

CITY OF SULTAN AGENDA ITEM COVER SHEET

ITEM NO. Discussion D 1

DATE: March 22, 2007

SUBJECT: Council Procedures

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY:

The issue before the Council is review of proposed changes to the Council's "Rules of Procedures for Council Meetings. Staff is proposing both housekeeping changes and policy changes. A summary of the changes is included as Attachment A.

In 1996 the Council adopted "Rules of Procedures for Council Meetings" (Attachment C). Since the initial adoption, the meeting day has changed, the council size has increased and the agenda format has changed. The revised rules were present to the Council in January 2004 and referred to committee to be corrected and brought back for consideration.

Revised copies of the procedures have been provided for the Council and staff to review (Attachment B). The basic concept of the procedures remains the same however the material has been rearranged to make it easier to read and locate material. Attachment A is a summary of the proposed changes and additions to the Policy.

ANALYSIS

The Council has made changes in the manner in which they conduct the Council meeting which are inconsistent with the "Rules for Procedures" that was adopted in 1996. The proposed revised policy is based on a sample policy provided by MRSC and has been tailored to meet the current practices of the City Council. Staff is frequently asked by both the Council members and the general public about the process required to place items on the agenda.

There are several policy decisions that the Council needs to consider.

1. Section 5.5: Does the Council want to require that a Councilmember vote on an issue? This may require input from the City Attorney on potential legal issues if there is a challenge on whether an issue passed with the required majority.
2. Section 7.2: How should the Council handle requests to add items to the current agenda. This may not present a problem with some issues, however, timing is crucial in order to provide staff adequate time to provide the Council with necessary documentation to make an informed decision. Staff recommends that matters be referred to a future Council meeting.
3. Section 7.6: Does the Council want to have a review of written communications by the City Attorney. Information flyers or general

information would not create a problem. Letters, petitions or other documents that may impact or influence a Council decision on land use or quasi-judicial matters should be reviewed prior to distribution. Staff recommends that the City Attorney review written communications that impact issues on the agenda.

ALTERNATIVES:

1. The Council could continue to use the existing procedures. The problem with this alternative is that they are inconsistent with the current practices.
2. The Council could adopt the recommended procedures with corrections. This will result in a document that is consistent with council current practice.
3. The Council could draft new procedures.

RECOMMENDATION:

Direct staff to finalize the document with an proposed changes and prepare the necessary resolution for adoption.

- Attachments:
- A. Summary of Changes
 - B. Proposed Procedures
 - C. 1996 Adopted Procedures

SECTION	PROPOSED CHANGE	PROPOSED LANGUAGE
Section 1.5	Add language to provide procedure for an orderly meeting.	<u>Right of Floor:</u> Any member desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.
Section 1.6	Add language to provide procedures for an orderly meeting.	<u>Rules of Order:</u> Robert's Rules of Order Newly Revised shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.
Section 1.7	The current policy calls for the Clerk to be seated on the Mayor's right and the City Attorney on the Mayor's left. It is fairly common to have all staff at separate tables from the Council. This moves the City Attorney to the staff table.	<u>Arrangement of the Council:</u> The mayor shall be seated in the center of the council table with the Council in order of position number shall fill the other seven seats at the Council table.
Section 2.4	Provides clarification on continued meetings.	<u>Continued and Adjourned Sessions:</u> 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.
Section 3.5	Add language to provide procedure for an orderly meeting.	<u>Preservation of Order:</u> 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.
Section 3.6	Add language to provide procedure for an orderly meeting.	<u>Points of Order:</u> 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?"

SECTION	PROPOSED CHANGE	PROPOSED LANGUAGE
Section 3.7	Add language to provide procedure for an orderly meeting.	Questions to be Stated: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon all questions.
Section 3.8	Add language to provide procedure for an orderly meeting.	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 RCW35A.12.100.
Section 4.1	This is the current order used on the agenda. Staff recommends adding language to cover Hearings set prior to the meeting	Order of Business: The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes order: 1. Call to Order 2. Pledge of Allegiance 3. Changes/Additions to the agenda 4. Presentations 5. Comments from the Public 6. Councilmembers comments 7. Hearings scheduled during the Council meeting 8. Department Head/Council Committee/Commission 9. Consent Agenda 10. Action Items 11. Discussion Items 12. Comments from the Public on agenda items 13. Councilmember response to comments on agenda items 14. Executive sessions (may be held at anytime during the meeting) 15. Adjournment

SECTION

PROPOSED CHANGE

PROPOSED LANGUAGE

Section 4.3

Deletion recommended by Attorney

Mayor and Councilmember Comments and Concerns:

The agenda shall provide a time when the Mayor or and Councilmember ("Comments From Councilmembers") may bring before the council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent Council meeting, except that immediate action may be taken upon a vote of a majority of all members of the Council. There shall be no lectures, speeches or grandstanding.

Section 5.4

Additional language recommended by the City Attorney

Tie Vote: If the vote is tied, the Mayor shall take a roll call, calling each individual council member by name to record his/her vote. To the extent allowed by state law, in the event of a tie vote, the Mayor shall vote and break the tie.

Section 5.5

This is a policy issue.
Require a vote?

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.

Section 6

Add hearing procedures to the Procedures.

Section 7.2

This is a policy decision.
Does the Council want to take action at the current meeting or refer all matters to future meetings.

Subjects Not on the Current Agenda: Under agenda item "Comments From the Public" 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.

SECTION

PROPOSED CHANGE

PROPOSED LANGUAGE

Section 7.3

This is a policy decision however it Follows the Councils current practice.

Subjects on the Current Agenda: Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Chair or Presiding Officer. The Chair shall rule on the appropriateness of public comments as the agenda item is reached. The Chair may change the order of speakers so that testimony is heard in the most logical grouping (i.e. proponents, opponents, adjacent owners, etc.). All comments shall be limited to three (3) minutes per speaker or other limitations as the Chair or Council may deem necessary

Section 7.6

This is a policy decision. Does the Council want the City Attorney to review all written Communications before they are Distributed to the Council?

Written Communications: 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. The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Councilmembers. 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.

Section 9

New language to allow for the creation of committees not designated in the Sultan Municipal Code

Waiting for Council direction on Committee proposal.

CITY OF SULTAN

COUNCIL

PROCEDURES

ADOPTED

CITY OF SULTAN
COUNCIL PROCEDURES

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CITY OF SULTAN
COUNCIL PROCEDURES

1. GENERAL RULES

- 1.1 Meetings to be Public:** All official 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:** Four Councilmembers 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. Members 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, 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 Clerk will make an appropriate notation in the minutes. If the motion is not passed the Clerk will note in the minutes that the absence is unexcused.
- 1.4 Journal of Proceedings:** A journal of all proceedings 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 member desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.
- 1.6 Rules of Order:** Robert's Rules of Order Newly Revised shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.
- 1.7 Arrangement of the Council:** The mayor shall be seated in the center of the council table with the Council in order of position number shall fill the other seven seats at the Council table. **Seating for staff – do you have a preference for the location of the City Attorney POLICY DECISION**
- 1.8 Oath of Office:** Prior to taking a seat on the council, the elected or appointed council member must take the oath or office as required under RCW 35A.

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2. TYPES OF MEETINGS

- 2.1 Regular Council Meetings:** The Council shall meet on such days as set by resolution beginning at 7 PM and ending at 10 PM. (The current resolution provides for meetings on the 2nd and 4th **Thursday** of the month) When a Council meeting falls on a holiday, the Council may determine an alternate day for the meeting or cancel the meeting. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Community Center meeting room at 319 Main Street, unless specified otherwise by a majority vote of the Council. All regular and special meetings shall be public.
- 2.2 Special Meetings:** Special meetings may be called by the Mayor or any four (4) members of the Council. 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 Emergency Meetings:** Emergency meetings may be called in less than 24 hours and without notice requirements for special and regular meetings, to deal with emergencies involving damage to persons or property, or when there is a likelihood that adherence to the notice requirements would be impractical and may increase the likelihood of injury or damage.
- 2.4 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.
- 2.5 Study Sessions 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 **four** or 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.
- 2.6 Executive Sessions:** Executive Sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act (Chapter 42.30 RCW). Among the topics that may be discussed are: (1)

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certain personnel matters; (2) consideration of acquisition of property for public purposes or sale of city-owned property; and (3) potential or pending litigation in which the city has an interest, as provided in the Revised Code of Washington. The council may hold an executive session during a regular or special meeting. 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 state later time by the announcement of the Chair.

- 2.7 Attendance of Media at Council Meetings:** All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

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3. CHAIR COUNCIL 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 Council:** The Council consists of seven council members, who are residents within the city limits of Sultan and have been elected or appointed.
- 3.3 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 the Mayor Pro Tem, the meeting shall be called to order by the City Clerk for the election of a temporary Chair.
- 3.4 Lack of a Quorum:** Before the meeting is called to order, it is the duty of the Mayor to determine if there is a quorum present. In the absence of a quorum, any business transacted is null and void, except that within this paragraph. If a quorum is not present, the Mayor shall wait a reasonable to time to determine if a quorum will be present. If it appears that a quorum will not be present, or if a reasonable time expires and there is no quorum, the Mayor shall call the meeting to order, announce the absence of a quorum, then entertain a non-debatable motion to adjourn, a motion to adjourn to a specific time end placer other than regularly scheduled meeting or a recess. During the recess, measures shall be taken to contact members of the council to seek their attendance.
- 3.5 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.
- 3.6 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?"
- 3.7 Questions to be Stated:** The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon all questions.
- 3.8 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 RCW35A.12.100.

4. ORDER OF BUSINESS AND AGENDA

4.1 Order of Business: The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes order:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Changes/Additions to the agenda
- (4) Presentations
- (5) Comments from the Public
- (6) Councilmembers comments
- (7) Hearings **scheduled during the Council meeting**
- (8) Department Head/Council Committee/Commission Reports
- (9) Consent Agenda
- (10) Action Items
- (11) Discussion Items
- (12) Comments from the Public on agenda items
- (13) Councilmember response to comments on agenda items
- (14) Executive sessions (may be held at anytime during the meeting)
- (15) Adjournment

**NEED LANGUAGE TO COVER MEETINGS SET PRIOR TO THE MEETING
– THOSE THAT START AT 6 OR 6:30 POLICY DECISION**

The Consent Agenda may contain items which are of a routine and non-controversial in nature which may include, but are not limited to, the following: meeting minutes, payroll, claims, budget amendments, and any item previously approved by Council with a unanimous vote and which is being submitted to Council for final approval. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember or any person attending a Council meeting.

4.2 Council Agenda: The Mayor 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).

4.3 Mayor and Councilmember Comments and Concerns: The agenda shall provide a time when the Mayor or and Councilmember ("Comments From Councilmembers") may bring before the council any business that he/she feels should be deliberated upon by the Council. ~~These matters need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent Council meeting, except that immediate action may be taken upon a vote of a majority of all members of the Council.~~ There shall be no lectures, speeches or grandstanding

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- 4.4 Procedure to Bring Business Before the Council:** In order to bring any item of business before the Council, a person must contact the Clerk's office a minimum of seven business days prior to the council meeting so that the Clerk may place the item on the agenda. The person must clearly identify the item of business he/she wishes to address to the council. Any written materials should be presented to the Clerk's office seven business day prior to the meeting so that the Clerk has an opportunity to distribute them to the Council for review. This shall only apply to requests for action by the Council. Citizens may address the council on other matters during the Public comments section of the meeting.

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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 and each Councilmember will state his/her name and vote by saying "aye" or "nay".
- 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 been disqualified for a conflict of interest or under the appearance of fairness doctrine. Such member shall disqualify himself or herself prior to any discussion of the matter and shall leave the Council Chambers. When disqualification of a member or members results or would result in the inability of the Council at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent or who had been disqualified under the appearance of fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.
- 5.4 **Tie Vote**: If the vote is tied, the Mayor shall take a roll call, calling each individual council member by name to record his/her vote. **To the extent allowed by state law**, in the event of a tie vote, the Mayor shall vote and break the tie.
- 5.5 **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. **POLICY DECISION**
- 5.6 **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.

6. PUBLIC HEARING PROCEDURES

- 6.1 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 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.).
- 6.2 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 Councilmember 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 Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall 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.
- 6.3 The Public Hearing Process:** 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 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.

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- 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 before 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 Community Center Meeting Room.
- 7.2 Subjects Not on the Current Agenda:** Under agenda item “Comments From the Public” 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. **DISCUSS**
- 7.3 Subjects on the Current Agenda:** Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Chair or Presiding Officer. The Chair shall rule on the appropriateness of public comments as the agenda item is reached. The Chair may change the order of speakers so that testimony is heard in the most logical grouping (i.e. proponents, opponents, adjacent owners, etc.). All comments shall be limited to three (3) minutes per speaker or other limitations as the Chair or Council may deem necessary. **DISCUSS**
- 7.4 Manner of Addressing the Council – Time Limit:** Each person addressing the Council shall step up to the podium, give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit his/her remarks to three (3) minutes. Agenda items “Comments From the Public” and “Public Comments on Agenda Items” shall be limited to a total of 30 minutes each unless additional time or less time is agreed upon by the Council (dependent upon the length of the agenda). All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Chair, members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the Chair. The Council will then determine the disposition of the issue (information only, place on present

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agenda, workshop, a future agenda, assign to staff, assign to Council Committee or do not consider).

- 7.5 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.
- 7.6 Written Communications:** 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. The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Councilmembers. 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. **POLICY DECISION – DO YOU WANT THE CITY ATTORNEY TO REVIEW?**
- 7.7 Comments in Violation of the Appearance of Fairness Doctrine:** The Chair may rule out of order any comment made with respect to 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.
- 7.8 "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 Community Center Meeting Room.

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; in order to make the interviews fair, applicants will be asked to remain outside the Community Center Meeting Room 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 Councilmembers 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. Nomination, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.
- 8.5 Selecting Mayor Pro Tem and Alternate Mayor Pro Tem:** The council shall appoint a Mayor Pro Tem to conduct the business of presiding over meetings of the council and may other regularly conducted business of the Mayor in the Mayor's absence. While the council member is functioning as Mayor Pro Tem, the council member retains his/here right and responsibility to make and vote on motions before the council. The appointment of the Mayor Pro Tem shall take place annually at the first regular meeting of the council each year and the term shall be for one year.

9. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

- 9.1 Citizen Committees, Boards and Commissions:** The Council 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 SMC.
- 9.2 Membership and Selection:** Membership and selection of members shall be as provided by the Council if not specified otherwise in the SMC. 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. No committee so appointed shall have powers other than advisory to the Council or to the mayor except as otherwise specified in the SMC.
- 9.3 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 or ordinance 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 SMC 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 introduced into the record at a prior Council meeting.

SULTAN CITY COUNCIL

RULES OF PROCEDURE FOR COUNCIL MEETINGS

Adopted By Resolution

February 27th, 1996

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COUNCIL PROCEDURES FOR THE CITY OF SULTAN

1. GENERAL RULES

1.1 Meetings to be Public - All meetings of the council are open to the public with the exception of executive sessions as described below.

1.2 Attendance and Absences of the Council - Attendance at regular and special council meetings is required of the members of the council. As provided in RCW 35A.12.060, a council member shall forfeit his/her seat upon failure to attend (3) three consecutive regular council meetings without being excused by the council.

1.3 Excused Absences - If a member of the council knows he/she will be unable to attend a meeting, he/she should contact the Mayor prior to the meeting whenever possible, and state the reason for the absence. At the council meeting, the Mayor should inform the council of the reason for the absence, and the Mayor should then ask if there is a motion to excuse the absence. The motion should then be voted upon. If the motion passes, the Clerk shall record the absence as excused.

1.4 Journal of Proceedings - The clerk or her/his designee shall attend council meetings and make a record of the proceedings. These shall be transcribed into written minutes and submitted for approval at the next regular council meeting. The notes and minutes are open to public inspection upon written request by any member of the public.

1.5 Regular Council Meetings - Unless changed by ordinance, regular council meetings are to be held twice per month, on the second and fourth Tuesdays, except in the case of a holiday, and are to begin at 7:00 p.m., or as hereafter revised by ordinance. They are to be held in the City Council Chambers unless they are specially set to take place at another location. If a regular meeting should fall on a holiday, the meeting shall be rescheduled to another date by the council.

1.6 Special Council Meetings - Special meetings are those which fall on days and times other than regular meetings. These are

formal meetings and do not include workshops. Special meetings may be called by the Mayor or any (3) three council members. The City Clerk shall prepare a notice of any special meeting stating the time, place, and business to be transacted at the meeting. Such notice shall be posted and listed in the newspaper as is required for regular meetings. No subjects other than those listed shall be considered at the special meeting. The council may not take action on any matter not listed within the notice.

1.7 Emergency Council Meetings - Emergency meetings may be called in less than 24 hours and without notice requirements for special and regular meetings, to deal with emergencies involving injuries, or to deal with emergencies involving damage to persons or property, or when there is a likelihood that adherence to the notice requirements would be impractical and may increase the likelihood of injury or damage.

1.8 Study Sessions and Workshops - The Council may meet informally in study sessions or workshops at the request of the Mayor or any (3) three or more council members. Attendance of the council is required at these sessions, however, the penalties under RCW 35A.12.060 shall not apply. These workshops are open to the public. In order for a member of the assembly to speak, the Mayor must recognize the person or organization. Workshops and study sessions are called to discuss and share information on a variety of matters including city projects, and budgetary matters. These sessions are informal. No action may be taken or voted on during these sessions.

1.9 Media Attendance - Members of the media are welcome to attend any public meeting.

1.10 Oath of Office - Prior to taking a seat on the council, the elected or appointed council member must take the oath of office as required under RCW chapter 35A.

1.11 Voucher Approval - Vouchers are expenditures and are voted on for approval during a regular council meeting. The actual bills are available for inspection by the council and members of the public, at the clerk's office the Friday prior to the council meeting.

1.12 Items for discussion - Items for discussion and information may be addressed by a council member without notice to other members.

1.13 Items for Action - Items for action should be added to the agenda at some time prior to the meeting.

1.14 Items for expenditure - Items for expenditure should be formally placed on the agenda three days prior to the council meeting.

1.15 Ordinances - Ordinances become effective five days after publication.

1.16 Consent Agenda - Items which the council has agreed upon and which will need no discussion may be placed on the consent agenda. Items may include business license requests, and also include minutes from the prior meeting. The consent agenda is voted on with a roll call vote so that each member's vote may be recorded.

1.17 Written Communications - Interested parties, or their authorized representatives, may address the council by written communication in regard to any matter of city business. The written communication shall be addressed to the Mayor or Council or the city clerk, and addressed to the clerk's office. The clerk will distribute copies of the communication to members of the council and the Mayor prior to the next regular council meeting or as soon thereafter as possible. The communication shall be entered into the record and may be read during the open meeting so long as time allows.

2. COMPOSITION OF THE COUNCIL

2.1 Council Body - The council consists of five council members, who are resident within the city limits of Sultan and have been elected or appointed.

2.2 Presiding Official - The Mayor or Mayor Pro Tem shall preside over the council meetings.

2.3 Arrangement of the Council - The council meetings shall be arranged as follows. The Mayor shall be seated in the center of the council table. On the right side of the Mayor, the City Attorney shall be seated. On the Mayor's left side, the City Clerk shall be seated. The other five seats at the council table shall be filled by council members.

2.4 Mayor Pro tem - The Council shall appoint a Mayor Pro tem to conduct the business of presiding over meetings of the council and any other regularly conducted business of the Mayor in the Mayor's absence. While the council member is functioning as Mayor pro tem, the council member retains his/her right and responsibility to make and vote on motions before the council.

2.5 Appointment of Mayor Pro tem - The appointment of Mayor Pro tem shall take place annually, at the first regular meeting of the council each year, and the term shall be for one year.

2.6 Vacant Council Position - The process of filling a vacant council seat is governed by RCW 42.12.070, and 42.30.110. In the event a council position becomes vacant for any reason prior to the expiration of a term, the Clerk shall notify the public, following the notice requirements of RCW 35A.13.020.

Once the applications have been submitted at the close of the application period, the council shall review the applications. The council may move to discuss the applications in executive session, or may discuss them during the open portion of the meeting. The council members may interview the applicants during the meeting if they so desire.

After the council feels they have reviewed the applications sufficiently, and during the open portion of the meeting, the Mayor shall then call for any nominations. Any council member may nominate any applicant. The Mayor shall then call for the vote. The applicant who receives a majority of the vote shall take the council seat at the next meeting, provided he/she has taken the oath of office.

Any time there is a tie vote, the Mayor votes to break the tie.

3. REQUIREMENTS TO CONDUCT BUSINESS

3.1 Required Officers - In order for the council to conduct business, there must be a Clerk and a Mayor.

3.2 Quorum - In order for the council to conduct business, there must also be a quorum. A quorum consists of a simple majority of the members of the council. A quorum shall be met if there are three or more council members present.

3.3 Lack of a quorum - Before the meeting is called to order, it is the duty of the Mayor to determine if there is a quorum present. In the absence of a quorum, any business transacted is null and void, except that within this paragraph. If a quorum is not present, the Mayor shall wait a reasonable time to determine if a quorum will be present. If it appears that a quorum will not be present, or if a reasonable time expires and there is no quorum, the Mayor shall call the meeting to order, announce the absence of a quorum, then entertain a non-debatable motion to adjourn, a motion to adjourn to a specific time and place other than a regularly scheduled meeting, or a recess. During the recess, measures shall be taken to contact members of the council to seek their attendance.

3.4 Absence of the Mayor - If the Mayor is not present, the members of the council may wait a reasonable time for the Mayor to appear. If the Mayor fails to appear, the Mayor pro tem shall assume the seat of the Mayor and call the meeting to order. Thereafter, the Mayor pro tem shall conduct the regular business of the meeting. In the absence of the Mayor pro tem, the Clerk shall call the meeting to order and request the election of a mayor pro tem for the meeting. After the election, the meeting shall proceed.

4. THE MEETINGS

4.1 Call to Order - The meeting shall be called to order by the Mayor at the beginning of the meeting, and at any time during the meeting if the Mayor determines the meeting is out of order.

4.2 Pledge of Allegiance - Once the meeting is called to order by the Mayor, the Mayor shall lead the council and assembly in the pledge of allegiance to the flag of the United States of America.

4.3 Order of Business - The Mayor or Mayor pro tem shall follow the outline of the agenda as the order of business to the best of his/her ability. The order shall be in the following general manner.

The first order of business after the Pledge of Allegiance is to entertain a motion on the consent agenda, which consists of minutes from the prior meeting and other consent items. Roll Call shall be taken for this vote by calling the name of each council member and noting his/her presence and response.

The next item on the agenda shall be comments from the public. These comments shall be regarding issues or concerns of the

assembly of which any person wishing to speak has notified the clerk prior to the meeting. Any letters the speaker wishes the council to consider should be delivered to the city Clerk three business days prior to the meeting.

Business license requests will be considered next by the council . The council moves to accept or reject the recommendation of the planning commission as to whether or not to grant the license, and state any conditions they determine should be placed on the license.

The next order of business shall be to conduct any new business. This may include any input from the delegation. Rules which apply to comments and discussion from the delegation follow.

Voucher approval is the next item of business of the agenda. The chairperson from the finance committee shall move to accept the vouchers in the amount listed as the total. If the chair is not present at the meeting, another member of the committee or council shall present the motion. After the motion is seconded questions and comments are made. Upon the vote being called for, all council members shall vote. If a council member must abstain on a voucher, he/she shall state that he/she abstains and the voucher(s) number(s) he/she is abstaining from.

The next order of business shall be to address the individual members of the staff for reports and requests if they have any business which requires that they address the council.

Finally, the Mayor shall address the individual council members as to any items they may have to discuss.

Usually if there is a need for an executive session, a council member motions for the executive session at this time for the convenience of the assembly. The assembly shall be informed of the issues in general and the time allotted to discuss the issues. The assembly may return to the council room once the executive session is completed.

4.4 Procedure to bring business before the council - In order to bring any item of business before the council, a person must contact the Clerk's office a minimum of three business days prior to the council meeting so that the Clerk may place the item on the agenda. The person must clearly identify the item of business he/she wishes to address to the council.

Items of business will be called by the Mayor during the meeting. Any written materials should be presented at the Clerk's office three business days prior to the meeting so that the Clerk has an opportunity to copy and distribute them and the council in order to give them an opportunity to review them prior to the meeting.

4.5 Comments from the assembly - The assembled people of the audience consisting of the public shall be referred to as the, "assembly", or the, "delegation". They may comment on an item being discussed by raising their hand or standing up from their seat, or performing any other act reasonably calculated to gain the attention of the Mayor.

Once the Mayor recognizes the person, the person shall identify herself or himself for the record, and may then address the assembly. All remarks shall be addressed to the Mayor and the council as a whole, not to individual council members or other members of the assembly.

Comments from a member of the assembly should be limited to five minutes. If comments last beyond five minutes, the Mayor may inform the person that for the benefit of the entire assembly, the Mayor wishes the person to resume his/her seat and the council will need to continue its business.

Slanderous or derogatory remarks from the assembly may result in the Mayor calling the person out of order and having the person removed.

The Mayor and Council are cognizant of the fact that they should not allow a member of the assembly to deride employees of the city. In a case where a member of the assembly derides or slanders a member of the staff or employee, any member of the council or the Mayor may ask the person to cease and resume his/her seat.

4.6 Staff Reports and Council Discussion - Staff reports and items of discussion from council members should be limited to twenty (20) minutes. If reports or discussion lasts beyond the time frame, the Mayor may inform the person that their time has expired. At the Mayor's discretion and as he/she deems necessary, the person may be allowed to continue.

4.7 Discussion of Agenda Items - A person or group who has brought an item of business to the council, may reasonably be allowed more than five minutes for explanation and discussion of an item.

4.8 Out of Order - If at any time the Mayor deems that a person or group has become disruptive of the general assembly and/or council meeting, the Mayor may tap his gavel on the table or any other place designed to gain the attention of the assembly and declare that the person or group is out of order. If the person or group continues to be disruptive of the council meeting, the Mayor may ask the person or group to leave the meeting. If they refuse to do so, then the Mayor may instruct that they be removed. If

necessary, the Mayor may then contact the police department and have them removed by an officer.

4.9 Motions - A council member may make a motion at any time she/he deems appropriate during the meeting. The council member begins the motion with the phrase, "I move,". A motion may address an expenditure, an action item, or may move that the Mayor direct staff to perform a function or duty.

4.10 Executive Session - RCW 42.30.110 governs executive sessions. A motion to adjourn to executive session may be addressed at any time which is appropriate. The council member who moves to adjourn to executive session must state the type of business to be conducted in executive session.

Legitimate purposes for the session are as follows: (1) Real estate acquisition matters; (2) legal matters such as current or potential litigation or enforcement actions; (3) review of negotiations on a publicly bid contract when public knowledge regarding such a consideration would cause a likelihood of increased costs; (4) review of and evaluate qualifications for an applicant for public employment (however, wages and conditions of employment along with final action of hiring, and setting salary must be taken in open meeting); (5) evaluation of qualifications of candidates for elective office, (however, interviews of candidates and final appointment shall be made in open meeting), (6) review and evaluations of complaints or charges brought against and employee or public officer, along with review of the performance of an employee or public officer, (however, an officer or employee must be informed of the discussion, and upon their request, the person may be present during that portion of the session or the person may request that the discussion be had in open session), and (7) to discuss any matter which may affect national security.

Matters discussed within an executive session are not to be disclosed to anyone who was not included within the session except any council member who was not present at the time, or the Mayor. Minutes or notes taken during the executive session are to be treated confidentially and are under the same restrictions as discussion and information divulged during the session.

4.11 Motions and Amendments to Motions - Any council member may make a motion. The motion must be seconded by another member of the council in order for the motion to be voted upon. A Simple majority of the council is required to pass a motion. The council may then have discussion on the moved item. A motion may then be amended by its original movant, or it may be withdrawn. Upon it being amended or withdrawn, the second needs also to be amended or withdrawn.

Once the motion is seconded, the Mayor should call for a vote.

35A.12.100

4.12 Tie Vote - If the vote is tied, the Mayor shall take a roll call, calling each individual council member by name to record his/her vote. In the event of a tie vote, the Mayor may vote and break the tie.

4.13 Tabling a Matter - In the event that a matter is not resolved during a council meeting, any member of the council may suggest or move that the matter may be tabled until a subsequent meeting. At a subsequent time, in order to reconsider the matter, a council member must move to bring the matter "back to the table".

4.14 Adjournment - At the close of the business or any other time, any member of the council may move to adjourn the meeting. The Mayor may call for a vote on the motion. The motion is non-debatable, however, so it may not be argued or discussed. The Mayor shall then tap his gavel and the meeting is thereby dismissed.

5. THE COUNCIL

5.1 Appearance of Fairness Doctrine - The doctrine of appearance of fairness shall be strictly and carefully applied to actions of the council. The doctrine has been codified in RCW 42.36, and is applied to determine whether or not a public official is acting within the scope of the doctrine.

5.2 Appearance of Fairness/Conflict of Interest, Procedure - If a council member or the Mayor feels that his/her presence or actions may be in violation of the appearance of fairness doctrine, or that he may have an interest in a council action which could be construed to be a conflict of interest, that person should excuse himself/herself from that portion of the meeting which is in question.

Prior to the meeting or hearing, if a council member or the Mayor feels she/he may have a conflict or appearance of fairness problem, that person should so inform the council. If a member of the council or Mayor feels that another may have a conflict or appearance of fairness problem, that person should be so informed and asked to step down from his/her seat at the council table. If after a ruling by the Mayor or upon advice of the city attorney or a request by the majority of the council, the person questions or refuses to step down, any comments by that person shall be censured and that person will not be allowed to vote.

Depending on the conflict or the matter for which there is an appearance of fairness problem, the member may be asked to leave the meeting during that portion of the meeting so-affected, or that person may be asked to step down from the table and is allowed to participate in the audience.

6. EFFECT AND AMENDMENT OF THESE RULES

6.1 Requirements and Guidelines - These rules are intended as a summary of requirements under the Revised Code of Washington, as well as guidelines for procedures used by the council to conduct orderly and productive meetings. Any amendments to these rules shall be in written form and adopted by majority vote.

6.2 Waiver of these Rules - Except as to those rules codified in state law, these rules may be waived on a case by case basis upon a majority vote of the council.