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## ***CITY COUNCIL RULES OF PROCEDURE***

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*City of Mukilteo, Washington  
Mukilteo, Washington 98275*

## **TABLE OF CONTENTS**

RULE 1 - MEETINGS .....	3
RULE 2 - PRESIDING OFFICER - DUTIES.....	6
RULE 3 - REMARKS AND DEBATES.....	8
RULE 4 – COUNCIL AGENDA .....	9
RULE 5 – ORDER OF BUSINESS .....	10
RULE 6 – PRECEDENCE OF MOTIONS.....	11
RULE 7 – SUSPENSION OF RULES.....	13
RULE 8 – ORDINANCES AND RESOLUTIONS .....	13
RULE 9 – MISCELLANEOUS.....	13
RULE 10 – PUBLIC COMMENT/PUBLIC FORUM.....	14
RULE 11 – COMMUNICATIONS.....	17
RULE 12 – COUNCIL CONFERENCE ROOM.....	19
RULE 13 – CITY CLERK’S DUTIES.....	19
RULE 14 – PUBLIC HEARINGS AND APPEALS.....	19
RULE 15 – CONFIDENTIALITY .....	20
RULE 16 – STANDING COMMITTEES.....	20
RULE 17 - COMMITTEE OF THE WHOLE.....	20

## **INTRODUCTION**

### **A. Effect/waiver of rules**

These rules of procedure set forth herein and/or by other ordinance or resolution, are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may implicitly or by a majority vote, determine to temporarily waive any of the provisions herein. Council action taken in disregard or non-conformity with these rules shall be construed as an implicit waiver thereof. Only a sitting councilmember shall enforce these rules.

## **RULE 1 - MEETINGS**

**A. Regular Meeting.** The regular meeting of the City Council shall be held at 7:00 p.m. on the first and third Monday of each month in Mukilteo City Hall.

1. If Monday of any week is a legal holiday, the regular meeting of that week shall be held at 7:00 p.m. on the next business day.
2. If Monday of any week shall fall on Christmas Eve or New Year's Eve, the regular meeting of that week shall be held at 7:00 p.m. on the next business day.

The Council, by a majority vote, may by motion continue any regular or special meeting to a time specified in the motion.

**B. Work Sessions and Committee Meetings.** Work sessions and Committee Meetings of the City Council shall be held from 6:00 p.m. – 8:00 p.m. on the second Monday of each month in Mukilteo City Hall. These meetings are either video and/or audio taped. This meeting is open to the public. The public is welcome to visit and observe. Citizens are welcome to address Council and the Mayor by phone, email, mail or at a future regular meeting.

**C. Special Meetings.** Special meetings, or any change in the time or location of a regular meeting, shall be called by the City Clerk on the written request of the Mayor or by a majority of the members of the Council by delivering personally or by mail, by fax, or by electronic mail written notice to each member of the Council; and to each local newspaper of general circulation and to each local radio or television station which has on file with the City Clerk a written request to be notified of such special meeting or of all special meetings. At least 24 hours before the time of such meeting, notice must be delivered personally or by mail, by fax, or by electronic mail. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the Council. Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by mail, by fax, or by electronic mail.

Members who are present at the time that a meeting is convened do not need to be provided written notice. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. (Ref. RCW 42.30.080)

- D. Quorum.** Four Councilmembers shall be a quorum for the transaction of business, but in the absence of a quorum, the members present may adjourn the meeting to a later date.
- E. Open Public Meetings Act.** All Council meetings shall be conducted in conformity with the Open Public Meetings Act (RCW 42.30).
- F. Appearance of Fairness/Conflict of Interest.** In all its dealings, the Council and its individual members shall be governed by RCW 42.36 (Appearance of Fairness Doctrine), RCW 42.20 (Misconduct of Public Officers) and RCW 42.52 (Ethics in Public Service).
- G. Executive Sessions.** The Council may hold Executive Sessions during a regular or special meeting to consider matters allowed under RCW 42.30.110 as it now exists or is hereinafter amended including:
  - (a) consideration of acquisition or sale of real property if public knowledge would adversely affect the price;
  - (b) discussion with legal counsel of City enforcement actions or potential or pending litigation in which the City is, or is likely to become, a party;
  - (c) to receive and evaluate complaints against a public employee, unless the employee requests the consideration to be held in an open meeting;
  - (d) evaluate the performance of an employee or qualifications of an applicant for City employment, so long as the final decision to hire and terms of employment, and decisions to terminate or discipline, are taken in an open meeting;
  - (e) to review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs; and
  - (f) to evaluate the qualifications of a candidate for appointment to elective office.

See RCW 42.30.110 for complete itemization of executive session topics.

Before convening in Executive Session, the presiding officer shall announce the purpose of the session and the anticipated length of such session, and whether further action is anticipated. Should the session require more time, a public announcement shall be made that the session will be extended. The Council will return to Council Chambers, as applicable, for adjournment of the meeting. Confidential discussions during Executive Sessions shall not be disclosed by any Councilmember or City official in attendance to any person unless

confidentiality is waived by the majority of the Council. Violation of confidentiality may result in a censure motion by the Council during a regular meeting.

**H. Remote Attendance.** From time to time, it is not possible for a councilmember to attend a City Council meeting. In limited instances, the City would benefit by a Councilmember's participation by means of remote communication. The Council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers. Remote attendance may occur as follows:

- (a) The Mayor or Council President may approve a Councilmember's appearance at a Council meeting via remote communication in limited instances, including emergencies that require immediate action or remedy.
- (b) In the event that subsection H(a) of Rule 1 of the Mukilteo City Council Rules and Procedures has been satisfied and more than one Councilmember is absent, reasonable efforts shall be given to provide all absent members an opportunity to appear via remote communication. In no event shall the Council President approve a Councilmember's remote attendance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember's voice attending clearly and sufficiently enough to be heard by those in attendance at the meeting. The device must allow the Councilmember to pose and answer questions as posed from time to time.
- (c) During any meeting that a Councilmember is attending via remote communication, the Council President or presiding officer shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance.
- (d) Councilmembers appearing via remote communication may participate and vote during the meeting as if they were physically present at the meeting.
- (e) Councilmembers appearing remote communication shall comply with all rules and procedures as if they were physically present at the meeting.
- (f) In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications.

**I. City Staff.** Any officer or employee of the City, when requested, shall attend and remain at the meeting for such length of time as the majority of Councilmembers present may direct.

**J. Attendance of Media at Council Meetings.** All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

- K. Attendance of City Attorney at Council Meetings.** The City Attorney should attend all regular meetings. A majority of the City Council may request the attendance of the City Attorney at its discretion for special meetings, workshops or committee meetings. The Mayor and Council President may also request the attendance of the City Attorney at special meetings, workshops or committee meetings.

## **RULE 2 - PRESIDING OFFICER - DUTIES**

- A. Conduct of Meeting.** The presiding officer at all meetings of the Council shall be the Mayor, and, in the Mayor's absence, the Council President, who shall conduct the business and deliberations of the Council under these rules. In the absence of the Council President, the Council Vice President shall conduct the business and deliberations of the Council under these rules. The Council President and Council Vice President shall be elected by a majority of the Councilmembers at the start of the first Council meeting following the New Year. If both the Council President and Council Vice President are absent and a quorum is present, the Council shall, by motion, appoint one of its members to serve as presiding officer of the Council until the return of the Mayor, Council President, or Council Vice President.

The presiding officer shall:

1. Preserve order and decorum in the Council Chambers;
2. Observe and enforce all rules adopted by the Council for its government;
3. Decide all questions on order, in accordance with these rules, subject to appeal by any member to the Council; and
4. Recognize members of the Council in the order in which they request the floor. No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the Council have had an opportunity to be recognized and be heard.
5. Retain the authority, during Public Comment and Citizens' Forum, to determine whether a speaker's remarks fail to comply with these Rules or exceed the scope of the designated forums, and the presiding officer shall have the authority to suspend such person's right to speak, subject to the Council's right to overrule such decision.

When the presiding officer is a member of the Council, s/he shall have only these rights, and shall be governed in all matters and issues by the same rules and restrictions, as other Councilmembers. When the presiding officer is a member of the Council, s/he does not lose the right to vote.

**B. Questioning.** Any member of the Council 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.

## **RULE 3 - REMARKS AND DEBATES**

- A. Courtesy.** All meeting participants should be focused on the meeting agenda. Councilmembers and the presiding officer should use personal electronic devices and computers only in support of the agenda at hand, or council-related business. Text messaging during a meeting is prohibited unless it is an emergency. Phone calls should only be made in an emergency. If emergency texting or phone calls need to be made during a meeting, the Councilmember or presiding officer should leave the Council Chambers. Personal texting should be done during breaks. Councilmembers and the presiding officer expect professional and courteous behavior from each other. During a meeting, Councilmembers and the presiding officer shall not engage in side-discussions or notes with other Councilmembers or the Mayor. All speakers, including members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in contemptuous or disorderly behavior, or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, the Mayor, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.
- B. Interruption.** No member of the Council, or the presiding officer, shall interrupt or argue with any other council member while such member has the floor.
- C. Customs of Formality.** The Mayor, President and Vice President shall be referred to by title as described in Roberts Rules of Order; and address individual Councilmembers as Councilmember \_\_\_\_\_.
- D. Questioning.** Any member of the Council shall have the right to question any individual or staff member on matters germane to the issue before the Council without interruption from another councilmember or the presiding officer.
- E. Information Requests.** A Councilmember may seek clarification or additional information before voting on an issue. If such request delays consideration to another date, approval of a majority of the Council is required.
- F. Transgression.** The Council has power under state law to impose punishment on its members, short of removal of office, for violation of state law or Council rules. If a member of the Council shall transgress these rules, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the presiding officer shall transgress these rules or fail to call such member to order, any other member of the Council may, under a point of order, call the presiding officer or such other member to order, in which case the presiding officer or such member, as the case may be, shall be silent except to explain or continue in order. Additional consequences may include a verbal admonition, written reprimand, censure, expulsion from the meeting at which the conduct is occurring, removal of the Councilmember from the Council committee chair positions or committee memberships, or removal of intergovernmental duties, based on an



affirmative vote of a majority of the Council. Expulsion for such behavior in the Council's presence shall require the affirmative vote of a majority of the Council, specifying in the order of expulsion the cause thereof.

**G. Challenge to Ruling.** Any member of the Council shall have the right to challenge any action or ruling of the presiding officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, shall govern.

**H. Management Services Director.** Once recognized by the presiding officer, the Management Services Director shall have the right to enter into a discussion of any matter coming before the City Council.

## **RULE 4 – COUNCIL AGENDA**

**A. Agenda Planning Committee.** All matters to be presented to the City Council at its regular meetings are reviewed by the Agenda Planning Committee. The Mayor, Council President and Management Services Director comprise the Agenda Planning Committee. The Vice President can attend for observation purposes only to preserve continuity and all other members shall be invited at the discretion of the Mayor and Council President when needs arise. In a timely manner and at a Council meeting, the Council President should inform the requestor if an item is scheduled, or if it is not scheduled.

**B. City Council.** A Councilmember may request an item be considered on a future agenda either by making an oral request at a City Council meeting or submitting the request in writing to the Management Services Director, Mayor or Council President at least ten working days prior to the meeting for which the item is requested to be placed on the agenda. The item shall be presented to the Agenda Planning Committee to schedule the item. Items may be scheduled at the next available meeting, or later, if deemed necessary by the Committee.

The City Council may review the extended agenda document at all regular meetings and agree to change the extended agenda if a majority chooses to do so.

Once an item is placed on the agenda, if a Councilmember wishes to make a formal presentation during that item, that Councilmember will coordinate with and bring materials (power point, handouts, etc.) to the Mayor or appropriate staff designee at least by the Wednesday preceding the scheduled meeting date.

Within four months of an election date where Councilmembers positions are up for election, presentations by these Councilmembers should be limited, at the discretion of the Agenda Planning Committee.

**C. Members of the Public.** A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting and/or by submitting the request in writing to the City Council, through the City Clerk's office.

The Agenda Planning Committee and/or City staff will review and research the request within 15 working days. The City Clerk will notify the requester if the item has been placed on the agenda. The Council President will notify the requester if the item has not been accepted.

- D. Emergency Items.** Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.
- E. Removing Items.** During the “Agenda Order” portion of the meeting, any item may be removed from the agenda for any reason upon the request of any Councilmember. However, two Councilmembers may demand the item be reinstated to the agenda. The item shall be brought before the Council as regular business on the agenda and only tabled, continued or rejected by a majority vote.
- F. Adding Items.** Items should be added through a request to the Agenda Planning Committee. If absolutely necessary, during the “Agenda Order” portion of the meeting, any Councilmember can request that an item be added to that night’s agenda. A majority of the Councilmembers present must approve the addition of the item through an affirmative motion. At a Special Meeting, items may be added for discussion but no action may be taken.
- G. Executive Session/Recess.** The agenda may be interrupted for a stated time to adjourn to Executive Session or recess at the prerogative of the Presiding Officer and/or Council President, unless overruled by a Council majority.  
  
At the call of the presiding officer, or with a majority vote, the City Council may recess to Executive Session to privately discuss and consider matters of confidential concern to the well-being of the City. The purposes for which an Executive Session may be held are identified in RCW 42.30.110 and in Rule 1, part G.
- H. Consent Agenda Item.** Matters of business which are routine in nature may be placed on the consent agenda. No discussion shall take place beyond simple questions for clarification. Any Councilmember may request a Consent Agenda Item be moved to the regular agenda, for which no second is required.
- I. Agenda Rearrangement.** During a meeting, the presiding officer may rearrange, change the sequence, or add to or remove items from the Agenda with agreement of a majority of the Councilmembers.

## **RULE 5 – ORDER OF BUSINESS**

**A. Order of Business.** The order of business shall be as follows:

- Call to Order
- Flag salute
- Roll Call
- Agenda Order
- Proclamations
- Special Presentations
- Mayor and Council Comments
- Public Comments
- Consent Agenda
  - Approval of the Consent Agenda, consisting generally of one or more of the following items:
    - Approval of minutes.
    - Approval of vouchers.
    - Adoption of resolutions fixing dates for hearings, approving final plats, and other such actions.
    - Final acceptance of grants, deeds, easements.
    - Setting dates of public hearings/meetings.
    - Passage of ordinances which the Council has given directions to place on the agenda.
    - Other items as necessary.
- Public Hearings
- Business Items
- Old Business
  - This is an opportunity for staff to provide a response to questions or issues previously raised by the Mayor or Council.
- New Business
  - Items or topics that the Mayor/Council wish to bring to the attention of the Council and/or staff that may include a request that the item be added to a future Agenda for further discussion and/or action.
- Public Comments
  - A second opportunity for the public to address the Council, following the same procedures and rules outlined in Rule 10.
- Mayor and Council Reports
  - The Mayor and Councilmembers will share current activities on regional, state and federal committees, board or commissions on which they serve and share other miscellaneous comments.
- Comments from Staff
- Executive Session (as needed)
- Adjournment

## **RULE 6 – PRECEDENCE OF MOTIONS**

**A. Precedence of Motions.** When a question is under consideration, no motion shall be entertained except as follows, such motions having precedence in order as stated:

1. To Adjourn. (Not debatable.)
2. To Remove an Item from the Agenda.
3. To Lay on the Table. (Not debatable.)
4. For the Previous Question.  
The “previous question” shall be as follows: “Shall the main question be put?”, and, until such motion has been put and decided, all amendments or debate shall be precluded. The “main question” shall be on the passage of an ordinance, resolution, or motion, but when amendments are pending, the questions shall be taken first upon such amendments, in their order. (Requires two-thirds vote.)
5. To Limit Debate. (Requires two-thirds vote.)
6. To Postpone to a Certain Time.  
Shall be decided without debate only in those instances where the effect of said motion is to postpone or continue a matter for less than 30 days from the time it first appeared on the Council Agenda.
7. To Amend.
8. To Substitute.
9. To Postpone Indefinitely.
11. Main Motion.
12. To Take from the Table. (Not Debatable.)  
A motion to “take from the table” having been put and lost, shall not, during the same Council meeting, be renewed either by the mover or by any other member of the Council. No matter shall be taken from the table after a period of two years from the date that it was laid on the table.
13. Motion to Reconsider.  
No motion to “reconsider” a vote shall be in order except at the current or following meeting, and by a member who voted with the prevailing side. A motion to reconsider, having been put and lost, shall not be renewed either by the mover or by any other member of the Council. Any member of the Council, including the presiding officer, shall have the right to change his/her vote, in order to be on the prevailing side, at any time before final action is taken on the next ensuring item of business taken up by the Council.

**B. Vote.** The procedural motions above enumerated shall be decided by a majority vote of Councilmembers present at the meetings, except as otherwise indicated. Ordinances require the affirmative vote of at least four Councilmembers for passage. The Mayor may break a tie in matters other than the passage of an ordinance, a franchise or license, or resolution for the payment of money."

**C. Debate.** The motions above enumerated are debatable except where designated otherwise.

**D. Questions of Order.** All questions of order shall be decided by the presiding officer with the right of appeal to the majority of Councilmembers present.

**E. Amendments to Motions.** All motions to amend must be voted on – there are no “friendly” amendments.

## **RULE 7 – SUSPENSION OF RULES**

No rule shall be suspended except by a two-thirds majority vote of Councilmembers present at the meeting, and a motion to suspend a rule is not debatable. Vote on the motion may be by voice vote of the Council, or by roll call if requested by a member of the Council.

When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a two-thirds vote of the group. However, until the rules are restored, only discussion can occur; no decisions can be made. Second required, not debatable, not amendable.

This may be done when a more open discussion would be valuable.

## **RULE 8 – ORDINANCES AND RESOLUTIONS**

No ordinance or resolution shall be read until reviewed as to form and legality by the City Attorney.

Reading of ordinances and resolutions at all Council meetings shall be deemed sufficient by the reading of a brief synopsis of the title of the ordinance or the purpose of the resolution, and the reading in full of the same shall not be required unless the full reading of any particular ordinance or resolution be requested by any member of the Council, in which event said request shall be complied with if a majority of the Councilmembers present concur in the request.

## **RULE 9 – MISCELLANEOUS**

**A. Robert’s Rules of Order.** On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in *Robert’s Rules of Order Newly Revised* shall prevail.

**B. Amendments to Rules.** An amendment to these rules shall be made by resolution and shall require two readings.

**C. Public Requests for Presentations.** It is the policy of the Council to consider requests for presentations of certain events or causes when such presentations pertain to a Mukilteo event, person, organization, or cause with local implications. The Council will consider requests that are timely, have potential relevance to a majority of Mukilteo's population, and either forward positive messages or call upon the support of the community.

The following guidelines and requirements apply to requests for consideration of presentations:

1. The person(s) or organization making the request to make the presentation must submit a request in writing to the Council President, Mayor or Management Services Director.
2. The request should be made 15 working days in advance of the requested Council meeting.
3. The Mayor, Management Services Director, and/or staff designee will determine if the proposed presentation meets the intent of this policy. When there is uncertainty in making this determination, the Mayor will consult with the Council President for guidance.
4. The presentation shall not exceed ten minutes in length and the Council will not entertain more than two presentations at one Council meeting.
5. The City retains the right to decide if the presentation will or will not be permitted.
6. Once approved, the presentation will be included on the appropriate Council agenda.
7. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.

**D. Quarterly Reports.** If requested through a motion passed by a Council majority, quarterly reports from each council-confirmed department head may be submitted to Council by the second regular meeting of each month following a calendar year quarter. Reports are to contain information on past quarter activities, future planned activities and such other information as may be directed by the Council.

## **RULE 10 – PUBLIC COMMENT/PUBLIC FORUM**

**A. Public Comment.** The City Council appreciates hearing from the public about items on its agenda, and desires to set aside time at each Council business meeting for Public Comment. At the start and close of each meeting, the public may address the Council about any matter

concerning City operations. Comments regarding items on the agenda will be taken when that agenda item is heard. Comments should not be taken on items subject to quasi-judicial consideration by the Council, unless it is during a specified public hearing. Speakers are asked to identify the specific agenda items they wish to address, if applicable. Speaker sign-in cards will be available for persons wishing to address the Council.

- 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 or City’s ADA Coordinator. During this portion of the meeting, the Presiding Officer will invite the public to talk with the Council about topics that are not scheduled for public testimony on the evening’s agenda. Speakers will limit their presentation to 3 minutes, to allow time for all present. No speaker may convey or donate his or her time for speaking to another speaker. If many people wish to speak to a particular issue, Council may limit the total amount of time dedicated to that single issue.
3. During specific agenda items, if the Presiding Officer or City Clerk has received Speaker’s Sign-In cards, public comment will be invited. Following the introduction and briefing if any of each item and prior to the beginning of Council discussion or a motion, the Presiding Officer will call for public comment on the issue. A motion made prior to the call for public comment shall be out of order.
4. If many people wish to speak to a particular issue, Council may choose to continue the time for public comment on that issue to a future Council meeting. In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed. Groups that qualify for this exception shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.
5. Speakers are asked to complete the “Speaker Sign-in Card” provided.
6. Written comments may be submitted into the record of a Council meeting by presenting the written document to the Clerk at the Meeting. A copy of the document will be provided to each Council Member; the document will not be read aloud unless a motion approved by a majority of Council present requests it.
7. The following language will be printed on the published agenda under “Public Comment”:

**PUBLIC COMMENTS** – Audience participation at Council meetings is encouraged. This is your opportunity to address to the Mayor and Council about any matter concerning City operations.

- a) If you wish to speak, please complete a Speaker Card and submit it to the Clerk. If you will be commenting on an item on the Agenda, write the Agenda Item number on the Card. You will be called when that item is heard.
- b) You will have three (3) minutes to make your comments. When there are 30 seconds remaining, you will hear a beep to alert you to summarize your comments. At the end of your comments, you will hear a second beep signifying the end of your comment period.
- c) Testimony during Public Hearings is generally limited to five (5) minutes and should not be presented during this portion of the meeting.
- d) Responses to questions from elected officials will not count towards the time limit. Information offered in response to questions should be kept to the specific question asked.

8. Length of Comment(s).

Where necessary, due to the number of persons who want to address the Council, the presiding officer shall retain authority to limit all persons' remarks to an equal period of less than three minutes. The exception to this would be during a public hearing. To further ensure equal opportunity for the public to comment, each person may address the Council only one time during the Public Comment portions of the meeting, and at one time each agenda item.

9. Manner of Addressing the Council.

All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Presiding Officer, members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the Presiding Officer.

10. Resolutions and Ordinances.

Comments may be made on resolutions and ordinances. Written comments submitted prior to Council actions shall be considered in the same manner as oral comments.

**B. Courtesy.** All speakers during Public Comment, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the questions or matter under discussion. Courteous behavior may include, but is not limited to, things such as ad hominem attacks or personal insults.



## **RULE 11 – COMMUNICATIONS**

### **A. Communications – Generally.**

1. All letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the filing of a public records request with the City Clerk.
2. Emails, letters or other communications sent to the council as a whole should receive, at minimum, a response from the Council President (or a designee, if appropriate). The Council President's response should be cc'd to all Councilmembers. This should not preclude a response from individual Councilmembers to these communications.

**B. Written Communications.** Written letters and memoranda received by the City, addressed to the Council as a body will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's Records Retention Schedule.

### **C. Electronic Communications.**

1. Informal messages with no retention value and 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 need not be retained. Users may delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
  - City Council email accounts will be automatically forwarded to [Elected@mukilteowa.gov](mailto:Elected@mukilteowa.gov).
  - Councilmembers will forward any non-city account e-mail that pertains to City business to [Elected@mukilteowa.gov](mailto:Elected@mukilteowa.gov). If a person sends an e-mail to a Councilmember and requests that it be included in the record of a particular public hearing, the Councilmember will forward said e-mail to the City Clerk at [Mukilteo@mukilteowa.gov](mailto:Mukilteo@mukilteowa.gov).
  - If a Councilmember wishes that an e-mail be distributed to a City staff member, the Councilmember will send that message directly to the Management Services Director who will direct it to the relevant department head for a response.
  - Staff will automatically save the e-mail according to an established retention schedule.
  - Staff will not review e-mail unless a public records request is received.

3. Councilmembers should avoid e-mail exchanges which ultimately involve four or more councilmembers. For example, if one Councilmember communicates to two Councilmembers, then that communication is forwarded to a fourth, a quorum has now participated and a meeting subject to the Open Public Meetings Act has occurred. Note that the fourth Councilmember need not reply to participate since a Councilmember may be silent during a regular open meeting without depriving a board of its quorum. This scenario is sometimes referred to as a "rolling quorum."
4. A Councilmember may send an informational e-mail to the entire Council without creating a meeting subject to the Open Public Meetings Act. Make clear in such e-mails that the e-mail is informational only and that no response is desired.
5. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
6. City e-mail accounts will not be used for personal use, since Councilmembers' conventional e-mail addresses include the City's "return address".
7. Councilmembers are encouraged to use city email accounts to respond to email communications. This allows for proper record retention. If councilmembers choose to use personal email addresses, they should copy the City Clerk at [mukilteo@mukilteowa.gov](mailto:mukilteo@mukilteowa.gov).

## **RULE 12 – COUNCIL CONFERENCE ROOM**

During any recess of a regular or special meeting of the Mukilteo City Council, the Council Conference Room shall be reserved solely for the use of member of the City Council and selected staff of the City of Mukilteo, and no other person or persons shall have access thereto, whether they be members of the press or members of the public at large.

## **RULE 13 – CITY CLERK’S DUTIES**

- A. Record Votes.** As a part of permanent proceedings, the Clerk shall record all votes taken. In those instances where a roll call vote is taken pursuant to a requirement or request, the Clerk shall call the name of each and every member of the Council present, and shall duly record said member’s vote as either an aye, nay, or abstention, whichever may be appropriate. Roll call votes of the Council shall be called alphabetically, except when the Council President (or Council Vice President) is the presiding officer whose vote shall be called last. In subsequent roll call votes, Councilmember names shall be rotated until the entire Council has been called, excluding the presiding officer whose vote shall be called last.
- B. Maintain Record.** The Clerk shall cause to be recorded electronically all of the regular and special meetings of the Mukilteo City Council and each and every part thereof, and shall maintain the same for a period of six years consistent with state law, RCW 40.14.
- C. Prepare Minutes.** At the conclusion of each regular or special meeting of the Mukilteo City Council, the City Clerk shall prepare brief and concise minutes and submit the same to the City Council for its approval.
- D. Verbatim Transcription.** No individual member of the Mukilteo City Council, nor any member of the administrative staff or the City of Mukilteo, shall be authorized or empowered to require the Clerk to insert in said official minutes any verbatim transcript of all or any part of the proceedings. Verbatim transcripts of any part or portion of the proceedings shall be made a part of the minutes only when authorized by a majority vote of the entire Council made at the meeting wherein such request for a verbatim report is made.

## **RULE 14 – PUBLIC HEARINGS AND APPEALS**

- A. Time of Hearings.** The time for commencing a public hearing or appeal shall be noted in the Council meeting agenda. The presiding officer may modify the order of business under Rule 5 in order to conduct the hearing or appeal at or about the designated time.
- B. Quasi-Judicial Body.** In hearing appeals, the Council sits as a quasi-judicial body. It shall conduct the hearing on an appeal in accordance with provisions of the Mukilteo Municipal Code and these rules, as applicable.

## **RULE 15 – CONFIDENTIALITY**

Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City’s position is not compromised, and to comply with RCW 42.23.070(4), relating to disclosure of confidential information.

## **RULE 16 – STANDING COMMITTEES**

**A. Ad-Hoc Committees.** Council may form ad-hoc committees as needed, by a majority vote of the council.

**B. Standing Committees.** There are established the following standing committees of the Council that shall consist of three members each. The Council as a whole by mutual agreement chooses the membership of each committee. If the Council cannot come to consensus, the Council President can make assignments. Each standing committee shall elect a chair and may elect a vice-chair.

1. Finance/IT
2. Public Safety
3. Infrastructure Sustainability
4. Land Use/Economic Development
5. Transportation
6. Youth Advisory
7. Economic Development

**C. City Council Committee Charter** (Resolution no. 98-05)

**Purpose.** A City Council committee is comprised of not more than three members of the City Council, who have been assigned by the City Council to represent, to more fully investigate or to study specific issues, and/or to evaluate information, when it is inefficient, ineffective, or inconvenient for the entire City Council to be involved. Unless specifically delegated by the Council, City Council committees shall not act on behalf of the Council or City, conduct hearings, or take testimony or public comment.

**Authority.** The authority of a City Council committee shall be derived solely from the authority granted to it by the City Council.

Committees shall only review, investigate, represent, and/or consider those matters specifically assigned to it by the City Council.

Unless specifically authorized by the City Council, committees shall have no authority to take public testimony, conduct hearings, obligate the City, approve/disapprove any contemplated action, or to direct actions of the City staff or outside agencies.

**Notice of Meetings.** The City Clerk shall ensure that each member of the City Council receives advance notice of any such meeting of the committee along with a list of the topics to be discussed. Meetings of the committee shall not be subject to the Open Meetings Act. If the City Council delegates certain of its duties and powers to the committee, such as taking public testimony, conducting hearings, or authorizing the committee to act on the Council's behalf, these meetings shall be subject to requirements of the Open Public Meetings Act.

**Report on Activities.** As necessary or as directed by the City Council, each committee shall report its activities to the City Council and may make recommendations regarding its activities. The Committee Chair shall make these reports to the Council in a timely manner following committee meetings, and may also distribute written minutes.

**Quorum.** Two voting members shall constitute a quorum. Pre-assigned alternates may attend if a member of the committee is absent. If a councilmember cannot attend, s/he should make every attempt to inform staff with sufficient notice for the alternate to be notified of the meeting time and date.

**Assigning Matters to Committee.** Any Councilmember, during a regular Council meeting, may make a motion to assign a matter to a committee. Said motion, if seconded, shall require a majority vote of the Council.

**Staff Assignments to Committee.** The Mayor or Management Services Director may designate staff for each standing committee, who shall prepare the agenda, provide proper notice, prepare minutes, and prepare a record of attendance for every meeting, and may refer additional items to the committee.

**Mayor.** The Mayor is encouraged to attend council committee meetings. The Mayor will not participate as a member for voting or consensus of committee direction.

**Youth Advisory Committee.** Different rules of procedure apply to this committee. The youth members will elect their own chair and vice chair and set their own agenda.

## **RULE 17 – COMMITTEES OF THE WHOLE**

- A. When the subject matter is not well digested and put into proper form for its definite action, or when for any other reason it is desirable for the City Council to consider a subject with all the freedom of a Standing committee, it is the practice to refer the matter to the "Committee of the Whole."
- B. The City Council will determine when a topic will be discussed in a Standing Committee format or as a Committee of the Whole.