

CITY OF DuPONT
WASHINGTON
ORDINANCE NO. 18-1040

**AN ORDINANCE OF THE CITY OF DuPONT, WASHINGTON,
AMENDING THE COUNCIL RULES OF PROCEDURE**

WHEREAS, written rules of procedure regarding how the City Council conducts its policy-making business for the City best assure an atmosphere conducive to efficiency, uniformity and consistency; and

WHEREAS, the rules and procedures adopted by the City Council by which they conduct the policy-making business of the City need to be amended from time to time to reflect changes in the law and practice of the City Council; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DuPONT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. DuPont Municipal Code Section 1.02.025 - Council Rules is hereby amended to reflect Ordinance No. 18-1040 with the adoption of the attached Exhibit "A".

1.02.025 - Council Rules. The City Council of the City of DuPont hereby adopts the City of DuPont Council Rules in the form attached hereto as Exhibit "A" in its entirety as if fully set forth herein. (Ord. 18-1040).

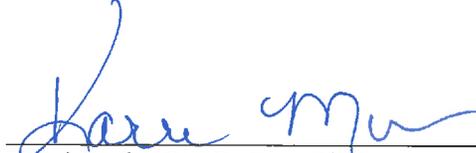
Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 24 DAY OF July, 2018.**

CITY OF DuPONT


Michael P. Courts, Mayor

ATTEST:



Karri Muir, CMC, City Clerk

APPROVED AS TO FORM:



Gordon Karg., City Attorney

ORB. No. 18-1040
Passed by the City Council: 7/24/18
Date of Publication: 7/26/18
Effective Date: 7/30/18



CITY OF DuPONT WASHINGTON

CITY COUNCIL RULES OF PROCEDURE

Adopted: August 10, 2004, by Ordinance No. 04-770
Amended: July 26, 2011, by Ordinance No. 11-918
Amended: March 27, 2012, by Ordinance No. 12-930
Amended: May 27, 2014, by Ordinance No.14-966
Amended: August 26, 2014, by Ordinance No. 14-971
Amended July 24, 2018, by Ordinance No. 18-1040

TABLE OF CONTENTS

1. General Rules
 - 1.1 Meetings to be Public
 - 1.2 Quorum
 - 1.3 Attendance, Excused Absences
 - 1.4 Journal of Proceedings
 - 1.5 Right of Floor
 - 1.6 Rules of Order
 - 1.7 Council Member Seating

2. Types of Meetings
 - 2.1 Regular Council Meetings
 - 2.2 Special Meetings
 - 2.3 Workshops
 - 2.4 Emergency Meetings
 - 2.5 Executive Sessions
 - 2.6 Continued and Adjourned Sessions
 - 2.7 Closed Sessions
 - 2.8 Council Contact Outside an Official Meeting

3. Chairs and Duties
 - 3.1 Chair
 - 3.2 Call to Order
 - 3.3 Preservation of Order
 - 3.4 Points of Order
 - 3.5 Questions to be Stated
 - 3.6 Mayor – Powers
 - 3.7 Privilege of Council

4. Order of Business and Agenda
 - 4.1 Order of Business
 - 4.2 Council Agenda

5. Consensus and Motions
 - 5.1 Consensus Votes
 - 5.2 Motions
 - 5.3 Votes on Motions
 - 5.4 Failure to Vote on a Motion
 - 5.5 Motions to Reconsider
 - 5.6 Tele/video Conference Participation
 - 5.7 Council Relations with Staff
 - 5.8 Council Representation

6. Public Hearing Procedures
 - 6.1 Definition of Public Hearing
 - 6.2 Speaker Sign-In
 - 6.3 Conflict of Interest/Appearance of Fairness
 - 6.4 The Public Hearing Process

7. Duties and Privileges of Citizens
 - 7.1 Meeting Participation
 - 7.2 Subjects Not on the Current Agenda
 - 7.3 Comments and Suggestions to the Council
 - 7.4 Personal and Slandorous Remarks
 - 7.5 Written Communications
 - 7.6 Comments in Violation of the Appearance of Fairness Doctrine
 - 7.7 "Out of Order" Comments

8. Filling Council Vacancies and Selecting Mayor Pro Tem
 - 8.1 Notice of Vacancy
 - 8.2 Application Procedure
 - 8.3 Interview Process
 - 8.4 Selection of Councilmember
 - 8.5 Selecting Deputy Mayor

9. City Agencies and Committees
 - 9.1 Agencies and Committees
 - 9.2 City Agencies
 - 9.3 Committees
 - 9.4 Standing Council Committees
 - 9.5 Membership and Selection for Non-Standing Committees
 - 9.6 Removal of Non-Standing Committee Members

10. Suspension and Amendment of These Rules
 - 10.1 Suspension of These Rules
 - 10.2 Amendment of These Rules

11. Public Records
 - 11.1 Public Records
 - 11.2 Electronic Mail
 - 11.3 Open Public Meetings Act Regarding Electronic Mail

12. Rules of Conduct
 - 12.1 Respect
 - 12.2 Listen
 - 12.3 Fair Debate
 - 12.4 Disclosure, Avoiding the Appearance of Impropriety
 - 12.5 Maintain Our Legislative Focus
 - 12.6 Majority and Minority Rights
 - 12.7 Open Process
 - 12.8 Honor Confidences

12.9 Use of Electronic Communication Devices

1. General Rules

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

1.2 Quorum: A simple majority of 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. Member of the Council may be so excused by complying with this section. The member shall contact the Mayor prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact, the member shall contact the City Clerk or Designee, who shall convey the message to the Mayor. The Mayor 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 City Clerk or Designee will make an appropriate notation in the minutes. If the motion is not passed, the City Clerk or Designee will note in the minutes that the absence is unexcused.

1.4 Journal of Proceedings: The City Clerk will keep an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of

the Council. Council meeting minutes will not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

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

1.6 Rule 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 Council Member Seating: A City Council Member's seat at the dais will be determined as follows or as mutually agreed upon by Council:

- (1) The Mayor shall sit in Chair #5, the center seat at the dais, and the Deputy Mayor shall sit to the Mayor's right, in Chair #4; and
- (2) The remaining Council Members will be seated left to right by position #1 through #7 respectively.

2. Types of Meetings

2.1 Regular Council Meetings: The Council shall meet on the 2nd Tuesday of each month at 7:00 pm. If at any time, any regular meeting falls on a holiday or a primary, general, or special election day, wherein any matter is on the ballot in the City of DuPont, such regular meeting shall be held the next business day.

The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at City Hall, 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 two (2) 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 e-mail 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 Workshops: The Council will meet on the 3rd Tuesday of each month at 6:00 pm to conduct a Council Workshop informally in study sessions and workshops (open to the public), 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.

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

2.5 Executive Sessions: An executive session is a Council meeting that is closed except to the Council, City Administrator and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance. Executive sessions may be held during a Regular meeting, Special meeting, or Workshop, and will be announced by the Mayor.

Executive Session subjects are limited pursuant to RCW 42.30.110, including but not limited to, considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments, and attorney-client discussions.

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

2.6 Continued and Adjourned Sessions: Any session of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting. Regular Council meetings shall adjourn at or before 10:00 pm; except the time may be extended to a later time certain upon approval of a motion by a Councilmember.

2.7 Closed Door Sessions: A session of the Council to discuss collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress may be held in a closed door session without any formal notice.

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

3. Chair and Duties

3.1 Chair: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Council shall elect a Chair. *(see also Section 9.4c regarding Standing Committee Chair)*

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

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

3.4 Points of Order: The Mayor 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 Mayor be sustained?"

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

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

3.7 Privilege of Council: Any Councilmember may bring forth a resolution or ordinance by submitting a timely request to the City Administrator

for inclusion on the appropriate Council Committee or the City Council Agenda. Some proposed ordinance or resolution types are required to be reviewed by Council Committee prior to presentation to the full Council, see Section 9.4d of these rules. At the request of the Councilmember(s) sponsoring the proposed legislation their name(s) shall appear at the top of the legislation indicating such sponsorship.

4. Order of Business and Agenda

4.1 Order of Business: 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 the order:

- (1) Call to Order: The Mayor calls the meeting to order and requests that the City Clerk or designee announce the attendance of Councilmembers. The Mayor will indicate any Councilmember who is not in attendance and whether the Councilmember has requested an excused absence. Excused absences will be handled as stated in 1.3.
- (2) Pledge of Allegiance
- (3) Proclamations and Presentations: A proclamation is defined as an official announcement made by either the City Council or the Mayor.
- (4) Public Hearings: See Section 6
- (5) Approval of Agenda: The Mayor may, with the concurrence of the Councilmembers, take agenda items out of order. Agenda items may be added pursuant to Section 4.2 of these Rules.
- (6) Comments from the Public: During the first of two Public Comment opportunities, members of the audience who may comment on items relating to any manner on or off the agenda. Public comment sign-ups will be available at each regular Council meeting for the use of those citizens wishing to address the Council. Comments are limited to three (3) minutes per person and limited to five minutes per person speaking on behalf of a group; the allotted time may be modified by the Chair. No

speaker may convey or donate his or her time for speaking to another speaker. Persons having more than three (3) minutes of comments may provide written comments to the City Clerk or designee. Copies of the written comments will be furnished to the Council at a later date.

(7) Consent Agenda: The Consent Agenda may contain items which are considered to be routine, non-controversial, and require no discussion, and may be approved in one motion. Items may include, but are not limited to: meeting minutes, payroll, claims, resolutions, budget amendments, park use requests, bid awards, contract or Interlocal authorizations, and previously discussed agreements or matters 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

(8) Discussion Items

(9) Mayor's Report: The Mayor updates the Council on current issues or items of Council interest, and may include a calendar of events.

(10) City Administrator's Report: The City Administrator updates the Council on current issues or items of Council interest and may include other staff participation.

(11) Councilmember Reports: Councilmembers may report on significant activities since the last meeting.

(12) Department Reports: Department Directors will be given an opportunity to discuss operational progress and issues.

(13) Unfinished Business: Those items that were continued or not finished from a previous agenda and second readings of ordinances. Discussion by the Council may be held at this time.

(14) New Business: Introduction or first reading of ordinances, resolutions, and other items requiring Council action.

15) Public Comments: A second opportunity is provided to members of the audience who may comment on items relating to any matter that is on or off the current agenda. Comments are limited to three (3) minutes per person and limited to five (5) minutes per person

speaking on behalf of a group; the allotted time may be modified by the Mayor. No speaker may convey or donate his or her time for speaking to another speaker. Persons having more than three (3) minutes of comments may provide written comments to the City Clerk or designee. Copies of the written comments will be furnished to the Council at a later date.

- (16) Council Comments
- (17) Executive Session
- (18) Adjournment

4.2 Council Agenda: The Mayor and City Administrator shall prepare the agenda for Council meetings. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare). An item may be placed on a Council meeting agenda by any of the following methods: 1) by any two or more Councilmembers, 2) by a Council committee, and 3) by a Department Director with the approval of the City Administrator.

5. Consensus and Motions

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

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

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

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

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

5.6 Tele/video Conference Participation: From time to time, a Councilmember will not be able to be physically present at a regular Council meeting but will want to be involved in the discussion and/or decision on a particular agenda item. Telephone/computer system charges are to be at the Councilmember's own expense, unless waived in the Council motion. Adequate notice must be given to the City Clerk or Designee to allow setup of the required equipment prior to the specified Council meeting. No tele/video Conference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings. The procedure and guidelines for permitting a Councilmember to attend a Council meeting via speakerphone or video conference are as follows:

- (1) **The Rare Occasion:** Attendance via speakerphone or videoconferencing should be the rare exception, not the rule, and is limited to two times per year per Councilmember. Examples of situations where tele/video conferencing would be appropriate include, but are not limited to:

- a. Tele/video conferencing may only be used if a quorum of the Council is physically present for the meeting, with the exception of occasions when an agenda item is time sensitive and tele/video conferencing is needed for a quorum;
- b. An agenda item is of very high importance to the Councilmember that cannot be physically present;
- c. It is important for all Councilmembers to be involved in a decision, but one Councilmember is unable to be physically present;
- d. Tele/video conferencing should be limited to one priority agenda item, not the entire Council meeting, at the Mayor's discretion.

(2) Attendance – Procedure

- a. The Councilmember attending via speakerphone or video conferencing:
 - i. Must be able to hear the discussion on the agenda item taking place in the Council chambers; and
 - ii. Must be able to be heard by all present in the Council chambers.
- b. When the particular agenda item is ready to be discussed, the Mayor should state for the record:
 - i. Let the record reflect that Councilmember _____ is attending via speakerphone or video conferencing for Agenda Item relating to *(state topic)*.
 - ii. Councilmember _____, can you hear me? *(There must be a clearly audible response in the affirmative.)*
 - iii. Councilmember _____, please confirm that no one else will be present in the room with you during this teleconferencing or video conferencing session. *(There must be a clearly audible response in the affirmative.)*
 - iv. Let the record reflect that Councilmember _____, who is teleconferencing or video conferencing to participate in the proceedings related to Agenda Item

relating to *(state topic)*, can be heard by all present in the Council chambers and no one else will be present in the room with him/her during this teleconferencing or video conferencing session.

- c. Upon conclusion of the particular agenda item, the Mayor should state:
 - i. Councilmember _____, discussion on Agenda Item relating to *(state topic)* has concluded. Thank you for your attendance via speakerphone or video conferencing. The telephone or computer connection will now be terminated. *(Connection should be terminated at this time.)*
 - ii. Let the record reflect that the teleconferencing or videoconferencing session with Councilmember _____ has been terminated. Next on the agenda is.....

Examples of rare occasions and extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc.

5.7 Council Relations with City Staff

- (1) There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.
- (2) Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- (3) No Councilmember shall direct the City Administrator to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. New initiatives having policy implementation shall be directed to a Council Committee for consideration.

- (4) Individual requests for information can be made directly to the Department Director unless otherwise determined by the City Administrator. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Administrator.
- (5) To provide staff the necessary preparation time, Councilmembers will provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

5.8 Council Representation:

- (1) If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.
- (2) Councilmembers need to have other Councilmembers' concurrence before representing (1) another Councilmember's view or position, or (2) the majority of Council's view or position with the media, another governmental agency or community organization.
- (3) As a matter of courtesy, letters to the editor, interviews or other communication by a Councilmember of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council prior to publication so that the Councilmembers may be made aware of the impending publication, when practical.

6. Public Hearing Procedures

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

6.2 Speaker Sign-In: Prior to the start of a public hearing the Mayor may require that all persons wishing to be heard sign in with the City Clerk or designee, 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 Mayor, 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. Persons wishing to address the Council and having more than three (3) minutes of comments may provide written comments to the City Clerk or designee. Copies of the written comments will be furnished to Council at a later date.) The Mayor may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

6.3 Conflict of Interest/Appearance of Fairness: Prior to the start of a public hearing, the Mayor 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.

6.4 The Public Hearing Process: The Mayor introduces the agenda item, opens the public hearing and announces the following Rules of Order:

- (1) All comments by proponents, opponents or other members of the public shall be made from the podium; any individuals making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made.
- (2) No comments shall be made from any other location. Anyone making “out of order” comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the City Clerk.
- (3) There will be no demonstrations during or at the conclusion of anyone’s presentation.
- (4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right of free speech.
 - The Mayor calls upon City staff to describe the matter under consideration.
 - The Mayor calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration.
 - The Mayor 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 Mayor continues the public hearing to a time specific or closes the public hearing.

7. Duties and Privileges of the Public

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

7.2 Subjects Not on the Current Agenda: Under "Public Comments," members of the public may address any item, on or off the agenda, they wish to discuss with the Mayor and Council. They shall first obtain recognition by the Mayor, state their name, address and subject of their comments. The Mayor shall then allow the comments, subject to a three (3) minute limitation per speaker and a five (5) minute limitation per person speaking on behalf of a group. The allotted time may be modified by the Mayor. No speaker may convey or donate his or her time for speaking to another speaker. Persons having more than three (3) minutes of comments may provide written comments to the City Clerk or designee. Copies of the written comments will be provided to the Council at a later date. Following such comments, if action is required or has been requested, the Mayor may place the matter on the current agenda or a future agenda or refer the matter to staff, a Council agency, or a Council Standing Committee for action or investigation and report at a future meeting.

7.3 Comments and Suggestions to Council: When public comments or suggestions are brought before the City Council not on an agenda, the Mayor shall first determine whether the issue is legislative or administrative in nature and then:

- (1) If legislative, and a comment about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council

finds such comment suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Council as a whole for study and recommendation.

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

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

7.5 Written Communications:

- (1) 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.
- (2) 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.

7.6 Comments in Violation of the Appearance of Fairness Doctrine: The Mayor may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a

hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

7.7 “Out of Order” Comments: Any person whose comments have been ruled out of order by the Mayor 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 Mayor may subject the individual to removal from the Council Chambers. These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. Filling Council Vacancies and Selecting Deputy Mayor

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

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

8.3 Interview Process: All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names. Exact interview times can accommodate the schedules of the candidates. In order to make the interviews fair, applicants will be asked to remain outside the Council Chamber while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The 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. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

A Councilmember may only nominate persons who have submitted an application and completed the interview process with the City Council. Nominations will be allowed from all Councilmembers from the floor (Open Nominations). Nominations will close once all Councilmembers have had an opportunity to make a nomination. A roll call vote will be administered by the City Clerk or his/her designee for all nominees. Each Councilmember when called upon will indicate his/her vote for a particular applicant. The applicant who receives a majority vote is the person selected. In the event that more than two applicants are nominated and no one applicant receives a majority vote, the applicant with the lowest number of votes is dropped and the Council will be asked to vote again on the remaining applicants until one applicant receives a majority vote or until the vote qualifies for the Mayor to break a tie per RCW 35A.12.100.

8.5 Selecting Deputy Mayor: The Deputy Mayor will be selected by a majority vote of the Council Members.

9. City Agencies and Committees

9.1 Agencies and Committees: The Council may create agencies and committees to assist in the conduct of the operation of City Government with such duties as the Council may specify not inconsistent with the City Code.

9.2 City Agencies: As provided by DuPont Municipal Code (DMC) Chapter 1.04 the City of DuPont has established three municipal agencies to advise and provide recommendations to the Mayor and the Council. Specifically:

the Parks and Recreation Agency; the Planning Commission; and the Tree Advisory Board. Each agency has its own limited individual duties and responsibilities, as set forth in the DMC. Two additional City agencies, the Civil Service Commission and the Lodging Tax Advisory Committee also serve the Council and Mayor and are governed by state law. Agencies must be authorized by either City ordinance or state statute. City Agencies only act in an advisory capacity to the Council and Mayor. City Agencies must be authorized by the passing of an enabling ordinance passed by the Council. The ordinance must set out the purpose authority and duties of the agency.

9.3 Committees: There shall be four types of committees in the City of DuPont. A committee that acts on behalf of the legislative body, conducts hearings, or takes testimony or public comment shall conduct its business in compliance with the Open Public Meetings Act per RCW Chapter 42.30 or as later amended.

- (1) Standing Council Committees. Such committees are established to conduct business delegated by the legislative body and must be authorized by City Ordinance.
- (2) Special Council Committees. Such committees are ad hoc and formed by Council motion to investigate a specific subject and report back to the City Council. Such a group may be chaired by a Councilmember. Typically such a committee would focus on a policy issue or legislative matter.
- (3) Citizen Advisory Committee. Such committees are ad hoc and formed by Council Motion to promote citizen participation on a particular subject and provide guidance on community views on a subject.
- (4) Mayor's Committee. Such committees are ad hoc and are formed to investigate a specific executive or operational issue and report back to the Mayor. The Mayor may form such committees at her or his discretion. Mayor's Committees may only investigate, review or

advise on issues within the purview of the Mayor's statutory authority

9.4 Standing Council Committees: The purpose of standing council committees is to provide small, goal intensive, subject matter work groups that allow significant ordinances, policies, agreements, budgets, and other fiscal determinations to be fully discussed, analyzed and vetted prior to presentation to the full council for final action. Council members, key city staff and other experts as needed will participate in each committee to provide quality work-product. There shall be three standing committees:

(1) **Finance and Governance:** permanent committee members include three sitting Council Members, the Finance Director, and the Human Resource Director. The primary role of the committee includes, but is not limited to: development of City budget; financial management and policies; process improvements; risk management; City fee schedule and City services; strategic financial planning; information technology; personnel policies; compensation and benefits; public records issues; and employee union relations.

(2) **Public Safety:** permanent committee members include two sitting Council members, Police Chief and Fire Chief. The primary role of the committee includes, but is not limited to: police, fire and emergency services planning and legislation; community policing development; code enforcement; civil and criminal code development; community health and welfare; local and regional emergency preparedness; and City related litigation matters.

(3) **Planning and Public Works:** permanent committee members include two standing Council Members, Community Development Director, Public Works Director and the Events & Recreation Coordinator. The primary role of the committee includes, but is not limited to: planning and zoning legislation; meeting Growth Management Act requirements; waste water, storm water, and solid waste management; environmental legislation, planning, and funding; public utilities; infrastructure funding and planning; parks and recreation; tourism; and Capital Facilities planning.

9.4a Standing Committee Meetings: committee meetings shall be open to the public and shall comply with the Open Public Meetings Act at RCW 42.30 now and as amended, including public meeting notice requirements. Committee meetings shall be presided over by a chair. Final work product of a committee, by consent of the Councilmembers of the standing Committee, may be moved on to the full Council for formal action. While committee meetings are open to the public, they are work sessions and shall only include a public comment period if it is specified on the Committee agenda for that meeting. Standing committee required meeting dates and times are set forth below:

4th Tuesday of the month at 7:00 pm:

Finance and Governance Committee-Council Chambers and Planning and Public Works Committee-EOC Meeting Room

4th Wednesday of the month at 7:00 pm:

Public Safety-EOC Meeting Room

9.4b Standing Committee Membership: The Deputy Mayor shall appoint sitting Council Members with the most seniority to committee positions. Prior to appointment, the Deputy Mayor shall confer with each Council Member and, to the extent practicable or possible, abide by individuals member's preferred committee assignment. Standing Committee shall consist of two (2) but no more than three (3) Councilmembers, at the discretion of the Council. Appointments shall be for two calendar years starting at the date of appointment.

9.4c Responsibility and Duties of the Chair: The senior Council Member appointed to a Standing Committee shall preside as the committee chair. If the Chair is absent, the next most senior Councilmember would take on the role as chair. The Deputy Mayor shall appoint the Committee Chair. The **Chair:**

- (1) shall preside over the meetings and will exercise all powers usually incident to the office, including coordination of meeting agendas with City staff;

- (2) shall ensure scheduled meetings start on time, that the agenda for each meeting is followed, and that meetings proceed in a fair and orderly manner;
- (3) shall ensure business is conducted in an efficient manner using Roberts Rules of Order, modified Robert's Rules, or similar;
- (4) shall preserve order and decorum, prevent and admonish members or speakers that attack the personality, professionalism, or impugn the motives of any other member, staff member, consultant, citizen or speaker, and shall confine members in debate to the questions under discussion;
- (5) retains full rights and responsibilities to participate in deliberations and votes of the committee;
- (6) shall report to the Mayor or Council as required or by resolution, or upon request.

9.4d Agenda Items: The Chair shall work with staff to develop the Agenda for each meeting. Meeting notices, as well as copies of agenda and other materials shall be managed by the Department (liaison). The Mayor may send any business item for review or action to any standing council committee. The Council may send a business item to committee, so long as it has not yet been before any committee, by motion and majority vote. The following types of business items shall be sent to the appropriate committee prior to presentation to the full council for action:

- (1) Adoption of new titles, chapters, or sections of the DMC and significant amendments to the existing DMC. Minor "housekeeping" amendments to correct a flaw, create clarity, or to be in compliance with state or federal laws and rules, will generally be excused from the committee process.
- (2) Significant first-time contracts, franchises, mutual-aid, agreements, interlocal-agreements, memorandums of understanding and any other substantial business agreement that effects the entire City.
- (3) Biennium City budget development, budget adjustments, and budget forecasting.
- (4) Adoption of formal, City-wide, policy resolutions.
- (5) Development of long-range City policy goals.

9.4e Committee Action: Any item of business before a committee may stay with the committee, scheduled over successive meetings, until the sitting Council members agree by consensus to move the business to Council for final action. Best practice is for the Chair, with staff assistance, to set out in advance the approximate number of meetings necessary for each business item. At the end of the last of such meetings, the Chair should see if Council committee members concur to have the item sent to Council, or if the item should stay in committee for further work.

9.5 Membership Selection for Non-Standing Committees: Membership and selection of members shall be as provided by the Council if not specified otherwise in the City code. Any committee 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.

9.6 Removal of Non-Standing Committee Members: The Council may remove any member of any committee which it has created by a majority vote of the Council.

10. Suspension and Amendment of These Rules

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

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

11. Public Records

11.1 Public records created or received by the Mayor or any Councilmember should be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Act, RCW 42.53. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney or City Clerk.

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

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

12. Rules of Conduct

Each Councilmember is elected by and answers to the citizens of DuPont. Our oath of office pledges that each of us will uphold the laws of the City of DuPont, the State of Washington, and the provisions of the constitution of the State and the United States. We have pledged ourselves to avoid conflicts of interest, the appearance of unfairness and to abide by other statutory directives.

These Rules of Conduct and standards of behavior have been adopted to guide us in instances where the law does not. They are based on common sense and courtesy, and may be enforced by the City Council through a motion of censure in accordance with the procedures as established by Robert's Rules of Order.

12.1 Respect: The citizens have elected each of us and by displaying respect and courtesy to our fellow Councilmembers, we honor the citizens' choice. We pledge that we will accord each Councilmember, the Mayor and staff the respect which their positions accord. We will extend this same respect to members of the public and to others who testify before us, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.

12.2 Listen: We will listen to each other, to the staff and to the public. We will listen with an open mind. We will allow each speaker an equal opportunity to be heard within the time limits established by the Chair, so long as that individual adheres to our standards of conduct.

12.3 Fair Debate: Each Councilmember will be permitted an opportunity to speak. As Councilmembers, we will allow our fellow Councilmembers to finish their thoughts. We will adhere to the City Council's adopted Rules of Procedure. Each Councilmember will await recognition by the Chair before speaking.

12.4 Disclosure, Avoiding the Appearance of Impropriety: While state statutory provisions regarding the Appearance of Fairness Doctrine govern our conduct in quasi-judicial matters, Councilmembers will also attempt to avoid even the appearance of impropriety in all of our actions. When we are aware of an issue that might reasonably be perceived as a conflict, and even if we are in doubt as to its relevance, we will reveal that issue for the record. We pledge that we will step down when required by the Appearance of Fairness Doctrine, that is, when an objective person at a Council meeting would have reasonable cause to believe that we could not participate fairly.

12.5 Maintain Our Legislative Focus: We pledge to respect the administrative function of the Mayor, City Administrator and staff. We will do so, however, without suspending our critical faculty and the legislative oversight which we have been elected to exercise.

12.6 Majority and Minority Rights: As we determine where the best interests and welfare of our citizens lie, we will always attempt to balance the wishes of the majority with the rights of the minority.

12.7 Open Process: We will carry on our debates in public based upon information in the record. In addition to honoring the requirements of the Open Public Meetings Act, we will endeavor to carry on all of our business in open public session based on information in the public record and equally accessible to all citizens.

12.8 Honor Confidences: To the extent required by law, we will honor the confidences to which we are privy due to our role as Councilmembers. In addition to any statutory requirement, we will avoid the release of any information that would give any person a competitive or unfair advantage and will endeavor to make sure that public information is equally and readily accessible to all members of the public and not just to specific constituencies.

12.9 Use of Electronic Communication Devices: Unless provided by the City for use during Council session, Councilmembers and the Mayor shall not access any electronic communication device. Electronic communication devices include but are not limited to cell phones, tablets, laptops, and Personal Digital Assistants (PDA's). Accessing such communications could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns.

If the Mayor or any Councilmember accesses an electronic communication device during a Council meeting then they will be prohibited from participating in the remainder of the meeting from that point onward which will be considered an excused absence (first time in calendar year). They must leave the premises for the remainder of the meeting. They may return after the final gavel adjourning the meeting. If after the Councilmember's departure means that there is no longer a quorum, then the meeting shall be adjourned. If the Mayor accesses their electronic device then the Deputy Mayor will assume the role as head of the

meeting. If this occurs and the Deputy Mayor is not in attendance, then the meeting shall be adjourned.