

RESOLUTION NO. 2016-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ADOPTING NEW COVINGTON CITY COUNCIL POLICIES AND PROCEDURES.

WHEREAS, Chapter 35A.11 RCW gives the city council of each code city the power to organize and regulate its internal affairs within the provisions of Title 35A RCW; and

WHEREAS, the Covington City Council has adopted Council Rules of Procedure to assist in the conduct of city business; and

WHEREAS, the Council wishes to adopt new Covington City Council Policies and Procedures to supersede the previous Rules of Procedure in their entirety;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Covington, King County, Washington, as follows:

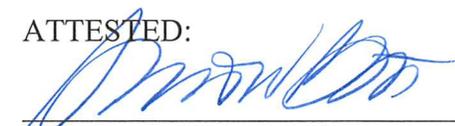
Section 1. Rules of Procedure Repealed. Resolution No. 02-52, as amended, is hereby repealed in its entirety.

Section 2. New Policies and Procedures Adopted. The Covington City Council Policies and Procedures, attached as Exhibit 1 hereto and incorporated fully herein by this reference, shall constitute the official rules of procedure for the Covington City Council and all prior rules are hereby superseded.

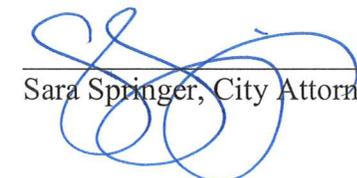
ADOPTED in open and regular session on this 14th day of June, 2016.



Jeff Wagner, Mayor

ATTESTED:


Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:


Sara Springer, City Attorney

COVINGTON CITY COUNCIL
POLICIES AND PROCEDURES

Proposed Final v. 4

Changes Between v3 and proposed final v4 Shown in Track Changes

****Please note that I made additional changes--not previously discussed by the council--to Section 3.4 regarding the process by which the council interviews candidates for a vacant council position. The process the council has followed when interviewing candidates for the last two vacant council positions has been different from the process included in these proposed procedures. Accordingly, I took the liberty to generalize these procedures and changed it to simply require the council to approve the interview process and procedures prior to publishing notification of the vacancy (as the notification must include the interview procedures).**

*****Should any council member desire to discuss any of the proposed final edits shown in track changes, or propose any additional edits, this item may be moved from the consent agenda to continued business.**

1.0 AUTHORITY & EFFECT OF RULES

1.1 Rules Established.

These policies and procedures constitute the official policies and rules of procedure for the Covington City Council (the "Rules"). These Rules shall be in effect upon adoption by resolution of the council and until such time as new or amended rules are adopted by resolution.

1.2 Suspension of Rules.

Any provision of these Rules not governed by state law or city ordinance may be temporarily suspended by a two-thirds vote of those members present and voting. A two-thirds vote is five (5) of seven (7) votes, four (4) of six (6) votes, four (4) of five (5) votes, and three (3) of four (4) votes.

1.3 Review & Amendment of Rules.

It is the intent of the city council that these Rules be periodically reviewed as needed, but no less than every two (2) years. Accordingly, these Rules should be considered in the month of January of every even-numbered year and may be considered at any other time that council shall choose to review them. These Rules may be amended, or new rules adopted, by a majority vote of the council, at any time.

1.4 Effect/Waiver of Rules.

These Rules are adopted for the sole benefit of the members of the city council to assist in the orderly conduct of council business. These Rules do not grant rights or privileges to members of the public or third parties. Failure of the city council to adhere to these Rules shall not result in any liability to the

city, its officers, agents, and employees, nor shall failure to adhere to these Rules result in invalidation of any council act.

2.0 CITY COUNCIL: GENERAL POWERS & RESPONSIBILITIES

2.1 Overview

The powers of the city council are to be used for the benefit of the community and its residents to provide for the health, safety, and general welfare of its residents. The Covington City Council values personal honesty and integrity, open and accessible government, fiscal responsibility, fair treatment of individuals, and commitment to customer service.

It is important to note that the council acts as a body. No member has any extraordinary powers beyond those of other members. Although the mayor has additional ceremonial and presiding officer responsibilities, all members are equal when establishing policies, voting, and performing their council duties.

Policy is established as a majority vote of the council. While individual members may disagree with decisions of the majority, a decision of the majority binds the council to a course of action. Councilmembers should respect the decision of the majority and are expected to follow adopted council rules, policies, and procedures.

It is the city manager's responsibility to ensure the policy of the council is enacted. Actions of staff to pursue the policy direction established by a majority of the council do not reflect any bias against councilmembers who held a minority opinion on an issue.

2.2 Council and Administration

Councilmembers act as the legislative body with authority to enact laws, adopt the city's budget, determine service priorities, make public policy, and appoint ~~community~~citizen boards, commissions, and committees (RCW 35A.13.230). The city manager and city staff are the executive/administrative branch.

In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, councilmembers refrain from becoming directly involved in the administrative activities of the city.

Except for purposes of inquiry, councilmembers should communicate with city staff primarily through the city manager and shall not give orders to any city staff without the city manager's authorization. The city manager may choose to establish formal or informal norms for routine council-staff interaction and staff support of council committees. In addition, council may fully and freely discuss with the city manager in open session anything pertaining to appointment and removals of city staff and city affairs.

2.3 Authority and Responsibilities of the City Council

It is within the authority and responsibility of the city council to:

2.3.1 Establish Policy.

- Adopt goals and objectives
- Establish priorities for public services
- Approve/amend the operating and capital budgets
- Approve intergovernmental agreements and certain contracts
- Adopt resolutions

2.3.2 Enact Local Laws.

- Pass ordinances
- Call for special elections, when necessary

2.3.3 Appointments and Supervise Officials.

- Appoint city manager (RCW 35A.13.050)
- Evaluate performance of city manager
- Appoint hearing examiner
- Establish advisory boards and commissions
- Make appointments to advisory boards and commissions
- Provide direction to advisory bodies
- Appoint councilmembers to council committees, intergovernmental boards and commissions, and external committees

2.3.4 Provide Public Leadership

- Represent constituents to promote representative governance
- Communicate the city's vision and goals to constituents
- Represent the city's interests at regional, county, state, and federal levels
- Determine best course of public policy

2.4 ADDITIONAL RULES, POLICIES, & PROCEDURES

In addition to these Rules, the council shall also comply with the following rules, policies, and procedures, if adopted by the city:

2.4.1 City Officials' Code of Ethics

2.4.2 Public Records Policy

2.4.3 Technology Use Policy

2.4.4 Travel Policy (as provided for in the Employee Handbook)

2.4.5 Vehicle Use Policy (as provided for in the Employee Handbook)

3.0 CITY COUNCIL: ROLES & ADMINISTRATION

3.1 Role of Mayor and Mayor Pro Tem

3.1.1 Mayor

- **Presiding Officer.** The mayor serves as the presiding officer of the council and acts as chair at all meetings of the council. The mayor does not possess any power of veto.
- **Ceremonial Representative.** The mayor is responsible to act as the city council's ceremonial representative at public events and functions. He or she shall have no regular administrative duties.
- **Proclamations.** The mayor is vested with the authority to initiate and execute proclamations as a ceremonial commemoration of an event or issue. Proclamations are not statements of policy and do not require the approval or action of council.
- **Signing of City Documents.** The mayor, unless unavailable, shall sign all ordinances, resolutions, interlocal agreements, contracts, and any other documents that have been adopted by the city council and require an official signature; except when the city manager has been authorized by council action to sign documents. In the even the mayor is unavailable, the mayor pro tem may sign such documents.
- In addition to the above powers conferred to the role of mayor, the council member serving as mayor shall have all the rights, privileges, and immunities of a member of the council.

3.1.2 Mayor Pro Tem. In the mayor's absence, the mayor pro tem assumes all of the above noted responsibilities and rights of the mayor.

3.2 Election of Mayor and Mayor Pro Tem

3.2.1 The council shall elect a mayor and mayor pro tem for a term of two (2) years and shall remain in office until the next election of a mayor and/or mayor pro tem, unless earlier removed or vacated.

3.2.2 The motion to elect the mayor and mayor pro tem will be placed on the agenda of the first council meeting of even-numbered years.

3.2.3 Nomination and Appointment Process.

- The nomination and appointment process outlined in this subsection shall be used to fulfill the positions of both mayor and mayor pro tem. The council shall first fulfill the

position of mayor, and only upon fulfillment of that position should the council fulfill the position of mayor pro tem.

- Each council member may nominate one person for a given office. Nominations do not require a second vote.
- The council members nominating and the nominees will have an opportunity to make public comment before voting commences.
- Voting shall commence in the order nominations were made. Council members will be asked for a voice vote and a raise of hands. As soon as one of the nominees receives a majority vote of the whole city council (four votes), then the chair will declare him/her appointed. No votes will be taken on the remaining nominees.
- A tie vote results in a failed nomination and the chair will call for nominations again and repeat the process until a single nominee receives a majority vote of the whole city council.
- If none of the nominees receives a majority vote, the chair will call for nominations again and repeat the process until a single nominee receives a majority vote of the whole city council.

3.2.4 Removal. A supermajority vote (5) shall be required to approve a motion to remove the mayor or mayor pro tem from office for cause.

3.2.5 Temporary Absence. In the temporary absence of the mayor, the mayor pro tem shall perform the duties and responsibilities of the mayor with regard to conduct of meetings and emergency business.

3.2.6 Permanent Vacancy. In the event the mayor or mayor pro tem is unable to serve the remainder of the term or resigns, the city council shall appoint a new mayor or mayor pro tem following the same procedure in this section.

3.3 Swearing-In Newly Elected Council Members

New council members shall be sworn in by a judge or the city clerk either:

- Up to ten (10) days prior to the day they are scheduled to assume their office; or
- At the first meeting of the council in January; or
- At any other time after their term of office is scheduled to begin.

3.4 Filling a Council Vacancy.

- 3.4.1 Resignation Process.** A written resignation must be submitted to the city council.
- The notice of resignation should provide for an effective date and the resignation will be effective as of that selected date.
 - The council accepts the resignation by a motion and majority vote of the whole council.
- 3.4.2 Procedure.** If a vacancy occurs in the office of a councilmember, the council will follow the procedures outlined in RCW 42.12.070 in addition to those included in these Rules.
- 3.4.3 Vacancy Notice and Application.** 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, the procedure by which the vacancy will be filled (which shall be agreed upon by a majority vote of the council prior to publishing the notice of vacancy), and how to apply an application form. The council will draw up an application form to aid the council's selection of the new councilmember.
- 3.4.4 Interview Process.** Those candidates selected by the council to be interviewed will be interviewed by the council during a regular or special council meeting open to the public, pursuant to the interview process included in the vacancy notice. 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 posed by each councilmember during the interview process. The interview process will be designed to be fair and consistent. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

3.4.5 Deliberation and Selection. The council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting, and selection of a person to fill the vacancy must will be conducted during an open public meeting. Nominations will follow the process outlined in Section 3.2 herein. Appointment of the new council member requires a majority vote of the entire council (four votes).

3.5 Council Committees.

3.5.1 Committee of the Whole. In addition to regular council meetings, the entire council may meet for study or special project purposes as a Committee of the Whole. A meeting of the council as the Committee of the Whole must have a quorum of council members present.

3.5.2 Council Committees. The city council may establish standing committees of three (3) or fewer council members as policy review and discussion arms of the city council as a whole for any special purpose, task, or time frame. Council committees may study issues and develop recommendations for consideration by the city council as a whole but may not take binding action on behalf of the city council as a whole. Should a quorum of council members attend any council committee meeting that was not publically noticed, that meeting shall be immediately adjourned and reconvened at a time when three (3) or fewer council members are in attendance or the meeting is properly noticed as a special meeting of the council pursuant to these Rules.

3.6 Council Member Appointments.

3.6.1 To Council Advisory Bodies. The city council may appoint three (3) or fewer council members to represent the city council as a whole on city advisory bodies.

3.6.2 Liaison/Representative Appointments. The city council may appoint individual council members, as required, to represent the city council as a whole to external advisory bodies or groups.

4.0 COUNCIL MEETINGS: TYPES; GENERAL PROVISIONS

4.1 Open Public Meetings Act.

All council meetings shall comply with the requirements of RCW Section 42.30, the Open Public Meetings Act (OPMA). All regular council meetings, special council meetings, and any meetings of the committee of the whole (including study sessions) or council committee meetings of a quorum of council members shall be open to the public.

4.2 Types of Council Meetings.

4.2.1 Regular Council Meetings. The council shall hold regular meetings on the second and fourth Tuesday of each month. The council will not hold meetings on any other day of the month, unless otherwise noticed. All regular meetings will begin at 7:00 p.m., unless otherwise noticed.

Should any regular council meeting occur on a legal holiday, on a general or primary election day, or special election called within the City of Covington, the meeting shall be held at the same hour and place on the following business day.

4.2.2 Special Meetings. Any council meeting other than the regular council meeting. Notice of special meetings shall be given pursuant to state law (at least 24 hours in advance). The mayor, or in the absence of the mayor the mayor pro tem, or any three (3) members of council may schedule a special meeting, subject to the notice and call requirements prescribed by state law and/or city ordinance or rule.

4.2.3 Study Sessions / Workshops. Any meeting, either called as a special meeting at which the council may discuss, investigate, review, or study matters of city business with city staff for informational purposes. Study sessions or workshops shall be noticed as special meetings of the council. Final action on any matter shall not occur during a study session or workshop.

4.2.4 Annual Strategic Planning Summit. The council shall hold an annual strategic planning summit on the last Saturday in January of each year.

4.2.5 Emergency Meetings. A special council meeting called without the 24hr notice. If, by reason of fire, flood, earthquake, or other emergency there is a need for expedited action by the council to meet the emergency, the mayor may provide for a meeting site other than the regular meeting site and the notice requirements of RCW 42.30 shall be suspended during such emergency. The minutes shall indicate the reason for the emergency.

4.3 Meeting Place.

Council meetings will be at a time and place as council directs, except that regular and/or special meetings at which final actions on resolutions or ordinances will take place shall always be held within the boundaries of the City of Covington.

4.4 Meeting Cancellation.

Any council meeting may be canceled by a majority vote or consensus of the council. The mayor or mayor pro tem may cancel a council meeting for lack of agenda items.

4.5 Public Notice of Meetings.

The city shall comply with the provisions of RCW 35A.12.160 regarding public notice of all council meetings.

4.6 Quorum.

At all council meetings, a majority of the whole city council membership (four members, or five members for the passage of ordinances, budget items, and appropriations) shall constitute a quorum for the transaction of business, but a lesser number may recess or adjourn from time to time and may request the attendance of absent members.

4.7 Attendance, Excused Absences.

4.7.1 RCW 35A.12.060 provides that a council member shall forfeit his or 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 subsection.

4.7.2 ~~The~~ If a council member will be absent for a regular council meeting, that council member shall contact the mayor, mayor pro tem, city manager, or city clerk (the "Designated Contact(s)") ~~either in person or via telephone or email~~ prior to the start of the council meeting and state the reason for his or her inability to attend the meeting. ~~The above authorized person who receives such a notice of absence shall~~ Upon receiving notification of an absence, the Designated Contact shall promptly notify the other Designated Contacts, via email, of the notice of absence and reason for such absence ~~send written notice of said absence to the other individuals listed above either by forwarding a received email, or sending a separate email to indicate that a notice of absence, including the reason, was received in person or via telephone~~ (e.g. if a council member calls the mayor to give notice of their absence, the mayor will then promptly send an email to the mayor pro tem, city manager, and city clerk stating that he/she received a notice of absence from the given council member and the reason stated given for such an absence). ~~The mayor, mayor pro tem, city manager, or city clerk shall convey the message to the council.~~ Following roll call, the presiding officer shall inform the council of the member's absence, and state the reason for such absence.

- 4.7.3 A motion to excuse ~~the-an absent~~ council member shall be non-debatable. Upon passage of such a motion by a majority of members present, the absent member shall be considered excused and the clerk will make an appropriate notation in the minutes.
- 4.7.4 Council members shall only be required to be excused from regular council meetings and shall not be required to be excused from all other meetings of the council, including, but not limited to, study sessions, special meetings, council committee meetings, and the annual summit. However, as a courtesy, council members should ~~also~~ notice their absence for all other council meetings ~~in a similar manner~~ as set forth above in Subsection 4.7.2 for regular meetings.

4.8 Attendance of City Officers & Employees

The city manager, or his or her designee, shall attend all meetings of the city council as a whole, including regular meetings, special meetings, study sessions, and executive sessions, except if the council meets in executive session with the city attorney on matters of potential conflict for the city manager or to review the performance of the city manager.

Any city officer or employee shall have the duty when requested by the city manager to attend council meetings and shall remain for such time as the city manager may direct.

4.9 Executive Sessions.

- 4.9.1 The council may hold executive sessions, from which the public may be excluded, for those purposes set forth in ~~Chapter RCW -42.30.110-RCW~~. Before convening to an executive session, the presiding officer shall announce the purpose of the session and the anticipated time when the session will be concluded. No formal action or decision of the council may be taken in executive session.
- 4.9.2 If the council, after executive session, has provided direction or consensus to city staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated city staff representative handling the issue. Council members should consult with the city manager and/or city attorney prior to discussing such information with anyone other than other council members, the city attorney, or city staff designated by the city manager. Any council member having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the city manager and council in a timely manner.

4.9.3 Pursuant to RCW 42.23.070, council members shall keep confidential all written materials and verbal information ~~provided to them~~ reviewed and/or discussed during executive sessions, to ensure that the city's position is not compromised. Confidentiality also includes information provided to council members outside of executive sessions when the information is considered to be exempt from disclosure under the ~~Revised Code of Washington~~ State Public Records Act (Chapter 42.56 RCW, as amended).

4.10 Adjournment

Regular, special, and committee of the whole meetings of the council shall adjourn at or before 10:00 p.m. The adjournment time established hereunder may be extended upon approval of a motion by a majority of the council members present. At any time during any council meeting, any council member may call for a "Point of Order" to review agenda priorities.

4.11 Audio Recordings of Council Meetings

The city clerk, or designee, shall make and keep audio recordings of all regular, special, and committee of the whole council meetings, except those meetings or portions of meetings conducted in executive session, or unless a motion is passed to suspend audio recording of a meeting. All recordings and related records of all city council meetings, except as provided for ~~referenced~~ above, shall be retained by the city pursuant to the state Public Records Act and the city's public records policy.

4.12 Council Meeting Minutes.

4.12.1 The city clerk, or designee, shall take minutes at all meetings of the city council in accordance with state and local statutory requirements.

4.12.2 Proceedings will be entered into a minute book constituting the official record of the council.

4.12.3 The minutes shall be made available for public inspection. Unless a council member requests a reading of the minutes of a council meeting, such minutes may be approved without reading if the clerk has previously furnished each member with a copy thereof.

4.12.4 City council meeting minutes may be corrected by the city clerk if in error, but shall not otherwise be revised without a majority affirmative vote of the whole council membership at a regularly scheduled council meeting.

5.0 COUNCIL MEETINGS: AGENDAS & CONDUCT OF BUSINESS

5.1 Setting Agenda.

Pursuant to RCW 35A.13.080, the city manager shall set the council agenda for the meeting, following the suggested order of business listed herein, whenever practical. When necessary, the mayor, with the consent of the council, may change the order of business. No legislative item not on the agenda

shall be voted upon; rather, a motion to suspend the rules would be necessary to add a legislative item to the agenda, in order to facilitate a vote on a legislative item not listed in the published agenda.

5.2 Placement of Items on the Agenda.

~~An item for a council meeting may be placed on the agenda by any of the following methods: Items may be added to a regular or special council meeting agenda pursuant to the following procedures:~~

5.2.1 Consent Agenda, New Business, Continued Business, and Public Communication.
Consent agenda, new business, continued business, and public communication items may be added to an agenda by: (1) A majority vote or consensus by the council; or (2) ~~b~~By the city manager.

5.2.2 Future Agenda Items. All regular council meeting agendas shall include a section for “Future Agenda Items”—wherein council members may present any topic or issue for the council to consider and approve adding as a new business item on a future council meeting agenda.

5.2.2.1 Items may be included under “Future Agenda Items” upon the joint request of two (2) or more council members. ~~Such a request for the addition of a Future Agenda Item~~ shall be emailed to the city manager or city clerk by the requesting council members no later than 12:00pm on the Tuesday ~~Wednesday~~ before a regular council meeting. The email must include the names of the requesting council members and the item title to be included on the agenda (the title should specifically relate to and convey the core topic/issue to be discussed). The names of the requesting council members shall be placed on the agenda next to the corresponding Future Agenda Item.

5.2.2.2 Upon discussion of the Future Agenda Item, it shall require an affirmative vote of at least three (3) council members present to add the item as a New Business item to a future council meeting agenda. If the item will require the use of staff resources, then the council shall defer scheduling of the item to the city manager.

~~, a proposed agenda item shall be placed under the Future Agenda Items of a regular council meeting agenda for the entire council to consider and discuss whether the item shall be included as a New Business item on a future council meeting agenda. A~~

5.3 Staff Resources for Agenda Items. A councilmember may not utilize city staff for the preparation of an item for the agenda without prior direction of the city manager.

5.4 Agenda Item Priority.

5.4.1 Legally required advertised public hearings will have a higher priority over other agenda items scheduled for convenience rather than for statutory or other reasons.

5.4.2 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

5.5 Adding an Item to a Published Agenda.

At any regular or special council meeting, aAn item may be placed on a regular council meetingthe agenda at the time the presiding officer calls for approval of the agenda (i.e. after the agenda is closed and the notice published) only if the presiding officer or city manager explains the necessity and receives a majority affirmative vote of councilmembers present at a publicthe meeting.

5.6 Staff Agenda Reports.

Staff agenda reports shall be in a standard format approved by the city council.

5.7 Consent Calendar.

The city manager, in consultation with the presiding officer, shall place matters on the consent calendar that:

5.7.1 have been previously discussed or policies have been set by the council; or

5.7.2 are based on the information delivered to members of the council, by the administration, and can be reviewed by a council member without further explanation; or

5.7.3 are so routine or technical in nature that passage is likely.

5.7.4 Ordinances, resolutions, and motions are all eligible to be placed on the consent calendar.

5.7.5 The motion to adopt the consent calendar shall be non-debatable and have the effect of moving to adopt all items on the consent calendar. Since adoption of any item on the consent calendar implies unanimous consent, any member of the council shall have the right to remove any item from the consent calendar. If any matter is withdrawn, the presiding officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future council meeting.

5.8 Order of Business for Regular Meetings.

The suggested order of business for each regular council meeting should be as follows:

Call to Order

Roll Call, Flag Salute

Approval of Agenda
Public Communication
Public Comment
Approve Consent Agenda:
 Approval of Minutes of Previous Meetings and Approval of Payroll/Claims
 Reports of Commissions
 Public Hearing
Continued Business
New Business
Future Agenda Items
Council/Staff Comments
Public Comment
Executive Session
Adjournment

5.9 Order of Business for Study Sessions.

The suggested order of business for each study session should be as follows:

Call to Order
Approval of Agenda
Discussion
Adjournment

5.10 Public Comment.

5.10.1 During regular meetings of the council, public comments will be invited during the public comment portion(s) of the agenda. The public is also invited at any time to provide written comment on any non-quasi-judicial or legislative matter. It is encouraged that such written comments be filed with the city clerk by 12:00pm of the Thursday preceding the meeting. If written comments are given at the meeting, the presenter should provide ten (10) copies for the council, city manager, city clerk, and city attorney.

5.10.2 In addition, public oral testimony may be taken on other non-quasi-judicial or legislative matters as they arise during the course of the meeting agenda. However, once a motion is pending, debate is limited to council members and no further public comment will be taken, unless a council member requests further testimony.

5.10.3 Public comments should be limited to no more than four (4) minutes per person. No person may donate time to another person. If additional time is needed, a person may request that the council place an item on a future agenda as time allows.

- 5.10.4 If many members of the public would like to comment on a particular topic, the presiding officer may encourage or require potential commenters to consolidate their comments and choose a limited number of spokespersons to speak on behalf of the group. If potential commenters are required by the presiding officer to consolidate their comments and choose a spokesperson, the presiding officer may allow the spokesperson(s) to speak for a longer designated period of time.
- 5.10.5 Except for as provided in 5.10.4 above, mMembers of the public may not share or give speaking time to other commenters.
- 5.10.6 The presiding officer may limit the total time for public comments and may, if many members of the public want to comment about a particular issue, continue the matter to another time.

5.11 Public Hearing.

AThe pPublic hHearing is a formal opportunity for individuals to give their views for consideration in the legislative or policy-decision-making process. In addition, public hearings are required on quasi-judicial actions, which determine the legal rights, duties, or privileges of specific parties. The following rules shall be observed during public hearings:

5.11.1 Legislative/Information Gathering Public Hearings

- **Open Public Hearing**—The presiding officer will open the public hearing.
- **Staff Presentation**—For an initial presentation of background information from a city department, a city board, commission, or committee, no more than twenty (20) minutes will be allowed, unless authorized by the presiding officer.
- **Public Comments**—Comments will be limited to four (4) minutes per speaker. Any individual or group may request of the council additional time to speak if such request is submitted in writing no later than the day prior to the subject meeting. Such request shall be subject to council approval. The presiding officer may allow additional time for receipt of written testimony, when needed.
- **Staff Comments**—Additional staff comments may be requested by Council following public comments.
- **Close Public Hearing**—At the conclusion of Public or Staff Comments, the Presiding Officer will close the public hearing.
- **Council Deliberation**
- **Council Action**
- **Timekeeper**—The city clerk shall be the timekeeper.

5.11.2 Quasi-Judicial Public Hearings

No Public oral testimony shall be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial hearing is on the agenda, the public will be informed by the city attorney as to what state law permits as to public

comments. In addition, quasi-judicial hearings will be conducted in conformance to procedures outlined in other city ordinances.

6.0 COUNCIL MEETINGS: PARLIAMENTARY PROCEDURES

6.1 Parliamentarian / Governing Procedure.

The city attorney, in consultation with the city clerk, shall decide all questions of interpretations of these Rules and other questions of a parliamentary nature which may arise at a council meeting. All cases not provided for in these Rules shall be governed by the current edition of "Robert's Rules of Order", a copy of which is maintained in the office of the city clerk. In the event of a conflict, these Rules shall prevail.

6.2 Presiding Officer. The presiding officer shall:

- 6.2.1** Observe and enforce all rules adopted by the council;
- 6.2.2** Call all meetings to order and keep to the order of business;
- 6.2.3** Preserve order and decorum in the council chambers in accordance with these Rules;
- 6.2.4** Recognize councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, and control discussion in an orderly manner, require speakers to speak to the question; and
- 6.2.5** Put motions to a vote and announce the outcome.
- 6.2.6** The presiding officer may participate in all deliberations of the council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists. The presiding officer may not move an action, but may second a motion.

6.3 Motions.

- 6.3.1 Motion Required.** Prior to discussion of an action item, a councilmember should make a motion, which is seconded by another councilmember, on the topic under discussion. If the motion is not seconded, it dies.
 - Motions that do not require a second: nominations, withdrawal of a motion, request for a roll call vote, and point of order.
 - Motions shall be clear and concise and not include arguments for the motion.

- 6.3.2 Request for Written Motions.** Motions shall be reduced to writing when requested by the Presiding Officer or any member of the council. All resolutions and ordinances shall be in writing.
- 6.3.3 Discussion on Motion.** After a motion has been made and seconded (if required), councilmembers may discuss their opinions on the issue prior to the vote. If they wish to do so, they may state why they will vote for or against the motion.
- 6.3.4 Withdrawal of Motion.** A motion may be withdrawn by the maker of the motion, at any time, without the consent of the council.
- 6.3.5 Motion to Amend.** 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, striking out and inserting, or substituting. A motion to amend requires a second and a majority to pass.
- 6.3.6 Motion to Table.**
- Non-debatable.
 - Requires a majority to pass.
 - If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future meeting, at which time discussion can continue.
 - If an item is tabled, it cannot be reconsidered at the same meeting.
- 6.3.7 Motion to Postpone to Time Certain.**
- Debatable.
 - Amendable.
 - Requires a majority to pass.
 - The motion being postponed must be considered at a later time in the same meeting or a specific future meeting.
 - May be reconsidered at the same meeting.
- 6.3.8 Motion to Postpone Indefinitely.**
- Debatable. The merits of the main motion may also be debated.
 - Not amendable.
 - Requires a majority to pass.
 - May be reconsidered at the same meeting.
- 6.3.9 Calling the Question.**
- A successful motion to call for the question shall close debate on the main motion.
 - Non-debatable.
 - Requires a second and two-thirds (2/3) vote.
 - Debate on the main motion is reopened if the motion to call the question fails.

6.3.10 Motion for Reconsideration.

- After the motion has been decided, any councilmember who voted in the majority (i.e. if a motion passed, a councilmember who voted in favor of the motion; or, if the motion failed, a councilmember who voted against the motion) may move for a reconsideration of the motion.
- The motion for reconsideration must be made at the same or next regular council meeting.
- Non-debatable.
- Not amendable.
- Requires a majority to pass.

6.3.11 Council Consensus. When the council concurs or agrees with an item that does not require a formal motion, the mayor will summarize the council's consensus at the conclusion of the discussion.

6.4 Voting on Motions.

6.4.1 Motion Restated. When the discussion is concluded, the presiding officer shall repeat the motion prior to voting. The city council votes on the motion as restated.

6.4.2 Voice Vote. Unless otherwise provided for by statute, ordinance, resolution, or these Rules, all votes shall be taken by voice, except that at the request of any councilmember, a random roll call vote shall be taken by the city clerk.

6.4.3 Declaring Motion Passes or Fails. If the vote is unanimous, the presiding officer shall state that the motion has been passed unanimously according to the number of councilmembers present, such as "7-0" or "6-0." If the vote is not unanimous, the presiding officer shall state the number of councilmembers voting in the affirmative and the number voting in the negative and whether the motion passes or fails.

Once the vote has been taken, the discussion is closed. It is not necessary for councilmembers to justify or explain their vote. If they wish to make their positions known, this should happen during the discussion preceding the vote.

6.4.4 Tie Votes. In case of a tie vote on any motion, the motion shall be considered lost and fails.

6.4.5 Abstention. Although it is the duty of each councilmember to vote on final action items, he or she cannot be compelled to vote, and thus he or she may abstain. The councilmember shall indicate their abstention to the presiding officer prior to any discussion begins on the motion. The abstaining council member shall then not be permitted to participate in the discussion or vote on the motion. The abstention shall be recorded by the city clerk and not included in the vote tally.

6.4.6 Recusal. If a councilmember has a conflict of interest or an appearance of fairness question under state law, the councilmember may recuse themselves from the issue and shall leave the council chambers during discussion and voting on the issue. That councilmember shall be considered absent when voting occurs.

6.4.7 Silence. If a councilmember is silent on a vote (i.e. is present and does not abstain or recuse themselves pursuant to this section but also does not cast a vote for the motion), it shall be recorded as an affirmative vote.

6.4.8 Proxy Votes. No vote may be cast by proxy.

7.0 COUNCIL MEETINGS: MISCELLANEOUS

7.1 General Decorum.

7.1.1 Councilmembers. While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, nor disrupt any member while speaking, nor refuse to obey the orders of the council or the Presiding Officer, except as otherwise provided in these Rules.

7.1.2 Public. Any person making personal or slanderous remarks or who becomes disorderly while addressing the council or while in the council chamber while the council is in session shall be asked to leave by the Presiding Officer.

7.2 Dissents and Protests. Any council member shall have the right to express dissent from or protest against any ordinance or resolution of the council and have the reason therefore entered in the minutes.

7.3 Forms of Address. The mayor shall be addressed as "Mayor (surname)," "Your Honor," or Mr./Madam Mayor. Members of the council shall be addressed according to their preference as "Councilmember (surname)," Councilor (surname)," or Mr./Mrs./Miss/Ms. (surname).

7.4 Seating Arrangement. The mayor shall sit at the center of the council, and the mayor pro tem shall sit adjacent to the mayor. Other council members are to be seated in a manner acceptable to the council. If there is a dispute, seating shall be in position order.

8.0 CITY COUNCIL ADVISORY BODIES

The council's advisory bodies provide an invaluable service to the city. Their advice on a wide variety of subjects aids the council in the decision-making process. Effective public participation is an invaluable tool for local government.

8.1 Establishment of Advisory Bodies; Dissolution.

8.1.1 The city council may establish advisory bodies (including, but not limited to commissions, committees, boards, and task forces) by resolution or, if required by state statute, ordinance. The enacting resolution (or ordinance) will set forth the size of each advisory body, which will be related to its duties and responsibilities, the term of office of its members; a statement of its purpose and function; and time lines, if relevant to the scope of work.

8.1.2 Limitations on Authority. All advisory bodies established by the city council are advisory to the city council and are not authorized to take independent action representing the city with other agencies or bodies.

8.1.3 OPMA. All advisory bodies shall comply with the requirements of the Open Meetings Act (RCW Section 42.30).

8.1.4 Dissolution. The council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason. Such dissolution shall be by resolution (or ordinance, if the body was originally established by ordinance) of the city council.

8.2 Appointment to Advisory Bodies.

8.2.1 Notice of Vacancies. Unless otherwise directed by the council, the city clerk's office shall advertise notice of vacant positions on council advisory bodies so that any interested and qualified individual may submit an application.

8.2.2 Applicant Requirements. Applicants are urged to be residents of the City of Covington, but applications from individuals living outside of the corporate boundaries of the city may be considered if authorized by the resolution or ordinance establishing the advisory body.

8.2.3 Applicant Interviews and Appointment.

- The city council will endeavor to interview all applicants for an available advisory position; provided that the mayor and mayor pro tem may limit the number of applicants interviewed by the council as a whole based upon a failure to meet the basic qualifications as set forth in the applicable resolution or ordinance or when the gross number of applicants is so large as to be an undue burden on the council's schedule.
- All interviews for available advisory positions shall be scheduled at either a special or committee of the whole council meeting. For the purpose of any special or committee of the whole council meeting in which advisory body interviews are the only agenda item, the council may proceed with calling the meeting to order and conducting said interviews so long as three (3) or more council members are present.
- The council shall also interview applicants seeking reappointment for the same advisory position, unless otherwise determined by a majority of the council.
- Appointments to advisory bodies will be made during a regularly scheduled council meeting.
- Upon appointment, new appointees to advisory bodies will receive a briefing by the applicable commission, committee, or task force chairperson and/or city staff regarding the duties and responsibilities of the members of their respective advisory body.

8.3 Removal of Appointees. Appointees to advisory bodies may be removed prior to the expiration of their term of office, for any reason, by a supermajority vote (five council members) of the city council as a whole.

8.4 Exit Interviews. The council shall may annually appoint a committee of three (3) or fewer council members to conduct exit interviews of all departing appointees of council-appointed advisory bodies. The city clerk shall prepare and maintain standard questions for the committee's use. Should the council not appoint an exit interview committee pursuant to this subsection, an exit questionnaire, approved by the city council, shall be provided to a departing appointee for their voluntary completion.

8.5 Council Relations with Advisory Bodies. To avoid any undue influence on the city's advisory bodies, and to prevent unauthorized or misrepresented communications between the council and advisory bodies, council members are prohibited from attending any meeting of the city's advisory bodies in an official capacity unless specifically authorized to attend by a consensus of

the city council. Further, council members are strongly encouraged to not attend any meeting of the city's advisory bodies in an unofficial capacity. If a council member chooses to attend a meeting of any of the city's advisory bodies in an unofficial capacity, he/she shall expressly state that he/she is attending and/or speaking in a personal capacity only and is in no way representing the opinions or position of the city council as a whole.

9.0 PUBLIC COMMUNICATION & REPRESENTATION

- Councilmembers who meet with, speak to, or otherwise appear before a community group or another governmental agency or representative must clearly state if his or her statement reflects their personal opinion or if it is the official stance of the city, or if this is the majority or minority opinion of the council.
- When councilmembers represent the city or attend meetings in an official capacity as councilmember, they must support and advocate the official city position on an issue, not a personal viewpoint.
- Once the city council has taken a position on an issue, all official city correspondence regarding the issue will reflect the council's adopted position.
- City letterhead shall not be used for correspondence of councilmembers representing a dissenting point of view from an official council position.
- As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the council, shall be distributed to the full council so that councilmembers may be made aware of the impending publication.