

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

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| AGENDA TITLE: | Resolution No. 183 establishing Rules of Procedure for the City Council |
| DEPARTMENT: | CMO/City Clerk |
| PRESENTED BY: | Ian Sievers, City Attorney Sharon Mattioli, City Clerk |

PROBLEM/ISSUE STATEMENT: The City Council currently operates under rules of procedure adopted by Resolution No. 153. These rules provide that Council will review its rules in January of even-numbered years. Proposed Resolution No. 183 provides a reformatting of the current rules so that provisions are easier to find and proposes certain changes based on Council practice. After a review of the rules of procedure of many other Washington cities, a few new provisions have also been added.

ALTERNATIVES ANALYZED: Staff has analyzed the following alternatives:

1. Retain Resolution No. 153. These rules have worked well for the Council since incorporation. However, the way the resolution is structured makes it difficult to find particular information quickly. Certain issues are not addressed, and in some minor instances, Council practice does not fully conform to the rules.
2. Amend Resolution No. 153. The current format would be retained and items added or deleted at Council's discretion.
3. Adopt Resolution No. 183, either as proposed or with those changes Council supports. (Recommended)

FINANCIAL IMPACT: none

RECOMMENDATION

This item is brought forward for discussion. After Council review and direction, Resolution No. 183 will be placed on a future consent calendar for action.

Approved By:

City Manager



City Attorney



INTRODUCTION

Council last reviewed its rules of procedure on April 26, 1999. Staff recommends that the rules adopted at that time by Resolution No. 153 be reformatted and reorganized in a manner that makes specific information easier to find. The bulk of the provisions remain the same, with a few grammatical changes. Certain other changes reflect current practice, and some sections have been added for clarification. The attached strikedraft version shows where wording has been eliminated or changed from Resolution No. 153.

BACKGROUND

Most city councils adopt formal rules of procedure to govern the conduct of their meetings. Rules of procedure increase the effectiveness of meetings and help manage and reduce conflict. Following written rules, including parliamentary procedure, reduces the chance that actions taken by the Council could be declared illegal or challenged for procedural deficiencies. Rules of procedure also provide the members of the audience with a clear picture of what will take place at a meeting and how they can participate. City councils are authorized by statute (RCW 35A.12.120) to determine their own order of business and to establish formal rules for the conduct of meetings.

The rules of procedure outline what will appear on the Council agenda and how it gets there. They also provide for the conduct of an orderly meeting. The use of the consent calendar streamlines the meeting by collecting routine, non-controversial items into a group that is passed by a single motion and vote. The motion for adoption of the consent calendar must be unanimous, so the rules give Councilmembers the ability to remove from the consent calendar any item they wish to discuss or vote against. The Mayor will then place it elsewhere on the agenda.

Another important aspect of conducting efficient and legal meetings is the proper use of parliamentary procedure. The Council acts according to *Robert's Rules of Order*. Proposed Resolution No. 183 consolidates references in the current rules to various motions and adds some other motions that the Council may occasionally use. All the motions are consistent with *Robert's Rules of Order* and are added simply for ease of reference.

The sections in Resolution No. 153 have been reordered and the document reformatted. This table explains the changes and the reasons for making them.

| § # | Change | Reason for change |
|------------|--|---|
| 1.2 | The temporary waiver of the rules is found in §9.1. | The provisions found in the old §11 have been divided between §1.2 and §9.1 for clarity. |
| 2.1 | Councilmembers may be sworn in by a judge as well as the City Clerk. | This reflects current practice. |
| 2.2.D | The election of the Mayor is conducted by the City Clerk. | This clarifies the process and reflects current practice. |
| 2.4 | A § outlining how to fill a vacancy on the Council is added. It is based on RCW 42.12.070. | No procedure is in place. Council has discretion to determine its own process. It is preferable to have a process in place before the needs arises. |

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| 3.5 | This § clarifies the priority of agenda items. | The language is clearer than current language. |
| 3.7 | This §, regarding action on legislative items, has been eliminated. | It is unnecessary, in that Council has the authority to add an item to its agenda at the meeting. This provision may give the impression that items must appear on the published agenda. |
| 4.4 | Members of the audience are allowed to comment on an item being considered for removal from Action Items to the Consent Calendar prior to Council action. | This corrects a current deficiency whereby an item can be moved to the Consent Calendar when members of the public may have come to the meeting to speak on the item. |
| 5.2 | The Mayor or Deputy Mayor may cancel a meeting for lack of agenda items. | This clarifies the authority for meeting cancellation. |
| 5.3 and 5.5 | The prescribed Council summer recess during the first two weeks of August is deleted. | Council will now have the flexibility to determine its summer recess on an annual basis. |
| 5.8 | A § to explain emergency meetings is added. | This spells out the provision in State law (RCW 42.30.070) that allows a city council to call an emergency meeting under certain circumstances. |
| 5.13 | A Councilmember can be excused from a meeting retroactively. | Council has more flexibility in voting to excuse a Councilmember. |
| 5.20 | A § on conflict of interest and appearance of fairness has been added. | This incorporates State law and clarifies proper procedure. |
| 6.2 | The provision that allows Councilmembers to question citizens during public comment has been deleted. | Council has not been in the practice of doing this. Questioning a citizen encourages a dialogue that is not appropriate at a Council meeting. |
| 6.3 | The provision for public comment on quasi-judicial items has been deleted. | Under the new Development Code, the Planning Commission or Hearing Examiner is the hearing body for quasi-judicial matters. Council makes its decision on the record created before these bodies and does not take further public testimony. |
| 6.5 | The requirement for a speaker to give an address has been eliminated and replaced by a requirement to give the city of residency. | With the posting of minutes on the City's website, concerns about privacy have been raised. There is no legal reason to require addresses, and many cities (e.g., Tacoma, Issaquah and Federal Way) have moved away from requiring citizens to give their address. |
| 6.8 | The provision that time cannot be donated by one speaker to another has been added. | This codifies current practice. |
| 7.2, 7.4 – 7.14., 7.18 & 7.20 | Descriptions of motions have been added to clarify parliamentary procedure. | All these motions reflect <i>Robert's Rules</i> and are simply added for clarity and ease of reference. |
| 7.17 | Voting by proxy is not allowed. | With "e-meetings" on the horizon, the issue may arise of voting by proxy. Council rules do not currently address this item, nor does the "Open Public Meetings Act." By adopting this §, Council would establish a policy. If Council does not wish to make a policy at this point, this § can be deleted. |
| 8 (old) | The old § regarding "correspondence" is deleted. | This does not conform to current practice. |

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| 8 (new) | The new § calls out State law with regard to the passage of certain types of legislation. | This repeats RCW 35A.13.170 and reminds Council that certain types of legislation require 4 votes for passage. |
| 9.2 | The time frame for considering changes to the rules of procedure has been eliminated. | This provides flexibility for Council to consider amendments to the rules as deemed appropriate rather than on a particular schedule. |

At Councilmembers' discretion, other rules changes can be proposed at the workshop. After consensus is reached, the new rules will be brought forward for adoption.

RECOMMENDATION

This item is brought forward for discussion. After Council review and direction, Resolution No. 183 will be placed on a future consent calendar for action.

ATTACHMENTS

Attachment A: proposed Resolution No. 183
Attachment B: Resolution No. 153
Attachment C: RCW 42.12.070 (Filling a Council Vacancy)

RESOLUTION NO. 183

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON,
ESTABLISHING RULES OF PROCEDURE FOR THE CITY COUNCIL
AND REPEALING RESOLUTION NO. 153**

WHEREAS, Chapter 35A.12.120 RCW gives the City Council of each code city the power to set rules for conducting its business within the provisions of Title 35A RCW; and

WHEREAS, the City Council has reviewed its rules of procedure and wishes to add and delete certain provisions and amend other provisions, as well as reformat the rules for clarity and ease of use,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

Section 1. Establishment of Rules of Procedure. The City Council hereby adopts the "Rules of Procedure" attached hereto as "Exhibit A."

Section 2. Repealer. Resolution No. 153 adopting rules of procedure for the City Council is hereby repealed.

ADOPTED BY THE CITY COUNCIL ON _____, 2002.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC,
City Clerk

RULES OF PROCEDURE

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Section 1. Authority.

- 1.1 These rules constitute the official rules of procedure for the Shoreline City Council. In all decisions arising from points of order, the Council shall be governed by the current edition of Robert's Rules of Order (~~newly revised 1990 edition~~), a copy of which is maintained in the office of the Shoreline City Clerk.
- 1.2 These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. ~~The City Council may, by a majority vote, determine to temporarily waive any of the provisions herein.~~

Section 2. Council Organization.

- 2.1 New Councilmembers shall be sworn in by a judge or the City Clerk.
- 2.2 Election of Mayor and Deputy Mayor.
 - A. The Council shall elect a Mayor and Deputy Mayor for a term of two years.
 - B. The motion to elect the Mayor and Deputy Mayor will be placed on the agenda of the first ~~regular~~ meeting of even-numbered years.
 - C. In the event the Mayor is unable to serve the remainder of the term, a new mayor shall be elected at the next ~~regular~~ meeting. In the event the Deputy Mayor is unable to serve the remainder of the term, a new Deputy Mayor shall be elected at the next ~~regular~~ meeting.
 - D. The election of the Mayor shall be conducted by the City Clerk. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. ~~The Chair Clerk~~ will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, ~~the Chair Clerk~~ will ask again for further nominations and if there are none, ~~the Chair Clerk~~ will declare the nominations closed. A motion to close the nominations is not necessary. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Councilmembers will be asked ~~for a voice vote and~~ to vote by a raise of hands. As soon as one of the nominees receives a majority vote (four votes), ~~then the Chair Clerk~~ will declare him/her elected. No votes will be taken on the remaining

nominees. A tie vote results in a failed nomination. If none of the nominees receives a majority vote, the ~~Chair~~ Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote ~~before the office Deputy mayor is opened for nominations.~~ Upon election, the Mayor conducts the election for Deputy Mayor following the same process.

- E. A super majority vote (5) shall be required to approve a motion to remove the Mayor or Deputy Mayor from office for cause.

2.3 Duties of Officers

- A. The Mayor, or in his or her absence, the Deputy Mayor, shall be the Presiding Officer of the Council and perform the duties and responsibilities with regard to conduct of meetings and emergency business. In the absence of both the Mayor and the Deputy Mayor, the Council shall ~~appoint~~ elect one of the members to the Council to act as a temporary Presiding Officer.
- B. It shall be the duty of the Presiding Officer to:
 - 1. Call the meeting to order.
 - 2. Keep the meeting to its order of business.
 - 3. Control discussion in an orderly manner.
 - a. Give every Councilmember who wishes an opportunity to speak when recognized by the chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
 - 4. State each motion before it is discussed and before it is voted upon.
 - 5. Put motions to a vote and announce the outcome.
- C. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.
- D. The Presiding Officer may at his or her discretion call the Deputy Mayor or any member to take the chair so the Presiding Officer may make a motion or for other good cause yield the Chair.

2.4 Filling a Council Vacancy

- A. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available until an election is held, the

Council will widely distribute and publish a notice of the vacancy, the procedure by which the vacancy will be filled, and an application form.

B. The Council will draw up an application form to aid the Council's selection of the new Councilmember.

C. Those candidates selected by Council will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews 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 asked to answer questions posed by each Councilmember during the interview process. The Councilmembers 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.

D. The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

Section 3. Agenda Preparation.

3.1 Upon direction by the City Manager, the City Clerk will prepare an agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review by the Presiding Officer.

3.2 An item for a Regular Council meeting may be placed on the agenda by any of the following methods:

A. A majority vote or consensus of the Council at a Regular Council Meeting

~~B. Council consensus~~

CB. By any two Councilmembers, in writing or with phone confirmation, with signatures by fax allowed for confirmation of support, no later than 12:00 (noon) five days prior to the meeting. The names of the requesting Councilmembers shall be set forth on the agenda.

DC. By the City Manager.

ED. By the Mayor or Deputy Mayor when acting in the absence of the Mayor.

3.3. An item may be placed on the agenda for a Regular Council Meeting at the time the Council approves the agenda only if a Councilmember or the City Manager explains the necessity for placing the item on the agenda and receives a majority vote of the Council to do so.

- 3.4 ~~Agenda bills in City Council packets~~ Staff reports shall be in a standard format agreed upon approved by the City Council ~~with the City Clerk~~.
- 3.5 Agenda items will be prioritized in the following order of importance: 1) items scheduled for statutory compliance; 2) advertised public hearings; 3) continued items from a prior meeting and 3) items scheduled for convenience.
- 3.6 ~~Legally advertised public hearings will have a higher priority over other agenda items scheduled for convenience rather than for statutory or other reasons. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.~~
- 3.7 ~~Council Agenda. No legislative item not on the agenda shall be voted upon.~~

Section 4. Consent Calendar.

- 4.1 The City Manager in consultation with the Presiding Officer, shall place matters on the Consent Calendar which: (a) have been previously discussed by the Council, or (b) based on the information delivered to members of the Council, by the administration, can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely.
- 4.2 The motion to adopt the Consent Calendar shall be non-debatable and have the effect of moving to adopt all items on the Consent Calendar.
- 4.3 Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. Councilmembers are given an opportunity to remove items from the Consent Calendar after the motion is made and seconded to approve the agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or future Council Meeting.
- 4.4 If, after the motion is made to approve the agenda, the Council is considering moving an item to the Consent Calendar, the Mayor will first call for public comment on that item to enable members of the audience to provide input if they wish to do so.

Section 5. Council Meetings.

- 5.1 All Council Meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All Regular Meetings, Special Meetings and Workshops of the Council shall be open to the public.

- 5.2 Any Regular Meeting or Workshop may be canceled by a majority vote or consensus of the Council ~~taken at least one week before said meeting.~~ The Mayor or Deputy Mayor may cancel a Council meeting for lack of agenda items.
- 5.3 The Council shall hold **Regular Meetings** on the second and fourth Monday of each month at 7:30 p.m. in the Shoreline Conference Center, located at 18560 First Ave. NE, Shoreline, Washington. Should any meeting occur on a legal holiday, the meeting shall be held at the same hour and place on the following day. There will be no Regular Meeting on the ~~second Monday in the month of August or the fourth Monday in the month of December.~~
- 5.4 Order of Business for Regular Meetings. The order of business for each Regular Meeting shall be as follows:

Regular Session (7:30 p.m.)

1. Call to Order
 2. Flag Salute, Roll Call
 3. Report of the City Manager
 4. Reports of Boards and Commissions
 5. Public Comments
 6. Approval of the Agenda
 7. Consent Calendar
 8. Action Item: Public Hearings
 9. Other Action Items: Ordinances, Resolutions and Motions
 10. Unfinished Business
 11. Continued Public Comments
 12. New Business
 13. Executive Session
 14. Adjournment
- 5.5 The Council shall hold **Workshops** on the first and third Monday of each month at 6:30 p.m. in the Shoreline Conference Center, located at 18560 First Ave. N.E., Shoreline, Washington. Should any meeting date occur on a legal holiday, the meeting may be canceled or postponed to the same hour and place on the following day at the discretion of the Mayor in consultation with the City Manager. Workshops will be informal meetings for the purpose of reviewing upcoming agenda items, current and future programs or projects or other information the City Manager or Council feels is appropriate. There will be no Workshop on the ~~first Monday in the month of August or the third Monday in the month of December.~~
- 5.6 Order of Business for Workshops. The order of business for each Workshop shall be as follows:

Workshop (6:30 p.m.)

1. Call to Order
2. Flag Salute/Roll Call
3. City Manager's Report and Future Agendas
4. Council Reports
5. Public Comments
6. Workshop Items
7. Continued Public Comments
8. Executive Session
9. Adjournment

- 5.7 **Special Meetings** may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any four members of the City Council by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered.
- 5.8 **An Emergency Meeting** is a special Council meeting called without the 24-hour notice. It deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Manager or the Mayor with the consent of a majority of Councilmembers. The minutes will indicate the reason for the emergency.
- 5.9 The Council may hold **Executive Sessions** from which the public may be excluded, for those purposes set forth in Chapter RCW 42.30.110 and RCW 42.30.140 RCW. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time, a public announcement shall be made that the Session is being extended.
- 5.10 Council meetings will be at a time and place as Council directs.
- 5.11 The City shall comply with the provisions of RCW 35A.12.160. The public shall receive notice of upcoming public hearings through publication of such notice in the City's official newspaper at least ten (10) days prior to the hearing.
- 5.12 At all Council Meetings, a majority of the Council (four members) shall constitute a quorum for the transaction of business. In the absence of a quorum, the members present may adjourn the meeting to a later date.
- 5.13 Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for his or her

inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager, who shall convey the message to the Mayor. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. Councilmembers who do not follow the above process will be considered unexcused and it shall be so noted in the minutes. A motion to excuse a Councilmember may be made retroactively at the next meeting.

5.14 General Decorum.

- A. While the Council is in session, the members must preserve order and decorum, ~~and a~~ A member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disrupt any member while speaking nor refuse to obey the orders of the Council or the Mayor, except as otherwise provided in these Rules.
- B. Any person making disruptive, impertinent, or slanderous remarks or who becomes boisterous while addressing the Council shall be asked to leave by the Presiding Officer and barred from further audience before the Council for that meeting.

5.15 The Mayor shall be addressed as "Mayor (surname)" or "Your Honor." The Deputy Mayor shall be addressed as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)."

5.16 The Mayor shall sit at the center of the Council, and the Deputy Mayor shall sit at the right hand of the Mayor. Other Councilmembers are to be seated in a manner acceptable to Council. If there is a dispute, seating shall be in position order.

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

5.18 Motions shall be reduced to writing when required by the Presiding Officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

5.19 Councilmembers should keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is

considered to be exempt from disclosure under the Revised Code of Washington.

- 5.20 Prior to commencement of discussion of a quasi-judicial item, the Chair will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the decision-making process. If it is deemed by the Councilmember, in consultation with the City Attorney, that it is warranted, the Councilmember should step down and not participate in the Council discussion or vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration.
- 5.21 Council meetings shall adjourn no later than 10:00 p.m. The adjournment time established thereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. Any Councilmember may call for a "Point of Order" to review agenda priorities.
- 5.22 The City Clerk or an authorized Deputy City Clerk shall attend all Council meetings. If the Clerk and the Deputy Clerk are absent from any Council meeting, the Mayor or Deputy Mayor shall appoint a Clerk Pro Tempore. The minutes of the proceedings of the Council shall be kept by the City Clerk and shall constitute the official record of the Council.
- 5.23 Any City officer or employee shall have the duty when requested by the Council to attend Council Meetings and shall remain for such time as the Council may direct.

Section 6. Public Testimony.

- 6.1 Workshops. The Council will take general public comments at Workshops in the beginning (Section No. 5). Section 5 will be limited to a maximum period of twenty minutes. Each speaker will be allowed to speak for two minutes. A maximum of three persons will be permitted to speak to each side of any one topic. Speakers will be allowed to speak at the end of the meeting (Section No. 7) for five minutes, with no other limitations. Speakers are also invited to speak during scheduled workshop items for two minutes. During workshop items, the public will be invited to comment after staff provides a report to the Council.
- 6.2 City Council Regular Meetings. The Council will take public testimony at the Regular Meeting only during the Public Comments sSections (Nos. 5 and 11) and the Action Item Sections (Nos. 8 and 9). Individuals speaking under the initial Public Comments Section (No. 5) shall speak for no more than two minutes, or no more than three minutes when presenting the official position of a recognized organization. Section 5 will be limited to a maximum period of twenty minutes. A maximum of three speakers will be permitted to speak to each side of any one topic. The later Public Comments Section will provide for five minutes of

testimony, with no other limitations. All action items on the agenda will begin with a staff report followed by a public comment period of two minutes per person.

~~Suspension of this rule will require four votes. The Presiding Officer shall ask the rest of the Councilmembers if they have any comments or questions before the citizen is excused.~~

- 6.3 ~~Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. The City Attorney shall advise as to what state law permits as to public comment on quasi-judicial matters. If comments on quasi-judicial matters are provided in writing, they will be reviewed by the City Attorney for appropriateness before being presented to the Council. Such written comments must be filed with the City Clerk by 1:00 p.m. of the Wednesday preceding the Regular or Special Meeting.~~
- 6.4 No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.
- 6.5 Persons testifying shall identify themselves for the record as to name, address city of residence and any organization represented.
- 6.6 An instruction notice for speakers will be available at the meeting. Speakers will be advised by the Presiding Officer that their testimony is being recorded.
- 6.7 The following rules shall be observed during any Public Hearing:
- A. Individuals will be allowed three minutes to speak or five-minutes when presenting the official position of a recognized organization, and each organization shall have only one five (5) minute presentation. If a speaker purports to speak for an organization, club or others so as to lead Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
 - B. The Presiding Officer may allow additional time for receipt of written testimony when needed.
 - C. The Clerk shall be the timekeeper.
- 6.8 Time cannot be donated by one speaker to another.

Section 7. Motions

- 7.1 Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a random roll call vote shall be taken by the City Clerk.

- 7.2 Prior to discussion, a Councilmember should make a motion, which is seconded by another Councilmember, on the topic under discussion. If the motion is not seconded, it dies. Some motions do not require a second: nominations, withdrawal of a motion, request for a roll call vote, and point of order.
- 7.3 In case of a tie vote on any motion, the motion shall be considered lost.
- 7.4 Motions shall be clear and concise and not include arguments for the motion.
- 7.5 After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote. If they wish to do so, they may state why they will vote for or against the motion.
- 7.6 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council's consensus at the conclusion of the discussion.
- 7.7 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 7.8 A motion to table is nondebatable. It requires a majority to pass. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future meeting, at which time discussion can continue. If an item is tabled, it cannot be reconsidered at the same meeting.
- 7.9 A motion to postpone to a specific time is debatable, is amendable, and may be reconsidered at the same meeting. It requires a majority to pass. The motion being postponed must be considered at a later time in the same meeting or a specific future meeting.
- 7.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting. It requires a majority to pass. The merits of the main motion may be debated.
- 7.11 A motion to call for the question shall close debate on the main motion and is nondebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.
- 7.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 7.13 When the discussion is concluded, the motion maker, Mayor, or City Clerk, shall repeat the motion prior to voting.

- 7.14 The City Council votes on the motion as restated. If the vote is unanimous, the Mayor shall state that the motion has been passed unanimously according to the number of Councilmembers present, such as "7-0" or "6-0." If the vote is not unanimous, the Mayor shall state the number of Councilmembers voting in the affirmative and the number voting in the negative and whether the motion passes or fails.
- 7.15 Each Councilmember shall vote on all questions put to the Council, unless a conflict of interest or an appearance of fairness question under state law is present.
- 7.16 Unless a member of the Council states that he or she is abstaining, his or her silence shall be recorded as an affirmative vote.
- 7.17 The right to vote is limited to those members actually present at the time a vote is taken. No vote may be cast by proxy.
- 7.18 Once the vote has been taken, the discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If they wish to make their positions known, this should happen during the discussion preceding the vote.
- 7.19 After the question has been decided, any Councilmember who voted in the majority may move for a reconsideration of the motion. The motion for reconsideration must be made at the same or next regular meeting.
- 7.20 The City Attorney, in consultation with the City Clerk, shall decide all questions of interpretations of these policies and procedures and other questions of a parliamentary nature which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by the current edition of Robert's Rules of Order. In the event of a conflict, these Council rules of procedures shall prevail.

Section 8. Correspondence. ~~All correspondence from the City Administration to the City Council shall be signed or initialed by the individual responsible for the correspondence and shall contain the name and title of that individual in the address block.~~ **Items Requiring Four Votes.** The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council (4 votes) [RCW 35A.13.170 and 35A.12.120].

Section 9. Suspension and Amendment of Rules.

- 9.1 ~~The City Council may, by a majority vote, determine to temporarily waive of the provisions herein.~~ Any provision of these rules not governed by state law or City ordinance may be temporarily suspended by a majority vote of the Council.

- 9.2 It is the intent of the City Council that ~~council~~ the rules of procedure be periodically reviewed as needed, ~~but no less than every two years.~~ Accordingly, ~~Council procedures shall be considered in the month of January of every even numbered year, and may be considered at any other time that Council shall choose to review them.~~ These rules may be amended, or new rules adopted, by a majority vote of the Council, provided that the proposed amendments or new rules shall have been distributed to Council at least one week prior to such action.

RESOLUTION NO. 153

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON,
ESTABLISHING RULES OF PROCEDURE FOR THE CITY COUNCIL
AND REPEALING RESOLUTION NO. 151**

WHEREAS, Chapter 35A.11.020 RCW gives the City Council of each code city the power to organize and regulate its internal affairs within the provisions of Title 35A RCW; and

WHEREAS, a comprehensive procedure for Council Meetings combining all applicable statutes will provide the most expedient means of conducting Council Meetings; and

WHEREAS, the City Council wishes to amend certain provisions of Section 5(A) and (B) of Resolution No. 151, its Rules of Procedure;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SHORELINE, WASHINGTON, AS FOLLOWS:**

Section 1. General. These rules constitute the official rules of procedure for the Shoreline City Council. In all decisions arising from points of order, the Council shall be governed by Robert's Rules of Order (newly revised 1990 edition), a copy of which is maintained in the office of the Shoreline City Clerk.

Section 2. Organization.

A. Swearing in of New Councilmembers. New Councilmembers shall be sworn in by the City Clerk.

B. Election of Mayor. The Council shall elect a Mayor and Deputy Mayor for a term of two years. The motion to elect the Mayor and Deputy Mayor will be placed on the agenda of the first Regular Meeting of even-numbered years. In the temporary absence of the Mayor, the Deputy Mayor shall perform the duties and responsibilities of the Mayor with regard to conduct of meetings and emergency business. In the event the Mayor is unable to serve the remainder of the term, a new mayor shall be elected at the next regular meeting. In the event the Deputy Mayor is unable to serve the remainder of the term, a new Deputy Mayor shall be elected at the next regular meeting.

1. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary. After nominations have been closed, voting for Mayor takes place in the order nominations were made.

Councilmembers will be asked for a voice vote and a raise of hands. As soon as one of the nominees receives a majority vote (four votes), then the Chair will declare him/her elected. No votes will be taken on the remaining nominees. If none of the nominees receives a majority vote, the Chair will call for nominations again and repeat the process until a single candidate receives a majority vote before the Office of Deputy Mayor is opened for nominations. A tie vote results in a failed nomination.

2. A super majority vote (5) shall be required to approve a motion to remove the Mayor or Deputy Mayor from office for cause.

C. Quorum. At all Council Meetings, a majority of the Council (four members) shall constitute a quorum for the transaction of business, but in the absence of a quorum, the members present may adjourn the meeting to a later date.

D. Voting. The votes during all Council Meetings shall be conducted as follows:

1. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council-member, a random roll call vote shall be taken by the Clerk (Robert's Rules of Order, Newly Revised, 1990 edition).

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

3. Each Councilmember shall vote on all questions put to the Council, unless a conflict of interest or an appearance of fairness question under state law is present. Unless a member of the Council states that he or she is abstaining, his or her silence shall be recorded as an affirmative vote.

4. Motions to Reconsider. A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or next succeeding Regular Meeting.

E. Attendance, Excused Absences. Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for his or her inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager or Clerk, who shall convey the message to the Mayor. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. Councilmembers who do not follow the above process will be considered unexcused and it shall be so noted in the minutes.

F. General Decorum.

1. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disrupt any member while speaking nor refuse to obey the orders of the Council or the Mayor, except as otherwise provided in these Rules.

2. Any person making disruptive, impertinent, or slanderous remarks or who becomes boisterous while addressing the Council shall be asked to leave by the Presiding Officer and barred from further audience before the Council for that meeting.

G. Confidentiality.

1. Councilmembers should keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington.

H. Adjournment. Council Meetings shall adjourn no later than 10:00 p.m. The adjournment time established thereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. Any Councilmember may call for a "Point of Order" to review agenda priorities.

I. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council Meetings. If the Clerk and the Deputy Clerk are absent from any Council Meeting, the Mayor or Deputy Mayor shall appoint a Clerk Pro Tempore.

J. Attendance of Officers or Employees. Any City officer or employee shall have the duty when requested by the Council to attend Council Meetings and shall remain for such time as the Council may direct.

Section 3. Officers.

A. Presiding Officers. The Mayor, or in his or her absence, the Deputy Mayor, shall be the Presiding Officer of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council shall appoint one of the members to the Council to act as a temporary Presiding Officer.

B. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.

3. Control discussion in an orderly manner.
 - a. Give every Councilmember who wishes an opportunity to speak when recognized by the chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome.

C. Presiding Officer, Question of Order. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.

D. Presiding Officer, Participation. The Presiding officer may at his or her discretion call the Deputy Mayor or any member to take the chair so the Presiding Officer may make a motion or for other good cause yield the Chair.

E. Request for Written Motions. Motions shall be reduced to writing when required by the Presiding Officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

Section 4. Duties and Privileges of Councilmembers.

A. Forms of Address. The Mayor shall be addressed as "Mayor (surname)" or "Your Honor." The Deputy Mayor shall be addressed as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)."

B. Seating Arrangement. The Mayor shall sit at the center of the Council, and the Deputy Mayor shall sit at the right hand of the Mayor. Other Councilmembers are to be seated in a manner acceptable to Council. If there is a dispute, seating shall be in position order.

C. Dissents and Protests. Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

Section 5. Meetings. All Council Meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All Regular Meetings, Special Meetings and Workshops of the Council shall be open to the public. Any Regular Meeting or Workshop may be canceled by a majority vote of the Council taken at least one week before said meeting.

A. Regular Meetings. The Council shall hold Regular Meetings on the second and fourth Monday of each month at 7:30 p.m. in the Shoreline Conference Center, located at 18560 First Ave. NE, Shoreline, Washington. Should any meeting occur on a legal holiday, the meeting shall be held at the same hour and place on the following day. There will be no Regular Meeting on the second Monday in the month of August or the fourth Monday in the month of December.

B. Workshops. The Council shall hold Workshops on the first and third Monday of each month at 6:30 p.m. in the Shoreline Conference Center, located at 18560 First Ave. N.E., Shoreline, Washington. Should any meeting date occur on a legal holiday, the meeting may be canceled or postponed to the same hour and place on the following day at the discretion of the Mayor in consultation with the City Manager. Workshops will be informal meetings for the purpose of reviewing upcoming agenda items, current and future programs or projects or other information the City Manager or Council feels is appropriate. There will be no Workshop on the first Monday in the month of August or the third Monday in the month of December.

C. Special Meetings. Special Meetings may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any four members of the City Council by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered.

D. Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in Chapter 42.30.110 RCW. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time, a public announcement shall be made that the Session is being extended.

E. Meeting Place. Council Meetings will be at a time and place as Council directs.

F. Public Notice. The City shall comply with the provisions of RCW 35A.12.160. The public shall receive notice of upcoming public hearings through publication of such notice in the City's official newspaper at least ten (10) days prior to the hearing.

Section 6. Council Order of Business.

A. Order of Business for Regular Meetings. The order of business for each Regular Meeting shall be as follows:

Regular Session (7:30 p.m.)

1. Call to Order
2. Flag Salute, Roll Call

3. Report of the City Manager
4. Reports of Boards and Commissions
5. Public Comments
6. Approval of the Agenda
7. Consent Calendar
8. Action Item: Public Hearings
9. Other Action Items: Ordinances, Resolutions and Motions
10. Unfinished Business
11. Continued Public Comments
12. New Business
13. Executive Session
14. Adjournment

B. Order of Business for Workshops. The order of business for each Workshop shall be as follows:

Workshop (6:30 p.m.)

1. Call to Order
2. Flag Salute/Roll Call
3. City Manager's Report and Future Agendas
4. Council Reports
5. Public Comments
6. Workshop Items
7. Continued Public Comments
8. Executive Session
9. Adjournment

C. Council Agenda. No legislative item not on the agenda shall be voted upon.

Section 7. Consent Calendar.

A. The City Manager in consultation with the Presiding Officer, shall place matters on the Consent Calendar which: (a) have been previously discussed by the Council, or (b) based on the information delivered to members of the Council, by the administration, can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely.

B. The motion to adopt the Consent Calendar shall be non-debatable and have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. Councilmembers are given an opportunity to remove items from the Consent Calendar after the motion is made and seconded to approve the agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or future Council Meeting.

Section 8. Public Testimony.

A.1 Workshops

The Council will take general public comments at Workshops in the beginning (Section No. 5). Section 5 will be limited to a maximum period of twenty minutes. Each speaker will be allowed to speak for two minutes. A maximum of three persons will be permitted to speak to each side of any one topic. Speakers will be allowed to speak at the end of the meeting (Section No. 7) for five minutes, with no other limitations. Speakers are also invited to speak during scheduled workshop items for two minutes. During workshop items, the public will be invited to comment after staff provides a report to the Council.

A.2 City Council Regular Meetings

The Council will take public testimony at the Regular Meeting only during the Public Comments sections (Nos. 5 and 11) and the Action Item Sections (Nos. 8 and 9). Individuals speaking under the initial Public Comments Section (No. 5) shall speak for no more than two minutes, or no more than three minutes when presenting the official position of a recognized organization. Section 5 will be limited to a maximum period of twenty minutes. A maximum of three speakers will be permitted to speak to each side of any one topic. The later Public Comments Section will provide for five minutes of testimony, with no other limitations. All action items on the agenda will begin with a staff report followed by a public comment period of two minutes per person.

Suspension of this rule will require four votes. The Presiding Officer shall ask the rest of the Councilmembers if they have any comments or questions before the citizen is excused. Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure.

The City Attorney shall advise as to what state law permits as to public comment on quasi-judicial matters. If comments on quasi-judicial matters are provided in writing, they will be reviewed by the City Attorney for appropriateness before being presented to the Council. Such written comments must be filed with the City Clerk by 1:00 p.m. of the Wednesday preceding the Regular or Special Meeting.

B. Identification of Speakers. Persons testifying shall identify themselves for the record as to name, address and organization.

C. Instructions for Speakers. An instruction notice for speakers will be available at the meeting. Speakers will be advised by the Presiding Officer that their testimony is being recorded.

D. Rules for Public Testimony. The following rules shall be observed during any Public Hearing:

1. Individuals will be allowed three minutes to speak or five-minutes when presenting the official position of a recognized organization, and each organization shall have only one five (5) minute presentation. If a speaker purports to speak for an organization, club or others so as to lead Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.

2. The Presiding Officer may allow additional time for receipt of written testimony when needed.

3. The Clerk shall be the timekeeper.

E. Addressing Council Outside of a Public Hearing or Public Comments. No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.

Section 9. Agenda Preparation.

A. The Clerk will prepare an agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review by the Presiding Officer.

B. An item for a Regular Council meeting may be placed on the agenda by any of the following methods:

1. A majority vote of the Council for a Regular Council Meeting.
2. Council consensus.
3. By any two Councilmembers, in writing or with phone confirmation, with signatures by fax allowed for confirmation of support, no later than 12:00 (noon) five days prior to the meeting. The names of the requesting Councilmembers shall be set forth on the agenda.
4. By the City Manager.
5. By the Mayor or Deputy Mayor when acting in the absence of the Mayor.

C. An item may be placed on the agenda for a Regular Council Meeting at the time the Council approves the agenda only if a Councilmember or the City Manager explains the necessity for placing the item on the agenda and receives a majority vote of the Council to do so.

D. Agenda bills in City Council packets shall be in a standard format agreed upon by the City Council with the City Clerk.

E. Legally required advertised public hearings will have a higher priority over other agenda items scheduled for convenience rather than for statutory or other reasons.

F. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

G. It is the intent of the City Council that council procedures be periodically reviewed as needed, but no less than every two years. Accordingly, Council procedures shall be considered in the month of January of every even-numbered year, and may be considered at any other time that Council shall choose to review them.

Section 10. Correspondence. All correspondence from the City Administration to the City Council shall be signed or initialed by the individual responsible for the correspondence and shall contain the name and title of that individual in the address block.

Section 11. Effect/Waiver or Rules. These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by a majority vote, determine to temporarily waive any of the provisions herein.

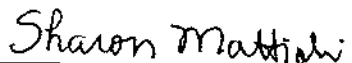
Section 12. Repealer. Resolution No. 151 establishing rules of procedure for the City Council is hereby repealed.

ADOPTED BY THE CITY COUNCIL ON APRIL 26, 1999.



Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

Attachment C

RCW 42.12.070

Filling nonpartisan vacancies.

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in RCW 29.15.190 and 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two

candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall service both the remainder of the unexpired term and the succeeding term.

[1994 c 223 § 1.]