



CITY OF BLACK DIAMOND
April 9, 2009 Workstudy Agenda
25510 Lawson St., Black Diamond, Washington

Workstudies are meetings for Council to review upcoming and pertinent business of the City. Public testimony is only accepted at the discretion of the Council.

7:00 P.M. – CALL TO ORDER, ROLL CALL

- 1.) Council Rules
- 2.) Adjournment



RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

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RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

SECTION 1 - AUTHORITY

1.1 Pursuant to RCW 35A.12.120, the Black Diamond City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall take effect upon adoption by resolution of the Council and until such time as they are amended or new rules are adopted in the manner provided for by these rules.

1.1.1 Duties and authority of the mayor (RCW 35A 12.100). The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter. He shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he may designate for approval or disapproval. He shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all members of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmen with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for payment of money. He shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. He shall prepare and submit to the council a proposed budget, as required by chapter 35A.33 RCW. The mayor shall have the power to veto ordinances passed by the council and submitted to him as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all councilmembers plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other

suitable person may be designated by the mayor to represent the city on such occasion.

SECTION 2 - COUNCIL MEETINGS

- 2.1 Meetings shall be open to public. All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30 (the Open Public Meetings Act). Pursuant to RCW 42.30.040, no person at the meeting shall be required to register or provide other information, to complete a questionnaire, or otherwise comply with any other conditions as a precondition to be allowed to attend. However, any person wishing to address the Council or otherwise present information to the Council during a Council meeting may be requested to register and identify themselves and their home address. Persons who disrupt a meeting of the Council may lose the right to be present for the remainder of the meeting. *See Section 2.12.*
- 2.2 Agenda. The City Clerk shall be responsible for preparing agendas for all City Council meetings that specify the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor and/or his/her designee.
- 2.3 Minutes. The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. No changes shall be made to minutes except by motion approved by a majority of the Council at a properly noticed meeting.
- 2.4 Schedule of Regular Meetings. In accordance with Section 2.04.010 of the Municipal Code, the regular meetings of the City Council shall be held on the first and third Thursdays of every month at 7:00 p.m. in the City Hall Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The regular meeting location may be changed by a majority vote of the City Council.
- 2.5 Quorum required. A quorum shall be required to transact Council business. The presence of three (3) or more Councilmembers who are also eligible to vote at a council meeting shall constitute a quorum.
- 2.6 Holidays. Should a scheduled Council meeting fall on a legal holiday, the meeting shall be canceled or rescheduled to another day by a simple majority vote of the Council.

- 2.7 Study Sessions. Study sessions, or meetings to review upcoming and pertinent business of the City, may be scheduled as special meetings of the Council subject to the same notification procedures set forth below for special meetings.
- 2.8 Special Meetings. In accordance with RCW 35A.12.110, a special meeting of the City Council may be called by the Mayor or at the request of any three (3) Councilmembers by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting.
- 2.9 Emergency Meetings. In accordance with RCW 42.30.070, if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, the Mayor or other presiding officer of the Council may provide for a meeting site other than the regular meeting site and the public meeting notice requirements shall be suspended during the emergency.
- 2.10 Executive Sessions. An executive session is a Council meeting that is closed except to the Council, the Mayor, the City Administrator, the City Attorney and staff members and/or consultants authorized to attend by the Mayor. Other persons and members of the public are prohibited from attendance, pursuant to RCW 42.30.030 and 42.30.110.

Executive sessions may be held before or after regular Council meetings, Special Council meetings, or Council Study Sessions. In addition, the Council may retire to hold an executive session during one of these meetings. When this occurs, the portions of the meeting that are not part of the executive session shall continue to be open to the general public. Prior to convening an executive session, the Mayor or other presiding officer shall make an announcement that an executive session is being held and informing the public when the executive session shall end, provided, the ending time of an executive session may be extended by announcement of the Mayor or other presiding officer. Executive sessions may only be called to consider such matters as permitted by state law, as set forth in RCW 42.30.110.

- 2.11 Cancellation of Meetings. Meetings may be canceled by a majority vote of the Council and upon proper notice given by the City Clerk.
- 2.12 Disruption of meetings. Pursuant to RCW 42.30.050, should any Council meeting be interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, such person or persons causing the interruption may be ordered removed from the meeting and prohibited from returning to attend the remainder of the meeting. If necessary to restore order, the Council may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the Councilmembers present. In such a session, final disposition may be taken only on matters that appear on the agenda. The Council shall allow any

members of the public or representatives of the media who were not participating in the disturbance to attend any session that follows the disturbance, except an executive session, provided that the Council is not prohibited from establishing a procedure for readmitting individuals who were not responsible for disturbing the orderly conduct of the meeting.

SECTION 3 - REGULAR COUNCIL MEETING ORDER OF BUSINESS

- 3.1 Preparation of Council Agenda. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. on the Thursday preceding each regular Council meeting. At the discretion of the Council, items added to the agenda after that time may be declined to be considered by the Council until a future council meeting. The City Clerk shall then prepare a proposed agenda for approval by the Council. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

The agenda of a Regular City Council meeting shall be as follows:

- 3.2 Call to Order. The Mayor or other presiding officer shall call the meeting to order.
- 3.3 Flag Salute. The Mayor or other presiding officer shall lead the flag salute. However, the Mayor or other presiding officer may designate a Councilmember or other person to lead the flag salute.
- 3.4 Roll Call. The City Clerk will call the roll. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.
- 3.5 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period. *See Section 10.*

At the discretion of the Mayor or other Presiding Officer, citizens may also speak on individual agenda items at the time they are considered by the Council.

- 3.6 Public Hearings and Appeals. Individuals may comment on public hearing and appeal items. However, when the Council is considering a closed record appeal, the Council shall only consider arguments that are limited to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be

presented to the Council or added to the record. The Mayor or other Presiding Officer shall state the public hearing and/or appeal procedures before each hearing. No person may testify more than once. Comments are limited to five (5) minutes per person or ten (10) minutes if the person is representing a group. However, a group may only have one designated spokesperson.

- 3.7 Quasi-judicial hearings. Quasi-judicial hearings are limited to one (1) hour and fifteen (15) minutes per hearing, as follows: 15 minutes for staff report; 15 minutes for applicant presentation; 15 minutes for proponent testimony; 15 minutes for opponent testimony; 5 minutes for applicant rebuttal; 10 minutes for questions and decision by Council. *See Section 11 for complete details.*

3.8 Appointments, Announcements, Proclamations and Presentations.

3.8.1 *Appointments.* Individuals appointed by the Mayor to hold positions within City government may require confirmation by the Council. Persons appointed by the Mayor or other Presiding Officer to serve on various committees, boards and commissions shall require confirmation by the Council. Where confirmation is required, the vote of the Council may be preceded by discussion in executive session. *See Sections 16 and 17.*

3.8.2 *Announcements.* An announcement is a brief statement that informs the public of an event or happening of general interest. However, it cannot be a statement regarding a subject prohibited under section 3.8.5.

3.8.3 *Proclamations.* A proclamation is an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has had a major city-wide impact. The Mayor will read the proclamation and may invite guests to speak on the topic for no more than five (5) minutes.

3.8.4 *Presentations.* Any person(s) or organization wishing to make a presentation to the Council must first submit a completed "Request to be on Council Agenda Form" with the City Clerk. The request should be made at least two weeks prior to the intended Council date. The Mayor or his/her designee will determine if the proposed presentation is approved and will notify the applicant of the selected meeting date. If the presentation is not approved, the Mayor or his/her designee will notify the applicant of the decision and the reason(s) for the decision. Presentations will not last more than five (5) minutes in length.

3.8.5 *Prohibited topics.* No person may use this time to address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no

person may use this time to address the Council for the purpose of advertising any item, service, or product for profit or otherwise.

- 3.9 Agenda Modifications. The Mayor or other Presiding Officer shall announce any changes to the Council's published agenda.
- 3.10 Unfinished Business. Unfinished business consists of subjects discussed by the Council at a previous regular or special meeting and which have been placed on the agenda for additional discussion or resolution.
- 3.11 New Business, Ordinances and Resolutions.

- 3.11.1 *New business.* New business shall mean topics or issues, other than ordinances and resolutions, that have not previously been before the City Council for discussion or other action.

- 3.11.2 *Ordinances.* All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared or presented to the Council unless requested by two members of the Council, or the Chair of a Council Committee, or the Mayor or other Presiding Officer, or the City Administrator. All ordinances shall be in writing, and the titles thereof shall be read aloud by the Mayor or other Presiding Officer prior to a vote being called. A motion and a second are required to bring an ordinance to a vote. Any Councilmember may request a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance, may be waived upon a motion duly made, seconded and approved by a majority of the Councilmembers in attendance at the council meeting.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Prior to voting on passage of an ordinance, the Council may decide by majority vote to amend the ordinance or may direct staff to review the proposed ordinance and make a report to the Council.

An ordinance must be adopted by a majority vote of a quorum of the City Council, provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

Following enactment of an ordinance, either the full text of the ordinance or a summary shall be published in the first possible edition in the City's designated official newspaper. An ordinance becomes effective five (5) days after publication unless otherwise specified in the ordinance or as required by law.

- 3.11.3 *Resolutions.* Resolutions may be prepared or presented to the Council at the request of two Councilmembers, or the Chair of a Council Committee, or the Mayor or other Presiding Officer, or the City Administrator. All resolutions shall be in writing, and the titles thereof shall be read aloud by the Mayor or other Presiding Officer prior to a vote being called on their passage, provided that any Councilmember may, upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. A request for a full reading of a resolution need not be seconded. However, it is further provided that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution, may be waived upon a motion duly made, seconded and approved by a majority of the Councilmembers in attendance at the Council meeting.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Prior to voting on passage of a resolution, the Council may decide by majority vote to amend the resolution or direct staff to review the proposed resolution and make a report to the Council.

A resolution must be passed by a majority vote of a quorum of the Council; if passed, it becomes effective immediately.

- 3.12 Department Reports. Department Directors may report on action and activities of their respective departments.
- 3.13 Mayor's Report. The Mayor may report on significant activities since the last regular meeting, inquire on matters of general City business, or initiate investigation or action on a matter of concern.
- 3.14 Councilmember Reports. Councilmembers may report on Council Committee discussions or other significant activities since the last regular meeting, or on matters of general City business, or may initiate investigation or action on a matter of concern.
- 3.15 City Attorney Report. The City Attorney may report on legally significant events or activities since the last meeting.

- 3.16 Public Comments. Members of the audience may request to comment on any issue discussed during the Council meeting. Comments will be allowed subject to the time limits and other restrictions in Section 10.
- 3.17 Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action. Items on the Consent Agenda include but are not limited to the following:
- a. Approval of minutes.
 - b. Fixing dates for public hearings and appeals.
 - c. Approval of claims, vouchers and payroll, bid awards and contracts.
 - d. Approval of property as surplus.
 - e. Authorization of grant applications.
 - f. Approval of interlocal agreements.
 - g. Other items designated by the City Council.
- 3.18 Executive Session. Pursuant to RCW 42.30.110, executive sessions are closed to the general public. *See Section 2.10.*
- 3.19 Adjournment. With no further business to come before the Council, the Mayor or other Presiding Officer may adjourn the meeting.
- 3.20 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS

- 4.1 Excused absence. Councilmembers shall inform the Mayor or City Clerk in advance if the Councilmember will be unable to attend, or will be late to attend, any Council meeting. The Mayor or other Presiding Officer shall then announce during roll call that the Councilmember will be absent or late. Any absence following prior notice to the Mayor or City Clerk shall be noted in the minutes as an excused absence. Absence at a scheduled Council meeting due to sudden illness or emergency shall be noted in the minutes as an excused absence due to illness or emergency.

- 4.2 Excessive absence shall create vacancy. Pursuant to RCW 35A.12.060, a Councilmember's position shall be deemed vacant if that Councilmember has three (3) consecutive unexcused absences from Regular Council meetings.

SECTION 5 - PRESIDING OFFICER

5.1 Who shall act as Presiding Officer.

5.1.1 The Mayor shall act as Presiding Officer at all meetings of the Council unless absent; in the absence of the Mayor, the Mayor Pro Tem will act as Presiding Officer. If both the Mayor and Mayor Pro Tem are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tem. See Section 12.

5.2 Duties of Presiding Officer.

5.2.1 Preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct.

5.2.2 Observe and enforce all rules adopted by the Council.

5.2.3 Decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember.

5.2.4 Recognize Councilmembers in the order in which they request the floor, and give every Councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion.

5.2.5 Impose a time limit for the handling of each agenda item, pursuant to the rules set out in these Rules of Procedure.

5.3 Reordering items on Agenda. Without the necessity of any vote thereon, Presiding Officer may present matters before the Council for discussion, consideration and voting in a different order than they appear in the agenda when matters on the agenda are able to be placed under more than one classification or category.

5.4 Limitations on political speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue, the Mayor shall not use a Council meeting as an occasion to express an

opinion regarding a candidate for public office or a ballot measure, provided that the Mayor may, at his or her discretion, express an opinion in response to a direct question from a citizen about a candidate or a ballot measure, and provided further that the Mayor clearly states that he or she is expressing a personal opinion and not the opinion of the City of Black Diamond or its City Council. A brief response to a citizen's direct question shall not constitute a basis for a debate or further discussion on the subject. *See also Section 18.*

SECTION 6 - COUNCILMEMBERS

- 6.1 Remarks. Councilmembers desiring to speak shall address the Presiding Officer and, when recognized, shall confine their remarks to matters currently under discussion, provided that a Councilmember may move to have a different matter considered by the Council, subject to these Rules of Procedure.
- 6.2 Questioning. Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being questioned.
- 6.3 Limitations on political speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue, Councilmembers shall not use a Council meeting as an occasion to express an opinion regarding a candidate for public office or a ballot measure, provided that a Councilmember may, at their discretion, express an opinion in response to a direct question from a citizen about a candidate or a ballot measure, and provided further that the Councilmember clearly states that he or she is expressing a personal opinion and not the opinion of the City of Black Diamond or its City Council. A brief response to a citizen's direct question shall not constitute a basis for a debate or further discussion on the subject. *See also Section 18.*

SECTION 7 - DEBATES

- 7.1 Speaking to the Motion. Councilmembers may speak on the motion at the time the motion is before the Council.
- 7.2 Interruption. No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2.1 of these rules.

- 7.3 Courtesy. In the discussion, comments, or debate of any matter or issue, all speakers, including the Presiding Officer and members of the Council, shall be courteous in their language and deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or make insinuations about any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks only to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Violations. If a member of the Council violates these rules on debates, the Presiding Officer shall call such member to order, and the offending member shall be silent except to explain or continue in order. If the Presiding Officer violates these rules on debate or fails to call other members to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other offending member to order, and the person being called to order shall be silent except to explain or continue in order.
- 7.5 Challenge to Ruling. Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer or other member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS

- 8.1 Robert's Rules. All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition). If the City Attorney, acting as parliamentarian, determines that a procedural issue is not adequately addressed by Robert's Rules, the Council may handle the issue in any way that the majority of members who are present agrees is appropriate and which, in the opinion of the City Attorney, is not prohibited by law.
- 8.2 Motions.
- 8.2.1 If a motion does not receive a second, it dies.
- 8.2.2 *Matters that do not constitute a motion include:* nominations; withdrawal of motion by the person making the motion; request for a roll call vote; point of order or privilege. Because these matters are not motions, a second is not needed.
- 8.2.3 A Councilmember may abstain from voting on a motion because of a conflict of interest or to preserve the appearance of fairness, but cannot then participate in discussion or argument about the motion. *See Section 9.3.*

- 8.2.4 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Officer, shall be allowed to vote to break a tie vote.
- 8.2.5 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.2.6 After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.2.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.2.8 A “motion to table” is non-debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires an affirmative vote by at least two-thirds of the Council.
- 8.2.9 A “motion to postpone to a certain time” is debatable and amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or may be postponed to a date certain at a future Regular or Special City Council meeting.
- 8.2.10 A “motion to postpone indefinitely” is debatable but not amendable, and may only be reconsidered at the same meeting if it received an affirmative vote.
- 8.2.11 A “motion to call for the question” shall immediately close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds vote. Debate is reopened if the motion fails.
- 8.2.12 A “motion to amend” is a motion to modify the wording of a pending motion before that pending motion is voted upon by the Council, by inserting, adding, striking out, striking out and inserting, or substituting language. A motion to amend must be seconded. However, some motions cannot be amended. See 8.2.13.

- 8.2.13 *Motions that cannot be amended include:* motion to adjourn; motion to lay on the table; motion to take from the table; motion for roll call vote; motion to reconsider; point of order; motion to amend. (A motion to amend an amendment is allowed.)
- 8.2.14 Amendments shall be voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.2.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.2.16 The Mayor, City Attorney or City Clerk shall repeat the motion prior to voting by the Council.
- 8.2.17 The City Clerk shall take a roll call vote, if requested by the Mayor, City Attorney, a Councilmember, or as required by law.
- 8.2.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be made until the next Regular City Council meeting.
- 8.2.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.2.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council at a Regular or Special City Council meeting.

SECTION 9 - VOTING

- 9.1 Voice vote. In general, voice votes shall be used. Voice votes are a generalized verbal indication by the Council as a whole of "yea or nay" on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness. The Mayor or other Presiding Officer shall announce the outcome of each voice vote immediately thereafter and the result of each vote shall be recorded in the minutes.
- 9.2 Roll call vote. A roll call vote may be requested by the Mayor or by any Councilmember. When a roll call vote has been requested, the Clerk shall call upon each Councilmember and request an individual "yea or nay". The Mayor or

other Presiding Officer shall announce the result of the vote immediately thereafter and the result of the vote shall be recorded in the minutes.

9.3 Abstentions.

9.3.1 *Abstention allowed for conflict of interest or appearance of fairness.* It is the responsibility of the Mayor and each Councilmember to vote when requested on a matter before the full Council. However, the Mayor or a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or to preserve the appearance of fairness. Should the City Attorney indicate that the Mayor or a Councilmember is required to abstain from further participation on an issue, the affected person must abstain except where abstention would result in a lack of a quorum (or lack of a majority vote where required by law). See Section 9.6.

9.3.2 *Notice of intent to abstain required.* Notice of intent to abstain shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Mayor or Councilmember perceives a need to abstain.

9.3.3 *Need to abstain shall be confirmed by City Attorney.* Prior to the time that the Mayor or a Councilmember gives notice of intent to abstain, the affected person shall confer with the City Attorney to determine if abstention is truly required. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter is scheduled to come before the City Council. If that cannot be done, the affected person should advise the City Council that he/she has an "abstention question" that he/she wants to review with the City Attorney. A brief recess should then be taken for that purpose.

9.3.4 *Abstaining member shall advise the Council and end participation.* After conferring with the City Attorney, the Mayor and/or any Councilmember wishing to abstain from a vote because of a conflict of interest or to preserve the appearance of fairness shall so advise the Council, and shall then remove and absent himself/herself from the Council's deliberations and considerations of the motion, and shall have no further participation in the matter.

9.4 Votes by Mayor. Except where prohibited by law, the Mayor, as Presiding Official, shall only vote to break a tie vote of the Council.

9.5 Votes by Councilmember serving as Presiding Officer. Pursuant to RCW 35A.12.110, a Councilmember serving as Presiding Officer in the absence of the

Mayor shall have the same rights to vote on matters before the Council as the person would otherwise have as a Councilmember.

9.6 Effect of challenges based on conflict of interest or appearance of fairness.

9.6.1 *If abstention removes quorum or majority.* Should the City Attorney determine that the participation of the Mayor or a Councilmember in discussion and voting on an issue would be a conflict of interest or appear to violate the appearance of fairness doctrine, or any specific part of Chapter 42.36 RCW, that person shall abstain from further participation unless, as provided by RCW 42.36.090, a challenge to a member or members of the decision-making body would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law; in such cases, any challenged member(s) shall be permitted to fully participate in the proceedings and vote as though the challenge had not occurred, if the member(s) publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

9.6.2 *Refusal to abstain.* Should the Mayor or a Councilmember refuse to abstain from participation and voting on an issue after the City Attorney has determined that abstention is necessary, the challenged person may be disqualified from participating and voting on that issue upon a vote to disqualify that is passed by a majority of the other Councilmembers present who are eligible to vote on the underlying issue.

9.7 Vote by Proxy. Except as prohibited by law, if the Mayor or a Councilmember is eligible to vote on an issue but will be unable to be present to cast the vote, the absent person may arrange for another Councilmember who will be present to vote on behalf of the absent person.

SECTION 10 – PUBLIC COMMENTS

10.1 Requesting to speak. During the Public Comment period, members of the audience may comment on any matter related to City business. At the discretion of the Mayor or other Presiding Officer, citizens may also speak on individual agenda items at the time they are considered by the Council. Persons addressing the Council who are not specifically scheduled on the agenda will be requested to fill out the speaker sign-in sheet at the City Clerk's desk, then step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes. All remarks must be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions when warranted. *See Section 3.6 for requests to make special presentations to the Council.*

- 10.2 Time limit. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. The Mayor or other Presiding Officer may make exceptions to the time restrictions when warranted by special circumstances.
- 10.3 Advertising or promoting political cause is prohibited. No person may address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may address the Council for the purpose of advertising any item, service, or product for profit or otherwise.
- 10.4 Other prohibited remarks. Any person making personal attacks, using hate speech or making slanderous remarks while addressing the Council shall be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

SECTION 11 - PUBLIC HEARINGS AND APPEALS

- 11.1 Quasi-judicial hearings. Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include making a record of the evidence considered by the Council and also require the Council to issue specific findings. The following procedures shall apply:
- 11.1.1 The Department Director of the department most affected by the subject matter of the hearing, or said Director's designee, shall present the City's position and findings. City staff shall be available to respond to Council questions.
- 11.1.2 Fifteen (15) minutes shall be allowed for applicant presentation.
- 11.1.3 The proponent spokesperson shall speak first and be allowed (15) minutes. Council may ask questions.
- 11.1.4 The opponent spokesperson shall be allowed ten (15) minutes for presentation and Council may ask questions.
- 11.1.5 Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
- 11.1.6 The City Clerk shall serve as timekeeper during these hearings.

- 11.1.7 After each proponent and opponent spokesperson have used their speaking time, ten (10) minutes shall be allowed for the Council to ask further questions of the speakers, who shall be entitled to respond but who must limit their response to the question asked.
- 11.1.8 When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present, provided, only Councilmembers who were present for the earlier portion of the hearing may participate when the hearing resumes. Examples of reasons to allow a recess include, but are not limited to, absence of a necessary party due to illness or emergency; request for additional argument on an issue by a majority vote of the Council; inability to complete the hearing due to circumstances beyond the parties' control, such as power failure or natural disaster.
- 11.1.9 Except as otherwise allowed by law, after the Council has publicly considered the arguments and evidence presented, the Council shall then vote on the issue that was the subject of the hearing.
- 11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:
- 11.2.1 The Department Director or designee shall present the issue to the Council and respond to questions.
- 11.2.2 A person may speak for five (5) minutes. A person may speak for ten (10) minutes if representing a group of two or more. No one may speak for a second time without the approval of the Presiding Officer, and only after everyone who wishes to speak has had an opportunity. The Presiding Officer may, at his or her discretion, make exceptions to the time restrictions when warranted by circumstances.
- 11.2.3 The City Clerk shall serve as timekeeper during these hearings.
- 11.3.4 After the speaker has used their allotted time, Councilmembers may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
- 11.3.5 The hearing will then be closed to public participation and open for discussion among Councilmembers.
- 11.3.6 The Presiding Officer may request to change or modify the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

- 11.3.7 When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present.

SECTION 12 - MAYOR PRO TEMPORE SELECTION PROCESS

- 12.1 Annually at the first meeting of a new Council, the members thereof, by majority vote, shall designate one of their members as Mayor Pro Tempore for such period as the Council may specify. The Mayor Pro Tempore shall serve in the absence or temporary disability of the Mayor. In the event the Mayor Pro Tempore leaves, the Council shall, by a majority vote, designate one of the remaining Councilmembers as Mayor Pro Tempore.

SECTION 13 – SELECTING A COUNCIL MEMBER PRO TEMPORE OR FILLING A VACANT COUNCIL POSITION

- 13.1 Selecting a Councilmember Pro Tempore. Pursuant to RCW 35A.12.065, in the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the period of absence or disability.
- 13.2 Filling vacant Council position. In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to RCW 42.12. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose.

SECTION 14 - COUNCIL MEETING STAFFING

- 14.1 The City Administrator must attend all meetings of the Council, unless excused, or appoint a designee.
- 14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused or is unable to attend due to illness or emergency.

- 14.3 It shall be the responsibility of each Department Head to ensure that representatives of their department or other City staff attend as necessary to present a department's agenda items to the Council and answer any questions Councilmembers may have.

SECTION 15 - COUNCIL RELATIONS WITH STAFF

- 15.1 The Mayor, City staff and Councilmembers shall respect the different roles each one plays in a successful City and will always strive to treat each other with courtesy and respect when questions, comments or criticism are expressed in a public meeting.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge the Mayor and City staff as administering the Council's policies.
- 15.3 All written informational material requested of City staff by any individual Councilmember shall be submitted or made available to all Councilmembers, unless other reasons preclude such distribution, in which case the reasons shall be communicated by the requesting Councilmember to the Mayor or designee and such reason provided to all Councilmembers.
- 15.4 Councilmembers shall not attempt to coerce or influence City staff in the administration of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or purchases of City licenses or permits.
- 15.5 Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.
- 15.6 No Councilmember shall direct the Mayor or City staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study, without the consent of a majority of the Council.
- 15.7 Individual requests for information can be made directly to Department Directors unless otherwise determined by the Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor.

SECTION 16 - APPOINTMENT BY MAYOR & CONFIRMATION BY CITY COUNCIL – WHEN REQUIRED

- 16.1 Mayor's Power to Appoint. Pursuant to RCW 35A.12.090, The Mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service, provided that in accordance with BDMC 2.08.020, each officer may hire any employee assigned to his or her department.
- 16.2 Confirmation by Council. Pursuant to RCW 35A.12.090, confirmation by the City Council of mayoral appointments of officers and employees is required when the city charter or a city ordinance provides for the confirmation of such appointments; in addition, the City Council may require confirmation of mayoral appointments by the Council whenever the qualifications for the office or position have not been established by the city charter or a city ordinance.

SECTION 17 - COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS

- 17.1 Annual confirmation by Council. Annually at its first meeting in January, the City Council shall vote on whether to confirm the Mayor's appointments to the Council Standing Committees. The purpose of the committees is to provide recommendations on major policy items to the City Council. Issues are forwarded by the Mayor to the appropriate committee for discussion. Membership of any given committee may include no more than two (2) Councilmembers. The permanent Standing Committees of the City Council and rules are as follows:
- 17.1.1 *Budget/Finance/Human Resources Committee:* This committee considers policies related to fiscal matters for the City notwithstanding the City's operating budget is to be studied before the entire City Council.
- 17.1.2 *Cemetery/Parks Committee:* This committee considers improvements, maintenance, long-range planning and financing and other issues related to the City's cemetery and parks.
- 17.1.3 *Community and Economic Development Committee:* In coordination with the Community Development and Economic Development Departments of the City, this committee considers matters of a non-quasi-judicial nature submitted by the Planning Commission or other groups, agencies or organizations. This committee considers issues related to growth and development, including, but not limited to, planning of the physical, economic, aesthetic and social development of the City, the City's Comprehensive Plan, zoning code, housing, annexation policies, and code enforcement.

- 17.1.4 *Public Safety Committee*: This committee considers matters related to human services, police and fire protection, law enforcement, hazardous materials, animal control and emergency management.
- 17.1.5 *Public Works/Streets Committee*: This committee considers matters related to water, sewer, transportation, transportation plans, and any fiscal issues dealing with streets.
- 17.1.6 *Surface Water Committee*: This committee considers matters related to the formation and management of a Stormwater Utility, the adoption of a Stormwater Manual and other ancillary surface water concerns.
- 17.1.7 Committees may forward issues with or without changes to staff recommendations to the City Council. Reports on the activities of the committees may be given under the Council Reports section of the Council agenda.
- 17.1.8 Matters forwarded from a standing committee to the City Council as a whole will remain at that level unless requested to be returned to committee by a majority of the Council.
- 17.1.9 Matters may be removed from committee and brought before the Council as a whole by a motion of the Council receiving an affirmative from the majority.
- 17.2 Ad hoc committees and intergovernmental groups.
- 17.2.1 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider matters that require a special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall also appoint Council representatives to intergovernmental councils, boards and committees. Such appointments and their terms shall be communicated to the Council by the Mayor as soon as practical.
- 17.2.2 Ad hoc council committees shall consider all matters referred to them. The chair of each ad hoc committee shall report the findings of the committee to the City Council. Committees may refer items to the Council with no committee recommendation. Once the committee's findings have been delivered to the Council, the committee's duties shall be considered complete and the committee terminated, unless specifically re-tasked by the Council.

- 17.3 Advisory boards, committees and commissions. Citizen advisory boards, committees and commissions may be established by ordinance from time to time, and shall consist of citizens appointed pursuant to the establishing ordinance and serving in the capacity and for the purposes indicated in the ordinance; such boards, commissions and committees shall act in an advisory capacity to the City Council.

SECTION 18 - SPEAKING WHEN REPRESENTING THE CITY COUNCIL

- 18.1 An official City position requires a public vote. The City does not have an official position on any issue, whether the issue is political or non-political in nature, unless the City Council has taken a public vote and a majority of a quorum of the Council vote to adopt the position. Failure of a majority of the Council to vote in favor of a position shall not constitute adoption of a contrary position; in such cases the City shall continue to have no official position on the issue.
- 18.2 Personal opinions must be distinguished from City positions on an issue.
- 18.2.1 *Speaking to persons about issues.* Whenever the Mayor or a Councilmember is speaking to a person or group of persons and the Councilmember expresses an opinion on an issue, whether the issue is political or non-political, the Mayor or Councilmember must clearly state whether the opinion represents the official position of the City of Black Diamond and its City Council, or whether it is only the speaker's personal opinion.
- 18.2.2 *Speaking on behalf of the City.* If the Mayor or 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 Mayor or Councilmember needs to state the official position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the official position of the Council may be expressed only if the speaker clarifies that these statements do not represent the City Council's position.
- 18.2.3 *Expressing the views of other Councilmembers.* Prior to representing the position of an elected City official on an issue to the media, another government agency, a community organization, or members of the public, the Mayor and Councilmembers must have permission from that elected official, provided, presenting how another elected official voted in an official public vote of the Council shall not require permission.

SECTION 19 - TRAVEL AUTHORIZATION

- 19.1 The City Council shall only authorize and approve expenditure of city funds to pay for travel-related costs in accordance with Chapters 2.56 and 2.57 of the City of Black Diamond Municipal Code and any administrative policies adopted to implement the provisions of those chapters.

SECTION 20 - CONFIDENTIALITY

- 20.1 In general. The Mayor and Councilmembers must keep confidential any information that has been provided to them by City staff or otherwise becomes known to them during performance of their duties in office, when such information is required to be kept confidential under state or federal law, including but not limited to certain personnel and employment information or certain information regarding pending contracts, and certain information regarding negotiations for the sale or purchase of property. It is the duty of each elected official to consult with the City Attorney should the official have a question about whether any particular information is confidential and may not be released.
- 20.2 Executive sessions. Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Sessions.

City Council Rules of Procedure

Date of Adoption: _____

Ordinance No. _____