MONROE CITY COUNCIL

Agenda Bill No. 20-106

SUBJECT:	***Amend Council Rules of Procedure to allow for remote meetings beyond the current state of emergency***

DATE:	**DEPT:**	**CONTACT:**	**PRESENTER:**	**ITEM:**
07/14/2020	City Clerk	Becky Hasart	Becky Hasart	New Business #1

Discussion: 07/14/2020
Attachments: 1. Proposed Council Rules of Procedure (addition highlighted in yellow)

REQUESTED ACTION:

Move to amend Monroe City Council Rules of Procedure adding Section 3.1.6 which provides for the ability to attend City Council meetings remotely.

POLICY CONSIDERATION

RCW 35A.12.120, provides, in part: "The Council shall determine its own rules and order of business and may establish rules for the conduct of council meetings and the maintenance of order." Under this authority, the City Council may enact rules and regulations to govern the conduct and operations of the City Council. This authority includes the ability to determine if and when Council members may attend meetings remotely.

Section 17.2 of Council Rules of Procedure allows for amending said rules through a majority vote of the Council.

DESCRIPTION/BACKGROUND

In an effort to mitigate the effects of COVID-19, Governor Inslee issued Proclamation 20-28 on March 24, 2020 (and subsequently amended), which stated that all meetings subject to the Open Public Meetings Act must remain open to the public through remote means **only** (emphasis added). The proclamation does not allow for in-person attendance, either by electeds, staff, or the public.

Since April 2020, the City of Monroe has been conducting its Council meetings remotely through the use of an electronic platform, Zoom Presentations. This platform allows for all appropriate attendees to be visible to the public, allows for interactive discussion, allows for public participation, and allows for the recording of all meetings.

Snohomish County is currently in Phase 2 of the Governor's plans for reopening. It is anticipated that we will not be able to have a full in-person Council meeting until Snohomish County is in Phase 4. While we are still subject to the conditions of Proclamation 20-28 and its subsequent amendments, and while Snohomish County is under any phase but Phase 4, we can continue to conduct Council meetings remotely without amending our Council Rules of Procedure.

In preparation for reaching Phase 4, it is recommended that the City Council amend its rules of procedure to allow the continued use of a remote electronic platform for its Council meetings. This would allow those that are considered a vulnerable population to participate without the need for in-person attendance. Allowing attendance remotely also has the potential to expand participation for our constituents by removing the "physical" barrier that may exist for some in being able to attend in person.

IMPACT – BUDGET
There is no direct budget impact. The City has previously purchased and currently utilizes Zoom Presentation for the regular conduct of City Council meetings.

TIME CONSTRAINTS
There are no time constraints.

ALTERNATIVES TO REQUESTED ACTION
The City Council could "do nothing." Once Snohomish County, and by extension the City of Monroe, is in Phase 4, all Council meetings would revert to the existing Council Rules of Procedure (no remote attendance allowed except in cases of emergency).

MONROE CITY COUNCIL
RULES OF PROCEDURE

TABLE OF CONTENTS

DESCRIPTION	PAGE NO.
SECTION 1. AUTHORITY	2
SECTION 2. FORM OF GOVERNMENT	2
SECTION 3. COUNCIL MEETINGS	3
SECTION 4. PRESIDING OFFICER	5
SECTION 5. ORDER OF REGULAR COUNCIL MEETING AGENDA	5
SECTION 6. COUNCIL DISCUSSION	9
SECTION 7. TYPES OF COUNCIL ACTION	9
SECTION 8. MOTIONS	9
SECTION 9. COUNCIL MEETING STAFFING	12
SECTION 10. AGENDA PREPARATION	12
SECTION 11. PRESENTATIONS TO COUNCIL	13
SECTION 12. APPEALS BEFORE COUNCIL	13
SECTION 13. WRITTEN CORRESPONDENCE WITH THE COUNCIL	16
SECTION 14. RESPECTING ROLES AND RESPONSIBILITIES	17
SECTION 14A. COUNCIL LEGISLATIVE COMMITTEES	17
SECTION 15. REPRESENTING THE POSITION OF THE CITY	18
SECTION 16. CONFIDENTIALITY	19
SECTION 17. SUSPENSION AND AMENDMENT OF RULES	19
SECTION 18. EFFECT OF RULES	19

MONROE CITY COUNCIL
RULES OF PROCEDURE

SECTION 1. AUTHORITY

1.1 The Monroe City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided by these rules.

SECTION 2. FORM OF GOVERNMENT

2.1 The City of Monroe is organized as a municipality under the Revised Code of Washington (RCW) as a Non-Charter, Code City, Mayor/Council form of government. As such, roles and responsibilities of the Mayor and Council are defined in the RCW.

2.2 RCW 35A.11.020 lists the specific powers vested in the City Council. The following is a summary list of City Council powers:

- Define the functions of officers and employees.
- Define the powers and duties of officers and employees.
- Fix compensation of officers and employees.
- Fix working conditions of officers and employees.
- Maintain civil service or merit employment system.
- Maintain retirement and pensions systems.
- Adopt and enforce ordinances regulating local affairs and municipal affairs.
- Impose fines and penalties for violation of city ordinances.
- Exercise all powers possible for a city or a town to exercise under the Constitution so long as the power is not specifically denied to code cities by law.
- Regulate the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, all public real property, all waterways, and all structures and any other improvement.
- Engage in collective bargaining.
- Render social services.
- Render recreational services.
- Render educational services.
- Render corporate services.
- Operate and supply utilities.
- Impose taxes if not prohibited by other state law.
- Approve claims against the City (RCW 34A.31.030).
- Engage in interlocal agreements, to accept gifts and to accept grants (RCW 35A11.040).
- To cause the City to participate in economic opportunity programs (RCW 35A.11.060).

2.3 The duties of the Mayor, who is the Chief Executive Officer of the City, are listed in Sections 35A.12.090 and 35A.12.100 of the RCW. The following is a summary list of the duties of the Mayor:

- To oversee the departments and the employees.
- To appoint and remove any administrative officer or assistant.
- To see that laws are enforced.
- To provide general supervision of the government and city interest.
- To approve the official faithful performance bonds for officers and employees.
- To approve payment and performance bonds of City contractors.
- To enforce contracts.
- To bring lawsuits but only with the approval of a majority of the Council.
- To preside over Council meetings, but to vote only to break ties not involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or a resolution to pay money.
- To report to the Council on financial and other needs of the City.
- To recommend Council action.
- To prepare a proposed budget.
- To veto ordinances, but subject to an override by the Council.
- To perform as ceremonial head of the City.

2.4 Council compensation shall be established by the Monroe Salary Commission as set forth in Monroe Municipal Code 2.24.060.

2.5 Council may have a School District Student Representative position appointed to serve per Resolution No. 2012/023.

SECTION 3. COUNCIL MEETINGS

The Monroe City Council may hold one of two types[1] of official meetings when a quorum of its members is present. “Quorum” is defined as at least four members of the City Council. Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each council member and the number of years served on City Council.

3.1 REGULAR MEETINGS: Regular meetings of the Monroe City Council will be held the first four Tuesdays of each month at the Council Chambers in City Hall.[2] However, Council reserves the right as deemed necessary to cancel, adjourn, or continue any regular meeting in accordance with state law.

3.1.1 Regular meetings will begin at 7:00 PM, and will be scheduled to end at 10:00 PM; provided that meetings may be extended by majority vote of the Council.

[1] RCW provides for only two types of meetings, “regular” and “special.”
[2] MMC 2.04.010: Provides for day and time of meetings. Also provides for study sessions.

3.1.2 The second and fourth Tuesdays of each month shall be deemed to be a "Business Meeting." Business Meetings will be formal meetings for the purpose of all actions items; to include, and not be limited to, all public hearings, resolutions, ordinances, and minute orders for the approval of such items as appointment confirmations, contracts, interlocal agreements, grants, etc.

3.1.3 The first and third Tuesdays of each month shall be deemed to be a "Study Session." Study Sessions will be informal meetings for the purpose of reviewing forthcoming programs or projects, or receiving similar information. No final decisions/actions can be made during a study session. Final action on study session items will be scheduled for a forthcoming regular or special Council meeting.

3.1.4 Separate from public hearings and the designated Public Comments portion of each Regular Meeting, participation in City Council discussions is limited to Councilmembers and those invited to speak by the Council.

3.1.5 During periods of a proclaimed emergency, a physically present quorum of Councilmembers is not required in order to conduct a meeting, if a quorum of Councilmembers is obtained through either physical presence at the meeting and/or through telephonic or other, similar, electronic means.

3.1.6 The provisions of this Section 3.1.6 apply to circumstances that are not covered by Section 3.1.5.

3.1.6.1 To the extent consistent with applicable state law, Councilmembers may attend and participate in a Council meeting remotely ("Remote Participation") utilizing a City approved virtual platform. Any Councilmember intending to utilize Remote Participation for a meeting shall reasonably endeavor to provide at least two (2) weeks written notice of such intent to the Mayor, City Administrator, or City Clerk. The use of virtual platform equipment shall allow members of the public to be present at the meeting, allow the official minute recording staff person to observe all activity, allow the recording system to capture, in open session, all activity and discussion, and allow the Councilmembers and the public to adequately hear the discussion, comments, and any voting by the Councilmember attending through Remote Participation.

3.1.6.2 The following virtual platforms are hereby approved for Remote Participation:

a. Microsoft Teams;
b. Zoom and Zoom Presentation; and
c. Any other virtual platform satisfying the requirements of this Section 3.1.6 that has been specifically approved by Council motion.

3.1.6.3 It is the policy of the City to reasonably attempt, in good faith to accommodate and facilitate Remote Participation by Council Members in accordance with this Section 3.1.6. Notwithstanding the foregoing, however, any Councilmember using Remote Participation shall bear the exclusive risk that the virtual platform being used to effectuate the Remote Participation may malfunction or otherwise fail to operate properly in a manner than effectively prevents the Councilmember's attendance and participation at the meeting. Except to the extent necessary to ensure a quorum, no such malfunction or operational failure shall require the adjournment, continuation or cancelation of any Council meeting, or the postponement of any Council vote; provided, that the City Council may in its sole discretion vote to adjourn, continue or cancel a meeting, or postpone a Council vote, as deemed appropriate to respond to a malfunction or operational failure of the virtual platform.

3.2 SPECIAL MEETINGS: Any Council meeting other than a regular meeting, which has been called for the purpose of conducting official action. Written notice shall be given to the members of the Council and the media at least 24 hours in advance, except that no notice shall be required if the meeting is necessary to address an emergency as contemplated in RCW 42.30.070 or 42.30.080. A Special Council meeting may be scheduled by the Mayor, or the City Administrator, or by a majority of the City Council.

3.3 All official meetings, minutes, and records of the Council shall be open to the public with the exception of executive sessions.

3.4 All public meetings of the City Council 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 meeting.

3.5 The City Council may choose to hold official City Council meetings in the community, or as joint meetings with other cities, or in other cities, provided that appropriate notice of such meeting is given in accordance with state law. Council cannot take final action on a resolution or ordinance at a meeting outside City limits. RCW 35A.12.110.

3.6 If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting may by Council motion be rescheduled or cancelled. A special meeting may be called by the Mayor on a holiday if such meeting is necessary to conduct pending business.

3.7 The City Clerk will keep an account of all proceedings of the Council in accordance with statutory requirements and a summary of proceedings will be entered into a minute book constituting the official record of the Council. The official Council record shall be available for public review on the City's Website, or at City Hall during City Hall's regular business hours.

3.8 Citizens' comment sign-up sheets will be available at each Council meeting for the use of citizens wishing to address the Council. Public hearing sign-up sheets will be available for the meetings with a public hearing scheduled.

SECTION 4. PRESIDING OFFICER

4.1 The presiding officer at all meetings shall be the Mayor and in the absence of the Mayor, the Mayor Pro-Tem shall act in that capacity. If both the Mayor and the Mayor Pro Tem are absent, Councilmembers present shall elect one of their members to serve as presiding officer until the return of the Mayor or Mayor Pro-Tem.

4.2 The presiding officer shall:
1) Preserve order and decorum in the Council Chambers.
2) Observe and enforce all policies and procedures adopted by Council.
3) Appoint Councilmembers to serve on ad-hoc committees, if necessary.
4) Recognize Councilmembers requesting the floor in the order in which they operate their signal light. It is the policy of the Monroe City Council to encourage its members to:
   - Speak one time to an issue taking care not to reiterate previous comments or arguments;
   - Rebut opposing arguments only once;
   - Speak only twice on the same subject without permission of the presiding officer;
   - Wait for presentations to conclude before offering comments and asking questions; and
   - Speak to the merits of an issue and avoid references to personalities.

4.3 When a Councilmember serves as presiding officer, the Councilmember shall have only those rights and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

SECTION 5. ORDER OF REGULAR COUNCIL MEETING AGENDA

5.1 The following is the usual order of the agenda for the Monroe City Council's regular meeting; however, the order may be changed by the Mayor or Council. Changes to the order may also be made by the City Administrator, which shall be deemed approved unless a majority of Council members object:

5.1.1 CALL TO ORDER: The presiding officer calls the meeting to order.

5.1.2 ROLL CALL: The City Clerk shall call the roll, and the presiding officer shall indicate any Councilmember who is not in attendance whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.
(Councilmembers are to inform the Mayor, the City Administrator, or the City Clerk if they are unable to attend any Council meeting or if they knowingly will be late to any meeting.)

5.1.3 PLEDGE OF ALLEGIANCE

5.1.4 ANNOUNCEMENTS/PRESENTATIONS[3]

5.1.5 PUBLIC HEARINGS: At the time and place specified in the hearing notice, the presiding officer will open the public hearing, announce the time allotted for individual speakers, and call upon staff to describe the matter under consideration.

Following questions from Council regarding the matter, the presiding officer will call for comments from proponents, opponents, and all other individuals wishing to speak on the matter.

The presiding officer closes the public hearing or continues it to a future time certain. The presiding officer may request that final action be taken at close of the hearing, rather than later on the agenda.

5.1.6 PUBLIC COMMENTS:[4] This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe, except any pending quasi-judicial matter subject to a public hearing members of the public wanting to voice concerns about quasi-judicial matters must do so during and in accordance with the public hearing process). Those items are marked with an asterisk (*). You are welcome to address the Council on any other subject. Council usually does not take action on matters brought up during audience participation and may, if appropriate, schedule the matter for a subsequent meeting. Before making comments, the speaker is encouraged to state for the official record their name and address. Three minutes will be allowed per speaker when addressing Council. Documents received from members of the public will not be read into the record by City Officials or staff but rather filed as part of the record. It may however be read into the record by the author or the author's designee. It is encouraged that the author for the official record, write their name and address on the document.

5.1.7 STUDENT REPRESENTATIVE REPORT. This time is set aside for the Student Representative to report on activities and events at the high school.

[3] See Section 11, Presentations.
[4] See Section 11, Presentations.

5.1.8 CONSENT AGENDA:[5]

5.1.8.1 When the City Administrator or designee determines that any item of business requires action by the Council but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a Consent Agenda.

5.1.8.2 The Consent Agenda shall be introduced by a motion "To approve the Consent Agenda" and shall be considered by the Council as a single item.

5.1.8.3 There shall be no debate or discussion by any member of the Council regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

5.1.8.4 On objection by any member of the council to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be made at any time prior to the taking of a vote on the motion to approve the Consent Agenda. All such items shall be considered individually, immediately following the Consent Agenda.

5.1.8.5 Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

5.1.8.6 Consent Agenda items may include; but, shall not be limited by this reference: approval of all Council minutes, final approval of leases and contracts, final acceptance of grants, deeds or easements, setting dates for public hearings, approval of change orders, acknowledging receipt of claims for damages against the City, approval of claims or vouchers, passage of resolutions and/or ordinances requiring no further public hearing and which the Council has given directions to prepare, and any other such routine items as the City Administrator/designee, may deem appropriate to be placed upon such a Consent Agenda.

5.1.9 UNFINISHED BUSINESS: Unfinished Business consists of subjects that have previously been introduced to or considered by the Council, but have not been finalized. Final approval/adoption may be taken during this portion of the meeting. First readings of ordinances may be placed as Unfinished Business, if the subject had been introduced to Council at a previous meeting.

[5] Section 5.1.7, *Consent Agenda* is copied from Resolution 96/16, *Adopting a Consent Agenda*, December 11, 1996.

5.1.10 NEW BUSINESS:[6] New Business consists of subjects which have not previously been considered by the Council and which may require discussion and action. The first reading of proposed ordinances may occur at this time. Official final action may also be taken on items under "New Business."

5.1.11 FINAL ACTION: Discussions and deliberations on items listed in this section have been completed and it is anticipated Council is prepared to take an official final action. Except for unforeseen matters reasonably requiring immediate or short-term attention, every effort will be made to provide meeting materials to the Council twenty-four hours in advance. In general, items should be reviewed during "New Business" in a prior meeting before being placed under "Final Action."

5.1.12 COUNCILMEMBER REPORTS: Councilmembers report on Council committee meetings, other regional meetings, and activities in which they have participated.

5.1.13 STAFF/DEPARTMENT REPORTS. Verbal or written reports are given by staff on issues of interest to the Council that does not require official action that night.

5.1.14 MAYOR/ADMINISTRATIVE STAFF REPORTS: Reports by the Mayor and City Administrator, if any, are made to the Council on issues of interest to the Council that do not require official action. The draft agenda for the next Council meeting is presented at this time, as well.

5.1.15 EXECUTIVE SESSIONS: Executive Sessions may be held during regular, special, or emergency meetings, or may be held as separate meetings. Executive Session subjects are limited to considering matters relating to real property acquisition and sale, public bid contract performance, complaints against public officers and employees, personnel issues, litigation, and other matters authorized by RCW Chapter 42.30. Before convening an Executive Session, the Mayor, or designee, shall announce the purpose of the meeting and the anticipated amount of time needed for the Session. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene and action taken.

5.1.16 ADJOURNMENT: The presiding officer adjourns the meeting after a motion to adjourn is made, seconded, and passed.

5.2 The Mayor, City Council, or City Administrator may add items to an agenda and Council may take action on items not listed on the agenda. (Pursuant to Section 10.1, an addition by City Council must be at the request of at least two Councilmembers.)

[6] Section 12.3: certain "correspondence" is placed under New Business or Final Action, with backup information. See 12.1 - 12.4 for all types of correspondence.

SECTION 6. COUNCIL DISCUSSION

6.1 All Council discussion unless otherwise noted here, shall be governed by ROBERT'S RULES OF ORDER, THE MODERN EDITION.

SECTION 7. TYPES OF COUNCIL ACTION

7.1 The City Council may take action only during an official Council meeting by adopting a minute order, a resolution, or an ordinance. These actions are listed in order of complexity and formality – a minute order is easier to issue and change than an ordinance.

7.2 Minute Order. An adopted motion of the City Council recorded in the official record. A minute order may adopt proclamations of recognition, signify Council's acknowledgement or recognition of staff action, or serve as a marker in the official record documenting Council's deliberations or conclusions. A minute order may be adopted by a majority of those present at a meeting.

7.3 Resolution. An action of the City Council in which Council resolves to direct certain types of action. A resolution may be changed by a subsequent resolution. A resolution may be adopted by a majority of those present at a meeting.

7.4 Ordinances. Ordinances are official acts of the legislative body enacting local law and must receive a minimum of four affirmative votes (see section 8.9). They are the most permanent and binding form of Council actions and may be changed or repealed only by a subsequent ordinance. Ordinances accepting final plats shall be read once before adoption. All other ordinances shall be read two times before adoption unless the Council waives a second reading. Adopting an ordinance on a first reading shall waive the second reading by implication if no express waiver is made.

Ordinances normally become effective five days after publication in the city's official newspaper. If an ordinance is subject to Initiative or Referendum process, there is a thirty-day waiting period. If legally sufficient petitions are filed, the ordinance may be rescinded or subject to a public vote.

The Mayor holds the exclusive power to review and veto Council's ordinances.[7] Ordinances vetoed by the Mayor will be considered by Council in accordance with state law. Five affirmative votes, not including recusals, must be cast by Council members to override the Mayor's veto.

SECTION 8. MOTIONS

8.1 Motions shall be clear and concise and shall not include arguments for the motion within the motion. If a motion does not receive a second it dies.

[7] RCW allows Mayor 10 days from date of passage to veto.

Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.

8.2 After a motion and a second, the presiding officer shall restate the motion, state the names of the Councilmembers making the motion and second, and Council will be given the opportunity to debate prior to the vote. No further citizen comments without Council request or permission may be heard once a motion and second is on the floor.

8.3 A motion may be withdrawn or modified by the maker of the motion, at any time prior to the motion being restated by the presiding officer, without the consent of Council. Once restated, a motion may be withdrawn or modified by the maker only through a request for permission to withdraw or modify, and granted by the Council.

8.4 A motion to “lay on the table” (to set the pending matter aside in order to address an item of immediate urgency or an item which needs to be addressed prior to the pending matter) requires a second and is not debatable. Any member may make a motion to “take from the table” any time during the same meeting, or the next regular meeting, as long as no question is pending. Such an item requires a second and a majority vote of those present. If the item is not taken from the table by the end of the next regular meeting, it shall be considered expired.

8.5 A motion to “postpone to a certain time” requires a second, is debatable, is amendable, and may be reconsidered only at the same meeting. The question being postponed must be considered at that later time.

8.6 A motion to “call for the question” shall close debate on the main motion and is non-debatable. This motion must receive a second and fails without a two-thirds vote of those present. (If 7 Councilmembers are present, then 5 must vote in the affirmative to meet this 2/3 requirement.) Debate is reopened if the motion fails.

8.7 A motion to “amend” is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, or substituting.

8.8 The motion maker, the Mayor, or the City Clerk, should repeat the motion prior to voting. The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or when required by law. At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. A motion that receives a tie vote is deemed to have failed, unless the Mayor chooses to break the tie by casting an affirmative for those items that the Mayor is allowed to break the tie (section 8.12) vote of those present. A Councilmember may choose to abstain from voting on an item; an abstention will not count as a vote in the affirmative or the negative on the question; and will be noted in the minutes accordingly.

8.9 Each member present may vote or abstain on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearances of fairness doctrine as defined by applicable State Law.

Such members shall disqualify themselves prior to any discussions of the matter and shall leave the Council Chambers if considered necessary by the City Attorney. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member absent or who had been disqualified under the appearances of fairness doctrine may subsequently participate provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

8.10 A motion to "reconsider" may be made during the same meeting in which a question has been decided, by any Councilmember who voted in the majority on the question. Such an item requires a second and a majority vote of those present.

8.11 A motion to "rescind" or "amend something previously adopted[8]" at a previous meeting requires a second, is debatable, is amendable, and requires a majority vote with previous notice, and a two-thirds vote without previous notice.

8.12 In accordance with the RCW, the Mayor does not participate in Council votes, unless it becomes necessary to break a tie vote. The Mayor shall not break tie Council votes involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or the payment of money.

8.13 The City Attorney, or City Clerk in absence of the City Attorney, shall decide all questions of interpretations of these policies and procedures and all other questions of a parliamentary nature, which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by ROBERT'S RULES OF ORDER, THE MODERN EDITION. In the event of a conflict, these policies and procedures shall prevail.

8.14 A tie vote, (3-3, 2-2) on an Ordinance or matter requiring four affirmative votes for passage, shall not be final action of the matter voted upon, but shall be deemed to have postponed the matter until the next regular meeting at which all seven Councilmembers are present. Staff will insure that the Ordinance or matter is scheduled for an appropriate agenda.

8.15 A non-tie vote (3-2, 2-3, 3-1, 1-3) which fails for a lack of four affirmative votes, if the matter requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. But, any Councilmember may move to reconsider the matter at the same meeting if all seven Councilmembers are present; or two Councilmembers may request to bring the item back for action at a future meeting where all seven Councilmembers are present.

[8] NOTE: A formal "motion to amend something previously adopted" is unnecessary in order for the City Council to amend previously adopted ordinances, resolutions, plans, policies and similar legislative enactments that have already taken effect.

SECTION 9. COUNCIL MEETING STAFFING

9.1 The City Administrator, or designee, shall attend all meetings of the City Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and may take part in discussions of the Council, but shall have no vote.

9.2 The City Attorney, or designee, shall attend all meetings of the Council unless excused by the Mayor or the City Administrator and shall, upon request, give a legal opinion, either written or oral, on legal questions and matters. The City Attorney, or City Clerk in the absence of the City Attorney, shall act as the Council's parliamentarian. The City Attorney shall refrain from providing personal opinions or recommendations unless specifically requested.

9.3 The City Clerk, or designee, shall attend all regular meetings of the City Council, keep the official records and minutes, and perform such other duties as may be needed for the orderly conduct of the meeting. The City Clerk shall attend other meetings when requested by the Mayor, the City Administrator, or City Council.

SECTION 10. AGENDA PREPARATION[9]

10.1 The City Administrator, or designee, with the approval of the Mayor, will prepare an agenda for each Council meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. An item may be placed on the agenda by the Mayor, the City Administrator, a Department Head, with the concurrence of the City Administrator, or at the request of at least two Councilmembers. During the meeting subject to the agenda, Council members may by majority vote modify the agenda, including additions and deletions, to the extent authorized by law.

The City Administrator, presiding officer, or designee shall present the agenda for the next meeting.

10.2 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time. However, legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items that have been scheduled for convenience rather than for statutory or other legal reasons.

10.3 The City will endeavor to schedule sufficient time between public hearings and other items so the public is not kept unduly waiting and so the Council will have sufficient time to hear testimony and to deliberate matters among themselves.

10.4 Public hearings will be scheduled as needed.

10.5 To the extent possible, agenda items continued from one meeting will have preference on the next agenda.

[9] The City Administrator establishes guidelines and deadlines for submitting items to administer this process.

10.6 The City Administrator, or designee, shall attempt to have the meeting agenda finalized by 12:00 PM on the Friday prior to the Council meeting. The agenda and available documents will be made available to Council Members, the media and the public on the City Website.

SECTION 11. PRESENTATIONS TO COUNCIL

11.1 Remarks made to Council should address the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, disruptive, or personally abusive may be requested to leave the meeting.

11.2 The presiding officer has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council. The presiding officer may command assistance of any peace officer to enforce all lawful orders of the presiding officer to restore order at any meeting.

11. 3 Citizens wishing to address complaints, concerns or questions to the City Council are encouraged to first contact the City Administrator or can, however, contact the City Council directly. If the issue is not resolved at the staff level, the City Administrator may place the matter on a council agenda with the appropriate background information.

SECTION 12. APPEALS BEFORE COUNCIL

12.1 Purpose; Scope. The purpose of this Section 12 is to establish rules governing certain administrative appeals before the City Council. The provisions of this section apply exclusively to appeals for which: (i) the City Council has been designated as the appellate venue by ordinance, and (ii) the specific procedures for which are not set forth in the MMC or other ordinance. Without limitation of the foregoing, the following procedures shall expressly not apply to appeals within the scope of Chapter 21.50 MMC or Chapter 21.60 MMC.

12.2 Construction. The provisions of this Section 12 are intended to supplement, and not contradict or supersede, the applicable provisions of the MMC and other City ordinances. To the extent that the provisions of this Section 12 are inconsistent with any applicable provision of the MMC or other ordinance, the MMC or ordinance provision shall control.

12.3 Commencing an appeal.

12.3.1 Who may appeal. Standing to file an administrative appeal to the City Council shall be limited to those parties authorized by ordinance.

12.3.2 Form of appeal. Except as otherwise provided by ordinance, an appeal shall be submitted to the City Clerk's Office in writing and shall set forth:

12.3.2.l Facts demonstrating that the person is adversely affected by the challenged administrative decision;

12.3.2.2 A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the challenged administrative decision fails to satisfy the applicable decision criteria;

12.3.2.3 The specific relief requested.

12.3.3 Time to Appeal. Except as otherwise provided by ordinance, the written appeal must be received by the Monroe City Clerk's Office no later than 5:00 p.m. on the fourteenth day following the issuance date of the decision being appealed.

12.4 Appeal Proceeding Before Council.

12.4.1 Scheduling/Notice. Following receipt of a written appeal, staff shall schedule the appeal hearing to occur before the City Council at a meeting within 30 days as an action item under New Business and shall provide written notice to the parties to the appeal.

12.4.2 Types of Appeals. Any appeal from an administrative decision for which there has already been an open-record hearing or similar evidentiary proceeding as part of the underlying administrative process shall be a closed-record appeal. All other appeals shall be open-record appeals.

12.4.3 Submission of Written Materials.

12.4.3.1 For open-record appeals, all evidence, written statements, and identification of witnesses to be called at the hearing (if appropriate) from the parties to the appeal shall be submitted to the City Clerk's Office 7 working days prior to the scheduled appeal hearing.

12.4.3.2 For closed-record appeals, staff shall provide the City Council with a copy of the administrative record underlying the challenged decision 7 working days prior to the hearing date. Any written statements from the parties shall be submitted to the City Clerk's office 7 working days prior to the hearing date. No information, evidence, or facts shall be cited to or considered by the City Council unless the same is contained within the administrative record.

12.4.4 Conduct of the appeal proceeding.

12.4.4.1 Who may participate: Only the appellant, the owner(s) of property subject to the underlying application or decision (if different from the appellant), and the respondent (typically City staff), or the

representatives of these parties, may participate in the appeal hearing. Provided, that properly identified witnesses may testify in open-record appeal hearings.

12.4.4.2 Issues. The City Council shall limit its consideration to those alleged errors clearly identified in the appellant's original written appeal.

12.4.4.3 Appeal proceeding sequence of events.

12.4.4.3.1 The presiding officer will introduce the matter being heard, review the applicable rules of procedure, and address the appearances of fairness doctrine.

12.4.4.3.2 Appellant Testimony. The appellant shall be given 15 minutes to present oral argument to the City Council. For open-record appeals, any presentation of witnesses shall occur within this timeframe. (New information, evidence or facts is only allowed for open-record appeals).

12.4.4.3.3 Respondent Testimony. The respondent shall be given 15 minutes to present oral argument to the City Council. (New information, evidence or facts is only allowed on open record appeals).

12.4.4.3.4 Rebuttal testimony. Appellant shall be given 5 minutes for rebuttal.

12.4.4.3.5 Questions from the hearing body. The City Council may ask clarifying questions of the parties at the close of testimony.

12.5 City Council Decision on Appeal.

12.5.1 Standards. The City Council may grant the appeal, grant the appeal with modifications, or deny the appeal. The Council's review shall be de novo, and no presumption of validity shall attach to the challenged administrative decision.

12.5.2 Conditions. The City Council may impose reasonable conditions as part of the granting of an appeal or granting of an appeal with modification to reasonably ensure conformance with the criteria under which the application was made.

12.5.3 Findings. The City Council shall adopt written findings and conclusions which support its decision on the appeal. The City Council shall reasonably endeavor to adopt such findings and conclusions within 14 working days of the appeal hearing. The City Council's written findings and conclusions shall

serve as the City's final, appealable decision with respect to the matter at issue.

12.5.4 Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote unless a different vote requirement is established by ordinance or law. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

SECTION 13. WRITTEN CORRESPONDENCE WITH THE COUNCIL

Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Monroe residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. Documents received from citizens will not be read into the record by City Officials or staff but rather filed as part of the record. They may however be read into the record by the author or the author's designee, subject to the applicable speaking time limitations established by these Rules of Procedure.

One concern is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section.

13.1 Correspondence of an Information Only nature – correspondence which is purely of an informational nature and does not require a response or action and Routine Requests – items of a routine nature (minor complaints, routine requests, referrals, etc.) will be transmitted to the Councilmembers either by e-mail, a hard copy in their City mailbox, or a hard copy distributed at the Council meeting.

13.2 Significant Correspondence – Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed on the regular council agenda, either under New Business or if appropriate, Final Action, and shall be accompanied by backup information as are all other agenda items.

13.3 Correspondence Directly Relating to Pending Quasi-Judicial Hearing Matters – Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its

quasi-judicial consideration, and as a part of the hearing course. PROVIDED, that such materials shall not be circulated to Councilmembers where the pending quasi-judicial matter is a closed record proceeding.

SECTION 14. RESPECTING ROLES AND RESPONSIBILITIES

14.1 The City Council and the Mayor shall continue to demonstrate their mutual respect of each other's respective roles and responsibilities. The Mayor acknowledges the Council as the policy making body for the City and the Council acknowledges the Mayor as the City's Chief Administrative Officer responsible for implementing Council's policies.

14.2 The Mayor shall refer policy questions to the City Council and shall endeavor to fully and completely implement Council's policy decisions and legislative directives.

14.3 Councilmembers shall not attempt to influence staff in the selection, or direction of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating rules and practices of any city department. Councilmembers are not prohibited from discussing policy issues, requesting information from or asking questions of the Mayor or City Administrator.

SECTION 14A. COUNCIL LEGISLATIVE COMMITTEES

14A.1 Purpose. The purpose of a council legislative committee is to formulate policy recommendations and gather policy information for the City Council in order to provide for more efficient and effective use of City Council meeting time. Committees will address issues assigned to them by the City Council. The committees are not intended to oversee or interfere with the administration.

14A.2 Staffing. Administrative support to and attendance of committees is provided at discretion of the Mayor. The Mayor or City Administrator may participate as an ex-officio member of each committee. Meeting agendas, if any, and committee minutes, and committee reports may be prepared by staff if directed by the Mayor and requested by the committee.[10]

14A.3 Committees Established. A council legislative committee shall consist of up to three council members with two making a quorum. Legislative committees have the following functions:

A. Transportation/Planning, Parks & Recreation, and Public Works (P3) Committee. The primary purpose of the P3 committee is to review and advise upon matters of policy assigned by the City Council involving the physical and economic development of the city as well as matters involving planning for transportation

[10] Minutes required, see Sec. 13A.5.

systems and facilities, as well as City infrastructure, and including water and sewer utilities, parks and recreation, and property management, sales, and acquisitions.

B. Public Safety Committee. The primary purpose of the Public Safety Committee is to review and advise upon matters of policy assigned by the City Council involving public health, welfare, and safety; including issues related to police, emergency management, public defense and prosecution, municipal court, nuisance abatement, and code enforcement issues.

C. Finance and Human Resources Committee. The primary purpose of the Finance and Human Resources Committee is to review and advise upon on matters of policy assigned by the City Council involving city financial affairs, including budget development goals and major financial policies such as reserves and fund balance levels, grants and Interlocal Agreements, personnel matters (e.g. union negotiations, employee benefits), and approval of warrants.

D. Legislative Affairs Committee: The primary purpose of the Legislative Affairs Committee is to review and advise upon legislative matters at county, state, and federal levels of interest to the City Council; and City Council policies and procedures.

14A.4 Performance of Tasks. The committees created in this chapter shall perform such tasks in line with the subjects described in Section 13A.3, or as may be referred to them by the Council. Committee functions are to be flexibly applied and issues such as committee workload and member expertise may be as important as or more important than committee function in assigning tasks to committees. The committees shall not preclude the Council from creating any other ad hoc or other committee with similar functions.

14A.5 Committee Minutes and Reports. Committee minutes shall be written, including time, date, and location of meeting, attendance, topics discussed, and any reports to council. Committee reports should be very brief, giving subject matter and date(s) during which subject was discussed. Reminders of upcoming Committee meeting dates may be given, but are not considered “reports”.

14A.6 Assignment of Members - Chairperson. Councilmembers shall be assigned to a committee as determined by the city council annually in January. A chairperson for each committee shall be selected by the committee members to preside over committee meetings. After January assignments have been made, the committees shall discuss and establish regular meeting dates, which are open to the public as required by the Open Public Meeting Act, Chapter 42.30 RCW.

SECTION 15. REPRESENTING THE POSITION OF THE CITY

15.1 If a Councilmember or the Mayor appears on behalf of the City before another Governmental Agency, a community organization or the media for the purpose of commenting on an issue, the majority position of the Council, if known, is to be stated. Personal opinions and comments which differ from the Council majority

may be expressed if it is clearly stated the comments do not reflect the majority Council position.

15.2 A Councilmember's concurrence shall be obtained before a second party shares that Councilmembers view or position with the media, another governmental agency, or a community organization.

15.3 Letters, written statements, newspaper, guest opinions, etc., which state a Council opinion shall be submitted to the full Council for review, comment, and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

SECTION 16. CONFIDENTIALITY

16.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive sessions to ensure that the City's position is not compromised. Confidentially also includes information provided to Councilmembers outside of executive sessions when the information is considered to be exempt from disclosure under exemptions set forth in the RCW.

16.2 If the Council, in executive session, has given direction or consensus to city staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated city staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the Mayor, the City Attorney, or staff designated by the City Administrator, Councilmembers should review such potential discussion with the City Administrator or City Attorney. Any Councilmember having such contact or discussion is to make a full disclosure to the Mayor or City Council in a timely manner.

SECTION 17. SUSPENSION AND AMENDMENT OF RULES

17.1 Any provision of these rules not governed by state law or ordinance may be temporarily waived suspended by a majority vote of the Council, except as otherwise specified in these rules or required by law. Any formal action of the City Council in violation or disregard of these rules shall be deemed as an implied waiver thereof.

17.2 These rules may be amended or new rules adopted, by a majority vote of the Council.

SECTION 18. EFFECT OF RULES

18.1 These rules are for the sole convenience of the City Council, and may only be enforced by Council Members. Nothing in these rules shall be construed as creating any enforceable right, entitlement, or cause of action in or for any other party.

18.2 If any sentence, clause or provision of these rules irreconcilably conflicts with an applicable provision of state or federal law or is otherwise invalidated by a court of competent jurisdiction, the offending sentence, clause or provision of these rules shall be severable from the remainder.

NOTE: Last revision – AB19-070, Approved March 26, 2019.