review may be delayed no more than three consecutive meetings at the request of the Mayor, nominee or by majority consent of the Council.
H. Final confirmation may be delayed for one regular meeting at the request of the nominee, the Mayor or by majority consent of the Council. The majority of the Council may approve a second delay. The nomination may be withdrawn prior to the call for the

question for final confirmation. This action must be by the nominee in writing or verbally at a Council meeting or by the Mayor verbally at a Council meeting. Once a nomination is withdrawn, a subsequent nomination of the same individual must begin at the start of the process.

I. Only Councilmembers and the Mayor may speak to a motion regarding final confirmation.

5.4 Voting

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

A. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken and recorded by the City Clerk. The Presiding Officer shall determine the order of the roll call vote.

B. In case of a tie vote on any proposal, the motion shall be considered lost. The Mayor 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.

C. Every Councilmember who was in the Council Chambers, or as authorized for remote participation, when the question was put shall give his/her vote unless the Council, for special reasons, shall excuse the Councilmember by motion. If any Councilmember refuses to vote "aye" or "nay" (for example, due to a conflict of interest), the result shall be determined in accordance with Robert's Rules, which generally means that it shall be as if the individual who abstained from voting was not present for the vote.

D. Incorrect Vote. Immediately following a vote a Councilmember, if he/she feels that he/she has incorrectly voted or that a fellow Councilmember has voted incorrectly, he/she can request a revote if approved by a majority of the Council. Approval is not to be unreasonably withheld.

5.5 Ordinance and Resolution Drafting Standard

A resolution shall be drafted using the same rules as an ordinance and shall be drafted as follows for consideration by the Council:

A. The ordinance number shall be at the top, centered and in bold. On all pages the ordinance number shall be placed in the footer, on the same line as the page number, right justified.

B. The title shall be centered below the number in bold, capitalized letters.

C. A straight line shall be placed below the title.

D. The body of the document shall use 0.6-inch margins on the top, right and bottom and 1-inch on the left. Indentation shall always be 5 spaces when used. Block justification should be used with continuous line numbering in the left-hand column. A line space should be used between paragraphs. Twelve-point font should be used.

E. "Whereas" clauses shall be stated with only the first sentence indented and "Whereas" capitalized and in bold.

F. The required ordaining clause is placed following the "Whereas" clause(s). The first sentence will be indented. The clause is in capitalized bold lettering.

G. The section number and short title shall be bold lettering using sentence capitalization. The remaining section-amending or adding clause is to use normal lettering and capitalization. The words "new section," when used, shall be stated in bold capital letters following the section number.

H. The content section shall be at one indentation with hanging indentation after the section amending clauses.
I. The words being deleted from law shall be struck through with a line. Words being added shall be underlined. Words being added in a "new section" shall be in regular type.
J. Legislative history shall appear at the end of the ordinance, as follows:
   1. Introduced by: (must be a Councilmember or by Executive Request)
   2. Date Introduced:
   3. Date Work Session (first and last dates only):
   4. Date Redrafted (with Council-adopted amendments):
   5. Date Final Action:
   6. Date Posted:
   7. Date Published:
K. All ordinances, except those adopting quasijudicial decisions, shall have an "Ordinance Information Summary." This summary shall be formatted as the ordinance with the ordinance number and title immediately below the page heading of Ordinance Information Summary. The headings for the summary information will be: (1) Purpose; (2) Effect; (3) Estimated Financial Impact. The date and version shall be indicated at the end of the text of the summary. The summary should be updated upon adoption of major amendments to an ordinance.

5.6 Amendments to Ordinances and Resolutions

A. Once an ordinance or resolution is introduced it may only be changed by action of the Council.
B. A referral to the Ordinances and Resolutions calendar constitutes a main motion to adopt the ordinance. Amendments to an ordinance are in order during Ordinances and Resolutions. Adoption of the main motion (ordinance as amended) is in order only on the Council Action calendar.
C. Amending the ordinance or resolution may be done in two ways: 1) line-by-line, etc., or 2) by striking the entire ordinance/resolution after the title and replacing it with another entire version (this is known as a striking amendment). Line-by-line method is normally in order prior to a striking amendment unless by consent of Council. If a striking amendment is approved, the ordinance/resolution is considered automatically engrossed upon approval of the striking motion.
D. The format for line-by-line (can be section-by-section) amendments is the following:

Amendment to Ordinance XXX by Councilmember XXX

On page __, line___ after the word "_____" Strike "_____" and Insert "_____"

E. Line numbering will be used on amendment pages.
F. Words that will be struck will be typed exactly as presented in the ordinance. It is also proper to state: "Strike all language in this section and insert....," if appropriate. Insertions will be typed exactly as required in ordinance standards. Striking language is always stated before insertion.
G. In order to simplify amendments, only one strike and one insert may be put together in one amendment paragraph. The above example is one amendment paragraph. More than one amendment paragraph may be listed on a page.

H. Drafting and copying of amendments, resolutions or ordinances for the Council by City staff shall be provided only upon the request of a Councilmember, the Mayor or by formal commission or board action.

6 The Executive Branch

6.1 Mayor

The Mayor shall be the chief executive and administrative officer of the City, in charge of all departments and employees, with authority to designate assistants and department heads. The Mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter. He or she shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of City government and all City interests (see RCW 35A.12.100). Other duties include:

- Faithful performance of contracts; bonds approved/disapproved; may file lawsuits (with Council confirmation);
- Make recommendations for Council consideration and action;
- Prepare and propose a budget; may veto ordinances passed by the Council; and
- Serve as the official and ceremonial head of the City and shall represent the City on ceremonial occasions.

6.2 City Administrator

The City Administrator is the chief operating officer for the City with administrative, executive and liaison functions under the direction and authority of the Mayor as chief executive officer. Duties, powers and responsibilities are: supervise, administer and coordinate the activities and functions of the various City offices and departments in carrying out the policies of the City Council, and administer and supervise the carrying out of the decisions, regulations and policies of the various City departments and commissions; regularly report to the Mayor and City Council concerning the status of all assignments, duties, projects and functions of the various City offices and departments; serve as personnel officer for the City, including, without necessary limitation:

- The hiring and discharging (subject to the approval of the Mayor) of all City employees except those employees and officers required by state law or City ordinance to be appointed by the Mayor or elected by the voters of the City, and subject to any applicable civil service laws, ordinances or regulations;
- Supervise all purchasing by the various City offices, departments and commissions;
- Supervise all expenditures by the various City offices, departments and commissions for the purpose of keeping the same within the limitations of the annual budget of the City;
- Assist the Mayor and City Council generally in conducting the City's business in all matters; and
- Perform such other duties and assume such other responsibilities as the Mayor or City Council may direct, and as by ordinances and resolutions of the City Council may be required. (See LFPMC 2.04).

6.2.1 Role of the City Administrator

The City Administrator shall attend all meetings of the City Council, unless excused by the Mayor. Under the direction of the Mayor, the City Administrator may recommend for adoption by the Council such measures as he/she may deem necessary or expedient, prepare and submit to

the Council such reports or proposals as may be required by the body or as the City Administrator deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and, when appropriate, shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Administrator is unable to attend a Council meeting, the City Administrator, with the consent of the Mayor, shall appoint a key staff member to attend the meeting as the representative of City Administration.
During Council meetings, the Presiding Officer should rely on the City Administrator to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Administrator before final vote on important matters.

6.3 Communications to the Public are Essential

The Mayor and City Administrator shall be responsible for the City communications function, but important and/or controversial communications shall be promptly copied to Council and other responses sent to Council pursuant to Council rules of procedure.

The Mayor is responsible for accurately communicating Council legislative policies. Prior to a final policy decision by the Council, the Mayor may also express the Administration's view as regarding a specific legislative policy but must clearly identify the Administration's view as separate from Council's proposed policy. When a final policy decision has been made, the policy of the City shall be clearly communicated.

6.4 Professional Standards are Respected

Through its personnel handbook, the City of Lake Forest Park encourages its key employees to participate in professional and trade organizations. City leaders support professional government and respect the professional association standards and model documents.

6.5 Regular and Understandable Financial Reporting

The City's regular financial reports enable the Council and community to understand the City's financial condition, and are in harmony with accounting standards for governmental organizations, applicable law and municipal best practices, taking into account brevity, cogency, and clarity.

6.6 Mayor and Administration are Mindful of Risk Management

Mayor and Administration assure the Washington Cities Insurance Authority (WCIA) member compact is followed. There is an annual review of risk management with WCIA. The interlocal agreement for WCIA membership provides for WCIA settlement of claims and lawsuits in consultation with the member. The Council empowers the Mayor and City Administrator to represent the City in claims administration, and the Council should be consulted on major claims and lawsuits or settlements involving direct payment of City resources. The Council will not interfere with the claims adjudication process. The Council will conduct its business equally mindful of risk management.

6.7 Public Information is Enhanced by Audio, Video, Website & Note

The City will strive to make its proceedings as accessible to the public as possible within the budget and technology available. Video, audio and/or approved minutes of meetings are concise and are approved and posted online in as timely a manner as possible.

6.8 Correspondence

The Mayor and Council recognize the value of the City speaking with one voice and have agreed that, unless specifically otherwise determined, the Administration will prepare written responses to citizens.

The Administration will make every reasonable effort to respond to all written correspondence addressed to the Mayor and Council and copy the Council within 14 days of receipt. Response to verbal testimony by the Administration will be at the specific request of the Council.

The City Administrator will report on correspondence from the Administration between Council meetings in his/her report. Copies of such responses should be provided to the Council in their next meeting packet.

This shall not preclude individual Councilmember responses or informal responses coordinated with individual members and appropriate staff.

6.9 City Clerk - Minutes - Public Information Access

The City Clerk shall adhere to the requirements of State law (RCW 35.23.121), and shall be the ex-officio Clerk-of-the-Council. The City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer or City Administrator. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes, which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings, regular business meetings, study sessions and workshops, and quasijudicial proceedings. The Clerk shall keep, and make available, an agenda and date for each audio recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website, ideally within 48 hours after the meeting.

7 Public Participation in City Government

7.1 Public Comment Period at Business Meetings

The agenda for Council Business Meetings shall generally include a period of time known as the Public Comment Period. Within that time period, any member of the public may be recognized by the Presiding Officer and may address the full Council on any public issue – whether or not on the agenda. Unless Council determines otherwise, the Public Comment Period at a Business Meeting is reserved for comments by the public, rather than responses from the Council or the Administration.

7.2 Other Meetings with the Public Outside of City Hall

Work sessions, committee meetings and retreat meetings may provide opportunities for public comment. Opportunities for public comment will be noted on individual agendas.

7.3 Additional Avenues for Public Participation

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, Q&As, etc., as described in the City's documents and guidelines pertaining to public participation in various projects and processes.

7.4 Commissions

Lake Forest Park has adopted a volunteer commission system (detailed in LFPMC 2.22) that provides for appointed individuals to make policy, program, and budget recommendations in specific issue areas. The following Commissions have been established for public engagement and participation:

A. Planning Commission;
B. Community Services Commission;
C. Environmental Quality Commission;
D. Transportation Commission;
E. Economic Development Commission; and
F. Civil Service Commission.

8 Relationship between Council, Mayor and City Administrator, Staff and the Public

Council sets public policy to be carried out by the Administration and establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the Mayor's and the City Administrator's management of City employees or the setting of internal operating policy.

8.1 Council and Administration Roles and Responsibilities Differentiated

Leaders adhere to the separate and distinct public policy and management roles of the Council and Administration. Administrative policy and complaints are handled by the Mayor, City Administrator and Department Heads (RCW 35A.12.100); legislative policy is established by Council for enactment by City Administration (RCW 35A.11.020).

8.2 Performance-Driven Management

The Mayor reviews the City Administrator's performance annually. The City Administrator is responsible for performance reviews of subordinates.

8.3 City Attorney Is Legal Counsel to the City and Its Officials Collectively

The City Attorney is appointed by the Mayor, subject to the confirmation by a majority of the City Council, and represents the City. In that capacity, she/he provides legal advice to the Mayor the Council, the City Administrator and staff to the extent their interests coincide with the City's.

8.4 Staff Communications Encouraged

Members of the Council are encouraged to interact with City staff designated by the administration for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Councilmembers should avoid giving direction or advice to members of City staff. Councilmembers should be mindful of limited resources, and understand that larger requests for information may require additional time to fulfill. City staff should provide their supervisor with the same information shared with the Councilmember. Should the information provided relate to an actionable item on an upcoming agenda, Councilmembers should share the information with the Council.

8.5 City Administrator – Interference by Councilmembers

As provided by RCW 35A.13.120, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the Mayor or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members

shall deal with the administrative service solely through the Mayor and neither the Council nor any committee or member thereof shall give orders to any subordinate of the Mayor, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the Mayor or the City Administrator anything pertaining to appointments and removals of City officers and employees and City affairs.

8.6 Complaints to Councilmembers

When performance complaints or complaints of non-action are made by citizens about staff directly to an individual Councilmember or in a Council or committee meeting, the Council member or Council should then refer the matter directly to the Mayor for review and/or action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

8.7 Administrative Complaints - "Best Practice"

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Administrator, unless an unsatisfactory result has occurred. In that case, refer to Section 8.7 above.

8.8 Staff Provides Adequate Information for Council Legislative Policy-Setting

Good information facilitates good decisions. Given the size of the City, the Council does not have its own separate research staff. Therefore, the Administration should assure that staff time is made available to the Council so that information provided to the Council is timely and sufficient for effective decision making.

A. Information is adequate or sufficient when it provides a balanced background of the subject and gives the Council reasonable policy options and costs.
B. Factual information requested by one member should be given to all members (within reason).
C. Council will be notified in writing of delays in provision of information beyond one business meeting. This notification shall include a time line with regard to when and how a request will be handled.
D. Subject to the foregoing, the Mayor, City Administrator and staff will work in good faith to respond to requests for information as thoroughly and as promptly as possible or refer the request to the Council for guidance.
E. In the event that an information request is overly broad, the Mayor may request a narrowing of the scope of the request, and/or a reprioritization of current Council goals, which requires a majority vote of the Council.

8.9 Public Documents Ensure Open And Transparent Government

The Council and Administration will adhere to laws on public access to documents.

ORDINANCE NO. 1265

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND RELATING TO PROCEDURES FOR CITY COUNCIL MEETINGS AND AMENDING ORDINANCE NO. 1229,

WHEREAS, the Woodland City Council is required pursuant to RCW 35A.12.120 to adopt rules which relate to the City Council procedures order of business, conduct of Council meetings and such other matters properly related thereto; and

WHEREAS, the Woodland City Council has reviewed the attached Rules of Procedure and finds them to be acceptable and appropriate.

NOW, THEREFORE, be it resolved by the City Council of the City of Woodland, Washington as follows:

1. Rules of Procedure.

   The City Council adopts the attached Exhibit "A" Rules of Procedure under the Mayor/Council form of government. For decision points of order, the City shall be governed by the most recent edition of Roberts Rules of Order, a copy of which is maintained in the office of the Woodland City Clerk Treasurer.

2. Best Efforts

   These Rules of Procedure are designed to assist in the orderly conduct of City Council business. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, its agents and employees nor shall the same result in any invalidation of City Council action.

Adopted this 3rd day of June, 2013.

Grover B. Laseke, Mayor

Attest:

~~Georgina D. Anderson, Deputy~~ Clerk-Treasurer

Approved as to form:

William Eling, City Attorney

EXHIBIT A

Woodland City Council Rules of Procedure

Adopted by: Ordinance No. 1265

These rules shall be considered the Rules of Procedure for the City of Woodland City Council operating under the Mayor/Council form of government. For decisions on points of order, the City shall be governed by the most recent edition of Roberts Rules of Order, a copy of which is maintained in the office of the Woodland City Clerk Treasurer.

1. GENERAL RULES

1.1 **Meetings to Be Public:** All meetings of the Council shall be open to the public with the exception of executive sessions as defined in RCW Chapter 42.30.110.

1.2 **Respect and Decorum**: It is the duty of the Mayor and Council members to maintain dignity and respect for their offices, city staff and the public. While the Council is in session, the Council members shall preserve order and decorum and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any member while speaking. All persons present at the meeting of the Council have an obligation to obey the legitimate orders of the presiding officer.

Any person making disruptive, disparaging or impertinent remarks or unreasonably disturbing the business of the Council, either while addressing the Council or attending its proceedings, shall be asked to leave the meeting. Continued disruptions may result in a recess or adjournment.

Transgression. The Council has the power under state law to impose punishment on its members, short of removal of office, for violation of state law or Council rules.

If a member of the Council shall transgress these rules, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the presiding officer shall transgress these rules or fail to call such member to order, any other member of the Council may, under a point of order, call the presiding officer or such other member to order, in which case the presiding officer or such member, as the case may be, shall be silent except to explain or continue in order. By a majority vote, the council can impose additional sanctions which may include a verbal admonition, written reprimand, censure, expulsion from the meeting at which the conduct is occurring,

removal of the Council member from the Council committee chair positions or committee memberships, or removal of intergovernmental duties. Expulsion for such behavior in the Council's presence shall require the affirmative vote of a majority of the Council, specifying in the order of expulsion the cause for the expulsion.

Quorum: At all meetings of the Council four (4) Council members, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered a regular meeting for all purposes.

1.3 **Attendance, Excused Absences**: A Council member shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. RCW 35A.13.020 and 35A.12.060.

Members of the Council may be excused from a meeting by contacting the Mayor prior to the meeting and stating the reason for his/her inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the City Clerk Treasurer or Deputy Clerk Treasurer, who shall convey the message to the Mayor. The Mayor shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the appropriate notation will be made in the minutes. If the motion is not passed or the above procedure is not followed, the minutes will reflect that the absence is unexcused.

1.4 **Attendance of City Staff**: The City Attorney, Clerk Treasurer or Deputy Clerk Treasurer, Fire Chief, Police Chief, Public Works Director and the Community Development Planner shall attend all regular meetings of the City Council unless excused by the Mayor. Staff attendance at Special meetings and/or worksessions will be at the discretion of the Mayor or per contracts. The City Attorney, upon request, from the Mayor or Council, shall give an opinion on legal questions. The City Clerk Treasurer shall keep the minutes of Council, record all Council votes and actions and perform such other duties as necessary for the orderly conduct of the meeting.

1.5 **Attendance of Media at Council Meetings**: All meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic equipment at any time; provided that if such recording interferes with the orderly conduct of the meetings the

Mayor may make such orders as necessary. The Mayor or presiding officer shall designate a space in the meeting room from which such recording activity may take place and the Council reserves the right to adopt by motion additional rules and procedures applicable to a meeting in progress. See RCW 42.30.040.

1.6 **Recording of Meetings**: All meetings of the City Council held in the Woodland City Hall, except Executive Sessions, Special meetings and those worksessions in which the public notice states that no action will be taken, shall be recorded by the City Clerk Treasurer on an audio recording device, unless otherwise authorized by law and a majority vote of Council. Written minutes shall be taken as required by Washington statute.

1.7 **Council Representation:** If a Councilmember appears on behalf of the City before another government agency, community organization, or through the media, for the purpose of commenting on an issue, the Council member 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 Council member clearly states these statements do not represent the majority Council's position. Council members, when serving as a Woodland 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 Woodland finances, the level of service provided in Woodland, or are issues of significant policy shall be reported back to the Woodland Council for feedback and potential authorization before taking action.

1.8 **Telephonic Appearance by Council Members:** Council members may appear at a Council meeting via telephone under limited circumstances. Telephonic appearances are for the benefit of the City of Woodland and not for the benefit of an individual Council member. Telephonic appearances may occur as follows:

(a) The Mayor or presiding officer may approve a Council member's appearance at a Council meeting via telephone when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy *and* one of the following circumstances exists:

i. Due to fire, flood, earthquake, or;
ii. City or State emergency where there is a need for action by the governing body

(b) In the event that subsection 1.8(a) of Section 1 of the Woodland City Council Rules and Procedures has been satisfied and more than one Council member is absent, reasonable efforts shall be given to provide all

absent members an opportunity to appear via telephone. In no event shall the presiding officer approve a Council member's telephonic appearance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone equipped with a speakerphone function capable of broadcasting the Council member's voice attending via telephone clearly and sufficiently enough to be heard by those in attendance at the meeting. The telephone must allow the Council member to take and answer questions as posed from time to time.

(c) During any meeting that a Council member is attending via telephone, the Mayor or presiding officer shall state for the record that a particular Council member is attending via telephone and the reasons for such attendance.

(d) Council members appearing via telephone may participate and vote during the meeting as if they were physically present at the meeting.

(e) Council members appearing via telephone shall comply with all rules and procedures as if they were physically present at the meeting.

2. TYPES OF MEETINGS

2.1 **Regular Council Meetings**: The Council shall meet regularly on the first and third Mondays of each month beginning at 7:00 p.m. and adjourning no later than 10:00 p.m. No meeting shall be permitted to last beyond 10:00 p.m. without the approval of a majority of the Council members present. A new time limit must be established before taking a Council vote to extend the meeting. In the event a meeting has not been closed or continued by Council the items not acted on shall be deferred to the next regular meeting, unless the Council, by a majority vote of members present, determines otherwise. If at any time the date of such meeting falls on a legal holiday, the council shall meet in regular session on the next day following such legal holiday. All regular meetings of the City Council shall be held at the location specified in WMC 2.04.050.

2.2 **Special Meetings**: Special meetings may be called by the Mayor or by a majority of the members of the City Council by delivering personally or by mail written notice to each member of the Council and to the Mayor if called by members of the Council, at least twenty-four hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. WMC 2.04.060.

2.3 **Study Sessions and Workshops**: The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or by a majority of the members of Council, to review forthcoming

programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the Council. Study session and Workshops remain subject to notice and publication requirements per RCW 42 Open Public Meetings Act.

2.4 **Executive Sessions**: Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meeting Act (RCW 42.30.110). Among the topics that may be discussed are: (1) personnel matters; (2) consideration of acquisition of property for public purposes or sale of city-owned property; and (3) potential or pending litigation in which the city has an interest, as long as legal counsel is present in person or by phone as provided in the Revised Code of Washington. The Council must keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. The Council may hold an executive session during a regular or special meeting. Before convening in executive session the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded.

3. CHAIR AND DUTIES

3.1 **Chair**: The Mayor, when present, shall preside as Chair at meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of the Mayor and Mayor Pro Tem the Council shall elect a Chair.

3.2 **Call to Order**: The meetings of the Council shall be called to order by the Mayor or in his/her absence, the Mayor Pro Tem shall preside. In the absence of the Mayor and Mayor Pro Tem, the meeting shall be called to order by the City Clerk Treasurer or Clerk Treasurer's designee for the election of a temporary Chair.

3.3 **Points of Order**: The Chair with the assistance of the City Attorney shall determine all points of order, subject to the right of any member to appeal to the Council.

3.4 **Substitution for Chair**: The Chair may call upon the Mayor Pro Tem or any other member to temporarily chair the meeting.

3.5 **Presiding Officer – Powers**: The Mayor shall have the powers set forth in RCW 35A.12. In addition to RCW 35A.12 powers, the Chair shall have the powers of the Chair as set forth in Roberts Rules of Order when those powers are not inconsistent with the rules and procedures set forth herein.

When the Mayor is unable to act as Chair and the Mayor Pro Tem, or, his or her successor acts as Chair, the Mayor Pro Tem's or successor's right to vote on matters coming before the council at that meeting are not abridged and his or her vote shall be counted.

4. PRIVILEGES OF MAYOR AND COUNCILMEMBERS

4.1 **Forms of Address**: The Mayor shall be addressed as "Mayor (surname)." "Your Honor," or Mr./Madam Mayor. Members of the Council shall be addressed according to their preference as "Council member (surname)," "Councilor (surname)," or Mr./Mrs./Miss/Ms. (surname). First names shall not be used in the Council Chamber.

4.2 **Seating Arrangements**: The Mayor shall sit at the center of the Council. Council members are to be seated in order by their position number.

5. COUNCIL ORDER OF BUSINESS AND AGENDA

5.1 **Order of Business**: The order of business for all regular meetings shall be transacted as follows unless the Council, by a 2/3 vote of the members present, suspends the rules and changes the order:

(1) Call to order. The Mayor calls the meeting to order.
(2) Pledge of Allegiance. The Mayor leads the flag salute.
(3) Roll Call. The City Clerk Treasurer calls the roll of the Council. Council members may make a motion to excuse absent Council members.
(4) Presentations, Proclamations
(5) Citizens Communications for Items not on the Agenda
(6) Citizens Communications for Items on the Agenda
(7) Agenda Approval
(8) Public Hearings and Hearings on petitions, appeals, ordinances, etc.
(9) Reports of City Officers – First meeting of the month
(10) Reports of Standing Committees – First meeting of the month
(11) Reports of Ad Hoc Committees – First meeting of the month
(12) Consent Agenda
(13) Action Items
(14) Adjournment

The Consent Agenda may contain items which are of routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, vouchers, claims. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Council member. Items may be moved from the Action

Agenda to the Consent Agenda upon approval of a majority of the council present under Agenda Approval.

6. PREPARATION OF AGENDA

6.1 **Staff Duties:** The City Clerk Treasurer, under the direction of the Mayor, will prepare the agenda for each Council meeting setting forth a brief description of each item and any supporting documentation to be considered by the Council. The agenda prior to submission to the Council shall be reviewed by the Chair.

6.2 **Agenda Items**: An item to be considered by the City Council at a regular meeting may be placed on the agenda by the Mayor, Clerk Treasurer or any member of Council. Agenda items should be vetted through one of the city council standing committees or a council workshop before being placed on the agenda.

6.3 **Timing of Preparation:** The preliminary agenda will be e-mailed to all members of Council 5:00 p.m. on Tuesday prior to the following Monday evening Council meeting. The deadline for agenda item submission shall be 12:00 p.m. Wednesday. The agenda will be put in final form by 5:00 p.m. Wednesday prior to the following Monday evening Council meeting. Agendas will be distributed via e-mail on Wednesday and hard copies placed in boxes to the City Council and City Staff by 5:00 p.m. Thursday. In addition the agenda shall be posted on the city's website no later than 5:00 p.m. Wednesday. If there is a holiday the week of agenda preparation, the deadlines all move forward one business day.

7. WRITTEN CORRESPONDENCE WITH THE COUNCIL

7.1 **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 Woodland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential.

One concern is application of the appearance of fairness doctrine to correspondence addressed to 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.

Correspondence of an Information only Nature – Correspondence which is purely of an informational nature and which does not require a response or action will be placed in the Council member's box location at the City Hall Annex.

Routine Requests – items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be placed in the Councilmembers mailbox and/or emailed. A brief staff memorandum or note should accompany each letter explaining the request and recommending a course of action or which department is replying or taking action.

Significant Correspondence – Written correspondence which obviously requires some Council discussion, is of policy nature or for which a non-routine official action or response is required, shall be placed on the next regular Council agenda (keeping agenda deadlines in mind), either under Reports of City Officers or Action Items, and shall be accompanied by backup information as are all other agenda items. Some items will be routed through Council Committees as appropriate for Committee recommendation before coming to the entire council for review.

Correspondence Directly Related to Quasi-Judicial Hearing Matters – Copies of such correspondence shall not then be included with the agenda materials, but shall be placed directly into the appropriate hearing file, so that the contents of the quasi-judicial file will be only circulated to City Council members at the time that the matter comes before the City Council for a quasi-judicial hearing, and as part of the hearing exhibits. A note to the council will be put in the Council mailboxes and/or emailed identifying the application/proceeding, date received and author or party.

8. VOTING AND MOTIONS

8.1 **Voting**: Votes during Council meetings shall be conducted as follows:

a. All votes shall be taken by roll call and recorded by the City Clerk Treasurer
b. Each Council member shall vote on all questions and matters before the Council, unless a conflict of interest or appearance of fairness disqualifies the member.

In accordance with RCW, the Mayor does not participate in Council votes, unless it becomes necessary to a break a tie vote. The Mayor shall not break a tie Council vote involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or the payment of money.

Tie Vote – Ordinance, Grant or Revocation of Franchise, Resolution for the Payment of Money: A tie vote, [3-3, 2-2] for an ordinance, a grant or revocation of a franchise or license, or a resolution for the payment of money, shall not be deemed the final action on the matter. If the matter has resulted in a tie vote, any Councilmember at the next scheduled regular meeting of the City Council, without regard to whether the Councilmember attended or did not attend such previous meeting, may make a motion to add the matter to the action item agenda and have the council consider it. If no motion is made to add the matter to the action item agenda, the vote of the Councilmembers at the prior meeting is deemed final, and the matter fails. When a vote has ended in a tie, the Clerk Treasurer shall note on the next scheduled regular meeting agenda that the motion from the previous meeting had ended in a tie.

Tie Vote – Not involving Ordinance, Grant or Revocation of Franchise, Resolution for the Payment of Money: Whenever there is a tie vote [3-3, 2-2], *not involving* an ordinance, a grant or revocation of a franchise or license, or a resolution for the payment of money, the Mayor, pursuant to RCW 35A.12.100, is authorized to vote and break a tie.

Vote – Votes Requiring an Affirmative Vote of a Majority of the Whole Membership of the Council: Pursuant to RCW 35A.12.120, four or more Councilmembers must cast an affirmative vote to pass an ordinance, to grant or to revoke a franchise or license, or to pass a resolution for the payment of money, otherwise the motion fails. In a meeting in which one or more council members are absent and in which the total affirmative votes are three with five or six council members present or two affirmative votes with four council members present, the Clerk Treasurer shall note on the next scheduled regular meeting agenda that the motion from the previous meeting had ended without sufficient affirmative votes. If the matter ended with three affirmative votes with five to six council members present or two affirmative votes with four council members present, any Councilmember may make a motion to add the matter to the action item agenda and have the council consider it, provided all seven council members are in attendance. A council member is authorized to make this motion, without regard to whether the Councilmember attended or did not attend such previous meeting and without regard to whether the Councilmember voted with the majority on the principal question at the previous meeting. If no motion is made to add the matter to the action item agenda at the following meeting, the vote at the previous meeting is deemed final and the matter fails.

8.2 **Motions:** Motions shall be clear and concise and shall not include arguments for the motion within the motion. If a motion does not receive a second it dies. Motions that do not need a second include: questions of

privilege, orders of the day, points of order, objecting to the consideration of the question, parliamentary inquiries, and points of information.

After a motion and a second, the Chair shall state the names of the Council members making the motion and second and Council will be given the opportunity to discuss their opinions on the issue prior to the vote. No further citizen comments without Council request or permission may be heard once a motion and second is on the floor without a suspension of the rules.

Motions for items not related to an item on the agenda may be considered by the council if the matter is an emergency or action cannot wait until the next regular council meeting. Motions that do not fit this criteria will automatically be placed on the agenda for the next meeting.

A motion may be withdrawn by the maker of the motion at any time if there is no objection from any member of Council.

A motion to table requires a second and is not debatable. If a motion to table prevails, the chair shall move to the next item on the agenda. A tabled motion can be taken from the table at the same meeting or at the next regular meeting. Any Council member may move to remove the item from the table for consideration. Such a motion requires a second and a majority vote of those present and is not debatable. If an item is not removed from the table by the end of the next regular meeting, it shall be considered expired.

A motion to postpone to a certain time requires a second is debatable, is amendable, and may be reconsidered at the same meeting or a future meeting. The question being postponed must be considered at that later time.

A motion to call for the question shall close debate on the main motion and is non-debatable. This motion must receive a second and fails without a 2/3 vote of those present. (If 7 Council members are present, then 5 must vote in the affirmative to meet this 2/3 requirement.) Debate is reopened if the motion fails.

A motion to amend is defined as amending the motion that is on the floor and has been seconded, by inserting or adding, striking out, or substituting.

The motion maker, the Mayor, or the City Clerk Treasurer should repeat the motion prior to voting. At the conclusion of any vote, the Chair shall inform the Council of the results of the vote.

8.3 **Requests for Written Motions**: Motions shall be reduced to writing when required by the Chair or any member of the Council. All resolutions and ordinances shall be in writing.

8.4 **Disqualification/Abstentions**: Any Council member who is disqualified from voting on a matter shall not participate in the debate. The Council member shall state the reason for the disqualification before abstaining from the vote.

8.5 **Motions to Reconsider**: Except in those circumstances described in section 8.1, a motion to reconsider must be made by a councilmember who voted with the majority on the principal question and must be made either at the same meeting at which the vote sought to be reconsidered was taken or at the next scheduled regular meeting. Councilmembers wishing to have a matter reconsidered must notify the Clerk-Treasurer in time for the reconsideration to be listed on the agenda as per section 6 of these rules.

Notwithstanding the preceding language, a motion to reconsider a quai-judicial decision after the close of testimony is prohibited and is out of order. The Rules shall not be suspended to allow for reconsideration whenever the Council is acting in a quasi-judicial capacity. The Council reserves the right to enact rules specific to quasi-judicial hearings.

8.7 **Questions of Interpretations**: The City Attorney shall decide all questions of interpretations of these policies and procedures and all other questions of parliamentary nature to the best of his/her abilities, which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by the most recent version of Robert's Rules of Order. In the event of a conflict, these policies and procedures shall prevail.

9. RESOLUTIONS AND ORDINANCES

9.1 **Review by City Attorney:** All Resolutions and Ordinances shall be reviewed and finalized by the City Attorney before appearing on the agenda.

9.2 **Procedure:** Ordinances shall generally require two readings. The first reading will consist of a staff presentation and may include Council discussion. The second reading will occur at a subsequent meeting. First & Final Reading are allowed pursuant to WMC 1.01.110 if declared necessary by the Mayor or presiding officer.

9.3 **Dissents & Protests:** Any Council member shall have the right to express dissent from or protest any ordinance or resolution of the Council and have the reason therefore entered into the minutes.

9.4 **Format of Ordinances and Resolutions**: Resolutions and Ordinances shall be in a format determined by the City Clerk Treasurer including numerical identification. No Ordinance or Resolution shall contain more than one subject which shall be clearly stated in the title. No Resolution or Ordinance shall be amended unless the amendment sets forth each modified section in full. Resolutions and Ordinances shall be signed by the Mayor and attested to by the City Clerk Treasurer. The City Attorney shall sign all Resolutions and Ordinances to approve the form.

10. PUBLIC TESTIMONY AND HEARING PROCEDURES

10.1 **Sign-In**: Prior to the start of a public hearing the Chair may ask that all persons wishing to speak sign their name, address, and indicate whether they wish to speak as a proponent, opponent or from a neutral position. Any person who fails to sign in shall not be permitted to speak until all those who have signed in have given their testimony. The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc).

10.2 **Timing; Representation**: The City Council will take public testimony during a public comment period. Persons appearing before the Council should limit their comments to five (5) minutes. Where an organization is appearing before the City Council, it should designate a representative to speak on behalf of its members.

10.3 **The Public Hearing Process:** The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order:

1. All comments by proponents, opponents, or other members of the public shall be made from the podium; any individual making comments shall first give their name and address.

2. No comments shall be made from any other location. Anyone making "out of order" comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the chair.

3. There shall be no demonstrations (i.e. applause) during or at the conclusion of anyone's presentation.

4. These rules are intended to promote an orderly system of holding a public hearing, giving every person an opportunity to be heard ensuring that no individual is annoyed or embarrassed by exercising his/her right of speech.

The Chair may call City Staff to describe the matter under consideration.

The Chair calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.

The Chair inquires as to whether any Council member has questions to ask the proponents, opponents, speakers or staff. If any Council member has questions the appropriate individual will be recalled to the podium.

The Chair continues the public hearing to a time specific or closes the public hearing.

10.4 **Quasi Judicial Hearings**: Except as provided in Section 8.5, the Council reserves the right to adopt specific rules for quasi-judicial hearings in a separate resolution or ordinance.

1. The Chair shall announce the matter for consideration and ask Council members to indicate any ex parte oral or written communications with a party, conflicts of interest or any appearance of fairness issues. After all disclosures are made, the Chair will ask if any party to the quasi judicial matter desires to challenge or request a Council member abstain from the decision on the matter. The challenge shall be placed on the record.

11. DUTIES AND PRIVLEGES OF CITIZENS:

11.1 **Meeting Participation**: Citizens are welcome at all Council meetings and are encouraged to attend and participate. Recognition of a speaker by the Chair is a prerequisite for an orderly and effective meeting, be the speaker a citizen, Council member, or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers. Citizens addressing the City Council are expected to follow the same general rules of decorum as outlined in Section 10.3.

11.2 **Subjects Not on the Current Agenda:** Under agenda items "Citizens Communications for Items Not on Agenda" citizens may address any item they wish to discuss with the Mayor and Council within the jurisdiction and competence of the City of Woodland. They shall first obtain recognition by the Chair, state their name, address, and the subject of their comments. The Chair shall then allow the comments, subject to a five (5) minute limitation per speaker, or other limitations as the Chair or Council may deem necessary.

11.3 **Subjects on the Current Agenda:** Any member of the public who wishes to address the Council on an item on the current agenda shall make

such request to the Chair under Citizen Communications for Items ON the agenda. All comments shall be limited to five (5) minutes per speaker, or other limitations as the Chair or Council may deem necessary.

11.4 **Manner of Addressing The Council – Time Limit**: Each person addressing the Council shall step up to the speaking table, give his/her name and address in an audible tone of voice for the record. Unless further time is granted by the Council, shall limit his/her remarks to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Chair, members of Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Council members, except through the Chair.

11.5 **"Out of Order Comments"**: Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, disparaging, or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Council Chambers.

12. FILLING COUNCIL VACANCIES AND SELECTING MAYOR PRO TEM

12.1 **Notice of Vacancy:** If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 35A.12.050. In order to fill the vacancy with the most qualified person available until an election is held, the Council will distribute and publish a notice of the vacancy, the procedure and deadline for applying for the position.

12.2 **Application Procedure:** The Council will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Council member.

12.3 **Interview Process:** All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of interview will be determined by drawing the names; in order to make the interviews fair, applicants will be asked to remain outside the Council Chambers while other applicants are being interviewed. Applicants will be allowed two (2) minutes to make an opening statement to Council. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Council member during the interview process. The Council members will ask the same questions of each

candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

12.4 **Selection of Council member:** The Council may recess into executive session to discuss the qualifications of all candidates. Interviews of candidates will be conducted in the open public meeting, not in Executive Session. Nominations, voting and selection of a person to fill a vacancy will be conducted during an open public meeting.

12.5 **Selection of Mayor Pro Tem**: The Mayor Pro Tem will be selected by the Council members. Biennially at the first meeting of a new Council, or periodically specified by the Council to serve in the absence of the Mayor. Council members may each nominate one person for Mayor Pro Tem. Nominations require a second. Each Council member shall be given the opportunity to submit a nomination for Mayor Pro Tem. After all nominations are made, the Mayor will call for a vote on the nominations in the order that they were made. As soon as one nominee receives a majority vote of four (4) votes of the Council, that Council member will be declared the Mayor Pro Tem. No votes will be taken on the remaining nominees. WMC 2.04.040

12.6 **Removal of Mayor Pro Tem:** The Mayor Pro Tem may be removed from office upon a vote of four (4) Council members.

13. SUSPENSION AND AMENDMENT OF RULES

13.1 **Suspension of These Rules**: Any provision of these rules may be temporarily suspended by a 2/3 vote of the City Council.

13.2 **Amendment of These Rules**: These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

SUMMARY OF ORDINANCE NO. 1265
OF THE CITY OF WOODLAND, WASHINGTON

On June 3, 2013 the City Council of the City of Woodland, Washington, approved Ordinance No. 1266 the main point which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND WASHINGTON RELATING TO PROCEDURES FOR THE CITY COUNCIL MEETINGS AND AMENDING ORDINANCE NO. 1229 AND APPROVING AN ORDINANCE BY SUMMARY FOR PUBLICATION AS MORE PARTICULARLY SET FORTH HEREIN.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting on 3rd day of June, 2013.

Mari E. Ripp

Mari E. Ripp, Clerk-Treasurer

Published: July 10, 2013
Effective: July 17, 2013