

RESOLUTION NO. 451

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REPEALING THE RULES OF PROCEDURE FOR THE CITY COUNCIL, AND ADOPTING NEW RULES OF PROCEDURE FOR THE CITY COUNCIL.

WHEREAS, the City Council established rules of procedure to organize and regulate its internal affairs and provide the most expedient means of conducting council meetings;

WHEREAS, the City Council Rules Ad Hoc Committee reviewed the Rules of Procedure of May 10, 2004, and recommended various amendments,

WHEREAS, previous Resolutions 140, 164, and 341 amending the Council Rules of Procedure have been incorporated into the proposed Resolution NOW, THEREFORE,


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON AS FOLLOWS:

Section 1. Rules of Procedure Repealed. The Rules of Procedure of the City Council, as adopted by Resolution No. 140 and amended by Resolution No. 164 and 341, are hereby repealed.

Section 2. Rules of Procedure Amended. The Rules of Procedure of the City Council are adopted as presented in Exhibit A.

Section 3. Effective Date. This resolution shall take effect immediate upon signing.

ADOPTED BY THE CITY COUNCIL ON JULY 19, 2004.



Ken Grassi, Mayor

ATTEST:



Catrina Craig, City Clerk

SECTION 1. GENERAL.

These rules constitute the official rules of procedure for the University Place City Council. In all decisions arising from points of order which are not covered by these rules, the Council shall be governed by Robert's Rules of Order (newly revised 1990 edition, ninth edition), a copy of which is maintained in the office of the University Place City Clerk. The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at the Council meeting.

SECTION 2. ORGANIZATION.

A. Swearing in of New Councilmembers. New Councilmembers shall be sworn in by the City Clerk or by a judge appointed to a Federal, State, County or Municipal Court, at the choice of the Councilmember-elect. The swearing in will occur at the first meeting of the City Council held in January following certification of the election.

B. Vacancies of Office. A vacancy of office will occur upon the death or resignation of the incumbent, the incumbent ceasing to be a legally registered voter of the city, the incumbent's conviction of a felony or other offense involving a violation of his or her official oath, and other events as set forth in RCW 42.12.020. If a vacancy should occur, the remaining members of the City Council shall appoint a qualified person to fill the vacant position pursuant to the provisions of 42.12.070 within ninety (90) days of the occurrence of the vacancy. Councilmember appointees under this section shall be sworn in prior to assuming their seat on the Council.

C. Election of Mayor and Mayor Pro Tem. The Mayor shall serve as the Presiding Officer of the Council. In the temporary absence of the Mayor, the Mayor Pro Tem shall perform the duties and responsibilities of the Mayor with regard to conduct of meetings and emergency business.

The motion to elect the Mayor and the Mayor Pro Tem will be placed on the Agenda of the first regular City Council meeting in January following certification of the election and the Mayor and Mayor Pro Tem will serve in office for a term as specified by Statute.

In the event the Mayor is unable to serve the remainder of the term, due to his or her removal from office as provided in RCW 42.12.010, or his or her resignation as Mayor or from the City Council, or upon his or her death, the Mayor Pro Tem shall serve as Mayor for the remainder of that term and a new Mayor Pro Tem shall be elected.

In the event the Mayor Pro Tem is unable to serve the remainder of the term, a new Mayor Pro Tem shall be elected at the next regular meeting.

1. Nomination Procedure. 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 vote. 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.

2. Voting Procedure. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Councilmembers will be asked for a raise of hands. As soon as one of the nominees receives a majority vote (four votes), then the Chair will declare the nominee elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receive a majority vote, the Chair will call for nominations again and repeat the process until a single candidates receives a majority vote before the Office of Mayor Pro Tem is opened for nominations.

D. Quorum. At all Council Meetings, a majority of the Council (four members) shall constitute a quorum for the transaction of business.

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

1. Unless otherwise provided for by statue, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a random roll call vote may be taken by the Clerk. A vote by open ballot may be taken, pursuant to a two-thirds vote, without debate, of the full Council. The City Clerk will conduct the ballot vote, providing a ballot to each Councilmember, and announcing for the record each Councilmember's vote.
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. Failure to vote shall be deemed to be an affirmative vote. Councilmembers may submit written comments for the record on an issue that will be voted on in their absence.

F. Attendance, Excused Absences.

1. 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 excused absence. Councilmembers who do not follow the above process, will be considered unexcused and it shall be so noted in the minutes.
2. Late Arrivals. Members of the Council who anticipate a late arrival to a City Council meeting should contact the Mayor prior to the meeting and state the reason for the expected late arrival. 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. Councilmembers who do not follow the above process and are not in attendance at the time of roll call, will be considered as an unexcused tardy. Three unexcused tardies will constitute one unexcused absence. Councilmembers who are not in attendance within one hour of roll-call, and have not followed the above process, will be considered as an unexcused absence. Arrival times of Councilmembers will be noted in the minutes.
3. Unexcused Absences. Pursuant to RCW 35A.12.060, a council position shall become vacant if the Councilmember fails to attend three consecutive regular meetings of the council without being excused.

G. 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 personal or slanderous remarks or who becomes disorderly while addressing the Council or while in the Council Chamber while the Council is in session, shall be asked to leave by the Presiding Officer.

H. Confidentiality.

1. Councilmembers shall 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 or under Public Disclosure Ordinance adopted by the Council.

2. If the Council, after Executive Session, has provided direction or consensus to City staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated City staff representative handling the issue. Councilmembers should consult with the City Manager and/or City Attorney prior to discussing such information with anyone other than other Councilmembers, the City Attorney or City staff designated by the City Manager. Any Councilmember having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the City Manager and Council in a timely manner.

- 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 City Manager shall appoint a Clerk Pro Tempore for that meeting only.
- J. Attendance of Officers or Employees. Any City officer or employee shall have the duty when requested by the City Manager to attend Council Meetings and shall remain for such time as the City Manager may direct.

SECTION 3. OFFICERS.

- A. Presiding Officers. The Mayor, or in his or her absence, the Mayor Pro Tem, shall be the Presiding Officer of the Council. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall appoint one of the members of 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. Every Councilmember who wishes an opportunity to speak must be 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 or 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 Mayor Pro Tem or, in his or her absence, 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)." "Your Honor," or Mr./Madam Mayor. Members of the Council shall be addressed according to their preference as "Councilmember (surname)," "Councilor (surname)," or Mr./Mrs./ Miss/ Ms. (surname). First names shall not be used in the Council Chamber.
- B. Seating Arrangement at Regular Meetings. The Mayor shall sit at the center of the Council, and the Mayor Pro Tem 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. CITY ADVISORY COMMITTEES

The City of University Place's Commissions, Committees, and Task Forces provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Council in the decision-making process. Effective citizen participation is an invaluable tool for local government.

All City Advisory Committees are advisory to the City Council and are not authorized to take independent action representing the City with other agencies or bodies.

- A. Establishment of Advisory Bodies. These advisory bodies will be established by City Resolution or Ordinance, if required by state statute. The enacting resolution will set forth the size of each advisory group, which will be related to its duties and responsibilities; the term of office of its members; a statement of its purpose and function; and time lines, if relevant to the scope of work.

The Council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason.

- B. Appointments to Advisory Bodies. Vacancies may be advertised so that any interested citizen may submit an application. Applicants are urged to be citizens of the City of University Place, but applications from residents living outside of the corporate boundaries may be considered if authorized by the resolution or ordinance establishing the advisory body.

Appointments to advisory bodies will be made by the City Council during a regularly scheduled meeting.

Newly appointed members will receive a briefing by the Commission, Committee, or Task Force Chairperson and/or City staff regarding duties and responsibilities of the members of the advisory body.

Appointees to advisory bodies may be removed prior to the expiration of their term of office by a majority vote of the City Council.

- C. Conduct of Business. The advisory body will normally adopt rules for transaction of business, and will determine the number of meetings necessary for the business needs of the advisory group, unless otherwise established in the enacting resolution or ordinance. All meetings are subject to the public meetings laws of the State of Washington and City Ordinance.

SECTION 6. COUNCIL COMMITTEES/APPOINTMENTS

Council committees are policy review and discussion arms of the City Council. Committees may study issues and develop recommendations for consideration by the City Council. Committees may not take binding action on behalf of the City.

The City Council may meet for study or special project purposes as a Committee of the Whole or may establish Council subcommittees with three or fewer members.

Council Committee structure shall be as determined by the City Council in January of each year and may include:

- A. Council Committee of the Whole - (Seven Councilmembers)
- B. Council Committees - Standing Committees established for special purposes, tasks, or timeframes (four or more Councilmembers)
- C. Subcommittees of the City Council - Ad hoc and informal working or study group (three or fewer Councilmembers)
- D. Councilmember appointments - to task teams or City advisory boards, commissions and committees (three or fewer Councilmembers)

- E. Liaison/Representative Appointments - to other advisory bodies or groups.

SECTION 7. MEETINGS.

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

The City Manager, or his or her designee, shall attend all meetings of the City Council including Regular meetings, special meetings, study sessions, and executive session, except if Council meets in Executive Session with the City Attorney on matters of potential conflict for the City Manager.

- A. Regular Meetings. The Council shall hold Regular Meetings on the first and third Monday of each month. The Regular Meeting will begin at 7:00 p.m., unless an Executive Session is scheduled at the beginning or end of the agenda. Should any meeting occur on a legal holiday, the meeting shall be held at the same hour and place on the following Tuesday.
- B. Study Sessions. The Council shall hold Study Sessions on the second Monday of each month between 7:00 p.m. and 10:00 p.m. Should any meeting date occur on a legal holiday, the meeting shall be canceled. Study Sessions will be informal meetings for the purpose of reviewing: the up-coming Regular Meeting preliminary agenda; forthcoming programs and future Council agenda items; progress on current programs or projects; or other information the City Manager feels is appropriate. Final action will not be taken on Study Session agenda items.
- 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, Mayor Pro Tem, or any three 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. Special Meetings - Fifth Monday. A special meeting may be held on the fifth Monday of the month if requested, as set forth in 7.C, only upon advance notification of the entire Council of the need for the meeting and upon approval of a majority of Council.
- E. 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 for the following purposes:

1. Matters affecting national security;

2. To consider the selection of a site or the acquisition of real estate;
3. To consider the minimum price at which real estate will be offered for sale or lease;
4. To review negotiations on the performance of publicly bid contracts;
5. To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;
6. To receive and evaluate complaints or charges brought against a public officer or employee;
7. To evaluate the qualifications of an applicant for public employment or review the performance of a public employee;
8. To evaluate the qualifications of a candidate for appointment to elective office; and,
9. To discuss with legal counsel matters relating to enforcement actions, or to discuss litigation or potential litigation;
10. Labor negotiations.

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. No formal action or decision of the Council may be taken in Executive Session.

- F. Emergency Meetings. If at any time there is a need for expedited action by the City Council to meet an emergency situation, the Mayor, or in the absence of the Mayor, the Mayor Pro Tem or any three members of Council, may call an emergency meeting at a place and time as necessary, and the noticing requirements of Chapter 42, RCW, or City ordinance or rule, may be waived.
- G. Adjournment. Regular and Special Council Meetings shall adjourn at 10:00 p.m.; Study Sessions shall adjourn at 10:00 p.m. The adjournment times established hereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. During regular and special meetings, any Councilmember may call for a "Point of Order" at 9:30 p.m. to review agenda priorities.
- H. Meeting Place. Council Meetings will be a time and place as Council directs, except that Regular and/or Special meetings shall always be held within the boundaries of the City
- I. Public Notice. The City shall comply with the provisions of RCW 35A.12.160.

SECTION 8. 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 (7:00 - 10:00 p.m.)*

1. Call to Order

2. Executive Session (as necessary)
3. Roll Call, Flag Salute
4. Approval of Minutes of Previous Meeting
5. Approval of Agenda
6. Commendations/Presentations
7. Public Comments
8. Council Comments/Council Committee Reports
9. Consent Calendar and Approval of Payroll/Claims
10. Public Hearing
11. Ordinances, Resolutions and Motions
12. Council Considerations
13. Report of City Manager
14. Report of Mayor
15. Public Comments
16. Executive Session (as necessary)
17. Adjournment

- B. Order of Business for Study Sessions. The order of business for each Study Session is as follows:

Study Session (7:00 - 10:00 p.m.)

1. Study items
2. Council discussion of upcoming preliminary agenda items
3. Council Comments
4. Council Committee Reports
5. Executive Session

- C. Council Agenda. When necessary, the Mayor or other Councilmember, with the consent of the Council, may change the order of business. No legislative item not on the agenda shall be voted upon; a motion to suspend the rules would be necessary in order to vote on a legislative item not on the agenda.

SECTION 9. CONDUCT OF BUSINESS

- A. Motions: Business is brought before the council by motions, which constitute a formal procedure for taking actions. To make a motion, a member must first be recognized by the presiding officer. After the member has made a motion (and after the motion is seconded if required) the chair must then restate it or rule it out of order, then call for discussion.
- B. Staff Input. During regular or special meetings of the Council, the presiding officer will call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Councilmembers; additional staff input will be limited to providing clarification on issues if requested by a Councilmember.

- C. Reconsideration. A motion to reconsider is in order during the meeting after a motion has been acted upon either at the same meeting or at the next regular or special meeting of the Council. It must be made by a member who voted on the prevailing side, i.e., if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

SECTION 10. PUBLIC TESTIMONY.

A. Public Comment

During Regular or Special Meetings of the Council, public comments will be invited during the Public Comment portion of the agenda. The public is also invited to provide written comment on any non-quasi-judicial or legislative matter. It is encouraged that such written comments be filed with the clerk by 1:00 p.m. of the Wednesday preceding the Regular Meeting. If written comments are given at the meeting, the presenter should provide eleven copies for the Council and staff.

In addition, public oral testimony may be taken on other non-quasi-judicial or legislative matters as they arise during the course of the meeting agenda. However, once a motion is pending, debate is limited to Councilmembers and no further public comment will be taken, unless a Councilmember requests further testimony.

Public comments should be limited to no more than four minutes per person.

The Council may more informally take public comments at a Study Session, when appropriate and practical. In addition, individuals may petition to appear on the agenda of a future Study Session to address the Council on specific issues or requests. Such petitions should be directed to the City Clerk or the City Manager for scheduling up to 15 minutes on a future Study Session Agenda as time allows.

- 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 and/or sign up sheet will be provided at the entrance to the Council chambers. Speakers will be advised by the Mayor that their testimony is being recorded. Persons testifying should address their comments to the City Council, not the audience.
- D. 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 11. 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 or policies set 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. 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 12. PUBLIC HEARINGS.

The Public Hearing is a formal opportunity for citizens to give their views for consideration in the legislative or policy-decision-making process. In addition, public hearings are required on quasi-judicial actions which determine the legal rights, duties, or privileges of specific parties. The following rules shall be observed during public hearings:

- A. Legislative/Information Gathering Public Hearing:
1. Open Public Hearing - The Mayor will open the public hearing.
 2. Staff Presentation - For an initial presentation of background information from a City Department, a City Board, Commission, or Committee, or an organization such as the Fire District, the Library District, or the School District, no more than 20 minutes will be allowed, unless otherwise authorized by the Presiding Officer.
 3. Citizen Comments - Comments will be limited to four minutes from individuals or from persons speaking as a representative of an organization, club, or group. The Presiding Officer may allow additional time for receipt of written testimony, when needed.
 4. Staff Comments - Additional staff comments may be requested by Council following citizen comments.
 5. Close Public Hearing - At the conclusion of Citizen or Staff Comments, the Presiding Officer will close the public hearing.
 6. Council Deliberation.
 7. Council Action.

8. Timekeeper. The City Clerk shall be the timekeeper..

B. Quasi Judicial Public Hearings:

Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial hearing is on the agenda, the public will be informed by the City Attorney as to what state law permits as to public comments. In addition, quasi-judicial hearings will be conducted in conformance to procedures outlined in other City ordinances such as the Hearings Examiner Ordinance and the Ordinance Adopting New Administrative Procedures for the Processing of Project Permit Applications as Required by the Regulatory Reform Act.

SECTION 13. AGENDA PREPARATION.

- A. The Clerk will prepare a preliminary 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 preliminary agenda is subject to review by the Mayor and Mayor Pro Tem.
- B. An item for a Regular Council meeting may be placed on the preliminary agenda by any of the following methods:
1. A majority vote of the Council;
 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) two business 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 a Council Committee; or.
 6. By the Mayor.
 7. By the Mayor Pro Tem.
- C. An item may be placed on the preliminary agenda for a regular Council Meeting after the preliminary agenda is finalized 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. Legally required advertised public hearings will have a higher priority over other agenda items scheduled for convenience rather than for statutory or other reasons.

- E. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- F. The final Agenda is set by the Mayor and or the Mayor Pro Tem.

SECTION 14. EFFECT/WAIVER OF RULES.

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.

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 two-thirds vote of those members present and voting, determine to temporarily waive any of the provisions herein. A two-thirds vote is five of seven votes, four of six votes, four of five votes, and three of four votes.