



# CITY COUNCIL

## AGENDA BILL # AB22-0065

City of Algona  
200 Washington Blvd.  
Algona, WA 98001

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Resolution 1254-23, Council Rules of Procedure</b>	<b>Agenda Date: February 13<sup>th</sup>, 2023</b>		
	Department/Committee/Individual	Created	Reviewed
	Mayor		
	City Administrator		X
	City Attorney	X	X
	City Clerk		x
	Finance Dept		
	PW/Utilities		
	Planning Dept		
	Community Services		
	Police Dept		
	<b>Cost Impact:</b>	Finance Committee	
<b>Fund Source:</b>	Planning Commission		
<b>Timeline: 1<sup>st</sup> review – 2/13/23</b>	Civil Service Committee		
<b>Staff Contact: Jessica Griess, City Clerk; James Schripsher, Acting City Administrator</b>			
<b>Attachments: Resolution 1254-23; Draft – Council Rules of Procedure</b>			
<b>SUMMARY STATEMENT:</b> It has been the interest of the Council and Mayor to have rules of procedures for reference. The attached draft Council Rules of Procedure has been prepared by the City Attorney, Zach Lell. The following topics need input before a final draft is completed:			
<ul style="list-style-type: none"> <li>▪ How to address the Council's current three-touch rule. (The current draft refers to it and adopts it by reference.)</li> <li>▪ The order of business at regular meetings.</li> <li>▪ The timeframes and other parameters for citizen comments outside of a public hearing.</li> <li>▪ Whether to allow abstentions, and – if so – what their legal effect should be. (There is a wide range of opinion and approaches regarding this point.)</li> <li>▪ The authority for, and process of, setting the preliminary agenda.</li> <li>▪ Whether and to what extent the rules should address the conduct and operations of Council committees.</li> <li>▪ The manner of and parameters for remote participation by the public in order to comply with recent amendments to the OPMA.</li> <li>▪ The manner of and parameters for remote participation by Council Members.</li> <li>▪ How to address excused absences.</li> <li>▪ Whether to authorize the City Clerk to make minor, non-substantive corrections to approved ordinances, resolutions, etc.</li> </ul>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>			
<b>RECOMMENDED ACTION:</b>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date:</i>	<i>Action:</i>	<i>Vote:</i>	

**CITY OF ALGONA  
RESOLUTION NO. 1254-23**

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ALGONA, WASHINGTON, ADOPTING THE ALGONA CITY  
COUNCIL RULES OF PROCEDURE**

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WHEREAS, the City Council is authorized by applicable state law, including without limitation Chapter 35A.12 RCW and Chapter 42.30 RCW, to adopt its own rules of procedure to govern the conduct of City Council meetings; and

WHEREAS, the City Council has recently amended Chapter 2.04 AMC to provide for the adoption and periodic amendment of such rules of procedure by Council resolution; and

WHEREAS, adoption and implementation of the Rule of Procedure set forth herein will serve the public interest by facilitating the orderly and efficient conduct of City Council meetings;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Rules of Procedure Adopted. The City Council hereby adopts the *Algona City Council Rules of Procedure* attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full.

Section 2. Effective Date. This resolution shall take effect immediately upon passage.

PASSED by the City Council of the City of Algona, at its regular meeting thereof this \_\_\_\_\_ day of January, 2023.

CITY OF ALGONA, WASHINGTON

\_\_\_\_\_  
Troy Linnell, Mayor

(SEAL)

ATTEST:

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Jessica Griess, City Clerk

## Exhibit A

**Exhibit "A"**  
**Resolution No. 1254-23**

# **ALGONA CITY COUNCIL RULES OF PROCEDURE**

# **RULES OF PROCEDURE**

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

### **1. GENERAL RULES**

- 1.1 MEETINGS TO BE PUBLIC:** All meetings of the Council shall be open to the public with the exception of executive sessions and closed sessions for certain limited topics as authorized by Chapter 42.30 RCW and/or other applicable law. The minute book shall be open to public inspection.
- 1.2 QUORUM:** Three Councilmembers shall be in attendance to constitute a quorum and shall be necessary for the transaction of business. If a quorum is not present, either in person or remotely as provided herein, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.
- 1.3 ATTENDANCE, EXCUSED ABSENCES:** RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The Member shall contact the Chair or City Clerk and state the meeting date and the reason for the absence. The City Clerk shall route a notice explaining the absence to all other Councilmembers in advance of the meeting at which the absence will occur. The Councilmembers present at the meeting will vote on whether to excuse the absence. A Member's absence shall not be deemed excused unless a majority of Councilmembers present at such meeting affirmatively vote to excuse the absence.
- 1.4 REMOTE ATTENDANCE:** From time to time, it may not be possible for a Councilmember to physically attend a City Council meeting due to illness, travel, family commitments, or other reason. In such limited instances, the City would benefit by such Councilmember's participation by means of remote participation. 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) Notice of a Member's intent to attend a meeting remotely shall be given in advance of the meeting to the City Clerk.

(b) The City Clerk shall ensure that satisfactory equipment is available to accommodate the Councilmember's remote attendance at a meeting. Satisfactory equipment shall mean any telephone, computer, 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. The Councilmember shall coordinate with the City Clerk as reasonably necessary to conduct a technical transmission check-in prior to the meeting for the purpose of verifying the functionality of the device.

(c) During any meeting that a Councilmember is attending via remote communication, the Chair shall state for the record that a particular Councilmember is attending via remote communication.

(d) Councilmembers attending via remote communication may participate and vote during the meeting as if they were physically present at the meeting.

(e) Councilmembers attending via remote communication shall comply with all rules and procedures as if they were physically present at the meeting and shall normally listen in a "mute" status until ready to individually speak.

(f) In the case of executive or closed 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 and confidentiality of such remote communications.

(g) Except as otherwise provided by law, remote participation by Councilmembers shall not alter the requirement that the meeting also have a physical location where members of the public may attend in person.



(h) Following a declaration of emergency, the Council may conduct an entirely remote meeting to extent authorized by Chapter 42.30 RCW.

- 1.5 MEETING MINUTES:** The City Clerk shall maintain a record of the proceedings of all Council meetings as required by RCW 42.30.070 and RCE 35A.12.110.
- 1.6 RIGHT OF FLOOR:** Any Councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.
- 1.7 RULES OF ORDER:** Robert's Rules of Order, most recent edition, shall be the guideline procedures for the proceedings of the Council. In the event of an irreconcilable conflict between Robert's Rules of Order and these rules, these rules shall apply to the extent of such conflict.
- 1.8 COUNCIL COMMUNICATION AND BALLOT ENDORSEMENTS:**
- (1) Any time Councilmembers communicate with the public, they shall include a disclaimer that they are speaking only for themselves and not speaking for any other member or the Council as a whole. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that the statements do not represent the Council's or City's official position.
  - (2) The Council, as a whole, will not endorse those measures placed on a ballot for the vote of the people except as authorized by RCW 42.17A.555. Individual endorsement of such measures by individual Councilmembers shall only be made and stated in the Member's capacity as a private citizen.
- 1.9 VIOLATION OF CITY ORDINANCES:** Councilmembers concerned with an alleged violation of a City ordinance shall refer such alleged violation to the Mayor and/or the appropriate department head. Individual Councilmembers shall not act as an enforcement agent for the City.
- 1.10 RULES OF PROCEDURE REVIEW:** The City Clerk shall schedule a workshop to review Council's Rules of Procedure during January of every even-numbered year or at such time as deemed necessary and appropriate.

## 2. TYPES OF MEETINGS

- 2.1 REGULAR COUNCIL MEETINGS:** The Council shall meet on the second and fourth Mondays of each month at 7:00 PM. When a regular Council meeting falls on a holiday, the meeting shall be held on the next business day. Provided, that the Council may in its discretion cancel the meeting, or may determine an alternate day for the meeting, in which case the rescheduled meeting shall be a special meeting. The location of the meetings shall be the Council Chambers at Algona City Hall, unless specified otherwise by a majority vote of the Council.
- 2.2 SPECIAL MEETINGS:** Special meetings may be called by the Mayor or any three (3) members of the Council. The City Clerk shall prepare and issue a notice of the special meeting in accordance with RCW 42.30.080 stating the time, place and business to be transacted. The City Clerk shall notify each member of the Council personally, by mail, by fax, or by electronic mail, at least 24 hours in advance of the special meeting. The City Clerk shall also give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the Clerk a written request to be notified of special meetings. Notice of the meeting shall also be posted on the City's website and prominently displayed at the front entrance of City Hall. The Council may not make final disposition on any matter not mentioned in the notice. The requirements of this section may be dispensed with in the case of an emergency pursuant to RCW 42.30.070.
- 2.3 CONTINUED AND ADJOURNED SESSIONS:** Any meeting of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.
- 2.4 WORKSHOPS:** The Council shall meet on the second and fourth Mondays of each month at 6:00 PM for workshop meetings to review forthcoming and/or current programs of the City, receive progress reports on current programs or projects, and receive other similar information from department heads. Such workshops held at 6:00 PM on the second and fourth Mondays of each Monday shall be considered regular meetings. The Council may from time to time also schedule workshops to be held on other dates and times as special meetings.

- 2.5 EXECUTIVE SESSIONS:** Executive sessions may be held during any regular or special meeting of the Council in accordance with RCW 42.30.110, as applicable. Before convening in executive session, the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair. The announced purpose of the executive session shall be entered into the minutes for the meeting.
- 2.6 CLOSED SESSIONS:** Closed sessions may be held at any time, including without limitation during any regular or special meeting of the Council in accordance with RCW 42.30.140, as applicable.
- 2.7 ATTENDANCE OF MEDIA AT COUNCIL MEETINGS:** All 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 meeting.
- 2.8 COUNCIL LIAISONS:** Councilmembers are assigned to various outside agencies to serve as the liaison for the City. Liaisons shall attend the outside agency's meetings regularly and report back to the Council.

### **3. CHAIR AND DUTIES**

- 3.1 CHAIR:** The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor the Council shall appoint a Member to serve as temporary Chair.
- 3.2 CALL TO ORDER:** Meetings of the Council shall be called to order by the Chair.
- 3.3 PRESERVATION OF ORDER:** The Chair shall preserve order and decorum, prevent attacks on personalities or character of members, and confine members in debate to the question under discussion.

**3.4 POINTS OF ORDER:** The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

**3.5 QUESTIONS TO BE STATED:** The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken at the desire of any Councilmember.

#### **4. ORDER OF BUSINESS AND AGENDA**

**4.1 ORDER OF BUSINESS:** The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the Members present, suspends the rules and changes the order:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Agenda approval
- (4) Comments from Citizens
- (5) Mayor's Reports and Council Comments
- (6) Consent Agenda
- (7) Business Agenda
- (8) Council Committee Reports
- (9) Department Head Comments
- (10) City Administrator Report
- (11) Mayor and Councilmember Comments
- (12) Adjournment

The Consent Agenda may contain items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, claims, budget amendments, and any item previously reviewed by Council without objection and which is being submitted to Council for final approval. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember.

An executive session or closed session may be held at any point during the meeting.

**4.2 COUNCIL AGENDA MODIFICATIONS:** The Mayor shall set the preliminary agenda for all regular Council meetings. At the start of each meeting,

before any discussion, the Mayor or any Councilmember may propose to amend the agenda. The Council may by majority vote of those present approve modifications to the agenda at any time during a regular meeting.

- 4.3 THE "THREE TOUCH RULE":** The City Council generally adheres to the "Three Touch Rule" as provided in Resolution No. 754-04, attached hereto as Attachment 1 and incorporated herein by this reference as if set forth in full.

## **5. CONSENSUS AND MOTIONS**

- 5.1 CONSENSUS VOTES:** When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken. The Chair will state the action or opinion and each Councilmember will state his/her name and vote by saying "aye" or "nay."
- 5.2 MOTIONS:** No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the City Clerk before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.
- 5.3 VOTES ON MOTIONS:** Each Member present shall vote on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness Doctrine, or in which he or she has formally abstained. A formal abstention shall be counted as neither an affirmative nor a negative vote. Any Member who is disqualified shall physically leave the Council Chambers for the duration of the Council's discussion, deliberations and vote upon the matter. When disqualification of one or more Members under the Appearance of Fairness Doctrine 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 who had been disqualified under the Appearance of Fairness Doctrine may participate to the extent allowed by Chapter 42.36 RCW.
- 5.4 FAILURE TO VOTE ON A MOTION:** Any Councilmember present who fails to vote without a valid disqualification or without having formally abstained shall be declared to have voted in the negative on the question.

- 5.5 MOTIONS TO RECONSIDER:** A motion to reconsider must be made by a Councilmember who voted with the majority on the principal question and must be made at the same or immediately succeeding regular meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings for such decision were adopted.

**6A. QUASI-JUDICIAL PUBLIC HEARING PROCEDURES**

- 6.A1 SPEAKER SIGN-IN:** Prior to the start of a public hearing the Chair may require that all persons wishing to be heard sign in with the Clerk, giving their name and whether they wish to speak as a proponent, opponent or other member of the public.

A "Proponent" a person, firm, or organization speaking in favor of a proposal on which a public hearing is being held. The term "proponent" includes, but is not limited to, the permit applicant when a development permit is the subject of the public hearing; and

An "opponent," a person, firm or organization speaking against a proposal on which a public hearing is being held. The term "opponent" includes, but is not limited to, a person, organization or association opposing a permit application when a development permit is the subject of the public hearing; and

"Other members of the public," are those persons, firms, or organization wishing to speak concerning a proposal on which a public hearing is being held and who do not meet the definition of proponent or opponent. The term "other members of the public" includes, but is not limited to, persons and government agencies who desire to comment on a proposal but who are not speaking in favor of or against the proposal on which the public hearing is being held.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control the duration and format of any presentations.

**6.A2 CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS**

Prior to the start of a quasi-judicial public hearing, the Chair or City Attorney will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the public hearing process. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall physically leave the Council Chambers while the matter is under consideration.

### **6.A3 THE PUBLIC HEARING PROCESS**

Public hearings will begin according to the established agenda (or as soon thereafter as possible).

- A. The Chair introduces the agenda item, opens the public hearing and announces the following rules of order:
  - (1) All comments by proponents, opponents or other members of the public shall be made from the podium; any individuals making comments shall first give their name. 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 than the podium. Anyone making "out of order" comments shall be subject to removal from the meeting. Persons who are disabled and require accommodation should advise the City Clerk.
  - (3) There will be no demonstrations or interruptions during or at the conclusion of person's comments or presentation.
  - (4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, as applicable, and to ensure that no individual is embarrassed by exercising his/her right of free speech.
- B. The Chair calls upon city staff to describe the matter under consideration.
- C. The Chair calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.

- D. The Chair inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
- E. The Chair continues the public hearing to a time specific or closes the public hearing.
- F. The Councilmembers will then proceed to deliberate and, as applicable, vote on the underlying proposal.
- G. The Mayor will then direct staff and/or the City Attorney to prepare written findings and conclusions reflecting the Council's vote for formal adoption by the Council.

**6B. LEGISLATIVE PUBLIC HEARING PROCEDURES**

- 6.B1 SPEAKER SIGN-IN:** Prior to the start of a public hearing the Chair may require that all persons wishing to be heard sign in with the Clerk, giving their name and whether they wish to speak as a proponent, opponent or other member of the public.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations.

**6.B2 THE PUBLIC HEARING PROCESS**

Public hearings will begin according to the established agenda (or as soon thereafter as possible).

- A. The Chair introduces the agenda item, opens the public hearing and announces the following rules of order:
  - (1) All comments by members of the public shall be made from the podium; any individuals making comments shall be requested to first give their name.
  - (2) No comments shall be made from any other location than the podium. Anyone making "out of order" comments shall be subject



to removal from the meeting. Any person who is disabled and requires accommodation should advise the City Clerk.

- (3) There will be no demonstrations or interruptions during or at the conclusion of any person's comments or presentation.
  - (4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising his/her right of free speech.
- B. The Chair calls upon city staff to describe the matter under consideration.
  - C. The Chair calls upon all members of the public who wish to speak regarding the matter under consideration.
  - D. The Chair inquires as to whether any Councilmember has questions to ask the staff or any member of the public. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
  - E. The Chair continues the public hearing to a time specific or closes the public hearing.
  - F. The Councilmembers will then proceed to deliberate and, as applicable, vote on the underlying proposal.

## **6C. CLOSED-RECORD REVIEW PROCEDURES**

### **6.A1 CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS**

Prior to the start of a quasi-judicial closed-record proceeding, the Chair or City Attorney will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the public hearing process. A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Chair and/or a request by the majority of the remaining Members of the Council to step down is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration,

provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest.

#### **6.A2 THE CLOSED-RECORD REVIEW PROCESS**

The proceedings will begin according to the established agenda (or as soon thereafter as possible).

- A. The Chair introduces the agenda item, opens the proceedings and announces the following Rules of Order:
  - (1) No new evidence, testimony or argument shall be accepted from any party. The City Council shall base its review entirely upon the record that was created during the previous open-record public hearing for the underlying matter and any associated administrative proceedings.
- B. The Chair calls upon city staff to describe the matter under consideration.
- C. The Councilmembers will then proceed to deliberate and, as applicable, vote on the underlying proposal.
- D. The Mayor will then direct staff and/or the City Attorney to prepare written findings and conclusions reflecting the Council's vote for formal adoption by the Council.

### **7. DUTIES AND PRIVILEGES OF CITIZENS**

**7.1 MEETING PARTICIPATION:** Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it is expected that all speakers will deliver their comments in a courteous and efficient manner. Anyone making out-of-order comments or acting in an unruly manner that disrupts the meeting shall be subject to removal from the meeting.

**7.2 COMMENTS FROM CITIZENS:** Under agenda item "Comments from Citizens", citizens may address any item they wish to speak on with the

Mayor and Council. They shall first obtain recognition by the Chair, state their name and the subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Council may deem appropriate. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

Citizen/group presentations scheduled on the agenda to address the Council will be requested to step to the podium, give their name for the record. Formal presentations should be prearranged through the Mayor's office and shall be limited to the time allotted, not to exceed twenty (20) minutes, with ten (10) minutes allowed for a question/answer period after the presentation.

- 7.4 MANNER OF ADDRESSING THE COUNCIL—TIME LIMIT:** Each person addressing the Council shall step up to the podium, give his/her name in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit his/her remarks to three (3) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Chair, 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 Chair. The Council will then in its sole discretion determine the appropriate disposition of the issue (e.g., informational only, place on present agenda, workshop, a future agenda, assign to staff, assign to Council committee, or do not consider).
- 7.5 PERSONAL AND SLANDEROUS REMARKS:** Personal, impolite, disrespectful or slanderous remarks are discouraged when addressing the Council. Any person who shall become boisterous while addressing the Council or whose actions render the orderly conduct of meeting infeasible may be requested to leave the meeting and may be barred from further audience before the Council during that Council meeting by the Chair.
- 7.6 WRITTEN COMMUNICATIONS:** Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council had control at any time. The written communication may be

submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Council members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

**7.7 COMMENTS IN VIOLATION OF THE APPEARANCE OF FAIRNESS**

**DOCTRINE:** The Chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

**7.8 "OUT OF ORDER" COMMENTS:** Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Council Chambers.

These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

**8. FILLING COUNCIL VACANCIES AND SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR**

**8.1 NOTICE OF VACANCY:** If a Council vacancy occurs, the Council will follow the applicable procedures outlined in RCW 35A.12.050 and Chapter 42.12 RCW. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

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

**8.3 INTERVIEW PROCESS:** All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names; in order to make the interviews fair, applicants will be asked to remain outside the Council Chambers while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The Councilmembers will ask the same questions of each candidate. Each candidate will then be allowed to make closing comments subject to a time limit established by the Council.

**8.4 SELECTION OF COUNCILMEMBER:** The Council may convene an executive session to discuss the qualifications of candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

**8.5 SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR:** Pursuant to RCW 35A.12.065, biennially at the first meeting or a new Council, or periodically, the Councilmembers, by majority vote, may designate one of their number as Deputy Mayor for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Deputy Mayor in the absence or temporary disability of the Mayor. In the event of the extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during such absence or disability.

## **9. FILLING VACANCY IN THE OFFICE OF THE MAYOR**

**9.1 VACANCY:** If a vacancy occurs, the Council will follow the applicable procedures outlined in RCW 35A.12.050 and Chapter 42.12 RCW.

**9.2 SELECTION OF MAYOR:** The Council may convene an executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

## **10. RULES OF CONDUCT**

**PREAMBLE:** Each Councilmember is elected by and answers to the citizens of Algona. The oath of office pledges that each Councilmember will uphold the laws of the City of Algona, the State of Washington, and the provisions of the constitution of the State and the United States. Each Councilmember shall avoid conflicts of interest, violations of the Appearance of Fairness Doctrine, and shall abide by other statutory directives as applicable.

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

**10.1 RESPECT:** The citizens have elected each Councilmember and by displaying respect and courtesy to our fellow Councilmembers, each Member honors the citizens' choice. Councilmembers will accord each other, the Mayor, and staff the respect which their positions accord. The Council will extend this same respect to members of the public and to others who testify before the Council, recognizing that those individuals likewise have a duty to conduct themselves in a reasonable manner.

**10.2 LISTEN:** The Councilmembers will appropriately and respectfully listen to each other, to the staff, and to the public. Each Member will listen with an open mind. The Council will allow each speaker an equal opportunity to be heard within the applicable time limits, so long as that individual adheres to the standards of conduct set forth in these Rules.

**10.3 FAIR DEBATE:** Each Councilmember will be permitted an equal opportunity to speak. Each Councilmember will await recognition by the Chair before speaking. Councilmembers will respectfully allow fellow Councilmembers and the Mayor a reasonable opportunity to finish their thoughts without interruption or heckling.

**10.4 DISCLOSURE; AVOIDING THE APPEARANCE OF IMPROPRIETY:** While state law provisions regarding the Appearance of Fairness Doctrine govern the Council's conduct in quasi-judicial matters, Councilmembers will also reasonably attempt to avoid even the appearance of impropriety in all of their actions. Whenever a Member becomes aware of an issue that might reasonably be perceived as a conflict, even if the Member is in doubt as to

its relevance, the Member shall consult as appropriate with the City Attorney. Councilmembers will step down when required by the Appearance of Fairness Doctrine or applicable ethical standards for municipal officers.

**10.5 MAINTAIN LEGISLATIVE FOCUS:** Councilmembers shall appropriately respect the administrative function of the Mayor and staff and not interfere with such function in a manner that is inconsistent with applicable state law, the Algona Municipal Code, and these Rules of Procedure.

**10.6 MAJORITY AND MINORITY RIGHTS:** As the Council determines where the best interests and welfare of the City lies, the Council will always attempt to balance the wishes of the majority with the rights of the minority.

**10.7 OPEN PROCESS:** The Council will carry on its debates in public based upon information in the record. In addition to honoring the requirements of the Open Public Meetings Act, the Council will endeavor to carry on all of our business in open public session based on information in the public record and equally accessible to all citizens.

**10.8 HONOR CONFIDENCES:** To the extent required by law, the Council shall strictly honor the confidences to which the Council is privy due to the Council's role as Councilmembers, specifically including without limitation confidential information shared in executive or closed sessions. In addition to any statutory requirement, Councilmembers shall avoid the release of any information that would give any person a competitive or unfair advantage and will endeavor to make sure that public information is equally and readily accessible to all members of the public and not just to specific constituencies.

## **11. SUSPENSION AND AMENDMENT**

**11.1 SUSPENSION:** Any provision of these rules not governed by state law or ordinance may be temporarily waived or 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.

**11.2 AMENDMENT:** These rules may be amended or new rules adopted, by a majority vote of the Council.

**12. EFFECT OF RULES**

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

**12.2 SEVERABILITY:** 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.

**12.3 CONSRTRUCTION:** These rules shall be reasonably construed in a manner consistent with applicable state law, specifically including without limitation Chapter 42.30 RCW and Title 35A RCW, as applicable. In the event of any irreconcilable conflict between the rules and an applicable provision of state law, the state law provision shall control to the extent of such conflict.