

City of Davenport



City Council Rules of Procedure

February 27, 2013

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City Council Rules of Procedure

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1. GENERAL RULES

1.1 Meetings to be Public: The meetings of the Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). The journal of proceedings (minute book) shall be open to public inspection.

1.2 Quorum: A simple majority of Council members shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 Attendance, Excused Absences: RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Member of the Council may be so excused by complying with this section. The member shall contact the Chair prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the City Clerk or Deputy City Clerk, who shall convey the message to the Chair. The Chair shall inform the council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Recorder will make an appropriate notation in the minutes. If the motion is not passed, the Recorder will note in the minutes that the absence is unexcused.

1.4 Journal of Proceedings: A journal of all proceeding of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

1.5 Right of Floor: Any councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.

2. TYPES OF MEETINGS

2.1 Regular Council Meetings: The Council shall meet on the 2nd and 4th Wednesday of each month at 7 p.m. If at any time any regular meeting falls on a holiday such regular meeting shall be held the next business day (DMC 2.04.010). The Council may reschedule regular meetings to a different date or time by motion. All meetings of the city council, both regular and special, shall be held within the corporate limits of the city and all such meetings shall be public and posted as law requires (DMC 2.04.030).

2.2 Special Meetings: Special meetings may be called at any time in accordance with the provisions of RCW 42.30.080 (DMC 2.04.020). The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City

Clerk shall attempt to notify each member of the Council, either by telephone or otherwise, of the special meeting. The City Clerk shall give at least 24 hours notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station, which has filed with the Clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered. The Council may not make final disposition on any matter not mentioned in the notice.

2.3 Study Session and Workshops: The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any two of more members of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the Council. Study sessions and workshops held by the council are “special meetings” of the council, and the notice required by RCW 42.30.080 must be provided.

2.4 Emergency Meetings: An Emergency meeting is a Special Council meeting called without 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Administrator or the Mayor with the consent of a majority of Council members. The minutes will indicate the reason for the emergency.

2.5 Executive Sessions: An executive session is a Council meeting that is closed except to the Council, City Administrator and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance. Executive sessions may be held during Regular or Special council meetings and will be announced by the Mayor. Executive Session subjects are limited pursuant to Chapter 42 RCW, including considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments, and attorney-client discussions.

Before convening in executive session the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair.

2.6 Continued and Adjourned Sessions: Any session of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting. Regular Council

meetings shall adjourn at or before 10:00PM; except the time may be extended to a later time certain upon approval of a motion by a Councilmember.

2.7 Council Contact Outside Of Official Meetings: Generally council members have the same freedoms of association as any other citizen. Council members must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

3. CHAIR AND DUTIES

3.1 Chair: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and Mayor Pro Tem, the Council shall elect a Chair.

3.2 Call to Order: The meetings of the Council shall be called to order by the Mayor or, in his/her absence, by the Mayor Pro Tem. In the absence of both the Mayor and Mayor Pro Tem, the meeting shall be called to order by the City Clerk or Clerk's designee for the election of a temporary Chair.

3.3 Preservation of Order: The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

3.4 Points of Order: The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

3.5 Questions to be Stated: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote may be taken on any question.

3.6 Mayor – Powers: The Mayor may not make or second motions, but may participate in debate to the extent that such debate does not interfere with chairing the meeting. If the mayor wishes to participate vigorously in the debate of an issue, the mayor shall turn over chairing of that portion of the meeting to the Mayor Pro Tem, or to another councilmember if the Mayor Pro Tem is absent. The mayor's voting rights and veto power are as specified in RCW 35A.12.100.

3.7 Privilege of Council: Any Councilmember may bring forth a resolution or ordinance by submitting a timely request to the City Administrator for inclusion on the City Council Agenda. At the request of the Councilmember(s) sponsoring the proposed legislation their name(s) shall appear at the top of the legislation indicating such sponsorship.

4. ORDER OF BUSINESS AND AGENDA

4.1 Order of Business:

A. In all meetings of the city council, unless otherwise ordered, the business of the city council shall be conducted in the following order (DMC 2.04.040):

- (1) Call to Order
- (2) Roll Call
- (3) Reading of Previous Meeting's minutes.
- (4) Hearings.
- (5) Committee Reports.
- (6) Mayor's Report.
- (7) Old Business.
- (8) New Business.
- (9) Bills
- (10) Adjournment

4.2 Council Agenda:

A. The Mayor and City Administrator shall prepare the agenda for Council meetings. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare). An item may be placed on a Council meeting agenda by any of the following methods:

- (1) By any two or more council members
- (2) By a council committee, and
- (3) By a Department Director with the approval of the City Administrator.

5. CONSENSUS AND MOTIONS

5.1 Consensus Votes: When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken. The Chair will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence.

5.2 Motions: No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Clerk before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

5.3 Votes on Motions: Each member present shall vote on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify him or herself prior to any discussion of the matter and shall leave the Council Chambers.

5.4 Failure to Vote on a Motion: Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.

5.5 Motions to Reconsider: A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

5.6 Council Relations with City Staff:

A. There will be mutual respect from both City staff and Council Members of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.

B. Council Members shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

C. No Council Member shall direct the City Administrator to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. New initiatives having policy implementation shall be directed to a Council Committee for consideration.

D. Individual requests for information can be made directly to the Department Director unless otherwise determined by the City Administrator. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Administrator.

E. To provide staff the necessary preparation time, Council Members will provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

5.7 Council Representation:

A. If a Council Member appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Council Member shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Council Member clarifies that these statements do not represent the Council's position.

B. Council Members need to have other Council Members' concurrence before representing (1) another Council Member's view or position, or (2) the majority of Council's view or position with the media, another governmental agency or community organization.

C. As a matter of courtesy, letters to the editor, interviews or other communication by a Council member of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council prior to publication so that the Council members may be made aware of the impending publication, when practical.

6. PUBLIC HEARING PROCEDURES

6.1 Definition of Public Hearing: There are two types of public hearings: legislative and quasi-judicial. Legislative hearings focus on broad policy with general application. Quasi-judicial hearings focus on the rights of specific parties and decisions must be based on a formal record. The Mayor will state the public hearing procedures before each public hearing. Citizens may comment on public hearing items.

6.2 Speaker Sign-In: Prior to the start of a public hearing the Chair may require that all persons wishing to be heard sign in with the City Clerk or Deputy City Clerk, giving their name and whether they wish to speak as a proponent, opponent or from a neutral position. Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations. (Suggested time limit is three minutes per speaker or five minutes when presenting the official position of an organization or group). The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

6.3 Conflict of Interest/Appearance of Fairness: Prior to the start of a public hearing, the Chair will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Council member from participating in the public hearing process. A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down is subject to censure. The Council member who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember may be asked to leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest.

6.4 The Public Hearing Process:

A. The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order:

(1) All comments by proponents, opponents or other members of the public shall be made from the podium; any individuals making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made.

(2) No comments shall be made from any other location. Anyone making "out of order" comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the City Clerk.

(3) There will be no demonstrations during or at the conclusion of anyone's presentation.

(4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right of free speech.

- The Chair calls upon city staff to describe the matter under consideration.
- The Chair calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration.
- The Chair inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
- The Chair continues the public hearing to a time specific or closes the public hearing.

7. DUTIES AND PRIVILEGES OF CITIZENS

7.1 Meeting Participation: Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers.

7.2 Subjects Not on the Current Agenda: Under agenda item "Comments from Citizens" citizens may address any item they wish to discuss with the Mayor and Council. They shall first obtain recognition by the Chair, state their name, address and subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Chair or Council may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

7.3 Comments and Suggestions to Council:

A. When citizen comments or suggestions are brought before the City Council not on an agenda, the Chair shall first determine whether the issue is legislative or administrative in nature and then:

- (1) If legislative, and a comment about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such comment suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Council of the whole for study and recommendation.

(2) If administrative and a comment regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Administrator, the Chair should then refer the complaint directly to the City Administrator for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Administrator brief or report to the Council when his/her response is made.

(3) The Chair will provide an opportunity for public comment on all Ordinances prior to their final adoption.

7.4 Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the Council during that Council meeting by the Chair or Presiding Officer.

7.5 Written Communications:

A. Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the city's business or over which the Council had control at any time.

B. The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Council members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.6 Comments in Violation of the Appearance of Fairness Doctrine: The Chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

7.7 "Out of Order" Comments": Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Council Chambers. These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. FILLING COUNCIL VACANCIES AND SELECTING MAYOR PRO-TEM

8.1 Notice of Vacancy: If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

8.2 Application Procedure: The Council will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

8.3 Interview Process: All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names. Exact interview times can accommodate the schedules of the candidates. In order to make the interviews fair, applicants will be asked to remain outside the Council Chamber while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The Council members will ask the same questions of each candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

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

8.5 Selecting a Mayor Pro-Tem: The Mayor Pro-Tem will be selected by a majority the Council members every two years or at each regularly scheduled election cycle.

9. Creation of Committees, Boards and Commissions

9.1 Citizen Committees, Boards and Commissions: The Mayor may create committees, boards and commissions to assist in the conduct of the operation of city government with such duties as the Council may specify not inconsistent with the city code.

9.2 Types of Committees:

A. The mayor of the city, in order to facilitate the transaction of the business of the city, shall, upon the evening of his/her installation or as soon thereafter as may be convenient, appoint from among the members of the city council seven standing committees as follows(DMC 2.08):

- (1) Finance;
- (2) Streets, alleys and public improvements;
- (3) Fire and Police;
- (4) Building/Planning
- (5) Water, sewer and garbage
- (6) Cemetery and Park
- (7) Airport

B. Special Committees.

- (1) The mayor may from time to time, on motion, appoint a special committee on any matter before the city council regarding its action (DMC 2.08.010 (b))
- (2) Special Committees shall perform the duties assigned them in relation to the matter referred to them and make a report thereon for the government and guidance of the city (DMC 2.08.090).

C. Citizen Advisory Committee. Such Committees are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject.

D. Mayor's Committee. Such Committees are formed to investigate a specific operational issue and report back to the Mayor and City Council.

9.3 Membership and Selection: Membership and selection of members shall be as provided by the Council if not specified otherwise in the city code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. All City Standing Committees shall sunset every even numbered year and may continue only upon the adoption of a Resolution of the Council restating or modifying the purpose of the body. No committee so appointed shall have powers other than advisory to the Council or to the mayor except as otherwise specified in the city code.

9.4 Removal of Members of Boards and Commissions: The Council may remove any member of any board or commission which it has created by a vote of at least a majority of the Council (this rule does not apply to the civil service commission or any other such body which has statutory procedures concerning removal).

10. Suspension and Amendment of These Rules.

10.1 Suspension of These Rules: Any provision of these rules not governed by the city code may be temporarily suspended by a vote of a majority of the Council.

10.2 Amendment of These Rules: These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

11. Public Records

11.1 Public records: The public records created or received by the Mayor or any Council Member should be transferred to the City Clerk's office for retention by the city in accordance with the Public Records Act, Chapter 42.17 RCW. Public records that are duplicates of those received by, or in the possession of the city, are not required to be retained. Questions about whether or not a document is a public record and/or if it is required to be retained should be referred to the City Attorney.

11.2 Electronic mail: Communications that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record.

11.3 Open Public Meetings Act regarding electronic mail: E-mails between elected officials of a governing body can implicate the Open Public Meetings Act. If discussing city business with a quorum of fellow Council members via e-mail, it can constitute a meeting and all the requirements for a public meeting would have to be met or a violation of the Act could occur.