

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 17-293**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING REVISED CITY OF KENMORE
COUNCIL RULES AND PROCEDURES AND REPEALING
RESOLUTION NO. 14-238.**

WHEREAS, City Councilmembers have agreed to certain working protocols and procedures;
and

WHEREAS, RCW 35A.13.170 and 35A.12.120 require the City Council to establish rules of
procedure for the order of business and conduct of City Council meetings; and

WHEREAS, the City Council desires to adopt its revised rules and procedures to provide for a
Code of Ethics and Conflicts of Interest section and to make other modifications; and

WHEREAS, the City Council desires to have all its rules and procedures in one document,
including Vacancy and Leave of Absence policies formerly adopted by Resolution No. 14-238;

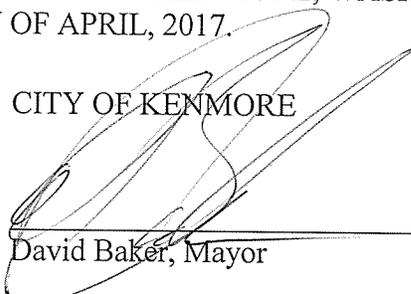
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE,
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council adopts the “City of Kenmore Council Rules and Procedures”
attached to this Resolution.

Section 2. Resolution No. 14-238 is repealed.

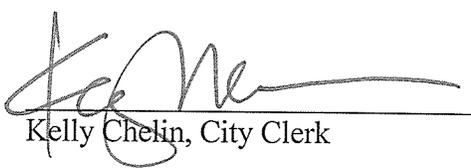
PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A
REGULAR MEETING THEREOF THIS 10th DAY OF APRIL, 2017.

CITY OF KENMORE



David Baker, Mayor

ATTEST/AUTHENTICATED:



Kelly Chelin, City Clerk

APPROVED AS TO FORM:



Rod Kaseguma, City Attorney

CITY OF KENMORE

Council Rules and Procedures

Section 1. General

A. Purpose of Meetings

City Council meetings are for the purpose of conducting city business, including but not limited to budgeting (e.g. revenues, expenditures, taxes, fees, monthly payments, capital project payments), long-range planning (e.g. vision, zoning, development, and land use) and federal and state mandates.

B. Structure of Meetings

1. All meetings shall be open to the public, except for executive sessions authorized by law (and noted in Council Rules and Procedures, Section 7, Executive Sessions) and collective bargaining sessions and related proceedings described in RCW 42.39.140(4)(a). Final action resulting from executive session discussions will be taken during a meeting open to the public as required by law.
2. Meetings will be orderly and will involve Councilmembers, City staff, consultants, and citizens, which will allow all viewpoints to be heard and considered.
3. Meetings will be called to order by the Presiding Officer, who shall be the Mayor, the Deputy Mayor in the absence of the Mayor, or a Councilmember selected by the City Council in the absence of both the Mayor and Deputy Mayor.
4. There will be 3 regular meetings per month on the 2nd, 3rd and 4th Monday evenings. If a regular meeting falls on a holiday, it will be held the next day, Tuesday, unless canceled by the City Council. There will be no regular meetings on the 1st and 5th Monday evenings. Additional meetings, which may be referred to as meetings or work or study sessions, will be scheduled as needed. Executive sessions will be scheduled as needed. Town Hall meetings will occur periodically as determined by the City Council. Retreats will be scheduled yearly, or more often if needed, when extended blocks of time are needed to set priorities and make long-term plans for the City.
5. All public meetings will be scheduled or announced, and agendas will be prepared and made available in advance as required by State law (the Open

Public Meetings Act). Meetings may be added or canceled as discussed and approved by the City Council.

6. Actions may be taken, motions may be passed, proclamations may be made, and resolutions and ordinances may be adopted at regular meetings, or at special meetings with proper notification.
7. Meeting agendas with relevant information on each topic will be available 10 days in advance whenever possible.
8. Regular meetings will be recorded by the City Clerk or designee.
9. Remote attendance and voting will be allowed as noted in Section 6.
10. Copies of all documents distributed in the Council chambers pertaining to Council business, as well as copies of all documents submitted by speakers during Citizen Comments, shall be provided to the City Clerk and distributed as necessary.

C. Rules for Meetings

1. These rules constitute the official rules and procedures and code of conduct for the City Council.
2. In addition to these rules, the City Council shall conduct its meetings in compliance with the most current edition of Robert's Rules of Order Newly Revised (Robert's Rules). A copy shall be maintained in the office of the City Clerk.
3. Where there is a conflict between these rules and Robert's Rules, these rules shall govern. Where there is a conflict between these rules and State and federal laws, the State and federal laws shall govern.
4. In general, the City Council will follow Robert's Rules for "Formal Debate," including requiring a second for all motions and disallowing the Presiding Officer from making motions.
5. Robert's Rules of Order for "Small Boards" will be used to:
 - a. Allow the Presiding Officer to participate in debate. In general the Presiding Officer will speak after others have spoken on the topic.
 - b. Allow informal discussion before a motion is made.
 - c. Not require speakers "for" and "against" the motion to alternate.

Section 2. Order of Business Meetings

A. Call to Order

1. The Presiding Officer will call a meeting to order.
2. The Presiding Officer will request the City Clerk to call the roll of the Councilmembers. The Clerk will record the names of Councilmembers present and absent. The Clerk will also note the time of any late arrivals and early leave takings for the record.

B. Agenda Approval

1. The City Council shall approve the agenda.
2. Amendments may be suggested, discussed and approved.

C. Citizen Comments

1. Members of the public may only speak during the designated Citizen Comment period, or during a scheduled public hearing or a quasi-judicial hearing (as discussed in Section 8 below).
2. No person shall address the City Council at a meeting without being recognized by the Presiding Officer.
3. The Presiding Officer will state the rules for the Citizen Comment period. This may include items such as:
 - a. Members of the public must sign the log prior to the Citizen Comment period to be allowed to speak. They are not required to sign anywhere to attend the meeting.
 - b. They must state their name and city of residence.
 - c. There is a 3-minute time limit.
 - d. It is a time for members of the public to speak on any topic(s) of their choice.
 - e. It is not a time for the Council or staff to answer questions, but exceptions can be made at the discretion of the Presiding Officer.
 - f. Comments should be addressed to the Presiding Officer and the City Council, not the audience.

- g. If members of the public agree with the comments of previous speakers, they are encouraged to state that their comments have already been made by previous speakers.
 - h. Booing, hissing or clapping is inappropriate.
4. Each member of the public will be given 3 minutes. Suspension of this rule will require a majority vote of the Councilmembers present.
 5. No person may use the designated Citizen Comment period to support or oppose any candidate for public office.
 6. The Presiding Officer will allow members of the public to return to their seats in the audience before paraphrasing and responding to their presentations.
 7. There will be no two-way conversations between Councilmembers and members of the public.
 8. The Presiding Officer may direct the City Manager to follow up with members of the public on issues brought before the City Council.

D. Council Business Meeting

1. Each item on the agenda will be addressed in turn with staff, consultant or special speaker reports as appropriate.
2. Council will discuss the issues and take action on them as appropriate.

E. Councilmember Reports, Comments and Initiatives

1. Councilmembers may give reports, make comments and/or raise new topics or issues during "Councilmember Reports, Comments and Initiatives."
2. Each Councilmember will have 5 minutes for reports, comments and new topics/issues. Extra comments can be submitted in writing.
3. In raising a new topic or issue, the Councilmember must present it as a concept that includes a statement of how the topic or issue relates to existing City goals or to other important Council discussions.
4. A second Councilmember must agree to discuss the new topic or issue in order for it to be discussed by the City Council.
5. The Presiding Officer will direct discussion of the new topic or issue.

6. After discussing the new topic or issue, the City Council will vote or come to consensus on whether to move the topic or issue forward as a future agenda item or as a request for action by the City Manager.
7. By majority vote of Councilmembers present at a meeting, the maximum time for any or all Councilmember reports and comments may be extended.

Section 3. Structure and Roles of Government

A. Council Role

1. Focus on policy matters, including but not limited to priority setting, long-range planning, budgeting, federal and State mandates, City Manager recruitment, hiring, evaluation and termination, and approval of employee positions. **The City Council will not focus on administrative issues and matters.**
2. Comply with the laws, regulations and policies affecting operation of City government.
3. Use public office for public good, not personal gain.
4. Be independent, impartial and fair in judgments and actions.
5. Conduct public deliberations and processes openly, unless legally confidential and privileged, in an atmosphere of respect and civility.
6. Monitor and understand operations of the City to be knowledgeable in order to provide policy direction.
7. Represent the City at local, State and national forums.
8. Represent the City to its citizens.
9. Notify staff in advance of meetings regarding key questions and discussion points that likely will be raised and addressed during meetings, to allow the staff time to prepare for the questions and discussions.
10. Not individually request the City Manager to initiate any action or work that will take more than 1 hour to complete, without consent of the City Council. If a Councilmember wants the City Manager to initiate action or work that will take more than 1 hour to complete, the Councilmember must ask the City Council to approve the action or work by a majority vote.
11. Interact with City staff and consultants through the City Manager, who is responsible for their duties and use of time. If a Councilmember wants City staff or consultants to accomplish actions or work, the Councilmember must

make the request of the City Manager if the action or work will take 1 hour or less and of the City Council if the action or work will take more than 1 hour.

12. Access City computers at the appropriate access level. A City computer, such as an iPad, will be provided for home access if the Councilmember requests it, and it may not be used for personal business. This is preferred to the use of a Councilmember's personal computer, for risk management purposes. The City computer is the property of the City and will be returned to the City at the end of the term of office.

B. City Manager Role

1. Serve as the primary point of contact between the City Council and City staff and consultants. The City Manager works for and serves at the will of the City Council. The City staff works for and reports to the City Manager.
2. Direct the time of City staff and resources of the City in accordance with City Council approved priorities and budgets.
3. Spend City funds per the City's adopted purchasing policies, which align with State and City laws.
4. With input from the Mayor, prepare agendas for meetings and retreats.
5. Provide timely, useful information evenly and equally to all Councilmembers.
6. Meet with each Councilmember as mutually acceptable to the City Manager and the Councilmember.
7. Prepare adequately for City Council meetings.
8. Meet with citizens as needed to solve problems and answer questions.
9. Interact with other public agencies to accomplish City Council goals and policies.

C. Mayor Role

1. Primary roles: facilitate meetings; represent the City at local, State and national forums; and represent the City in a ceremonial capacity.
2. Keep the City Council informed of the Mayor's activities with reports during Councilmember Comments.
3. Announce in advance public presentations, ceremonies and events that the Mayor is invited to attend.

4. Bring new issues to the City Council during Council Initiatives.
5. Request other Councilmembers to attend meetings in place of the Mayor when he or she cannot attend, or to join the Mayor at such meetings to increase the City's representation.
6. At the Mayor's option, hold monthly meetings with up to two Councilmembers and the City Manager. The Mayor should attempt to rotate the participation of Councilmembers in such meetings.
7. In the event that a City Manager resigns or leaves, the Mayor will work with the City Council to find a replacement using a recruitment agency.

Section 4. Vacancy and Leave of Absence

A. Purpose

This section provides guidance to the City Council when a Councilmember position becomes vacant, when a Councilmember requests an extended leave of absence, and when the City Council desires to appoint a Councilmember Pro Tempore during a Councilmember's extended leave of absence.

B. References

1. RCW 42.12 - Vacant Position
2. RCW 35A.13.020 (and RCW sections cited therein) - Vacancies – Filling of Councilmember Vacancies
3. RCW 35A.13.035 - Appointment of Councilmember Pro Tempore
4. RCW 35A.13.065 - Pro Tempore Appointments
5. RCW 42.30.110(1)(h) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective Office
6. RCW 42.30.060 - Prohibition on Secret Ballots

C. Definitions

1. "Vacancy" means a resignation, recall, forfeiture, written intent to resign, permanent incapacity or death of a Councilmember.

2. "Leave of absence" means a temporary interval when a Councilmember is unable to serve due to extended absence or incapacity, but expects to return to full service prior to the end of his or her term of office.
3. "Permanent incapacity" means a physical or mental incapacity that is reasonably expected to prevent the Councilmember from returning to full service (including but not limited to attending consecutive regular meetings of the council) prior to the end of his or her term of office.

D. Leave of Absence

The remaining Councilmembers, by a simple majority vote, may grant a leave of absence to a Councilmember upon receipt and approval of a written request.

E. Filling of Vacancy or Appointment of Councilmember Pro Tempore

1. A Councilmember vacancy shall be filled according to the process described below.
2. After granting a leave of absence, the remaining Councilmembers, by a simple majority vote, shall select one of the following options:
 - a. Leave the position unfilled;
 - b. Appoint a Councilmember Pro Tempore without the process described below;
 - c. Appoint a Councilmember Pro Tempore according to the process described below; or
 - d. Appoint a Councilmember Pro Tempore using another process based on the circumstances at the time of the leave of absence and the needs of the City Council.

3. The Councilmember who is vacating his or her position, permanently or temporarily by leave of absence, shall not participate in the appointment process.

F. Application Process

1. Upon a vacancy or City Council determination to appoint a Councilmember Pro Tempore, the City Council shall direct staff to begin the Councilmember application process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity.
2. The City Clerk's Office shall prepare and submit an advertisement to the newspaper of record, with courtesy copies to all local newspapers, which announces the vacancy consistent with the requirements necessary to hold public office. This advertisement shall contain such information that the City Council deems appropriate.
3. The applicant must be a registered voter of the City of Kenmore, have a two-year continuous period of residency in the City of Kenmore, and hold no other public office or employment under the City of Kenmore government.
4. The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. The application form must include the question: "Is there anything in your background that would bring discredit to this city if appointed?" The application form must also require the applicant to complete and file a Washington State PDC Form F-1. The City Clerk's Office shall make the applications available at Kenmore City Hall and such other locations that the City Council directs, if any.
5. The City Clerk's Office shall distribute to all Councilmembers the applications received by the deadline. The applications shall be accompanied by any additional information submitted by the applicant and obtained by the City Clerk's Office, such as endorsements, letters of reference and other pertinent materials.

G. Interview Process

1. The City Council will determine which applicants will be interviewed according to qualifications submitted.
2. The City Clerk's Office shall notify the selected applicants of the location, date and time of City Council interviews.
3. Prior to the date and time of the interview, the Mayor shall accept one interview question from each Councilmember.
4. Prior to the interview, the City Clerk shall obtain and provide to the Councilmembers a Criminal Check for the applicant.
5. The applicant's order of appearance shall be determined by a random lot drawing performed by the City Clerk.
6. Each interview of an applicant shall be no more than 30 minutes in length. At the interview:
 - a. The applicant shall present his or her credentials to the City Council.
 - b. The City Council shall ask the predetermined set of questions.
 - c. If agreed to by the City Council, Councilmembers may ask and receive answers to miscellaneous questions.

H. Voting Process

1. Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants; however, all interviews, nominations and votes taken by the Councilmembers shall be in open public session.
2. In voting on the applicants, the City Council shall follow *Robert's Rules of Order Newly Revised*.
3. The position shall be filled by the applicant receiving a majority vote of the remaining members of the City Council. Thus, balloting will continue until an applicant receives a majority of four votes.

4. At any time during the balloting process, the City Council may postpone balloting until a special or regular meeting if no applicant has received a majority of four votes.
5. The Mayor shall declare the applicant receiving a majority of four votes as the new Councilmember or Councilmember Pro Tempore, and he or she shall be sworn into office at the earliest opportunity, or no later than the next regularly scheduled City Council meeting.

I. Deadline for Filling Permanent Vacancies

Permanent vacancies must be filled within ninety (90) days following the occurrence of the vacancy.

J. Term of Office

1. The new Councilmember shall serve the remainder of the unexpired term until his or her successor takes office, pursuant to State law.
2. A Councilmember Pro Tempore appointed to serve during a leave of absence of a Councilmember shall serve only until such time as the Councilmember resumes his or her duties.

Section 5. Council Conduct

A. Purpose

This section sets forth a Code of Conduct for Councilmembers regarding ethics and conflicts of interest, and the Councilmembers' treatment of each other, City staff, City consultants, citizens, and others with whom they come into contact while representing the City.

B. Code of Ethics and Conflicts of Interest

1. Upon election or appointment, Councilmembers should review Chapter 42.20 RCW, Misconduct of public officers; Chapter 42.23 RCW, Code of Ethics for Municipal Officers – Contract Interests; Chapter 42.30 RCW, Open Public Meetings Act; and Chapter 42.36 RCW, Appearance of Fairness Doctrine.

2. No Councilmember may use his or her position to secure special privileges or exemptions for himself, herself, or others. See RCW 42.23.070. In addition, except for incidental electronic and telephone communication, Councilmembers shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for other than a City purpose.
3. No Councilmember may accept employment or engage in business or professional activity that the Councilmember might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position. See RCW 42.23.070(3)
4. Councilmembers owe a fiduciary duty to the public and are required by law to maintain confidentiality with regard to certain information gained through their official positions. Therefore, no Councilmember may disclose confidential information gained by reason of the Councilmember's position, nor may a Councilmember otherwise use such information for his or her personal gain or benefit. See RCW 42.23.070(4).
5. If a Councilmember participates in litigation contrary to an official City position or action as adopted or ratified by a majority of the City Council, the Councilmember shall recuse himself or herself and not participate in any vote, deliberation or executive session, or receive confidential information regarding further consideration or action in that matter, once litigation regarding the matter has been served or filed. The fact that a Councilmember voted in opposition or expressed in his or her official duties an opinion in opposition to the official action or position prior to the filing or service of litigation shall not, by itself, be sufficient to trigger the need for recusal or nonparticipation.

Once litigation has been served or filed, communication regarding the case with anyone other than City staff, the City Attorney or outside legal counsel involved in the litigation of the case is discouraged during the pendency of the litigation. Councilmembers shall not in their official capacity make any comment, provide any information or otherwise involve themselves in the matter without the assistance and advice of the City attorney or outside legal counsel.

6. It shall be an appearance of conflict, which must be disclosed, (1) for any Councilmember to acquire or seek to acquire an interest in property that the City is actively seeking to acquire or has stated its intent to acquire, (2) for any Councilmember to acquire or seek to acquire an interest in property that

is immediately adjacent to such property, or (3) for any Councilmember to benefit personally by the City's acquisition or non-acquisition of such property.

7. No Councilmember shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of the Councilmember, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. See RCW 42.23.030. This section shall not apply in the following cases (See RCW 42.23.030):
 - a. The furnishing of utility services by the City at the same rates and on the same terms as are available to the public generally;
 - b. The designation of public depositaries for City funds;
 - c. The publication of legal notices required by law to be published by the City, upon competitive bidding or at rates not higher than prescribed by law for members of the general public; or
 - d. Any other exception provided for by law.
8. A Councilmember may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. See RCW 42.23.030. The interest of the Councilmember must be disclosed to the Council and noted in the official meeting minutes before the formation of the contract. See RCW 42.23.030.
9. A Councilmember is not interested in a contract, within the meaning of subsections 7 and 8 above, if the Councilmember has only a remote interest in the contract. A "remote interest" means:
 - a. That of a non-salaried officer of a nonprofit corporation.
 - b. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
 - c. That of a landlord or tenant of a contracting party; or
 - d. That of holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.
10. If a Councilmember has a remote interest in a contract, the City Council may authorize, approve or ratify the contract, despite such remote interest, provided that the following conditions are satisfied:

- a. The Councilmember with the remote interest fully discloses the nature and extent of the interest, and the disclosure is noted in the official meeting minutes before the contract is made.
 - b. The City Council authorizes, approves, or ratifies the contract after that disclosure and notation.
 - c. The City Council's authorization, approval, or ratification is in good faith.
 - d. Where the votes of a certain number of Councilmembers are required to authorize, approve or ratify the contract, the vote requirement is met without counting the vote of the Councilmember who has the remote interest.
 - e. The Councilmember having the remote interest does not influence or attempt to influence any other Councilmember to enter into the contract.
11. Any contract made in violation of the restrictions and requirements of subsections 7 through 10 above is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the City. See RCW 42.23.050.
12. Any Councilmember violating the provisions of subsections 7 through 10 above, subsection 13 below, or RCW 42.23.070 shall be liable to the City for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the Councilmember by law. See RCW 42.23.050. In addition, a violation by a Councilmember of subsections 7 through 10 above or RCW 42.23.070 may be grounds for forfeiture of his or her office. See RCW 42.23.050.
13. Councilmembers shall not receive from or give to any person or entity anything of monetary value (hereafter referred to as "gifts") where the gifts have been received or given, or to a reasonable person would appear to have been received or given, with intent to give or obtain special consideration or influence as to any action by the Councilmember in his or her official capacity ("prohibited gifts"); provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.
14. The gifts listed below are presumed not to be prohibited gifts. However, this presumption is rebuttable and may be overcome based on the circumstances surrounding the receipt or giving of the gift.
- a. Unsolicited flowers, plants and floral arrangements;
 - b. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

- c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- d. Unsolicited items received by a Councilmember for the purpose of evaluation or review, if the Councilmember has no personal beneficial interest in the eventual use or acquisition of the item;
- e. Informational materials and publications related to the Councilmember's performance of official duties;
- f. Food and beverages consumed at hosted receptions where attendance is related to the Councilmember's duties for the City;
- g. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization, where attendance by the Councilmember is related to the Councilmember's duties for the City;
- h. Unsolicited gifts from dignitaries from another city, state or foreign country, as long as the Councilmember gives the gift to the City;
- i. Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the Councilmember is related to the Councilmember's duties for the City;
- j. Any gift which would have been offered or given to the Councilmember if he or she were not a Councilmember; and
- k. Payments by a governmental or nongovernmental entity of reasonable expenses incurred by the Councilmember in connection with a speech, presentation, appearance, or trade mission made in an official capacity.

C. General Courtesy Expectations

1. Be courteous, respectful, kind and professional at all times with everyone.
2. Be honest and truthful.
3. Act with integrity and in good faith.
4. Foster an environment of mutual respect for each other. Discourteous behavior, such as sidebar discussions, inflammatory language, innuendo, or negative body language, is not permitted.
5. At meetings, raise your hand to indicate a desire to speak, and then wait to be recognized by the Presiding Officer before speaking.
6. Stay on the topic being discussed for efficiency of dealing with the items on the agenda. Remarks must be germane to the topic.

7. Refrain from speaking more than twice on the same motion as stated in Robert's Rules of Order, except by consent of a majority of the Councilmembers present at the time the motion is before the City Council. During discussions prior to a motion being made, a Councilmember may request to speak more than twice.
8. Comments will be limited to 3 minutes at a time.
9. Refrain from interrupting or arguing with another Councilmember while such Councilmember has the floor except as stated in Robert's Rules of Order, such as a "point of order."
10. Refrain from criticizing in public other Councilmembers and personally attacking (verbally or in writing) other Councilmembers, the City Manager, City staff and City consultants.
11. Treat City staff in a polite and professional manner.
12. Having courtesy expectations is compatible with open and vigorous debate, with a variety of opposing opinions expressed on public issues.

D. Respect in Regard to Voting

1. Disagreement and differences of opinion are honored and respected features of government in the City.
2. When there is disagreement, discuss and clarify the issues before voting.
3. Councilmembers will be allowed one minute maximum to explain their vote during a roll call vote. This is an exception to Robert's Rules.
4. Councilmembers must not seek out members of the media to vent feelings when on the minority side of a vote. As a matter of courtesy, letters to the editor or other communication should be presented to the full City Council at a meeting prior to publication so that Councilmembers will be aware of the proposed publication.
5. Councilmembers must not engage in personal attacks against other Councilmembers who voted against the councilmember on issues.
6. After a vote on an issue, a Councilmember may state an opposing viewpoint, but must clearly state the adopted City Council position and must clarify that the Councilmember's viewpoint or opinion is the Councilmember's personal viewpoint or opinion.
7. When Councilmembers represent the City or attend meetings in an official capacity, they must support and advocate the official City position on an issue, not a personal position on the issue.

E. Prohibited Conduct

1. The City Council recognizes the right of every Councilmember to free speech, as stated in the U.S. Constitution and as interpreted by the courts, and encourages the dissemination of a variety of opinions and ideas for discussion in a lawful manner. Laws concerning free speech are balanced by slander and libel laws.
2. The adoption of a Code of Conduct is necessary to discourage prohibited conduct as illustrated below.
3. Prohibited conduct includes, but is not limited to, the following:
 - a. Making a personal attack against a fellow Councilmember, the City Manager, or City staff as stated in Robert's Rules. "Personal attack" means an accusation against a person's character.
 - b. Acting maliciously toward a City staff member or a fellow Councilmember. "Maliciously" means acting with hostility or anger toward, or by bullying or harassing.
 - c. Modifying, revising, altering, or editing any document, report, record, or memorandum written by the City Manager, a City staff person, or other Councilmember without the author's consent or knowledge, and without clearly stating or showing the change, the date of the change, and the person making the change.
 - d. Engaging in unreasonable interruption and interference with the day-to-day business of the City. "Unreasonable interruption and interference with the day-to-day business of the City" means:
 - (i) Contacting City staff, other than as authorized by these rules or by final action of the City Council or by the City Manager, which contact materially limits a City staff member's ability to complete work assigned by the City Manager or by final action of the City Council; or
 - (ii) Causing the City Manager or a City staff member to correct or explain the Councilmember's materially inaccurate statements or conduct, which correction or explanation substantially interrupts the efficient operations of the City.
 - e. Making verbal or written contact with City staff, other than a Councilmember's contact with City staff as authorized by these rules or by final action of the City Council or by the City Manager, when such contact is used or intended to impermissibly redirect, interfere with,

interrupt or undermine City staff's work assignments as determined by the City Manager or by a majority vote of the City Council.

- f. Representing to citizens, other public agencies, or other persons or organizations, that the City Council will vote or act in a specific manner concerning pending litigation or legislation, or concerning any other matter that has not yet come before the City Council for final action but that will be acted upon by the City Council.
- g. Discussing or disseminating information from an executive session to anyone outside of the proper lines of authority. "Proper lines of authority" means Councilmembers, the City Manager, City staff assigned to the topic or matter, designated legal counsel, and others attending the executive session at the invitation of the City Council.
- h. Making contact, either verbally or in writing, with legal counsel representing a person or entity with whom the City has ongoing litigation or negotiations, other than as authorized by the City Manager or by majority vote of the City Council.
- i. Making verbal or written contact with State, county, regional, or city elected or appointed officials, when a Councilmember represents a position contrary to the adopted or declared position of the City or the City Council and when the Councilmember does not disclose such adopted or declared position of the City or the City Council.
- j. Taking actions and voting when there is a conflict of interest as defined in this policy and in Chapter 42.23 RCW. Recusal must be used when there is a conflict of interest. (See Section 5, B: Code of Ethics and Conflicts of Interest)

F. Sanctions

1. The Council has power under State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.
2. The Council may punish a member for violation of these rules by: a verbal admonition, written reprimand, letter of no confidence, censure, expulsion from the meeting at which the conduct occurs, removal from committee memberships, and/or removal of intergovernmental duties.
3. The Presiding Officer may give a verbal admonition.
4. Other punishments not mentioned in Section 5.F.-2. require the affirmative vote of 5 members of the City Council.

5. A censure is a statement by 5 members of the City Council that a prohibited action has occurred.
6. A censure will be in the same form as any other Council motion or resolution. The motion must state the prohibited conduct or action.

Section 6. Remote Attendance and Voting

A. Purpose

Occasionally, a Councilmember will not be able to be physically present at a meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Councilmember to attend a meeting via speakerphone or video is contained in this section.

B. Frequency

Councilmember attendance via speakerphone or video is limited to 3 times in a calendar year, but the City Council, by majority vote, may allow additional attendance by speakerphone or video.

C. Procedure

1. At least 24 hours before the starting time of a meeting, the Councilmember must advise the City Clerk of the desire to attend via speakerphone or video to allow time for preparation of the speakerphone or video components and of the agenda items to be attended via speakerphone or video.
2. The Councilmember attending via speakerphone must be able to hear all speakers in the meeting room, and all persons in the meeting room must be able to hear the Councilmember. The video and audio components of videoconferencing should be visible and audible to all persons in the meeting room.
3. When the particular agenda item is ready to be discussed, the Presiding Officer should state and ask for the record:
 - a. "Councilmember _____ is attending via speakerphone/ video for Agenda Item No. _____, relating to _____."
 - b. "Councilmember _____, can you (see and) hear me?" (There must then be a clearly audible response in the affirmative.)
 - c. "Can the City Council and City Clerk (see and) hear Councilmember _____?"

4. Upon conclusion of the particular agenda item, the Presiding Officer should state: "Councilmember _____, discussion of Agenda Item No. _____ has concluded."
5. Each agenda item being attended via speakerphone or video shall be introduced and acknowledged in the same manner as set forth above.
6. After all agenda items being attended via speakerphone or video have been concluded, the Presiding Officer should state for the record:
 - a. "Councilmember, _____ thank you for your attendance via speakerphone/video. The remote connection will now be terminated."
 - b. "Let the record reflect Councilmember _____'s attendance via speakerphone/video has been terminated."

Section 7. Executive Sessions

A. Topics for Executive Session Discussions

The topics that may be discussed in executive sessions are set forth in RCW 42.30.110 and RCW 42.30.140. Executive session topics include, but are not limited to, the following:

1. Acquisition of real estate when public knowledge regarding the acquisition would cause a likelihood of increased price.
2. Consideration of the minimum price for sale or lease of City property when public knowledge regarding such consideration would cause a likelihood of decreased price.
3. Review of negotiations on the performance of publicly bid contracts when public knowledge regarding such review would cause a likelihood of increased costs.
4. Receipt and evaluation of complaints or charges against a public officer or employee.
5. Evaluation of qualifications of an applicant for public employment.
6. Review of the performance of a public employee.
7. Discussion with legal counsel of litigation, potential litigation or pending litigation (legal counsel may attend via speakerphone or video).
8. Discussion of collective bargaining sessions with employee organizations.
9. Consideration of matters affecting national security.

B. Confidentiality of Executive Session Discussions

Topics discussed in executive session must not be discussed outside of the executive session with anyone outside of the proper lines of authority (Councilmembers, the City Manager, and City staff assigned to the topic or matter, designated legal counsel, and others attending the executive session at the invitation of the City Council). Councilmembers shall keep all executive session information and discussions confidential to ensure that the City's interests are not compromised.

C. Procedure

1. The Presiding Officer must announce the executive session by stating: "The City Council is recessing into an executive session pursuant to RCW_____ (e.g. "RCW 42.30.110(1)(a)) regarding_____. (e.g., review of the performance of a city employee). The executive session is expected to last for _____ minutes (hours)."
2. If the executive session is the last item on the meeting agenda, the Presiding Officer shall state whether or not the City Council will take action or take no action when the meeting reconvenes.
3. If, during the executive session, the Presiding Officer believes that the executive session will extend beyond the announced deadline, the Presiding Officer shall announce in open session the number of minutes that the executive session will be extended.
4. The Presiding Officer shall announce the conclusion of the executive session in open session by stating: "The executive session is completed."
5. At the close of the executive session or the meeting at which the executive session occurs, the Presiding Office shall complete a document recording the topic or reason and time of the executive session, including extensions.

D. Written Material

1. During an executive session, papers or documents may be distributed for informational purposes to the Councilmembers in attendance as part of the discussion.
2. Papers and documents that are distributed during executive sessions are to be returned to the City Manager or the Presiding Officer (if the City

Manager is not in attendance), prior to the end of the executive session. No paper or document will be removed by a Councilmember from the executive session, unless the City Manager, or the Presiding Officer (if the City Manager is not in attendance), determines that the paper or document may be removed from the executive session.

3. Written notes taken by any attendee of an executive session will be treated in the same manner as a paper or document as discussed above, that is, the paper or document will be returned to the City Manager or Presiding Officer prior to the end of the executive session.
4. Councilmembers will not generate computer notes, take photos, or make recordings during an executive session.

Section 8. Public Testimony

A. Citizen Comment Rules in Regular and Special non-Executive-Session Business Meetings are delineated in Section 2.B. above.

B. Public Hearings

1. The Presiding Officer shall open the public hearing and ask for a City staff presentation.
2. Members of the public will be invited to provide comments.
3. Each person will be allowed to speak for 5 minutes, which is longer than the 3 minutes allowed for Citizen Comments.
4. A person who testifies shall state his or her name, city of residence and organization (if applicable).
5. Motions will not be made during the public hearing.
6. After all members of the public wishing to speak have had an adequate opportunity to speak, and the Councilmembers have had an opportunity to ask City staff questions regarding the staff presentation and/or the public comments, the Presiding Officer shall declare the public hearing closed. The City Council may by, majority vote, continue the public hearing to a stated date, time and place, and/or allow for certain written materials to be presented to the City Council for a period of time after the public hearing.

C. Quasi-Judicial Matters

1. Council will follow Chapter 42.36 RCW for application of the "Appearance of Fairness Doctrine," which holds that quasi-judicial matters must not only be fair in practice but must also have the appearance of fairness.
2. Quasi-judicial actions involve policy application rather than policy making. The action will generally have a greater impact on specific individuals than on the entire community. In a quasi-judicial action, the City Council applies law to facts and makes a decision. Examples of quasi-judicial actions are: conditional uses, variances, rezoning of a specific site, planned unit developments, and discretionary zoning permits. Quasi-judicial actions are distinct from legislative actions, examples of which are adopting, amending or revising comprehensive, community or neighborhood plans, land use planning documents, area-wide zoning ordinances and area-wise zoning amendments.
3. The Presiding Officer will begin a quasi-judicial hearing by asking Councilmembers to place on the record any ex parte contacts with either proponents or opponents of the action. The Presiding Officer shall ask whether any person objects to participation of a Councilmember in the action, and if so, to explain the objection. If an objection is made, the Presiding Officer shall ask for input from the City Attorney.
4. The Presiding Officer, or the City Attorney at the request of the Presiding Officer, shall explain the rules and procedures for the quasi-judicial action.
5. The Presiding Officer, with the assistance of the City Attorney, will control the taking of testimony and presentation of documents, in light of the type of quasi-judicial action and applicable City rules and regulations.

Section 9. Waiver / Effect of Waiver of Rules

- A. These rules are adopted for the sole benefit of the City Councilmembers to assist in the orderly conduct of City Council business. These rules 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, employees and agents, or serve as the grounds for invalidation of any City Council action or decision. The City Council may, by a majority vote, temporarily waive any of these rules, unless otherwise inconsistent with applicable law.
- B. In case of conflict between current law and these Rules and Procedures, current law shall prevail.