

CITY OF SULTAN

COUNCIL

MEETING

PROCEDURES

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CITY OF SULTAN -COUNCIL MEETING 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 Recording Meetings:** The clerk shall make an audio recording of all Council meetings the public is invited to attend that are held in the Community Center Council Chambers.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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.

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) 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.

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 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 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) Executive sessions (may be held at anytime during the meeting)
- (13) Adjournment

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. There shall be no lectures, speeches or grandstanding

- 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.

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.
- 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.
 - 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.
- 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.
- 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 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.
- 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/her 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 Sultan Municipal Code.
- 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 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.