

## RESOLUTION NO. 383

### A RESOLUTION OF THE WOODINVILLE CITY COUNCIL ADOPTING COUNCIL RULES OF PROCEDURE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, RCW 35A.11.020 gives the City Council of each code city the power to organize and regulate its internal affairs consistent with the provisions of Title 35A RCW; and

**WHEREAS**, the City Council adopted its Rules of Procedure by Resolution No. 339 and amended by Resolution No. 349; and

**WHEREAS**, the City Council desires to make changes in its Rules of Procedure to better organize and more efficiently conduct City Council Meetings, and

**WHEREAS**, to amend the City Council's Rules of Procedure requires adoption of a Resolution,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Adopting Rules of Procedure.** Resolution No. 339 and Resolution No. 349, are hereby repealed. The City Council's Rules of Procedure are hereby adopted in their entirety to read as set forth in Exhibit 1, attached hereto.

**Section 2. Severability.** If any section, sentence, clause, or phrase of this Resolution or any resolution adopted or amended hereby, 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 of any other section, sentence, clause or phrase of this Resolution.

**RESOLVED** this 20<sup>th</sup> day of April 2010.



Charles E. Price, Mayor

ATTEST/AUTHENTICATED:



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Jennifer Kuhn  
City Clerk/CMC

# WOODINVILLE CITY COUNCIL

## COUNCIL RULES OF PROCEDURE

Adopted by Resolution No. 339: July 9<sup>th</sup>, 2007

Revised by Resolution No. 349: April 1<sup>st</sup>, 2008

Repealed by Resolution No. 383: March 16, 2010

Ratification of Resolution No. 383: April 20, 2010

**Section 1. Purpose and Effect.** These rules constitute the official rules of procedure for the Woodinville City Council and 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.

**Section 2. Parliamentary Authority.** In all decisions arising from points of order, the Council may consult the most current edition of Robert's Rules of Order Newly Revised, a copy of which is maintained in the office of the Woodinville City Clerk. Any reference to Robert's Rules of Order throughout the Rules of Procedure shall be deemed to reference the most current edition of Robert's Rules of Order.

**Section 3. Election of Officers.** The City Council shall use the following process to elect a Mayor and Deputy Mayor.

1. The Mayor and Deputy Mayor shall be elected by a majority of the Council Members.
2. The City Clerk shall serve as the Chair for the nomination process for the position of Mayor. The Mayor position shall be elected first.
3. The City Clerk will ask for nominations. When it appears that no one else wishes to make any further nominations, the City Clerk will ask again for further nominations and if there are none, the City Clerk will declare the nominations closed. A motion to close the nominations is not necessary.
4. No Councilmember may nominate more than one person for a given office.
5. Nominations do not require a second.
6. If more than one (1) nomination is made, an open election is conducted by roll call vote. When called upon, each Councilmember shall state the name of the nominee for which they are casting their vote.
7. To be elected, the nominee needs a majority vote of the Council.
8. If none of the nominees receives a majority vote of the entire membership, those nominees receiving the most votes will proceed to a run off vote, until one nominee receives a majority vote of the entire membership. If there is a tie vote between two or more nominees, those nominees shall proceed to a run off vote until one nominee receives more votes than the other nominees, and that nominee shall advance in the process. A Mayor shall be elected before the Office of Deputy Mayor is opened for nominations.
9. A tie vote results in a failed nomination, except as described above.
10. The City Clerk shall declare the nominee receiving the majority vote as the new Mayor. The newly elected Mayor will chair the nominations and election of the Deputy Mayor and shall proceed as described above.

### **Section 4. Duties of Officers.**

1. **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 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

absence of both the Mayor and the Deputy Mayor at any Council meeting, the Council shall appoint one of the members of the Council to act as a temporary Chair.

2. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:
  - (a) Call the meeting to order.
  - (b) Keep the meeting to its order of business.
  - (c) Control discussion in an orderly manner.
    - (i) Give every Councilmember who wishes an opportunity to speak when recognized by the chair.
    - (ii) Permit audience participation at the appropriate times.
    - (iii) Require all speakers to identify themselves for the record, speak to the question and observe the rules of order.
  - (d) State each motion before it is discussed and before it is voted upon.
  - (e) Put motions to a vote and announce the outcome.
  - (f) Confirm that a Councilmember's request of staff is agreeable to the majority of the Council.
3. 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.
4. 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.

**Section 5. Meeting Provisions.** All Council Meetings shall comply with the requirements of the Open Public Meetings Act (Chapter 42.30 RCW). All Regular Meetings, Special Meetings, and Regular Study Sessions of the Council shall be open to the public.

1. 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.
2. 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.
3. 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.
4. 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.
5. Voting. The votes during all Council Meetings shall be transacted as follows:
  - a) 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.

- b) In case of a tie vote on any proposal, the proposal shall be considered lost.
- c) 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. A yes, no or abstention will be recorded as such.

6. 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 nondebatable. 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.

7. General Decorum.

- (a) 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.
- (b) 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.
- (c) Councilmembers are strongly encouraged to exercise principles of general decorum in all aspects of their official City conduct, including but not limited to public statements, press releases, media interviews and written correspondence constituting a public record. For purposes of this subsection, "general decorum" shall mean politeness, courtesy, professionalism, and abstention from personal insults, slanderous remarks and ad hominem attacks with respect to other City officials and employees.
- (d) The principles of general decorum established in this section are separate from and additional to the prohibition against false statements and misrepresentations codified at WMC 2.36.020(12).
- (e) Councilmembers agree not to conduct private communications using computers, PDA's (Personal Digital Assistant), Blackberry type devices (wireless email devices), or other such devices during the meeting from the Council dais.

8. Confidentiality.

- a) 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.

- b) 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.

9. Debate.

Individual Councilmembers, after recognition by the Chair, may speak up to two times, for 10 minutes each, for a total of 20 minutes to the motion on the floor.

**Section 6. Council Meetings, Occurrence, and Notice Provisions.**

1. Regular Meetings. The Council shall hold Regular Meetings at the time and location established by local ordinance.
2. Study Sessions. The Council may hold Study Sessions as it deems necessary during Regular Meetings or Special Meetings. Study Sessions are informal meetings for the purpose of in-depth review or discussion of: programs, projects, or issues; the upcoming Regular Business 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. Study Sessions are intended to provide information or to develop policy consensus, and are not intended to result in formal final action of the Council. However, the Council shall not be barred from taking formal final action during Study Sessions to the extent legally permissible.
3. 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 24 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.
4. 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.
5. Public Notice. The City shall comply with the provisions of RCW 35A.12.160 to provide appropriate notice of Council meetings.

## **Section 7. Council Meeting Agenda and Order of Business**

1. Order of Business for Regular Business Meetings. The typical order of business for each Regular Business Meeting shall be as follows:
  1. Call to Order
  2. Roll Call
  3. Flag Salute
  4. Approval of Agenda Order & Content
  5. Special Presentations
  6. Public Comments
  7. Consent Calendar
  8. Business Items (Including Public Hearings)
  9. Public Comments
  10. Reports of the City Manager
  11. Reports of the Councilmembers
  12. Executive Session
  13. Adjournment

This Order of Business may be changed from time to time upon majority vote or consensus of the City Council.

2. Order of Business for Study Sessions. The order of business for each Study Session shall be flexible to better accommodate discussion and time sensitive issues and may be changed upon majority approval of the Council. The typical agenda order will be as follows:
  1. Call to Order
  2. Roll Call
  3. Flag Salute
  4. Approval of Agenda Order & Content
  5. Public Comments
  6. Study Session Items for Discussion or Review
  7. Public Comments
  8. Executive Session
  9. Adjournment
3. Council Agenda. No legislative item shall be voted upon which is not on the agenda as approved by the Council at the meeting.
4. Consent Calendar. 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.

The motion to adopt the consent calendar shall be nondebtable 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 "Approval of Agenda Order & Content," 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.

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.

#### 5. Public Testimony.

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 or designated spokespersons for a recognized community group or organization may speak under public comments for no more than three minutes. Speakers are allowed one turn to speak per Public Comment Period. A speaker may read written comments submitted by another citizen. 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 all "Public Comments," has not exceeded 15 minutes.

Time permitting, the Mayor, in his or hers sole discretion, may read correspondence addressed to the City Council during the Public Comment Period, if the correspondence specifically requests that it be read during this period.

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.

Identification of Speakers. Persons testifying shall identify themselves for the record as to name, address, state whether they live within Woodinville City limits and organization.

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.

Rules for Public Hearings. The following rules shall be observed during any public hearing, however, they may be altered, amended, or revised upon a majority vote of the City Council.

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 10 minutes to present the issue. Following the presentation of the applicant, the major opponent shall be allowed to speak to the issue for 10 minutes. Then, any interested persons may be heard for five minutes each. Opponent and interested persons shall be given five 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.

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 which 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 the previous subsection titled "Rules for Public Hearings."

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.

### **Section 8. Agenda Preparation.**

1. The Clerk, under direction of the City Manager, 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 Presiding Officer and by the Deputy Mayor.
2. An item for a Council meeting may be placed on the preliminary agenda by any of the following methods:
  - (a) A majority vote of the Council.
  - (b) Council consensus.

- (c) By any two Councilmembers, in writing or with phone confirmation, with signatures by fax allowed for confirmation of support, no later than 12:00 noon on the Wednesday 13 days preceding the meeting. The names of the requester Councilmembers shall be set forth on the agenda. The item shall be placed on the next available meeting agenda.
- (d) By the City Manager.
- (e) By a Council committee.
- (f) By the Mayor.

3. Agenda items that are continued from one meeting to another will placed on a future meeting agenda based upon workloads, priorities, and other scheduling considerations.
4. The preliminary agenda items will be submitted to the City Manager no later than Wednesday at 1:00 p.m., 13 days preceding the meeting. The finalized agenda and meeting packets will be available at City Hall by 5:00 p.m. at least 7 days before the next Council meeting.
5. 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.
6. Public Requests for Presentations and Proclamations. It is the policy of the City Council to only consider requests to allow presentations or to make proclamations for events, issues, or causes that directly affect Woodinville residents, businesses, and organizations. The City Council will only consider requests that are timely and have potential relevance to a majority of Woodinville's residents, businesses, and organizations.

**Section 9. City Council Committees.** To help the City Council complete its work and to make City Council Meetings more efficient, the Council may form Committees to gather information; consider project/program options; or other duties as may be assigned by the City Council. Said Committees shall only be authorized to investigate and evaluate those matters referred to it by the City Council.

Each Councilmember shall be notified when a Council Committee meets and shall receive a copy of the Meeting Agenda. After a Council Committee has met, the Committee Chair shall report the Committee's activities to the entire Council at the next Regular Meeting; or the assigned staff support employee shall prepare a written summary of the Committee's activities for distribution to the entire Council.

The following basic rules shall apply to City Council Committees:

1. 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.
2. 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.
  - a. The City Manager may be an ex-officio member of any and all such committee(s).
  - b. 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.
  - c. 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 which is within the scope of the authorities of the Councilmember.

3. 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.