

City Of Woodland
City Council Meeting Agenda Summary Sheet

Agenda Item: Ordinance 1265 – Council Rules & Procedures, amending Ord 1229 (FIRST READING will be on 5/6/2013)

Agenda Item #: Workshop

For Agenda of: 04/15/2013

Department: Mayor

Date Submitted: 04/10/2013

Cost of Item: _____

Amount Budgeted: _____

Unexpended Balance: _____

BARS #:

Description:

Department Supervisor Approval: Grover B. Laseke, Mayor /s/

Committee Recommendation: _____

Agenda Item Supporting Narrative (list attachments, supporting documents):

Ordinance 1229

Recommended updates to City Council Rules 4-8-13

Summary Statement/Department Recommendation:

ORDINANCE NO. 1229

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
RELATING TO PROCEDURES FOR CITY COUNCIL MEETINGS AND
AMENDING ORDINANCE NO. 1180,**

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 6th day of February, 2012.

Grover B. Laseke, Mayor

Attest:

Georgina D. Anderson, Deputy Clerk-Treasurer

Approved as to form:

William Eling, City Attorney

Recommendations for updating (original from 3-16-13 retreat)

EXHIBIT A

Woodland City Council Rules of Procedure

Adopted by: Ordinance No. 1229

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 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.

Council Representation

If a Council member 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.

- 1.3 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 those 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.

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 standard city council committees 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 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 on 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 or referred to one of the standing council committees for action.

A motion may be withdrawn by the maker of the motion with concurrence of the person who seconded the motion, at any time if there is no objection from any member of Council.

A motion to table requires a second, is debatable except that such debate shall not debate the issue under consideration. If a motion to table prevails, the Chair shall move to the next item on the agenda. A tabled item can be reconsidered 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 an item requires a second and a majority vote of those present. If the 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.

Notwithstanding the preceding language, a motion to reconsider a quasi-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.

Language needs to be added that clarifies the process for motion to reconsider.

- 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.

This section needs to be better enforced by the mayor.

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 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).

This section should include language that it is applicable to not only public hearings but also citizen comments during council meetings.

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:

Recommended updates to City Council Rules 4-8-13

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.

Mayor needs to better enforce this provision.

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.
5. *During council meetings citizens will not distract or interrupt the meeting by carrying on cell phone conversations, talking, exclamations or any behavior that in the opinion of the chair, distracts from or disrupts the meeting.*

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 PRIVILEGES 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.
- 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. 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.

Additional Rules for consideration (added 4-8-13):

City Council Committee Tasks & Responsibilities

Participation at meetings by teleconference or electronic means

ORDINANCE NO. 1229

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
RELATING TO PROCEDURES FOR CITY COUNCIL MEETINGS AND
AMENDING ORDINANCE NO. 1180,**

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 6th day of February, 2012.

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. 1229

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 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.

Council Representation

If a Council member 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.

- 1.3 **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 those 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.

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 standard city council committees 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 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 on 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 or referred to one of the standing council committees for action.

A motion may be withdrawn by the maker of the motion with concurrence of the person who seconded the motion, at any time if there is no objection from any member of Council.

A motion to table requires a second, is debatable except that such debate shall not debate the issue under consideration. If a motion to table prevails, the Chair shall move to the next item on the agenda. A tabled item can be reconsidered 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 an item requires a second and a majority vote of those present. If the 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.

Notwithstanding the preceding language, a motion to reconsider a quasi-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.

Language needs to be added that clarifies the process for motion to reconsider.

- 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.

This section needs to be better enforced by the mayor.

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 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).

This section should include language that it is applicable to not only public hearings but also citizen comments during council meetings.

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:

Recommended updates to City Council Rules 4-8-13

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.

Mayor needs to better enforce this provision.

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.
5. *During council meetings citizens will not distract or interrupt the meeting by carrying on cell phone conversations, talking, exclamations or any behavior that in the opinion of the chair, distracts from or disrupts the meeting.*

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 PRIVILEGES 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.
- 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. 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.

Additional Rules for consideration (added 4-8-13):

City Council Committee Tasks & Responsibilities

Participation at meetings by teleconference or electronic means