

RESOLUTION NO. 678

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING  
AND RESTATING THE 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; and

WHEREAS, the City Council desires to refine the legislative process to promote better clarity for the public and offer ease of administration.

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

Section 1. Amending and Restating. Resolution number 657 Rules of Procedure for the City Council are hereby amended and restated as attached.

Section 2. Effective Date. This resolution shall take effect immediately upon its adoption.

**ADOPTED BY THE CITY COUNCIL ON AUGUST 15, 2011.**

  
Debbie Klosowski, Mayor

**ATTEST:**

  
Amy Genetta, 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 the most current published edition of Robert's Rules of Order, 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 ten (10) days prior to the scheduled date of assuming office; at the last Regular Meeting of the City Council, or at the first meeting of the City Council held in January following certification of the election.~~ New Councilmembers shall be sworn in, according to the requirements of State law as they currently exist or may hereafter be amended. State law currently allows new Councilmembers to be sworn in (a) Up to ten days prior to the scheduled date of assuming office, including just prior to commencing the first meeting in which the newly elected Councilmember(s) will assume office; or (b) At the last regular meeting of the City Council held before the beginning of the year in which Councilmember-elect is to assume office. Under current State law, the oath may be administered and certified by "any officer or notary public who administers oaths, without charge therefore". This includes but is not limited to, the City Clerk and any judicial officer.
- 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. 010. 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 two (2) years.

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 candidate 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 statute, 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 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. Councilmembers may participate in meetings by speaker phone. Participation will not constitute attendance and the Councilmember will not be allowed to vote via teleconference.
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. Members shall refrain from restating minority opinions on issues previously acted upon solely for the purpose of continued

debate. Councilmembers shall emphasize and encourage respectful behavior from everyone in attendance.

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. To limit distractions, the Presiding Officer shall request any person participating in side conversation to abstain from conversing or to resume the conversation outside of the Council Chamber.

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.~~  
Legislation.
1. The City Council adopts laws and regulations of the City by written ordinance, which after passage shall be codified in the University Place Municipal Code.
  2. The City Council approves agreements, and expresses its legislative policies and intent by written resolution, which after adoption are retained in the files of the City Clerk.
  3. Where exigent circumstances exist as determined by a majority vote of the City Council, the Council may approve agreements, and express its legislative policies and intent by oral motion, which after passage will be documented verbatim in the minutes of the Council meeting and retained in the files of the City Clerk.

#### **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 left hand of the Mayor. The most recent former 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. CITY ADVISORY COMMISSIONS**

The City of University Place's Commissions, 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 Commissions 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 or ordinance 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. Application process shall begin in October of each year. 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.

At City Council's discretion, the current Chairperson and Vice Chairperson of an advisory body will interview applicant(s), and submit a

list of top three strengths, specific skills or background for each candidate, as well as any qualification limits that may prove helpful for appointments to the Commission. Current Commissioners seeking re-appointment shall not participate in the interview process for new applicants.

Interviews of applicants and appointments to advisory bodies will be made by the City Council during a Special Meeting. All new candidates for appointment to an advisory board must attend at least one respective advisory meeting prior to the ~~candidate~~ Council interview process. Existing Commissioners ~~members~~ seeking re-appointment shall submit an updated application and are required to interview before Council. Interview questions shall be approved by Human Resources and shall be asked of each new candidate. Previous members seeking re-appointment may be asked a different set of questions due to their prior service on the Commission.

Newly appointed members will receive a briefing by the ~~Commission, or Task Force Chairperson and/or~~ City Commission support staff and the City Attorney 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 6:30 p.m., regardless of whether 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. ~~Special Meeting/Study Sessions. The Council may hold a Special Meeting or Study Sessions or a combination of both meetings on the second Monday of each month between 6:30 p.m. and 9:00 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. Depending upon the complexity of an issue, Council may request a second reading or study session in which identified people with expertise are invited to participate beyond the usual three minute time period. An issue coming forward from a Commission shall require staff and a Commission representative to present the information and recommendation noting the Commission's discussion date. Decision to invite specific people should be made at the first study session or submitted to the Mayor or Mayor Pro Tem. During the second study session, staff will present an abbreviated version of the initial report and appropriate Commission members should attend to answer any additional questions. After invited guests have provided their input, a public comment period will be allowed for members of the public.~~

~~Special Meetings may be held by the Council at any time subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Mayor Pro Tem, or any three 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.~~

A. Business Meetings. The Council shall hold business Meetings on the first and third Monday of each month. The Business Meeting will begin at 6:30 p.m. 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 a Study Session on the second and fourth Monday of each month at 6:30 p.m. Should any meeting date occur on a legal holiday, the meeting shall be canceled.

1) Study Session meetings are held primarily for the purpose of considering current issues of the City, coordinating the work of the City Council, and discussing draft ordinances, resolutions, and policy issues in detail. In Study Session, the Council will not take final actions, including but not limited to adopting ordinances or passing motions or resolutions. In Study Session, Councilmembers may request public comment and testimony from any outside source, subject to the same rules as public testimony during regular Business Meetings.

2) After completion of the Study Session discussion, the City Manager, after conferring with the Mayor and Mayor Pro Tem, shall set the matters and legislation discussed on a regular Business Meeting schedule for consideration and vote.

C. 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.

The Council may meet in executive session as allowed by State law, as it currently exists, or may hereafter be amended. The determination of whether a particular matter is eligible for executive session under State law will be made by the City Attorney. Prior to any scheduled executive session, all Councilmembers will receive an executive session packet for review. During any Council meeting in which an executive session is scheduled, a majority of the City Council by affirmative vote may choose to hear the proposed executive session matter in open session.

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.

- D. 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~~ four 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.
- E. Adjournment. Regular and Special Council Meetings shall adjourn at 9:00 p.m.; Study Sessions shall adjourn at 9:00 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 8:30 p.m. to review agenda priorities. After adjournment of Council meetings, City Hall will remain open for 15 minutes to allow for closing procedures. In the event that Council adjourns to Executive Session, staff will secure the equipment and leave City Hall open until the final adjournment.
- F. 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
- G. 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 (6:30 p.m. - 9:00 p.m.)\*

1. Call to Order
2. Roll Call, Pledge of Allegiance
3. Executive Session (as necessary)
4. Approval of Minutes of Previous Meeting
5. Approval of Agenda
6. Commendations/Presentations
7. Public Comments
8. Council Comments/Commission Reports/ Conversation with Council
9. Consent Agenda
10. Public Hearing
11. Ordinances, Resolutions and Motions
12. Council Considerations
13. Report of City Manager
14. Report of Mayor
15. Executive Session (as necessary)
16. Adjournment

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

Special Meeting/Study Session (6:30 p.m. – 9:00 p.m.)

1. Call to Order
2. Roll Call
3. Study Items
4. Council Considerations
5. Ordinance, Resolutions and Motions
6. Council discussion of upcoming preliminary agenda items
7. Council Comments
8. Council Committee Reports
9. Executive Session (as necessary)
10. Adjournment

- 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. Councilmembers shall withhold questions until the staff report is completed. 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 three minutes per person. The Presiding Officer may further limit the public comments to one to two minutes per person to accommodate additional commentary and shall have the discretion to notify and allow the speaker to conclude its statement within the next minute to stay within the allotted time period.

Public comment period is a time to comment and request information; however, it is not a question and answer session. Council should indicate that concerns will be looked into and addressed appropriately at a later time.

The Council may more informally take public comments at a Study Session, when appropriate and practical upon approval of motion to do

so. 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 AGENDA**

- A. The City Manager in consultation with the Presiding Officer, shall place matters on the Consent Agenda 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. Council shall email or phone staff with questions concerning items on the Consent Agenda prior to the meeting to enable staff to do additional research and preparation.
- B. The motion to adopt the Consent Agenda shall be non-debatable and have the effect of moving to adopt all items on the Consent Agenda. Since adoption of any item on the Consent Agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Agenda. 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 Presiding Officer 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. Commission/Committee Report – For presentation of Commission or Committee recommendations, and a minority report if applicable, to Council no more than 10 20 minutes will be allowed, unless otherwise authorized by the Presiding Officer.
4. Citizen Comments - Comments will be limited to three 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.
5. Staff Comments - Additional staff comments may be requested by Council following citizen comments.
6. Close Public Hearing - At the conclusion of Citizen or Staff Comments, the Presiding Officer will close the public hearing.
7. Council Deliberation.
8. Council Action.
9. 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 AND LEGISLATION**

- 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.~~

A. Agenda Development. The City Manager will prepare an agenda for each Council meeting in consultation with the Mayor and Mayor Pro Tem specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. An item may be placed on the agenda by the City Manager, or by the request of at least two Councilmembers. During the meeting subject to the agenda, Councilmembers may by majority vote modify the agenda, including additions and deletions, to the extent allowed by law.

B. Preparation of Legislation. When two or more Councilmembers desire the preparation of an ordinance or resolution, they will provide notice of their request to the City Manager, and will work with the City Attorney in drafting the legislation to ensure that the draft is lawful and in proper form.

C. Study Session Review. Consideration and voting on any subject, legislation, or communication by the Council shall not be placed on the agenda of a Council Business Meeting, unless the subject, legislation, or communication has been reviewed by the full Council in Study Session at least one week prior to the date it is considered in the Business Meeting. Where exigent circumstances exist as determined by a majority vote of the City Council, the Council may determine to consider a subject, legislation, or communication in its Business Meeting without prior Study Session review.



- C. 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.
- D. E. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- E. F. The final Agenda is set by the Mayor and or the Mayor Pro Tem. Both Mayor and Mayor Pro Tem should be present during Agenda meetings. If the Mayor or Mayor Pro Tem is not available, an attempt should be made to bring another Council member in to participate in the meeting.

#### **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.