

**RESOLUTION NO. 975**

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ITS COUNCIL RULES**

WHEREAS, for the past year, City Council has studied, discussed, and finalized revisions to the Council Rules which will align the Rules with the current practice and better meet the needs of the Council;

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

Section 1. Approval of Form of Documents. The City Council approves the amended Council Rules in substantially the form attached hereto as Exhibit A.

Section 2. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council and shall apply to all subsequent Council meetings; except for the amendment to Section 5(F) of the Council Rules, which shall take effect on December 31, 2023 and apply to all Council meetings thereafter.

**ADOPTED BY THE CITY COUNCIL ON MAY 16, 2022.**

\_\_\_\_\_  
Steve Worthington, Mayor

**ATTEST:**

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Emelita J. Genetia, City Clerk

**APPROVED AS TO FORM:**

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Matthew S. Kaser, City Attorney

**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 Councilmember(s) 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

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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 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 as follows:

- a. ~~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. During roll call, the Clerk shall announce that the Councilmember is excused and the minutes will show the Councilmember as having an excused absence. 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 non-debatable. 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. An excused absence under this provision is subject to reconsideration upon motion of a majority of the Councilmembers then-present.~~  
On motion of a majority of the Councilmembers present.

2. Remote Participation. Councilmembers may participate in meetings by voice or video conferencing technology. Remote attendance is for the benefit of the City and not for the benefit of an individual Councilmember and is intended to be the exception to in-person attendance. Unless one of the following circumstances are present, participation will not constitute attendance, the absent Councilmember will be deemed to be absent, and the Councilmember will not be able to vote remotely:

- a. ~~If a local, state, or federal emergency has been declared and the circumstances are such that Councilmembers or the public cannot attend in-person with reasonable safety because of the emergency. Due to fire, flood, earthquake or other emergency, either (i) there is a need for action by Council to meet the emergency; or (ii) circumstances render it inadvisable, impractical or impossible for the Council or individual councilmembers to meet in-person;~~ or
- b. If either (1) a quorum will not be present; or (2) there are fewer Councilmembers present than the minimum number of votes necessary for passage of a measure on the agenda, then one or more Councilmembers will be permitted to participate remotely.

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c. In circumstances not satisfying subparts (a) or (b), so long as there is an option for the public to listen to the meeting and the Councilmember has a circumstance (i.e., out-of-town travel, illness or other emergency) which would ordinarily justify an excused absence.

All requests for remote participation shall be directed to the Mayor, City Manager and City Clerk. Furthermore, all requests for remote participation are subject to technological limitations.

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 the 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 Mayor Pro Tem, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.

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- 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. 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 appropriate 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 or written motion, which after passage will be documented verbatim in the minutes of the Council meeting and retained in the files of the City Clerk.
  4. When two or more Councilmembers may desire the preparation of an ordinance or resolution, they will provide notice of their request to the City Manager. Notice of the legislative proposal shall be filed with the City Clerk. A legislative proposal brought under this section shall be placed on an agenda within ninety (90) days of the City Clerk's receipt of the proposal.
  5. No legislation shall be prepared for presentation to the Council, unless requested by a majority of the Council, or requested by the City Manager or City Attorney. All legislation shall be prepared or reviewed by the City Attorney.

### 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.

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- C. Dissent 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. 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 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.
- F. Finance Committee – The City Council shall meet as it deems necessary as a Finance Committee comprised of all City Council Members. The Finance Committee may be scheduled for any regular or special City Council meeting to review City finances. ~~They Mayor Pro Tem shall serve as the Chair of the Finance Committee. The Council shall elect a Finance Chair from among its membership to act as the presiding officer of the Finance Committee for a two-year term. Election of the Finance Chair shall occur at the same time, and through the same process, as is provided in these Rules for election of the Mayor and Mayor Pro Tem.~~

### SECTION 6. MEETINGS

- A. Regular Meetings. Regular meetings will occur as provided by resolution of the City Council.
- B. Special Meetings. Special meetings may be scheduled in accordance with State law.
- C. Emergency Meetings. If at any time there is a need for expedited action by the City Council to meet on emergency situation, the Mayor, or in the absence of the Mayor, the Mayor Pro Tem or any four members of the Council, may call an emergency meeting at a place and time as necessary, and the meeting shall be noticed and conducted in accordance with State law.
- D. Adjournment. Regular and Special Council meetings 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.

- E. Televised Meetings. Regular meetings, including Study Sessions held during Regular meetings, will be televised, and that the televising of any study session outside of the regular meetings will be approved by a super majority vote of the Council.

## **SECTION 7. COUNCIL ORDER OF BUSINESS**

The agenda format of the Regular City Council meeting shall be as follows except that if an agenda section contains no scheduled items, that section will be deleted from a particular agenda.

### **7.1 Call to Order**

The Mayor shall call the meeting to order. Councilmembers may request to be excused from a meeting for bona fide reasons, by requesting the same of the Mayor and so notifying the City Clerk.

### **7.2 Roll Call**

The City Clerk will call the roll.

### **7.3 Pledge of Allegiance**

Councilmembers and, at times, invited guests will lead the Pledge of Allegiance to the Flag.

### **7.4 Approval of the Agenda**

All items to be included on the Council's agenda for consideration should be submitted in full to the City Clerk by noon of the Tuesday preceding each regular Council meeting. The City Clerk and City Manager shall then prepare a proposed agenda according to the order of business, with consultation by the Mayor and Mayor Pro Tem. If either the Mayor or Mayor Pro Tem are not available during an agenda-setting meeting, an attempt should be made to have another Councilmember participate in the agenda-setting meeting as a substitute. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

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

1. Council consensus is defined to be general agreement as determined by the Mayor.
2. By the City Manager.
3. By the Mayor.
4. By any two (2) 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.

Consideration and voting of any subject, legislation, or communication by the Council shall not ordinarily be placed under the Council Consideration section of the agenda, unless the subject, legislation, or communication has been reviewed by the full Council via Study Session at least one week prior to the date it is considered under the Council Consideration. The Council may, by majority vote, in approving the agenda, determine to consider a subject, legislation, or communication under Council Consideration without prior Study Session review.

Legally required 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.

### 7.5 Proclamations and Presentations

A proclamation is defined as an official announcement made by the Mayor or the City Council.

City Council Proclamations are made for the purpose of recognition of an individual, group or event. City Council Proclamations shall be publicly read at a City Council meeting and presented to a representative(s) of the event during the Council meeting.

A presentation is defined as an official report presented by an individual(s) and/ or special interest group at a City Council meeting. This may also include specific items brought forward at the request of the City Manager in order to properly brief the City Council and public about City business and/or matters of public concern.

### 7.6 Public Comments

Members of the audience may comment on items relating to any matter related to City business under the "Public Comments" period. Comments are limited to three (3) minutes per person. The Mayor shall determine the overall amount of time set for "Public Comments." Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use by those citizens wishing to address the Council. The City Clerk shall serve as timekeeper.

In addressing the Council, each person should stand, and after recognition, move to the podium, give his/her name and address, and unless further time is given by the presiding officer, shall limit his/her comments to three minutes. All remarks shall be made to the Council as a body and not to any individual member.

No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

The public is also invited to provide written comment on any legislative matter. Unless a different timeline applies pursuant to Code or provision of law, sSuch written comments are encouraged to be filed with the City Clerk by the close of business of on the Tuesday preceding the day of a Regular Council Meeting.

### 7.7 Consent Agenda

Approval of the Consent Agenda is considered to be routine and noncontroversial, and it may be approved by a majority vote after a motion and a second. Items on the Consent Agenda include but are not limited to the following:

- A. Approval of minutes.
- B. Fixing dates for public hearings when such is required by law.
- C. Fixing dates for hearings on appeals.
- D. Approval of claims and vouchers bid awards and contracts.
- E. Approval of final plats.
- F. Passage of resolutions and/or ordinances which the City Council has given direction to place on the consent agenda.
- G. Items Filed in the Office of the City Clerk (minutes and/or reports of Committees, Boards, and Commissions).
- H. Appointments of individuals to committees, boards, and commissions.
- I. Other items designated by the City Council.

Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.



**7.8 Public Hearings and Appeals**

Public hearings shall be held as required by law and shall follow the legally proscribed process. Public hearings may also be held at the request of the Council even though not legally required. In such instance, the process shall be as proscribed for that hearing by Council.

**7.9 Council Consideration**

Motions and other business of a general nature shall be set for action during this section of the agenda.

Unless a majority of the Council votes otherwise, final consideration of any legislation shall include comments from members of the public. Comments will be limited to three (3) 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

**7.10 Reports by the City Manager**

The City Manager may update Councilmembers on current issues or items of Council interest.

**7.11 City Council Comments**

The Mayor and Councilmembers may take this opportunity to make comments, extend compliments, express concerns, report to the Council as Board, Committee and Commission liaisons, or make announcements concerning any topic they wish to share. Councilmembers are encouraged to use this time to make reports on the activities, meetings, or issues arising from their service as a designated City representative to a community or intergovernmental organizations or agencies.

**7.12 Study Sessions**

Study Sessions will be informal in nature and for the purpose of discussing, investigating, reviewing or studying matters of City business with City staff for informational purposes. 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 on a future Study Session agenda as time allows.

**7.13 Adjournment**

Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

**SECTION 8. EFFECT/WAIVER OF RULES**

In the intent of the City Council is 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 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.