

**CITY OF REDMOND  
RESOLUTION NO. 1485**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE COUNCIL RULES OF PROCEDURE TO ADDRESS PUBLIC PARTICIPATION RELATED TO CANDIDATES AND BALLOT PROPOSITIONS/MEASURES; THE USE OF ELECTRONIC COMMUNICATIONS/MEDIA/APPLICATIONS DURING COUNCIL MEETINGS; AND OTHER MISCELLANEOUS PROCEDURAL ITEMS

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WHEREAS, the Redmond City Council adopted Rules of Procedure on August 18, 2015; and

WHEREAS, members of the Council have expressed their desire to amend these Rules of Procedure to add provisions related to the use of the public forum as it relates to RCW 42.17A.555, which prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office; and

WHEREAS, members of the Council have expressed their desire to amend these Rules of Procedure to add provisions related to the proper use of electronic communications/media/applications during Council meetings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Amendment of Rules of Procedure. The Council Rules of Procedure are hereby amended, as shown in Exhibit 1 to this resolution.

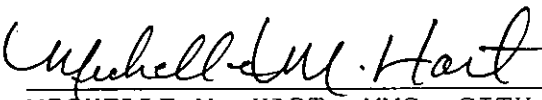
Section 2.      Document History Amended. This amendment shall be noted by date, and titled "Amendment No. 1," and shall be reflected in the amendment history of the Council Rules of Procedure.

ADOPTED by the Redmond City Council this 21<sup>st</sup> day of November, 2017.

APPROVED:

  
\_\_\_\_\_  
JOHN MARCHIONE, MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

FILED WITH THE CITY CLERK:      November 7, 2017  
PASSED BY THE CITY COUNCIL:      November 21, 2017  
RESOLUTION NO: 1485

YES: BIRNEY, CARSON, MARGESON, MYERS, STILIN

# REDMOND CITY COUNCIL



# RULES OF PROCEDURE

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## PREFACE

The City of Redmond is a non-charter code city governed by RCW 35A.12 and the Redmond Code of Ordinances. The Council of any code city organized under the mayor-council plan of government provided in this chapter shall have the powers and authority granted to the legislative bodies of cities governed by this title, as more particularly described in chapter 35A.11 RCW. The following Rule of Procedure are adopted for the sole benefit of the members of the City Council in order to assist in the orderly conduct of Council business, to ensure their presence at all times during business meetings, and are enforceable only by the Members of the Council themselves. The City Council's failure to adhere to or otherwise follow these rules shall not result in any liability to the City, its officers, employees or agents, and shall not result in the invalidation of any Council act. The City Council may, implicitly or by majority vote, determine to temporarily waive any of the provisions herein. Council action taken in disregard of or nonconformity with these rules shall be construed as an implicit waiver thereof.

## I. NAME

- A. The name of the body subject to this Rules of Procedure document is the Redmond City Council.

## II. PURPOSE

- A. The members of the City Council shall establish rules for its proceedings. The order of procedure and business herein contained shall govern deliberations and meetings of the City Council except as the same may be in conflict with RCW Chapter 35A.12.

## III. MEMBERS AND OFFICERS

### A. Members.

1. **Eligibility to Hold Office.** No person shall be eligible to hold elective office under the mayor-council plan of government unless the person is a registered voter of the city at the time of filing his or her declaration of candidacy and has been a resident of the city for a period of at least one year next preceding his or her election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or council member shall hold within the city government no other public office or employment except as permitted under the provisions of chapter 42.23 RCW. (*RCW 35A.12.030*)
2. **Terms of Members.** Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the councilmembers shall be elected for four-year terms of office and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. At any first election upon reorganization, councilmembers shall be elected as provided in RCW 35A.02.050. Thereafter the requisite number of councilmembers shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. The mayor and councilmembers shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.
3. **Attendance of Members.** All members are required to attend all regular meetings of the Council, unless otherwise noticed and excused by majority of the Council.

4. **Vacancies.** The office of council member shall become vacant if the person who is elected or appointed to that position fails to qualify as provided by law, fails to enter upon the duties of that office at the time fixed by law without a justifiable reason, or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of mayor or in the council shall be filled as provided in chapter 42.12 RCW. An incumbent council member is eligible to be appointed to fill a vacancy in the office of mayor.
5. **Vacancies for Nonattendance.** A council position shall become vacant if the council member fails to attend three consecutive regular meetings of the council without being excused by the Council.

## **B. Officers**

### **1. President.**

- a. Biennially, and also whenever the position comes vacant, the Council shall elect from its members a President, who shall guide Members of the Council with respect to policy of the Council when appropriate.
- b. Duties of the President.
  - i. To provide leadership to the Council. The President shall develop a decision-making process on major issues that will focus Council direction and facilitate discussions.
  - ii. To work with the Administration to schedule Council meetings, set agendas, and determine topics for study sessions.
  - iii. To establish biennial Council Committees and to recommend committee assignments to the Mayor and Council. These assignments should consider members' requests, individual strengths, and experience. Committees should also avoid identical memberships.
  - iv. To establish a biennial calendar of Ombudsperson for each month of the respective biennium.
  - v. To represent the Mayor and Council at functions or find another member to fill the assignments.
  - vi. To represent to the Mayor and staff, both formal and informal positions of the Council and be an advocate for the Council's position.
  - vii. To receive and answer correspondence to the Council. Routine items such as requests for information or thank you notes do not require Council approval. However, correspondence that states an opinion or direction of the Council will first be reviewed with the Mayor and Council prior to the release of the letter.
  - viii. The President may act as a spokesperson for the Council with the consent of the Council.

- ix. To lead in the planning and coordination efforts for the annual retreat.
- x. To track items that are referred to committee by the Council or such other items on which the Council requests follow-up actions.
- xi. To plan and lead periodic Council study sessions that are for discussion of the policy or other items as requested by the Council. The President may also designate another member of the Council to lead various discussions of the Council as may be appropriate.

## 2. Vice-President

- a. Biennially, and also whenever the position comes vacant, the Council shall elect from its members a Vice-president, who shall act in the absence of the President and assist the President in his/her duties.
- b. RCW 35A.12 provides that a Council member, selected by a majority of the Council, will preside at a Council meeting when both the Mayor and Council President are absent. The person designated for this role is the Vice-president of the Council.

## 3. Mayor Pro-Tem

- a. Resolution No. 789, adopted February 21, 1989, designates the Council President to serve as Mayor Pro Tempore in the Mayor's absence.

# IV. MEETINGS

**A. Meetings Public.** All regular and special meetings of the Council shall be open to the public. The Council may hold executive sessions from which the public may be excluded for those purposes set forth in RCW 42.30.110 (Open Meeting Law), may order the removal of individuals who are interrupting the meeting as provided in RCW 42.30.050.

## B. Voting.

- 1. **Quorum – Absent Members.** A majority of the members of the Council shall constitute a quorum at all meetings of the Council, but a less number may adjourn from time to time. Once a meeting has been constituted and called to order, no member present shall absent himself from the same without leave of the presiding officer or a majority of the Council.
- 2. **Passage of Ordinances, Grants or Revocations of Franchise or License, and any Resolution for the Payment of Money.** Shall require the affirmative vote of at least a majority of the whole membership of the Council.
- 3. **Conflict of Interest.** Each member present must vote on all questions put to the Council, except as to matters with respect to which the council member may



have a conflict of interest or where voting by the Council member would violate the appearance of fairness doctrine. Where a Council member has a conflict of interest or where voting by the Council member would violate the appearance of fairness doctrine, the remaining members of the Council may, by majority vote, compel the Council member to recuse himself or herself from participating in the proceedings or vote. On the passage of every ordinance or resolution, on the appointment of any officer, and upon the award of any bid, the vote shall be taken by ayes and nays and entered in full upon the record. The vote shall be for or against the pending ordinance or resolution, and not on the report submitted thereon.

4. **Tie Votes.** In case of a tie vote on any question, the question shall be considered lost subject to the authority of the Mayor to cast a tie-breaking vote as provided in RCW 35A.12.100. Members abstaining because of a conflict of interest shall be recorded as not having voted.
  5. **Recording of Votes.** The Clerk shall keep a correct journal of all proceedings and, at the desire of any member, the ayes and nays shall be taken on any question and entered in the journal.
- C. **Debate Limited.** No member shall speak more than twice on the same subject without permission of the presiding officer.
- D. **Questions of Order.** All questions of order shall be decided by the presiding officer of the Council, with the right of appeal to the Council by any member.
- E. **Meeting Participation via Teleconference, Video Conference, or Other Electronic Means**
1. Council members may attend regular meetings, special meetings, study sessions and committee meetings by telephone, by video conference, or by other electronic means. Only one Council member per meeting may attend in this manner. Council members may attend telephonically, or by video conference, or by other electronic means each type of meeting (plus each committee served upon) once per calendar quarter; provided, that this limitation shall not apply when a Council member is absent for medical reasons.
  2. Notice of attendance by telephone, video conference, or other electronic means must be provided to the City Clerk's Office not less than forty-eight hours before the scheduled start time for the meeting. The City Clerk or designee shall immediately advise the presiding officer of the proposed participation. If more than one Council member wishes to attend a meeting in this manner, the first Council member to notify the City Clerk's Office shall be the one permitted to so attend.
  3. At any meeting where a Council member is attending by telephone, video conference, or other electronic means, there shall be a device that allows the

voice of the Council member on the to be heard by everyone present in the meeting room and that allows the Council member to identify himself or herself before speaking. The Council member shall notify the others if he or she is about to disconnect from the call, conference, or other communication medium. A Council member who is connected remotely shall be considered to be actually present at that meeting for the period of time he or she is so connected, and that presence shall count toward a quorum of the Council or committee for all purposes. The quorum is reduced in number as the member disconnects from the meeting.

**F. Regular Meetings.**

1. **When Held.** Regular meetings of the City Council are held on the first and third Tuesdays of every month at 7:30 p.m. in the Redmond City Hall Council Chambers, unless otherwise duly noticed.
2. **Time Certain for Adjournment.** No business shall be considered after eleven p.m. of each meeting except by leave of a majority of the Council members present. Notwithstanding the foregoing, the City Council may complete deliberations and vote on any motion which was pending before the body at eleven p.m. without the necessity of seeking leave of the majority of the Council members to continue.
3. **Agenda – Order of Business.** The order of business for any regular Council meeting is defined as follows:
  - a. **Preparation of Agenda.** An agenda of all regular meetings shall be prepared by the City Clerk and transmitted to the Mayor and Council members at least ninety-six hours prior to the time of the meeting. The agenda shall consist of the business to come before the City Council, but shall not preclude the Council from considering matters in addition to those set forth on said agenda. The heads of the various departments of the city should report agenda matters and deliver copies of supporting materials to the City Clerk in sufficient time for their inclusion on the agenda.

**b. Consent Agenda.**

(1) Each agenda shall include a consent agenda in the order of business. Consent agenda items may include, but shall not be limited by this reference, approval of all Council minutes, acceptance of all advisory board and commission minutes, final approval of leases and contracts, final acceptance of grants, deeds or easements, setting dates for public hearings, approval of change orders, acknowledging receipt of claims for damages against the city, passage of resolutions and/or ordinances requiring no further public hearing and which the Council has given directions to prepare, and such other routine items as the Mayor and/or City Clerk may deem appropriate to be placed upon such a consent agenda.

(2) The reference material for all matters listed within the consent agenda shall be distributed to each member of the City Council for his/her review prior to the meeting. Matters on such consent agenda shall be considered to be routine and may be enacted by a single motion of the Council with no separate discussion unless removed from the consent agenda as hereafter provided.

(3) If separate discussion of any consent agenda item is desired, that item may be removed from the consent agenda at the request of any individual Council member. At the conclusion of passage of the consent agenda, those items removed at the request of any individual Council member shall either be discussed and acted upon before proceeding to the next item of business on the agenda or shall be set to a later position on the agenda for that meeting.

c. Audience Participation. Items from the audience, limited to a maximum of four minutes per speaker, will be received during the meeting at the appropriate place on the agenda to encourage citizen input and participation in Council meetings. Citizens may, at the end of the meeting, continue to address the Council.

d. Order of Business. The order of business shall follow as nearly as possible the order of the agenda as follows:

~~(1) Items from audience (a maximum of four minutes per speaker);~~

~~(2) Consent agenda (including approval of minutes and voucher and warrant approval);~~

~~(3) Hearings and reports:~~

~~(A) Hearings:~~

~~(i) Hearing (a maximum of four minutes per speaker; provided, that the Council may, in its discretion, allow additional time where the complexity of issues involved requires more time in order to give the speaker a reasonable opportunity to be heard on the matter);~~

~~(ii) Passage of any applicable ordinance or resolution;~~

~~(B) Reports:~~

~~(i) Staff reports;~~

~~(ii) Ombudsman reports;~~

~~(iii) Committee Reports. When it is determined that the city council needs to vote on a committee report item other than to establish a~~

~~meeting date or direct the committee to study any issue, the city council shall place the item needing a vote on the council agenda for a subsequent city council meeting under unfinished or new business;~~

~~(4) Unfinished business;~~

~~(5) New business;~~

~~[(6) Ordinances and Resolutions;]~~

~~(7) Adjournment.~~

**(I) Special Orders of the Day**

**(II) Items from the Audience**

**(III) Consent Agenda (including approval of minutes and voucher and warrant approval);**

**(A) Consent Agenda**

**(B) Items Removed from the Consent Agendas**

**(IV) Hearings and Reports**

**(A) Public Hearings (a maximum of four minutes per speaker; provided, that the Council may, in its discretion, allow additional time where the complexity of issues involved requires more time in order to give the speaker a reasonable opportunity to be heard on the matter)**

**(B) Reports**

**(1) Staff Reports**

**(2) Ombudsperson Report**

**(3) Committee Reports (When it is determined that the city council needs to vote on a committee report item other than to establish a meeting date or direct the committee to study any issue, the city council shall place the item needing a vote on the council agenda for a subsequent city council meeting under unfinished or new business)**

**(V) Unfinished Business**

**(VI) New Business**

**(VII) Executive Session**

**(VIII) Adjournment**

**The order of business set forth in this section is a guideline and shall not be construed in any way as to limit the order in which the Council may elect to proceed with its business.**

4. **Motions, Resolutions, Ordinances in Writing.** The presiding officer and any member of the Council may require a motion to be reduced to writing prior to a vote upon the same. All resolutions and ordinances shall be in writing before being introduced at the meeting for adoption and shall be assigned a number by the City Clerk when introduced. It shall be sufficient for the Mayor or Mayor's designee to orally read the title of the resolution or ordinance at the meeting to present the same to the Council for its consideration prior to its voting on the question of adoption of the ordinance or resolution; provided, that a majority of the Council may require the entire resolution or ordinance or any part thereof to be read aloud at the meeting prior to its consideration.
5. **Motion to Lay on the Table.** Motions to lay any matter on the table shall be first in order. On all questions the last amendment, the most distant day, and the largest sum shall be put first. A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present. This motion shall not be confused with the **Motion to Postpone to a Time Certain, or a Motion to Postpone Indefinitely**, which do require a majority vote to pass, but do not require a separate motion to remove the item from the table to resume discussion on the item.
6. **Reconsideration of Non-Quasi-Judicial Items.**
  - a. Any person, including any member of the Council, may request that the Council reconsider a decision on a matter which is not quasi-judicial in nature. Any request or motion for reconsideration of a City Council action which is not quasi-judicial must be made in writing to the City Clerk or orally to the City Council in an open public meeting. The procedure for reconsideration shall be governed by the latest edition of Robert's Rules of Order and shall require that a motion to reconsider be made by a Council member who voted in the majority on the original action for which reconsideration is sought. The motion may be seconded by any other Council member, whether or not that member voted in the majority. A motion to reconsider an action shall be out of order and shall not be acted upon unless made prior to taking up the new business portion of the City

Council agenda at the next regular City Council meeting following the meeting at which the action for which reconsideration is sought was taken. "Action" shall mean the vote of the City Council expressing a decision even though followed at a later date by passage of an ordinance or resolution. If anything that the City Council cannot reverse has been done as the result of the Council's vote, e.g., an ordinance voted on has become effective or a contract voted on has been signed by all parties, then the vote cannot be reconsidered.

- b. In the event that the City Council votes to reconsider an action which is not quasi-judicial in nature, the effect of the vote is to place the matter back before the Council as if no action had been taken. When a motion to reconsider is passed at a meeting other than the meeting at which the original action was taken, the Council shall not take new action on the reconsidered matter at that meeting, but shall set the matter over to the next regular City Council meeting following the meeting at which reconsideration was voted upon. The agenda for the Council meeting at which any reconsidered action will be taken up for final action shall reflect that the matter has been brought before the Council upon reconsideration of an earlier action. Public notice provided concerning the agenda shall reflect the nature of the action. No public hearing shall be required on reconsideration of any non-quasi-judicial action, but the Council may allow public input on the reconsidered matter if it so desires. Any matter which the Council has voted to reconsider shall be placed under "unfinished business" on the agenda. Once the Council takes final action on the reconsidered matter, no further reconsideration may take place.
- c. The City Council may, by majority vote of the entire membership, suspend the requirement for deferring action on any reconsidered matter to the next regular meeting when the Council determines that sooner action is required to avoid undue hardship to the City or any interested person.
- d. As used in this section, "regular meeting" shall mean any regularly scheduled meeting of the City Council at which final action may be taken. Council study sessions and special meetings of the Council shall not be considered regular meetings of the City Council for purposes of this section.
- e. Procedural matters not governed by this section shall be governed by the current edition of Robert's Rules of Order.

**G. Special Meetings.** Special meetings may be called by the Mayor or by a majority of the Council by written notice delivered personally or by mail to each Council member and the Mayor at least twenty-four hours prior to the time set for the meeting as specified in the notice. The requirements of the "open meeting law," RCW Chapter 42.30 shall apply in all respects to special meetings of the Council.

**H. Study Sessions.** Study Sessions of the City Council are held on the second and fourth Tuesdays of every month at 7:30 p.m. in the Redmond City Hall Council

Chambers, unless otherwise duly noticed. The City Council may choose to schedule an additional study session for any fifth Tuesday presenting in a month. The City Council shall not take a final vote on any item that comes before it at such a session. Participation by members of the audience at any designated workshop or study session of the Council shall be permitted only upon the concurrence of a majority of the Council members present.

**I. Executive Sessions.** Before convening in executive session, the Mayor shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Mayor.

**1. Privileged Discussion.** Discussions held in Executive Session are privileged and shall not be shared with any person not party to the Executive Session. Per RCW 42.23.070(4), "No municipal officer may disclose confidential information gained by reason of the officers position, nor may the officer otherwise use such information for his or her personal gain or benefit."

**2. Executive Sessions Held.** An executive session may be held during any regular or special meeting of the City Council.

**3. Legal Rationale for Entering Session.** The Council may only enter into Executive Session for specific reasons allowed by State Statute. Those rationale are found at (RCW 42.30.110).

**J. Quasi-judicial Matters.**

**1.** It is the policy of the City Council that its members should not attend meetings of other city boards and commissions concerning quasi-judicial matters which are then pending before the city and which will ultimately be decided by the Council.

**2.** Whenever a quasi-judicial matter pending before the City Council involves a specific site, each member of the Council may visit the site prior to the making of a final decision in order to better understand the evidence to be presented. What the members of the Council observe at the site is not evidence and Council members are to rely solely on the record presented to them during the proceedings before the Council in deciding issues regarding the quasi-judicial matter. During the site visit, the Council may not ask questions or discuss the site with any other person present, including other Council members. If the Council is to consider the matter in an open record public hearing, Council members should disclose what information was observed during any site visit at the outset of the hearing.

**3.** Whenever a quasi-judicial matter pending before the City Council has been the subject of a public hearing before the Hearing Examiner or Planning Commission, the Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each. No new evidence may be presented

by either speaker, but testimony shall be limited to argument based upon the Hearing Examiner's or Planning Commission's record. All quasi-judicial items shall be noted on the agenda as being quasi-judicial and a statement shall appear on the agenda indicating that each side may speak for a maximum of ten minutes each.

4. Whenever the Council holds a public hearing on a quasi-judicial matter, each speaker testifying before the Council shall be allowed to speak for a maximum of four minutes, provided, that the Council may, in its discretion, allow additional time where the complexity of issues involved requires more time in order to give the speaker a reasonable opportunity to be heard on the matter.

**5. Reconsideration of Quasi-judicial Actions.**

- a. Any request for reconsideration of a quasi-judicial action of the City Council made by a party to the proceeding must be made in writing to the City Clerk. A motion to reconsider made by a Council member does not need to be in writing. A motion to reconsider a quasi-judicial action shall be out of order and shall not be acted upon unless made by a Council member who voted in the majority prior to taking up the new business portion of the City Council agenda at the next regular City Council meeting following the meeting at which the action was taken. Any Council member may second the motion, whether or not that Council member voted in the majority. During the reconsideration period, no ex parte communication shall be made to any City Council member concerning the quasi-judicial action. "Action" shall mean the written decision by the City Council

- b. The effect of passing a motion for reconsideration is to place the original motion on the matter back before the City Council. In the event the City Council elects to reconsider a quasi-judicial action, no revision to the action shall be made prior to giving those parties directly affected by the proposed revision notice of the proposed revision and a reasonable opportunity to be heard concerning it.

- c. No quasi-judicial action of the City Council shall be final for any purpose until completion of the period for reconsideration established by subsection (1) of this section.

- d. As used in this section, "regular meeting" shall mean any regularly scheduled meeting of the City Council at which final action may be taken. Council study sessions and special meetings of the Council shall not be considered regular meetings of the City Council for purposes of this section.

- e. Procedural matters not governed by this section shall be governed by the current edition of Roberts Rules of Order.

6. **Appearance of Fairness Doctrine.** The appearance of fairness doctrine is a rule of law requiring government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance



and fact. It was developed by the courts as a method of insuring that due process protections, which normally apply in courtroom settings, extend to certain types of administrative decision-making hearings, such as rezones of specific property. The doctrine attempts to make sure that all parties to an argument receive fair and equitable treatment. The doctrine requires that adjudicatory or quasi-judicial public hearings meet two requirements:

- a. they must be procedurally fair, and
- b. they must appear to be conducted by impartial decision-makers.

#### K. Public Participation

1. Anyone may address the City Council, on any topic, during any regular meeting, under the Items from the Audience section of the agenda, for a maximum of four minutes per person, unless otherwise prohibited in this section.
2. Members of the public shall present all testimony from the testimony podium, and shall not approach the dais unless requested.
3. All meeting materials submitted by the public during testimony shall be handed to the City Clerk for further distribution to the Council.
4. Unruly, disruptive behavior shall not be permitted by any person attending a Council meeting and shall result in removal of said person from the premises. Per RCW 42.30.050, in the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.
5. General Prohibition on Use of Public Facilities: RCW 42.17A.555 prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office. This provision applies to all units of local government and their officials and employees. The term "public facilities" is defined to include the use of stationery, postage, equipment, use of employees during working hours, vehicles, office space, publications of the office, or lists of persons

served by the local government. This prohibition means that elective or appointed personnel of local governments may not work to support or oppose a ballot proposition during work time or allow public facilities to be used for that purpose. This provision includes, but is not limited to, the use of the "Items from the Audience" section of regular Council meetings for members of the public to speak in support or opposition of any campaign or ballot proposition.

a. Exceptions:

i. The City Council may vote on a motion or resolution to express support or opposition to a ballot proposition provided that: (1) the notice for the meeting must include the title and number of the ballot proposition and (2) Members of the Council and members of the public must be allowed an approximately equal opportunity to express an opposing view;

ii. A Member of the Council may make a statement at an open press conference in support or opposition to a ballot proposition or in response to a specific inquiry;

iii. Where the City prepares an objective and neutral presentation of facts concerning a ballot measure (example: details could be provided to citizens concerning the financial impacts of an initiative on the local government, such as how revenues would be affected by its passage; care must be taken that information is presented in a fair and objective manner)

\*Note: Many local governments allow use of meeting room facilities on a nondiscriminatory, equal access basis to the public, usually for a rental fee. If this is the case, it would be allowable to hold a public forum for citizens with pro and con representatives discussing an initiative in a public meeting hall.

\*Note: RCW 42.17A.555 does not restrict the right of an individual, whether that person is an elective or appointed public official or a public employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities. This means that elected officials and appointed staff may campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

6. Testimony or public comment on quasi-judicial matters pending before the City Council shall be heard only as provided in Rule IV(J) above and may not be presented under Items from the Audience.

## V. COMMITTEES

A. **Establishment and Scope.** Establishment and scope of standing Council Committees are contained in RMC Chapter 2.32. The rules of procedure for operating within the committee format are contained herein.

- B. Membership.** Each committee shall have a chairperson and at least two other members, to be appointed by the Council President biannually upon the reorganization and seating of a new City Council following regular municipal elections. The Council President or Vice-president may serve as an alternate member on any standing council committee, in which they are not already a designated member, for the purposes of establishing a quorum in which to conduct business of the committee. Vacancies shall be filled when they occur by the Council President. The Regional Affairs Committee shall be a committee of the whole, unless otherwise determined by vote of the Council. The Council President may elect not to serve on any committee which is not a committee of the whole.
- C. Calling of Meetings.** Committee meetings can be called in any of the following ways:
1. Regarding issues upon which the committee is to advise the Council on policy alternatives or allocation of resources; such issues shall be directed to the committee by a majority of the Council.
  2. Regarding subjects which fall under the committee functions to inform and educate Council members on city programs and issues and to provide an opportunity for exploring the implications of policy alternatives as part of the policy development process (i.e., receiving progress reports, exploring alternatives, communicating areas of concern, etc.); such subjects may be placed on the committee's agenda and meetings to discuss the items may be convened by the chairperson at his/her discretion subject to the provisions for calling committee meetings provided for in Section 2.32.040.
  3. Regarding matters of concern to the administration; such meetings may be sought by the Mayor by requesting that the chairperson or Council president initiate the call of such a committee meeting.
- D. Meetings.** The date, time and place of each meeting shall be announced at a preceding regular or special Council meeting. Notice of the meeting shall be given in compliance with RCW Chapter 42.30, the Open Public Meetings Act. At their first meeting in each year all Council committees should adopt annual committee goals identifying what the committee intends to accomplish. All Council committees should meet at least every three months, either on a quarterly or staggered basis.
- E. Duties and Responsibilities.**
1. The committees shall consider, review and make recommendations to the Council concerning matters referred to them by the Council. The Mayor, committee chairpersons, and boards and commissions are encouraged to suggest items to the Council which should be considered by a committee. Whenever any item is referred to a committee, the Council should establish a date by which the committee should report back to the Council. Each committee shall have general responsibility, as indicated in Section 2.32.020, to investigate, collect and review appropriate information for the formulation of

possible Council action and to make recommendations to the Council. Committees shall not have authority to take any action unless expressly authorized to do so by the affirmative votes of a majority of all Council members.

2. In carrying out their duties and responsibilities, the committees shall have the power and authority to examine all records, registers, minutes and papers pertaining to the subject matter under review or consideration, including those kept by boards and commissions of the city. The city officers, department heads, board and commission chairpersons shall cooperate with and assist the committees in carrying out their duties and responsibilities and in furnishing necessary information, except where prohibited by law or excluded under Section 31, Chapter 1, Laws of 1973; provided, that in the event any city officer, department head or board or commission chairperson deems the release of requested information not in the best interests of the city, authority for that release shall be vested in the Mayor.
3. In the event of a conflict as to which committee has the responsibility with respect to a particular subject matter or area, the question shall be referred to the Council who, by majority vote, will determine which committee should take responsibility for the matter in question.

**F. Reports.** At the Council meeting immediately following each committee meeting, in the appropriate place on the Council agenda, a report from the standing committees shall be made by the committee chairperson or an alternate designated by the chairperson. A minority report may be given by any committee member who dissents from the report by the majority. Oral reports shall be sufficient, unless a Council majority feels that a written report should be furnished.

**G. Staffing.** When needed, staff assistance to a committee shall be assigned by the Mayor.

## **VI. COUNCIL COMMUNICATIONS**

### **A. Email.**

1. All City Council email correspondence shall be sent through a designated City email account.
2. All City Council email shall be copied to the City Clerk for preservation in the Council records archive.
3. Email correspondence sent via the designated Council Ombudsperson shall be copied to the Mayor and all members of the Council in the original reply to sender.
4. No Council member shall send correspondence from a City email account that purports to represent the views of the Council, unless the Council has, by majority vote, established the same as the Council's position. Council

Members may use City email accounts to state the position of the individual Council Member as long as it is made clear that the position is that of the individual Council Member and that the Council Member is not speaking on behalf of the entire Council.

5. Members of the City Council will not use email to transact business of the Council in violation of the Open Meetings Act.

**B. Use of Electronic Devices During Council/Committee Meetings**

**1. Council Members shall not access, send, or receive electronic communications concerning any matter pending before the Council during a Council meeting. Exceptions to this Rule are:**

- a. Accessing Council meeting-specific agenda and packet information;
- b. Accessing meeting notes and/or resource or research material specific to matters pending before the Council;
- c. Reporting to the official record regarding Ombudsperson citizen comments received;
- d. Family or emergency situations that may time to time arise. With respect to this exception, a Council Member shall take an at-ease from the meeting to avoid distraction of other Members from discussions, should such interaction exceed more than a few moments in length; or
- e. Local, state, or federal news alerts, announcements, and matters when deemed appropriate.

**2. Council Members shall not use electronic communication/media/applications to review or access information regarding matters not in consideration before the Council during a Council meeting.**

**3. The use of electronic communications/media/applications for personal, non-city business, during Council meetings, is expressly prohibited. Official meeting breaks are excluded from this provision. Violation of these rules by any member may result in an official Motion to Censure of said member by the Council, per Roberts Rules of Order.**

**VII. COUNCIL CONTINGENCY FUND**

**A. Fund Allocations.**

The Council Contingency Fund, if budgeted, is used at the sole discretion of the City Council. The fund can be designated for any use deemed necessary by a majority of the Council. Reoccurring requests for funding from this account shall not be granted to outside groups or organizations, and rather, the budget process should be explored for an appropriate place to allocate funds for such ongoing requests.

#### **VIII. PARLIAMENTARY AUTHORITY**

##### **A. Robert's Rules of Order Newly Revised.**

Robert's Rules of Order, Revised, shall govern the deliberations of the Council, except when in conflict with any of the foregoing rules.

#### **IX. AMENDMENTS TO RULES OF PROCEDURE**

##### **A. Amendments.**

Any amendments to these Rules of Procedure shall be made through a majority vote of the City Council.

**November 21, 2017 – Amendment No. 1, passed by Resolution No.**