

RESOLUTION NO. 2015-07

A RESOLUTION of the City Council of the City of Lakewood, Washington, approving and authorizing an amendment to the City Council Rules of Procedure.

WHEREAS, in connection with the need of the City Council of the City of Lakewood, Washington to provide for the orderly handling of its business, the City Council has developed Rules of Procedure, adopted by Resolution No. 1995-26 and amended by Resolution 1996-24, 2004-22, 2007-04, Resolution 2008-06 and Resolution 2012-24; and,

WHEREAS, the Rules of Procedure which the City Council developed address a number of issues involved in handling business coming before the City Council and in processing agenda items at City Council meetings in a way that provides consistency and clarity in handling City Council action; and,

WHEREAS, since the adoption and implementation of the Rules of Procedure, it has been suggested that some areas of the rules could be refined to further enhance the consistency, clarity and understanding of City Council action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

- Section 1. That the City Council Rules of Procedure are hereby amended as reflected in the document marked as Exhibit "A," a copy of which is attached hereto, and incorporated herein by this reference.
- Section 2. That this Resolution shall be in full force upon passage and signatures hereon.

PASSED by the City Council this 2nd day of March, 2015.

CITY OF LAKEWOOD

Attest:

Don Anderson, Mayor

Alice M. Bush, MMC, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney



CITY COUNCIL RULES OF PROCEDURE

Adopted December 18, 1995
Amended July 15, 1996
Amended October 4, 2004
Amended March 5, 2007
Amended February 19, 2008
Amended July 16, 2012
Amended March 2, 2015

**CITY OF LAKEWOOD
COUNCIL RULES OF PROCEDURE**

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RULES OF PROCEDURE

CITY COUNCIL OF LAKEWOOD

SECTION 1 - AUTHORITY

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

SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.¹

The City Clerk shall be responsible for preparing agendas for all City Council meetings.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.1 Regular Meetings

The regular meetings of the City Council shall be held on the first and third Mondays of every month at sites designated by action of the City Council, in Lakewood, Washington. Regular meetings are the formal meeting of the City Council held for the purpose of conducting business, passing legislation and authorizing action by the City.

2.2 Study Sessions

Study Sessions shall constitute regular meetings pursuant to the Open Meetings Act, but shall not be considered regular meetings for the purposes of RCW 35A.12.060. Study Sessions shall be held on the second and fourth Mondays of every month at sites designated by action

1. RCW 42.30.140 sets out four situations where a governing body may meet and not be subject to the OPMA. The most common is 42.30.140(a) Collective Bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the implementation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

of the City Council. Study Sessions will be informal meetings for the purpose of discussing, investigating, reviewing or studying matters of City business with City staff for informational purposes.

Regular Council meetings and Study Sessions will begin at the hour of 7:00 p.m.

If any Monday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday.

A quorum shall constitute four or more Councilmembers present for the transaction of business. Attendance and/or voting by telephone or video conference may be allowed by request in extenuating circumstances including but not limited to physical incapacity or travel.

No final action can be conducted at a Study Session.² Decisions on those issues requiring a vote will be scheduled for a Regular or Special Council meeting. The Council can, in a Study Session, provide feedback and direction to the City Manager, as needed for staff to implement properly the will of the Council. Matters requiring a vote after consideration at a Study Session may be placed on the Consent Agenda.

The seating arrangement for the Council shall be by position number beginning with the lowest number from right to left as viewed from behind the dais except for the positions of Mayor and Deputy Mayor. The Mayor will be seated in the center with the Deputy Mayor seated to the Mayor's left.

Verbatim transcripts of any part or portion of the proceedings shall be made a part of the written minutes only when authorized by a majority vote of the entire Council made at the meeting or study session wherein such request for a verbatim report is made.

2.3 Special Meetings

A Special Meeting is any Council meeting other than the Regular Council meetings or Study Sessions. A Special Council meeting may be scheduled by the City Manager or Mayor at the request of a majority of the Councilmembers upon notification to the City Manager or City Clerk. Notice of special meetings shall comply with the law of the State of Washington in effect at the time of the meeting.

2. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. 'The Open Public Meetings Act- How it Applies to Washington Cities, Counties, and Special Purpose Districts', citing RCW 42.30.020 (3) at page 6, MRSC Report No. 60, revised, June 2014.

2.4 **Emergency Meetings**

An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Manager or the Mayor without the minimum 24 hours advance notice that would otherwise apply.

2.5 **Executive Sessions**

An Executive Session is that part of a Council meeting that is closed except to the City Council, City Manager, and authorized staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive sessions may be held during Regular, Study Sessions, or Special Council meetings and will be announced by the Mayor. Executive session subjects are limited to State law.

Before convening an Executive Session, the Mayor or Chair shall announce the purpose of the meeting, cite and announce the exemption to which the purpose applies and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the meeting is being extended.³

All matters discussed in an Executive Session are strictly confidential. RCW 42.23.070 prohibits disclosure of confidential information learned by reason of the official position of a City officer.

2.6 **Cancellation of Meetings**

Meetings may be canceled by the Mayor or a majority vote of the Council and proper notice given by the City Clerk.

3. RCW 42.30.110 Executive Sessions.

SECTION 3 - ORDER OF BUSINESS OF REGULAR MEETING COUNCIL AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 3:00 p.m. on the Tuesday preceding each regular Council meeting. The City Clerk and City Manager shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

An item may be placed on a Council meeting agenda by any of the following methods:

1. Council consensus is defined to be general agreement as determined by the Mayor.
2. By the City Manager.
3. By the Mayor.
4. By any two (2) Councilmembers.

The agenda format of the Regular City Council meeting shall be as follows except that if an agenda section contains no scheduled items, that section will be deleted from a particular agenda.

3.1 Call to order

The Mayor shall call the meeting to order. Councilmembers may request to be excused from a meeting for bonafide reasons, by requesting the same of the Mayor and so notifying the City Clerk.

3.2 Roll call

The City Clerk will call the roll.

3.3 Pledge of Allegiance

Councilmembers and, at times, invited guests will lead the Pledge of Allegiance to the Flag.

3.4 Proclamations and Presentations

A proclamation is defined as an official announcement made by the Mayor or the City Council.

City Council proclamations are made for the purpose of recognition of an individual, group or event. City Council Proclamations shall be publicly read at a City Council meeting and presented to a representative(s) of the event during the Council meeting.

Mayor's Proclamations are made for the purpose of recognition of an individual, group or event and which are typically requested by and for a special interest group within the City. Mayor's Proclamations are signed by the Mayor and forwarded to a representative of the event.

The Mayor and City Manager shall determine if the Proclamation request is for a City Council Proclamation or a Mayor's Proclamation.

A presentation is defined as an official report presented by an individual(s) and/ or special interest group at a City Council meeting. This may also include specific items brought forward at the request of the City Manager in order to properly brief the City Council and public about City business and/or matters of public concern.

3.5 Public Comments

Members of the audience may comment on items relating to any matter related to City business under the "Public Comments" period. Comments are limited to three (3) minutes per person. Groups who have at least three members present at the meeting may designate a speaker who may have a total of ten (10) minutes to speak on behalf of the group. The Mayor shall determine the overall amount of time set for "Public Comments." Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper.

In addressing the Council, each person should stand, and after recognition, move to the podium, give his/her name and address, and unless further time is given by the presiding officer, shall limit his/her comments to three minutes. All remarks shall be made to the Council as a body and not to any individual member.

No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

3.6 Consent Agenda

Approval of the Consent Agenda is considered to be routine and non-controversial, may be approved by a majority vote after a motion and a second. Items on the Consent Agenda include but are not limited to the following:

- a. Approval of minutes.
- b. Fixing dates for public hearings.
- c. Fixing dates for hearings on appeals.
- d. Approval of claims and vouchers, bid awards and contracts.
- e. Approval of final plats.
- f. Passage of resolutions and/or ordinances which the City Council has given direction to place on the consent agenda.
- g. Items Filed in the Office of the City Clerk (minutes and/or reports of Committees, Boards and Commissions).
- h. Appointments of individuals to committees, boards and commissions.
- i. Other items designated by the City Council.

Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

3.7 Regular Agenda

3.8 Public Hearings and Appeals

3.9 Ordinances

All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council, unless requested by a majority of the Council, or requested by the City Manager or City Attorney.

Ordinances will be introduced and enacted by an Ordinance Number.

The City Clerk or designee shall read the title of the ordinance prior to voting unless the ordinance is on the Consent Agenda.

Upon enactment of the ordinance, the City Clerk shall obtain the signature of the City Attorney and the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.

Ordinances, or ordinance summaries, shall be published in the official newspaper as provided by law.

3.10 Resolutions

Introduction, reading by agenda title and voting upon resolutions. A resolution is adoption of a City policy or decision.

3.11 Unfinished Business

Motions and other unfinished business of a general nature.

3.12 New Business

Motions and business which has not previously been before the City Council.

3.13 Reports by the City Manager

The City Manager may update Councilmembers on current issues or items of Council interest.

3.14 City Council Comments

The Mayor and Councilmembers may take this opportunity to make comments, extend compliments, express concerns, report to the Council as Board, Committee and Commission liaisons, or make announcements concerning any topic they wish to share.

3.15 Adjournment

Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

SECTION 4 – ORDER OF BUSINESS OF COUNCIL STUDY SESSION AGENDA

- 4.1 Call to Order**
- 4.2 Items for Discussion**
- 4.3 Reports by the City Manager**
- 4.4 City Council Comments**
- 4.5 Adjournment**

SECTION 5 - COUNCILMEMBER ATTENDANCE AT MEETINGS

Councilmembers will inform the Mayor, City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence. Attendance at Council Study Sessions are not mandatory and will not be considered for purposes of RCW 35A.12.060.

SECTION 6 - PRESIDING OFFICER - DUTIES

6.1 Conduct of Meetings

The Presiding Officer at all meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. In the absence of the Mayor appointing a temporary Presiding Officer, if both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

6.2 The Presiding Officer:

- a. Shall preserve order and decorum at all meetings of the Council and to cause the removal of any person from any meeting for disorderly conduct;
- b. Shall observe and enforce all rules adopted by the Council;
- c. Shall decide all questions on order, in accordance with Roberts Rules of Order or, if not applicable, with these rules, subject to appeal by any Councilmember;
- d. Shall recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have

only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers;

- e. May affix approximate time limit for each agenda item;
- f. When matters on the agenda are placed under more than one classification, as defined by "Order of Business," and involve or are closely related to the same subject matter, then and in that event, the Presiding Officer may, within the presiding officer's discretion, without the necessity of any vote thereon, consider and vote on all of such matters, notwithstanding their different places on the agenda.

SECTION 7 - COUNCILMEMBERS

7.1 Speaking

Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate and avoid repetitive discussion or arguments.

7.2 Questioning

Any member of the Council, including the Presiding Officer, shall have the right to question an individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual.

7.3 Conflict of Interest

Councilmembers are subject to the provisions of the City of Lakewood's Code of Ethics and should refer to that document in questions of Conflict of Interest.

SECTION 8 - DEBATES

8.1 Interruption

No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 6.2a of these rules.

8.2 Courtesy

All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge with insinuations in respect to any other 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 to the question or matter under discussion.

8.3 Transgression

If a member of the Council shall transgress these rules on debates, 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 on debate 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.

8.4 Challenge to Ruling

Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

8.5 City Manager

The City Manager shall have the right to enter into a discussion of any matter coming before the City Council.

SECTION 9 - PARLIAMENTARY PROCEDURES AND MOTIONS

Questions of parliamentary procedure, not covered by these rules, shall be governed by Robert's Rules of Order.

SECTION 10 - VOTING

10.1 Voice Vote

A generalized verbal indication by the Council as a whole of “yea” or “nay” vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side. Each member present must vote on all questions before the Council and may abstain only for reasons acceptable to a majority of the Council such as stated conflict of interest of an issue of appearance of fairness.

SECTION 11 - PUBLIC HEARINGS AND APPEALS

Although a public hearing is also a public meeting, or occurs in the context of a public meeting, the main purpose of most public hearings is to obtain public testimony or comment. Comment may be taken by live testimony or in writing as provided in the public notice. A public hearing must be held when specifically required by law. A public hearing may also be held when the City desires public input on a particular matter.

SECTION 12 - MAYOR/DEPUTY MAYOR/COUNCILMEMBER PRO TEMPORE SELECTION PROCESS

Biennially at the first regularly scheduled meeting in January, the Councilmembers shall choose by majority vote, a chairperson from among themselves, and such person shall be titled Mayor. The Mayor shall continue to have all rights, privileges and immunities of a member of the Council and shall serve for a two-year term.

Biennially at the first regularly scheduled meeting in January, the Councilmembers shall choose a Deputy Mayor from the members thereof, by majority vote. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.

In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

SECTION 13 - COUNCIL POSITION VACANCY

In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety day period, the Mayor may make the appointment from

among the persons nominated by members of the Council.

SECTION 14 - COUNCIL MEETING STAFFING

14.1 City Manager

The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting. The City Manager shall notify Council who will be the Acting City Manager in his/her absence.

14.2 City Attorney

The City Attorney shall attend all meetings of the Council unless excused, and shall upon request; give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Acting City Attorney shall attend meetings when the City Attorney has been excused.

14.3 City Clerk

The City Clerk, or designee, shall attend all meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

SECTION 15 - COUNCIL RELATIONS WITH STAFF⁴

There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting. City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.

All written informational material requested by individual Councilmembers shall be transmitted after approval of the City Manager, to all Councilmembers. RCW 35A.13.120 prohibits any Councilmember from directing staff in any way.

Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

4. RCW 35A.13.120 City Manager – Interference by councilmembers.

Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.

No Councilmember shall direct the City Manager to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.

Individual requests for information can be made to the City Manager with a copy to the appropriate Department Director. If the request has any potential to create a change in work assignments or City staffing levels, the City Manager may refer the individual Councilmember to the full Council.

Council shall direct citizen inquiries to the City Manager for referral to the appropriate department(s) for a response. The City Manager shall keep the Council informed on the disposition of citizen inquiries.

SECTION 16 - COUNCIL REPRESENTATION

If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember must state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.

Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.

SECTION 17 - CONFIDENTIALITY

Councilmembers must keep confidential information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington. Any and all requests for public disclosure must be reviewed by the City Attorney.

SECTION 18 –ELECTRONIC MEDIA AND COMMUNICATION

Councilmembers shall use their assigned City email address/account for receiving and sending email on City business matters and use their personal email address for personal mail.

Councilmembers shall not use their email accounts to deliberate, discuss, consider, review, evaluate and take final actions, as amongst themselves, on any official business of the City.

Emails which request a Councilmember's attendance at a public event, or which may be potentially deliberative shall be forwarded to the City Manager's Office for distribution to the Council and/or placed on the Council's agenda, as appropriate.

City Council Rules of Procedure:

Adopted December 18, 1995	Resolution No. 1995-26
Amended July 15, 1996	Resolution No. 1996-24
Amended October 4, 2004	Resolution No. 2004-22
Amended March 5, 2007	Resolution No. 2007-04
Amended February 19, 2008	Resolution No. 2008-06
Amended July 16, 2012	Resolution No. 2012-24
Amended March 2, 2015	Resolution No. 2015-07