

Ordinance No. 357

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING THE RULES OF PROCEDURE FOR THE CITY COUNCIL AND REPEALING ORDINANCE NO. 315.

WHEREAS, the City Council adopted Ordinance No.315, which established and codified revised rules of procedure for Council, and

WHEREAS, the City Council has recommended minor changes to Ordinance No. 315 to facilitate Council business; now, therefore,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Title 2 of the Woodinville Municipal Code is hereby amended to read as follows:

Chapter 2.37

RULES OF PROCEDURE

Sections:

- 2.37.010 General
- 2.37.020 Organization
- 2.37.030 Officers
- 2.37.040 Duties and Privileges of Councilmembers
- 2.37.050 Committees
- 2.37.060 Meetings
- 2.37.070 Council Order of Business
- 2.37.080 Consent Agenda
- 2.37.090 Public Testimony
- 2.37.110 Agenda Preparation
- 2.37.120 Effect/Waiver of Rules

2.37.010 General.

These rules constitute the official rules of procedure for the Woodinville City Council. In all other contested decisions arising from points of order not covered herein, the Council shall be governed by Robert's Rules of Order (Newly Revised), a copy of which is maintained in the office of the Woodinville City Clerk.

2.37.020 Organization.

A. Swearing in of New Councilmembers. New Councilmembers shall be sworn in by the City Clerk or authorized designee either:

1. Up to ten days prior to the day they are scheduled to assume their office; or
2. At the first meeting of the Council in January.

B. Declaration of Interest. Council will informally discuss the interests of each member in serving as Mayor or Deputy Mayor at the first meeting after the general election has been certified. Councilmembers and newly elected Councilmembers who would not be attending that meeting may submit their intent in writing.

C. Election of Officers. The Council shall elect a Mayor and Deputy Mayor for a term of two years and organize itself at the first Council meeting during even-numbered years. The term of Mayor and Deputy Mayor shall run from the first meeting of the Council held in January to the first meeting of the Council held in January two years later. In the temporary absence of the Mayor, the Deputy Mayor shall perform the duties and responsibilities of the Mayor with regard to conduct of meetings and emergency business. In the event the Mayor is unable to serve the remainder of the term, a new Mayor shall be elected at the next Regular Meeting. In the event the Deputy Mayor is unable to serve the remainder of the term, a new Deputy Mayor shall be elected at the next Regular Meeting.

D. Quorum. At all Council Meetings, a majority of the Council (four members) shall constitute a quorum for the transaction of business but a lesser number may recess, adjourn, or listen to information without taking action.

E. Voting. The votes during all Council Meetings shall be transacted as follows:

1. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of the City Clerk or any Councilmember, either a show of hands or a roll call vote may be taken by the Clerk. The order of the roll call vote will be conducted by position number starting with Position Number One.
2. In case of a tie vote on any proposal, the proposal shall be considered lost.
3. Each Councilmember shall vote on all questions put to the Council, unless a conflict of interest or an appearance of fairness question under state law is present. In the case of a member of the Council refusing to vote or abstaining, his or her failure to vote shall be recorded as an affirmative vote. Councilmembers who abstain from voting may, for the public benefit, state the reason for abstention.

F. Attendance, Excused Absences. RCW 35A.12.060 provides that a Councilmember shall forfeit his or her office by failing to attend three 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 City Manager, City Clerk or Presiding Officer prior to the meeting and state the reason for his or her inability to attend the meeting. The City Manager or City Clerk shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence and state the reason for such absence. The Presiding Officer shall ask for a motion to excuse the absent member. The motion to excuse shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. When more than one Councilmember is absent, each Councilmember's absence may be voted on separately.

G. General Decorum.

1. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disrupt any member while speaking or refuse to obey the orders of the Council or the Presiding Officer, except as otherwise provided in these Rules.

2. Any person making personal, impertinent, or slanderous remarks or who becomes boisterous while addressing the Council shall be asked to leave by the Presiding Officer and forthwith, be barred from further audience before the Council for the remainder of that meeting.

H. Confidentiality.

1. Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington.
2. If the Council, after Executive Session, has provided direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with any other party should be done by the designated City staff representative handling the issue. Councilmembers should consult with the City Manager prior to discussing the information with anyone other than other Councilmembers, the City Attorney or City staff designated by the City Manager. Any Councilmember having any contact or discussion needs to make full disclosure to the City Manager and/or the Council in a timely manner.

I. Adjournment. Council shall adjourn at 9:30 p.m. or when finished with business. The adjournment time established hereunder may be extended to a later time certain upon approval of a motion by a majority of the Council.

J. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council Meetings. If the Clerk and the Deputy Clerk are absent from any Council Meeting, then the Presiding Officer shall ask the City Manager to appoint a member of the staff to act as Clerk for that meeting.

2.37.030 Officers.

A. Presiding Officers. The Mayor or in his or her absence, the Deputy Mayor, shall be the Presiding Officer of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.

B. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control discussion in an orderly manner.
 - a. Give every Councilmember who wishes an opportunity to speak when recognized by the Chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to identify themselves for the record, speak to the question and observe the rules of order.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome.
6. Confirm that a Councilmember's request of staff is agreeable to the majority of Council.

C. Presiding Officer, Question of Order. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.

D. Presiding Officer, Participation. The Presiding Officer shall call the Deputy Mayor or any Councilmember to take the chair so the Presiding Officer may make a motion.

2.37.040 Duties and Privileges of Councilmembers.

A. Forms of Address. For Regular Meetings and more formal settings, the Mayor shall be addressed as "Mr., Madam or Ms. Mayor" or "Mayor (surname)." For Regular Meetings and more formal settings, the Deputy Mayor and Councilmembers shall be addressed as "Mr., Madam or Ms. (surname)" or "Councilmember (surname)." For Study Sessions and more informal settings, the Mayor shall be addressed as "Mr., Madam, or Ms. Mayor" or "Mayor (surname)", and the Deputy Mayor and Councilmembers may be addressed by their first names.

B. Seating Arrangement. Councilmembers shall occupy the respective seats in the Council Chambers assigned to them by position number, except that the Mayor shall sit at the center of the Council, and the Deputy Mayor shall sit at the left hand of the Mayor.

C. Dissents and Protests. Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

2.37.050 Committees

A. Ad Hoc Committee Assignments. Ad Hoc Committees of not more than three Councilmembers may be appointed by the Mayor, with the concurrence of the Council, from time to time as the need arises. The Mayor, with the concurrence of the Council, shall also appoint the chair of any such Ad Hoc Committees.

B. Committee of Inquiry. Upon the affirmative vote of a majority of the Council, a Committee of Inquiry consisting of not more than three Councilmembers may be appointed by the Mayor with the concurrence of the Council, to inquire into any and all matters of City business as shall have been authorized specifically in the enabling motion.

1. The City Manager may be an ex-officio member of any and all such Committee(s).
2. The Committee shall report the results of each such approved inquiry to the Council, and the Committee report shall be received by the Council and may be entered into the public record (RCW 42.30.110).
3. Nothing in this policy shall prevent an individual Councilmember from contacting the City Manager, a City Department Director, Officer, or employee with questions or requests for information regarding any matter that is within the scope of the authorities of the Councilmember.

C. Standing Committee Assignments. If Standing Committees are established, they shall be appointed by the Mayor, with the concurrence of the Council. The Mayor, with the concurrence of the Council, shall also appoint the Chair of such Standing Committees.

2.37.060 Meetings.

All Council Meetings shall comply with the requirements of the Open Public Meetings Act (RCW 42.30). All Regular Meetings and Special Meetings of the Council shall be open to the public.

A. Regular Meetings. The Council shall hold Regular Meetings on the first three Mondays of each month between 7:00 p.m. and 9:30 p.m. The Council shall hold Study Sessions during each of the Regular Meetings. Should any meeting fall on a legal holiday, the meeting shall be held at the same hour and place on the next working day. Study Sessions will be informal discussions for the purpose of reviewing the up-coming Regular Meeting preliminary agenda; forthcoming programs and future Council agenda items; progress on current programs or projects; or other information the City Manager feels is appropriate. A Councilmember or the City Manager may bring an item for discussion prefaced by a brief introduction of the item for the benefit of all members and observers.

B. Special Meetings. Special Meetings may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor or temporary Presiding Officer by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. Special Meetings shall also be called by the Mayor, Deputy Mayor or temporary Presiding Officer upon the written request of any three members of the Council. The notice of such Special Meetings shall state the subjects to be considered, and no subjects other than those specified in the notice shall be considered. For purposes of the noticing of Special Meetings, e-mail shall be considered a written notice.

C. Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded and indicate whether or not Council action will be taken after the Executive Session. Should the Session require more time, a public announcement shall be made that the Session is being extended.

D. Meeting Place. Regular Meetings will be at the Council Chambers, 17301 133rd Avenue NE, Woodinville, Washington 98072, unless public notice is given of another location. Meetings may be held at other locations when appropriate notice has been given and posted.

E. Committee Meetings. Committee Meetings may be held by each Ad Hoc or Standing Committee at the times and dates announced in accordance with state law.

F. Council Retreats. The Council shall schedule a retreat at least twice annually to hold team-building and goal-setting sessions and to discuss planning and/or educational issues and other pertinent topics.

G. Public Notice. The City shall comply with the provisions of RCW 35A.12.160.

2.37.070 Council Order of Business.

A. Order of Business for Regular Meetings. The order of business for each Regular Meeting shall be as follows:

Regular Session (7:00 – 9:30 p.m.)

1. Call to Order
2. Roll Call
3. Flag Salute
4. Approve the Agenda in Content and Order
5. Public Comments
6. Special Items
7. Consent Calendar
8. Unfinished Business
9. New Business
10. Study Session
11. Public Hearing
12. Reports of City Manager
13. Public Comments
14. Reports of Councilmembers
15. Executive Session
16. Adjournment

B. Council Agenda. No legislative item shall be voted upon which is not on the agenda as approved by the Council at the meeting.

2.37.080 Consent Calendar.

A. The City Manager in consultation with the Presiding Officer, shall place matters on the Consent Calendar which: (a) have been previously discussed by the Council, or (b) based on the information delivered to members of the Council by the administration, can be reviewed by a

Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely.

B. The motion to adopt the Consent Calendar shall be non-debatable and have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. Therefore, under the item "Approve the Agenda in Content and Order", the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future Council Meeting.

C. Under the item "Consent Calendar" the Presiding Officer shall inquire if any Councilmember wishes to record a "no" vote. If a Councilmember wishes to record a "no" vote without withdrawing the item from the Consent Calendar, the Councilmember may do so by identifying the agenda item number and stating that intention at the time the Presiding Officer inquires whether any items are to be withdrawn from the Consent Calendar.

2.37.090 Public Testimony.

A. Oral and Written Comments. The Council shall not take public testimony at the Regular Meeting except for testimony given at a Public Hearing; provided that any person may speak under Public Comments for no more than three minutes. Suspension of this rule will require four votes. If a person appearing before the Council has used up his or her three minutes of Public Comments, that person, after all those who have signed up to speak have done so, may continue to address the Council, provided that the total amount of time elapsed for Item 4 "Public Comments" has not exceeded 15 minutes.

The Presiding Officer shall have the discretion to address any issue raised by a citizen during Public Comments, refer the matter to the staff for resolution, or a future Study Session for discussions and/or thank the citizen for his or her comments. Councilmembers may ask citizens questions or make comments. If the questions become a protracted discussion, a debate or grandstanding forum, the Presiding Officer may refer the matter to a future Study Session or close the discussions and continue with the meeting.

Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial matter

is on the agenda, the public will be informed by the City Attorney what state law permits as to public comments on quasi-judicial matters. If comments are provided in writing, they may be submitted to the Council on quasi-judicial matters that the Council is considering at a Regular Meeting. Such written comments must be filed with the Clerk no later than 1:00 p.m. of the Wednesday preceding the Regular Meeting. No material submitted later than that time will be considered by the Council until the next Regular Meeting. Written comments to the Council on quasi-judicial matters will be reviewed by the City Attorney who will exclude information which is not contained in the record of the Hearing Examiner before submission to the Council or otherwise not appropriate for Council consideration.

The Council may more informally take public comments at a Study Session, when appropriate and practical.

B. Identification of Speakers. Persons testifying shall identify themselves for the record as to name, address, and organization.

C. Instructions for Speakers. An instruction notice for speakers will be affixed to the podium. Speakers will be advised by the Mayor that their testimony is being recorded and is a matter of public record.

D. Rules for Public Hearings. The following rules shall be observed during any Public Hearing:

Public Hearings shall begin promptly at 7:30 p.m. The Presiding Officer shall recognize a motion to table the current agenda item until the conclusion of the public hearing, and to open the public hearing.

The Presiding Officer shall declare the public hearing open, and ask for the City staff presentation. Following questions of staff by Council, the applicant shall be given ten minutes to present the issue. Following the presentation of the applicant, the major opponent shall be allowed to speak to the issue for ten minutes. Then, any interested person may be heard for three minutes each. Opponent and interested persons shall be given three minutes each to speak. The Presiding Officer shall recognize staff comments and questions from the Council. After all interested members of the public and staff have had an opportunity to speak, the applicant shall be given the opportunity to respond to or rebut information presented by the opponent or members of the public or staff. This opportunity for rebuttal shall not be used to present new information or to address subjects other than issues raised by the opponent and public. After all interested persons have had a fair opportunity to speak, the Presiding Officer shall declare the public hearing closed. The Council may, however, decide to allow for certain written materials to be presented

to the Council for a period of time certain. This shall be decided by the Council and require a majority vote. Once the public hearing is closed, no person may introduce new substantive information without reopening the public hearing by a majority vote of the Council. If any person wants to have the Public Hearing reopened, they must petition the City Clerk and it will require a majority vote of the Council to reopen or hold another Public Hearing based on the evidence presented in the petition. The Council may alter the time limits of speakers upon a vote prior to the opening of the hearing.

E. Rules for Quasi-judicial Hearings. The following additional rules shall be observed during any quasi-judicial public hearing:

The Presiding Officer shall declare the public hearing open, and ask for Councilmembers to reveal Ex Parte oral or written communications or any potential appearance of fairness problems. Councilmembers will disclose any facts that could lead to a challenge. After all disclosures are made, the Presiding Officer will ask if any person wishes to make an Appearance of Fairness challenge to any Councilmember. If so, the member of the audience will come forward to the podium and make their challenge. After all challenges have been made, the Presiding Officer may ask the City Attorney to advise if any Councilmember should be disqualified. This may be done in public or Executive Session. Any Councilmember so disqualified shall leave the room and not return until after the conclusion of the quasi-judicial matter. After any disqualified Councilmember leaves, the quasi-judicial hearing shall proceed under the same rules as provided in Section 9D.

F. Addressing Council Outside of a Public Hearing or Public Comments. No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.

2.37.110 Agenda Preparation.

A. The Clerk will prepare a preliminary agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The preliminary agenda is subject to review by the Mayor and City Manager.

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

1. A majority vote of the Council.

2. Council consensus.
3. By any two Councilmembers, in writing or with phone confirmation, with signatures by fax allowed for confirmation of support, no later than 12 p.m. noon on the Wednesday preceding the meeting. The names of the requester Councilmembers shall be set forth on the agenda. The item shall be placed on the next scheduled Study Session.
4. By the City Manager.
5. By a Council Committee.
6. By the Mayor.

C. Agenda items that are continued from one meeting to another will have preference on the agenda listed under Unfinished Business.

D. The preliminary agenda items will be submitted to the City Manager no later than Wednesday at 1:00 p.m. for the following Monday meeting. The finalized agenda and meeting packets will be available at City Hall by Monday evening, seven days before the next Council meeting.

E. Council procedures shall be periodically reviewed as needed, but at least every two years; therefore, Council procedures shall be considered in the month of January of every even numbered year, and may be considered any other time that Council shall choose to review them.

2.37.120 Effect/Waiver of Rules.

Section 1. These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by a majority vote, determine to temporarily waive any of the provisions herein.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality or any other section, sentence, clause or phrase of this ordinance.

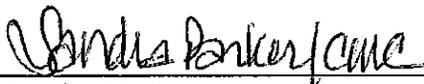
Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 12th DAY OF JANUARY 2004.



Don Brocha, Mayor

ATTEST/AUTHENTICATED:



Sandra Parker
City Clerk\CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 1-12-2004
PUBLISHED: 1-19-2004
EFFECTIVE DATE: 1-24-2004
ORDINANCE NO. 357