



CARNATION CITY COUNCIL AGENDA Regular Meeting

Mayor Jim Ribail, Deputy Mayor Adair Hawkins, Brodie Nelson, Ryan Burrell, Jessica Merizan

DATE: January 9, 2024

TIME: 4:30 P.M.

LOCATION: City Hall (4621 Tolt Avenue)

1. **CALL TO ORDER:** Mayor Jim Ribail
2. **ROLL CALL:** City Clerk Lora Wilmes
3. **STUDY SESSION:** Council to discuss edits to the Carnation City Council Rules of Procedure document
4. **ADJOURNMENT:** Mayor Jim Ribail

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Adopted by Resolution No. 353, February 2010
Amended by Resolution No. 389, October 2014
Amended by Resolution No. 448, April 2021

CARNATION CITY COUNCIL RULES OF PROCEDURE

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PREFACE

The following Rules of Procedure are adopted for the sole benefit of the members of the City Council in order to assist in the orderly conduct of Council ~~business, and~~ business and are enforceable only by Council Members themselves. Except as expressly provided by State law, these rules shall not be construed as granting rights or privileges to members of the public or third parties. The City Council's failure to adhere to or otherwise follow these rules shall not result in any liability to the City, its officers, employees or agents, and shall not result in the invalidation of any Council act. The City Council may, implicitly or by majority vote, determine to temporarily waive any of the provisions herein. Council action taken in disregard of or nonconformity with these rules shall be construed as an implicit waiver thereof.

SECTION I – GENERAL PROVISIONS

RULE 1. COUNCIL MEETING - LOCATION

All meetings of the Carnation City Council shall be held at the City Hall, unless provided otherwise by public notice, and as specified in CMC 2.32.

RULE 2. COUNCIL MEETING - TIME

The regular meetings of the Carnation City Council shall be held the 1st and 3rd Tuesdays at ~~6~~7:00 p.m. as specified in CMC 2.32.010.

No regular meeting shall be permitted to continue beyond ~~9~~10:30 PM for a night meeting without approval of a majority of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to ~~9~~10:30 p.m., the items not acted on shall be deferred to the next regular Council meeting, unless the Council, by a majority vote of members present, determines otherwise.

Council Committee of the Whole Workshops held on the 2nd Tuesday ~~will begin at 7:00 pm and conclude at 9:30pm unless the Council agrees on a different time at a time determined by the City Council. Special workshops can take place at a time determined by the Council and are publicly noticed. This might be covered in rule 8. If so disregard.~~

RULE 3. COUNCIL MEETINGS - OPEN TO THE PUBLIC

All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in closed executive sessions.

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RULE 4. ELECTION OF OFFICERS

The City of Carnation is governed by the provisions of Chapter 35A.13 RCW under the council-manager plan of government, and therefore must choose a chairperson and vice-chairperson periodically as provided for by state law. Procedures for electing officers are as follows:

- (a) The City Council of the city shall elect from its membership on a biennial basis a chairperson by majority vote at the organizational meeting in January as the first order of business prior to the Approval of Agenda. The chairperson shall have the title of Mayor (See RCW 35A.13.030.). The Mayor serves a two year term.

- (b) At the organizational meeting in January as the first order of business prior to the Approval of Agenda, the city council shall elect, by majority vote from its membership, a vice-chairperson to serve in the absence or temporary disability of the Mayor. The vice-chairperson shall have the title of Deputy Mayor (See RCW 35A.13.035.). The Deputy Mayor shall serve a one-year term or until ~~a~~ successor is elected.
- (c) The above elections shall be by affirmative motion. No abstentions shall be permitted in an election vote. Any abstentions shall be construed as a vote in ~~favor~~ favor of a candidate.

RULE 5. PRESIDING OFFICER

The Mayor shall preside at all meetings of the Council, including the Committee of the Whole (Council Workshops), and be recognized as the head of the City for all ceremonial purposes. In case of the Mayor's absence or temporary disability the Deputy Mayor shall act for the duration of the absence within the limitations and authority specified in RCW 35A.13.035. In case of the absence or temporary disability of the Mayor and the Deputy Mayor, a qualified Councilmember may be selected by members of the Council to act as Deputy for the duration of the absences or disabilities—_The Mayor or Deputy Mayor are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

RULE 6. QUORUM

At all meetings of the Council three (3) Councilmembers, who are physically present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors. Council meetings adjourned under the previous provision shall be considered a regular meeting for all purposes.

RULE 7. ATTENDANCE, EXCUSED ABSENCES

A Councilmember shall forfeit ~~his/her~~the office by failing to attend three consecutive regular meetings of the Council without being excused by the members of the Council—_A member who seeks to be excused from a meeting of the council shall contact the city ~~manager~~manager prior to the meeting and state the reason for ~~his/her~~ the councilmember's inability to attend the meeting. If the member is unable to contact the city manager, the member shall contact the City Clerk who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and excuse the member's absence. The Clerk will make an appropriate notation in the minutes. If another Councilmember questions the member's absence, the Mayor shall inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such 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.

- (a) A Councilmember may participate in a meeting ~~via telephone~~remotely. A member that is participating ~~remotely via telephone~~ is eligible to vote on matters before the Council.
- (b) A Councilmember participating ~~via telephone~~remotely will be considered "present" for purposes of attendance. The Clerk will note in the record that the member was present ~~via telephone~~remotely.

- (c) ~~An individual Councilmember may not participate in three consecutive regular meetings via telephone.~~
- (d) ~~A Councilmember participating via telephone should make every attempt to obtain the agenda packet and any presentation materials prior to the meeting.~~
- (e) ~~Staff will assist any member participating via telephone to assist them in obtaining all of the materials and arranging for the telephone connection.~~
- (d) ~~Councilmembers that will participate remotely shall notify the Clerk prior to the beginning of the Council meeting.~~
- (f) ~~A Councilmember may not participate in any discussion or vote regarding quasi-judicial actions via telephoneremotely. However, a Council member may listen to the discussion via telephone and participate in subsequent discussions or votes when physically present.~~
- (e) I feel there needs to be a set number of meetings that a Council member needs to attend in person. The minimum should be 12.

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RULE 8. SPECIAL COUNCIL MEETINGS

Procedures for setting a special meeting are as follows:

- (a) A special meeting may be called by the Mayor or any three members of the Council.
- (b) Notice of the special meeting shall be prepared in writing by the Clerk. ~~The notice shall contain the following information about the meeting: time, time, place, and business to be transacted.~~
- (c) The notice shall be delivered by mail, e-mail or personally to ~~residence~~the residence of each Councilmember and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The chosen social media outlet of the city will also post the meeting notice. The notice must be delivered at least ~~twentyfour~~twenty four (24) hours prior to the meeting.
- (d) The notices provided in this section may be dispensed with in the following circumstances:
 - (1) As to any member who at or prior to the time the meeting convenes files with the Clerk a written waiver of notice, (2) As to any member who was actually present at the meeting at the time it convenes, and (3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

RULE 9. COUNCIL MEETING AGENDA

The Clerk of the Council, under the direction of the city manager, shall arrange a list of matters according to the order of business and prepare an agenda for the Council's meeting. ~~Before the written agenda is finalized, the Mayor and City Manager or two (2) Councilmembers may introduce a matter to the agenda through the City Manager. -The originating source for agenda matters shall be identified on the supporting agenda material.~~

A final copy of the agenda, including any items additional to the preliminary agenda with any additional supporting materials shall be prepared for Councilmembers, and the press on or before 4:30 PM two working days before a regular Council meeting.

During a Council meeting any Councilmember- or the city manager may request of the Mayor that a new item be added to the agenda. Upon passage of an affirmative vote of a majority of the members of the council present the Council shall have the option of adding or deleting any item from the agenda, or by consensus may defer an item on the agenda to a subsequent Council meeting.

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RULE 10. STUDY SESSIONS

Special Council study sessions, or regular Council meetings that may be canceled due to the absence of a legal quorum, may be designated as Committee-of-the-Whole Study Sessions where no official action is contemplated. The city manager, in consultation with the Mayor, shall arrange an agenda for special Council study sessions. The Council Study Session agenda shall, for each item, contain the Study Item. After the Special Council Study Session agenda has been set, a copy of it along with any supporting materials shall be prepared for Councilmembers, and department heads on or before 4:30 PM at least two working days before the Council Study Session. During the Council Study Session the Mayor may:

- (a) Introduce the subject and give background information;
- (b) Identify the eventual goal of the study session;
- (c) Act as facilitator to keep the meeting discussion focused to the subject; and/or
- (d) Alert the Council when it is appropriate to call for consensus or other official direction of the Council.

RULE 11. MAYOR

The Mayor, as the presiding officer of the Council, shall attend and preside over all meetings of the Council, unless excused by the Council. The city manager may take part in the Council's discussion of any and all matters on the agenda concerning the welfare of the City. [If the Mayor is attending remotely the Mayor can direct the Deputy Mayor to preside over the meeting.](#)

RULE 12. CLERK OF THE COUNCIL

The City Clerk shall be ex-officio Clerk of the Council and shall be responsible for keeping the minutes and shall perform such other and further duties in the meeting as may be required by the Council, or City Manager. In the absence of the Clerk, the city manager shall appoint another qualified staff member to act as Clerk of the Council.

SECTION II - DUTIES AND PRIVILEGES OF MEMBERS

RULE 13. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor (surname)", "Your Honor", or "Mr./Madam Mayor". The Deputy Mayor, when acting for the Mayor, shall be addressed as "Deputy Mayor (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

RULE 14. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

RULE 15. APPEARANCE OF FAIRNESS DOCTRINE

Appearance of Fairness Doctrine and its Application.

(a) Appearance of Fairness Doctrine Defined. When public hearings give the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must appear to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a ~~board member's~~ board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided.

(b) Types of Hearings to Which Doctrine Applies. The appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding.

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Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents, or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. Some examples of quasi-judicial actions which may come before the Council are: rezones or reclassifications of specific parcels of property, appeals from decisions of the Planning Board, hearing examiner, substantive appeals of threshold decisions under the State Environmental Protection laws, subdivisions, and special land use permits.

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(c) Obligations of Councilmembers, Procedure.

1. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, _____ and _____ the _____ like. Prior to any quasijudicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If a potential violation exists, no matter how remote, the Councilmember should seek the opinion of the City Attorney as to whether a potential violation exists.

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2. Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts

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on the record, or ex parte contact. Should such challenge be made prior to the hearing, the Mayor shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court. Should such challenge be made in the course of a quasi-judicial hearing, the Mayor shall call a recess to permit the City Attorney to make such interview and render such opinion.

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3. The Mayor shall have sole authority to request a Councilmember to excuse himself/herself themselves on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to be excused himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Mayor or other Councilmembers shall give due regard to the opinion of the City Attorney.

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4. The final decision to recuse a Councilmember on appearance of fairness grounds shall lie with the challenged Councilmember himself/herself. - ask city attorney

(d) Specific Statutory Provisions.

1. It shall not constitute grounds for an appearance of fairness challenge that a Councilmember had, prior to declaring his or her candidacy for the City Council, publicly discussed or expressed an opinion regarding a pending or proposed quasi-judicial matter.

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2. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts.

3. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (a) places on the record the substance of such oral or written communications; and (b) provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This~~XXX~~ does not prohibit correspondence between a citizen and ~~XXX or her~~ elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

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(e) Public Disclosure File. The Clerk shall maintain a public disclosure file, which shall be available for inspection by the public. The file shall contain for each member a disclosure statement. The disclosure statement shall list all real property and all business interests located in the City of Carnation in which the member or the member's spouse, dependent children, or other dependent relative living with the member, have a financial interest.

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RULE 16. DISSENTS AND PROTESTS

Any Councilmember 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.

RULE 16.1. ENDORSEMENTS

Any Councilmember, as an individual, shall have the right to provide a personal endorsement using their elected title of Councilmember (the Mayor and Deputy Mayor may not use those appointed titles, but must use the title of Councilmember) of any individual, organization, political candidate or ballot measure, **provided that the Councilmember make every reasonable effort to clarify that such endorsement does not represent the City or City Council and that it is their own personal and individual endorsement.** The Mayor or Deputy Mayor may use their to endorse if it is voted on by a majority of Council. A Councilmember may not use any City property or resource for this purpose. The Council, as a whole, may from time to time desire to endorse or support or oppose a ballot item before the voters. The Council may do so provided that the Council follows all applicable State laws including but not limited to RCW 42.17A.555.

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Any Councilmember, as an individual, shall have the right to provide their own opinion, written or otherwise, using their elected title of Councilmember but not their appointed title of Mayor or Deputy Mayor, provided that the Councilmember make every reasonable effort to clarify that such opinion does not represent the City or City Council and that it is their own opinion.

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SECTION III - COUNCIL PROCEDURES

RULE 17. RULES OF ORDER

Rules of order not specified by statute, ordinance, or resolution may be governed by Robert's Rules of Order. The city manager, City Clerk, or ~~his/her~~ designee, shall serve as parliamentarian and shall advise the Mayor as to correct rules of procedure or questions of specific rule application.

RULE 18. MOTIONS

All ordinances, resolutions, contracts and items of business that require Council approval prior to the expenditure of funds shall be in the form of an affirmative motion.

RULE 19. ORDER OF BUSINESS

~~The first~~ regular meetings ~~of the month~~ shall ~~use~~ include but not be limited to the following ~~order~~ agenda items; provided, however that the Mayor may, during a Council meeting, re-arrange items on the agenda to conduct the business before the Council more expeditiously.

- (a) Call to order, pledge of allegiance, and roll call. (See Rule 7 for procedure to excuse an absence).
- (b) Approval of agenda.
- (c) Consent agenda.
 1. The City Manager, in consultation with the Mayor, may place matters on the Consent Agenda which have been:
 - (i) previously discussed by the Council, or
 - (ii) based on the information delivered to members of the Council by administration that can be reviewed by a Councilmember without further explanation, or

- (iii) are so routine or non-technical in nature that passage is likely, or
- (iv) as directed by the City Council.

Matters other than the minutes which require City Council discussion should not be included on the Consent Agenda.

2. The Mayor shall read the Consent Agenda, including the titles of any ordinances or resolutions contained therein. [In the interest of time I would take this out. I have visited a lot of cities and county meetings. They do not read the consent agenda items.](#)
3. The proper Council motion on the Consent Agenda is as follows: "I move for adoption of the Consent Agenda". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Agenda.

Since adoption of any item on the Consent Agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Agenda.

Therefore, prior to the vote on the motion to adopt the Consent Agenda, the Mayor shall inquire if any Councilmember has corrections to the minutes or wishes an item to be withdrawn from the Consent Agenda.

If any matter is withdrawn, the Mayor shall place the item at an appropriate place on the agenda for the current or a future meeting. In the case of withdrawing vouchers, the specific voucher(s) shall be withdrawn by number, and the balance of the vouchers shall remain on the consent agenda.

(d) Reports and Requests

1. Mayor and City Council
2. Council Committee Reports
 - (i) ~~Community Development,~~
 - (ii) ~~Finance and Operations,~~
 - (iii) ~~Public Health and Safety, and~~
 - (iv) ~~Utilities and Public Facilities~~

(e) Staff and Affiliate Reports

- ~~1. City Manager~~
- ~~2. Department Heads~~
- ~~3. Other~~

(f) Citizen Comments and Requests

1. Subjects not on the current agenda. Any member of the public may request time to address the Council to speak prior to the time stated on the agenda for public comment. Public requesting to speak should sign their name and list the subject for which they wish to address the council. When called upon by the Mayor to speak, they shall state their name, address, and the subject matter they wish to address. The Mayor may then allow the comments, subject to a general three (3) minute time limit, but may extend the time as the Mayor or city council deems desirable. For citizen requests made during this time, such requests may normally be referred to the City Manager for evaluation and recommendation. If the request requires immediate action, the Council by

majority vote may decide to place the matter on the current agenda for discussion or action. (Also see Rule 29).

2. Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda may make such request to the Mayor at the time when comments from the public are requested by signing their name and listing the agenda item which they wish to address. The Mayor may then allow the comments, subject to a general three (3) minute time limit, but may extend the time as the Mayor or city council deems desirable. The Mayor may rule on the appropriateness of public comments as the agenda item is reached.

3. Public comment time can only be used by the person making the request to address Council. Time cannot be yielded to other members of the public.

2-4. A group presentation is allowed 5 minutes. The people in the group cannot offer additional public comment.

As an option, the Mayor may invoke the sign-in procedure defined in Rule 20(a). The Mayor may rule on the appropriateness of public comments as the agenda item is reached.

(g) Public Hearings as scheduled (see Rule 20 for procedural details)

(h) Agenda Bills

a. The Council may allow for public comment on each individual item. The rules for public comment are the same as for Citizen Comments and Requests.

(i) Additional Business

(j) Executive Session as Required. During a Council meeting and by motion, any Councilmember may request an executive session. The motion shall include the legal basis for the executive session. If the motion is successful, the mayor shall indicate to the audience the anticipated length of the session.

(k) Adjournment. No meeting shall be permitted to continue beyond 10:30 PM (should this be 9:30) for a night meeting without approval of a majority of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:30 p.m. (Again 9:30?), the items not acted on shall be deferred to the next regular Council meeting, unless the Council, by a majority vote of members present, determines otherwise.

The agenda for the second regular meeting of the month shall be organized using the same agenda format.

RULE 20. ACTIONS FOR A PUBLIC HEARING

The procedures for a public hearing are as follows:

(a) Prior to the start of the "Comments or testimony from the Public" portion of a public hearing, the Mayor may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. **Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so.** At any public hearing all persons who have signed in and wish to be heard shall be heard. The Mayor, subject to concurrence of the majority of the Council, may establish time limits

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and otherwise control presentations. The Mayor may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).

- (b) The Mayor introduces the agenda item, opens the public hearing.
- (c) The following Rules of Order shall govern the public hearing. The Mayor may read them upon opening the public hearing, request that the clerk read them or direct that they are posted at the sign in location and/or speakers podium prior to the public hearing. When there are multiple public hearings scheduled for the same meeting, these rules may only be stated once.

1. "All comments by the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."

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2. "No comments shall be made from any other location, and anyone making "out of order" comments may be subject to removal from the meeting."

3. "There will be no demonstrations during or at the conclusion of anyone's 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 their right of free speech."

- (d) The Mayor calls upon the City Manager or designee to describe the matter under consideration.
- (e) The Mayor calls for speakers.
- (f) The proponents or speakers now speak. (Note: If the City itself is the proponent, a member or members of the City Administration shall be designated to give proponent and rebuttal testimony).
- (g) The Mayor calls for additional speakers.

(h) The Mayor announces the following: "At this time I will inquire of the administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the speakers or alter in any regard its initial recommendations."

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- (i) The Mayor inquires as to whether any Councilmembers have any questions to ask the speakers, or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
- (j) The Mayor closes the public hearing.
- (k) The Mayor inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Councilmembers. The Mayor may call on individual Councilmembers in the discussion.
- (l) The Mayor inquires if there is any further discussion by the Councilmembers.
- (m) The Mayor inquires if there are any final comments or recommendations from administration.
- (n) The Mayor inquires of the Councilmembers as to whether they are ready for the question.

- (o) The Clerk shall conduct a roll call vote.
- (p) The Mayor directs the City Administration to prepare findings consistent with the action.

RULE 20.1 ACTIONS FOR A QUASI-JUDICIAL PUBLIC HEARING

- (a) Prior to the start of the "Comments or testimony from the Public" portion of a public hearing, the Mayor may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. **Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so.** At any public hearing all persons who have signed in and wish to be heard shall be heard. The Mayor, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Mayor may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).
- (b) The Mayor introduces the agenda item, opens the public hearing.
- (c) The following Rules of Order shall govern the public hearing. The Mayor may read them upon opening the public hearing, request that the clerk read them or direct that they are posted on the sign in location prior to the public hearing. When there are multiple public hearings scheduled for the same meeting, these rules may only be stated once.

1. **"All comments by the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."**
2. **"No comments shall be made from any other location, and anyone making "out of order" comments may be subject to removal from the meeting."**
3. **"There will be no demonstrations during or at the conclusion of anyone's 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 their right of free speech."**

- (d) Appearance of Fairness: When Council conducts a hearing to which Rule 15 (Appearance of Fairness) applies, the Mayor, or in the case of a potential Rule 15 violation by that individual, the Mayor Pro Tem, will ask if any Councilmember knows of any reason which would require such member to excuse themselves pursuant to Rule 15. The form of the announcement is as follows: **"All Councilmembers should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time so that the Chair may inquire as to whether a violation of the Appearance of Fairness Doctrine exists."**
- (e) The Mayor calls upon the City Manager or designee to describe the matter under consideration.

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- (f) The Mayor calls for proponents in quasi-judicial proceedings.
- (g) The proponents now speak. (Note: If the City itself is the proponent, a member or members of the City Administration shall be designated to give proponent and rebuttal testimony).
- (h) The Mayor calls for additional proponents.
- (i) In quasi-judicial proceedings the Mayor calls for opponents by announcing the following:
 "At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Mayor reserves the right to rule any question out of order."
- (j) Opponents speak.
- (k) The Mayor calls for additional opponents.
- (l) The Mayor calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.
- (m) The Mayor inquires as to whether any Councilmembers have any questions to ask the proponents, opponents or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
- (n) The Mayor closes the public hearing.
- (o) The Mayor inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Councilmembers. The Mayor may call on individual Councilmembers in the discussion.
- (p) The Mayor inquires if there is any further discussion by the Councilmembers.
- (q) The Mayor inquires if there are any final comments or recommendations from administration.
- (r) The Mayor inquires of the Councilmembers as to whether they are ready for the question.
- (s) The Clerk shall conduct a roll call vote.
- (t) The Mayor directs the City Administration to prepare findings consistent with the action.

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RULE 21. VOTING

The votes during all meetings of the Council shall be transacted as follows:

- (a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any single Councilmember, a roll call vote shall be taken by the Clerk. The order of the roll call vote shall be determined by the Mayor. In case of a tie in votes on any proposal, the proposal shall be considered lost.
- (b) Every member who was in the Council chambers when the question was put, shall give their vote unless the Council, for special reasons, shall excuse the member by

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motion or unless the Councilmember is excused in accordance with Rule 15. When a vote is called, each councilmember shall respond "aye (yes)", "nay (no)", or "abstain". If any Councilmember declines to vote "aye", "nay", or "abstain" their vote shall be counted as an "aye" vote. Any councilmember who responds "abstain" shall state their reason for abstention

- (c) In the event of a tie in votes on any motion, the motion shall be considered lost.
- (d) The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, any approval of warrants, and any resolution pertaining to personnel actions shall require the affirmative vote of at least a majority of the whole membership of the Council.

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency such as a budget amendment shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. DO WE WANT THIS? Yes we want this. But we want to set a time limit on the them. I would say they are good for 6 Months and need to be voted on again to continue.

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- (f) The passage of any motion or resolution not subject to the provisions of state or local law, or these rules as amended, shall require the affirmative vote of at least a majority of the membership of the Council who are present and eligible to vote.

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~~(g) A Councilmember may not participate in a vote regarding quasi-judicial actions via telephone. Why not?~~

~~(h)(g)~~ The City Clerk shall record the votes of the Council and enter them in the official record of the Council.

RULE 22. COMMITTEES AND LIAISONS

The Committee structure of the Council and the procedures governing all committees shall be as follows:

- (a) Committee Of The Whole. There shall be a standing committee of the Council known as the Committee Of The Whole (COW), composed of the entire council sitting as a legislative study committee. The committee of the whole shall not take any official action while in committee. The Mayor shall chair the COW.
- (b) Council Study Committees. There are hereby created ~~four standing~~ (this is fine I can't get the strike through off)-committees of the Council:
 1. *Community Development Committee*. The primary purpose of the Community Development Committee is to review and advise upon on all matters of policy coming before the city council involving the ~~physical and~~ economic development of the city, including subdivision, housing, building and zoning matters, development and redevelopment, downtown economic and physical development, environmental quality issues, and such other matters as may be assigned to this committee.
 2. *Finance and Operations Committee*. The primary purpose of the Finance and Operations Committee is to review and advise upon on all matters of policy coming before the city council involving city financial affairs and on general operations of the city, including the review of all requisition vouchers for payment; personnel matters of the city; general administration; grants and

interlocal agreements, utilities, facilities, streets, parks, capital improvements, solid waste and such other matters as may be assigned to this committee.

3. ~~Public Health and Safety~~King County Sheriff Office and Public Safety Committee. The primary purpose of this committee is to review and advise upon on all matters of policy coming before the city council involving public health, welfare, and safety pertaining to the city, including public health, animal control, fire and police protection and law enforcement, and such other matters as may be assigned to this committee, policing and King County Sheriff Office activities.

~~Utilities and Public Facilities Committee. The primary purpose of this committee is to review and advise upon all matters of policy coming before the city council involving facilities of the city, including streets, parks, public buildings, and utility operations and capital activities, including water and wastewater systems and operations; solid waste collection and disposal including recycling and waste reduction; maintenance and improvement of all city properties and infrastructure, and such other matters as may be assigned to this committee.~~

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4. Housing and Land Use. The primary purpose of committee is to review housing projects, policies, code, standards, zoning, financing, affordability and regulations. This Committee will serve as liaison to the Park and Planning board. Not sure about this.

Term: The term and membership of each committee shall commence on the first regular meeting in January of the city council, and shall terminate effective with the day prior to such meeting the following year. The appointment to each council committee shall be made by the council during the first meeting of the council in January of each year, which meeting shall be denominated as the council organizational meeting.

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Meeting Schedule and Frequency: ~~The Finance & Operations Committee shall meet on a quarterly basis at minimum, and may meet more frequently as required. The other Council Study Committees shall meet as determined to be necessary. Committees will meet as necessary but no less than four times per year. The Committees may hold study sessions as needed. I think the "no less than four times" can be taken out.~~

(c) Special Ad Hoc Study Committees. Special ad hoc Council study committees may be created by the Council for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Council or COW meeting. Special study committees shall consist of two Council members appointed by the Mayor, and may also include citizens. Special study committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period. A Councilmember shall serve as chair of the committee.

(d) Council Liaisons. In order to provide a liaison and give the City Council representation before various boards, commissions and community based groups, the Mayor may appoint each Council member, at the beginning of the fiscal year, to serve as a liaison to one or more community based groups, institutions, boards, regional bodies, or commissions, such as:

1. ~~Carnation Chamber of Commerce~~
2. ~~Carnation Fourth of July Committee~~
3. ~~Joint Recommendations Committee (JRC)/CDBG~~
- 4.1. King County Flood Control District Advisory Committee

- ~~5.2.~~ Puget Sound Regional Council
- ~~6.~~ ~~Seattle Public Utilities~~
- ~~7.3.~~ Snoqualmie Valley Governments Association
- ~~8.4.~~ Snoqualmie Valley Mobility Coalition
- ~~9.5.~~ Snoqualmie Watershed Forum/King Conservation District (KCD)/WRIA 7
- ~~6.~~ Sound Cities Association (SCA) & Public Issues Committee (PIC)
- ~~7.~~ National League of Cities
- ~~10.8.~~ AWC and AWC Annual Conference

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The City Manager and respective department heads shall strive to provide council liaisons with additional information beyond that normally provided to the Council as a whole, and to keep the liaisons abreast of developments, trends, conditions and issues in their various areas of responsibility. The Liaisons shall strive to keep the Mayor, Council, City Manager and staff current on activities, plans and issues affecting their various liaison assignments. It shall be the duty of the assigned Council liaisons to serve as a point of contact and liaison with these groups. Council members shall reasonably report on their interaction with said groups and any interests and needs of the group that relate to the City government and its programs and services.

(e) Special Ad Hoc Citizen Advisory Committees. Special ad hoc citizen advisory committees may be created by the Council for a particular purpose. Committee members shall be appointed by the City Manager, with the advice and consent of the Council. The City Manager shall appoint the chair of the Committee. Unless disbanded by Council action, citizen study committees shall sunset at the end of their mission. One Councilmember, and one alternate Councilmember, may be appointed as an ex-officio member and liaison of a Citizen advisory committee.

(f) Committees, as requested by the Council through a formal motion, second and affirmative vote by a majority, may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Council. The Committee Chair may present the recommendations of the committee during the discussion of the item of business.

(g) The motion required to send an item to committee shall be made in the following manner:

(f) I move to send (item) to the (name) Committee, for the committee to provide a status report on (date) and to present findings and or recommendations by (date)

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~~(g)~~(h) At the Mayor's request, the City Manager considering budget and staffing availability shall make a reasonable effort to assign staff to serve the various committees.

(i) Minutes need **not** be taken of Council committee meetings, except that a summary of the discussion of the Committee Of The Whole meeting shall be kept and approved by the City Council. Action minutes of non-Council committees and boards shall be prepared.

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(j) Consistent with Rule 3, All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in closed executive sessions.

~~(h)~~

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RULE 23. ENACTED ORDINANCES, RESOLUTIONS AND MOTIONS

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or for example when establishing a crime, prohibit described conduct or actions altogether. Internal procedural rules of conduct need not be imposed by ordinance.

An enacted resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

RULE 24. RESOLUTIONS

Except for franchise resolutions as provided under rule 25 (b), a resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a majority of the Councilmembers present request that the entire resolution or certain of its sections be read, such requests shall be granted. A printed copy shall be made available upon request to any person attending the Council meeting at which the resolution was adopted.

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RULE 25. ORDINANCES

The procedure for ordinances is as follows:

- (a) Franchises. All resolutions or ordinances granting a franchise require two readings prior to adoption. The second reading must be at least five days after the first reading. All franchise ordinances or resolutions may be passed only at a regular meeting of the council; and at least a majority of the governing body must vote in favor of the franchise.
- (b) Ordinances shall be considered and adopted as follows:
 - 1. All ordinances authorizing expenditure of money shall include the exact source of the funds to be expended.
 - 2. All proposed ordinances shall be submitted through the City Manager and there shall be attached to each proposed ordinance a brief digest (agenda bill) of the provisions thereof.
 - 3. The City Clerk shall use best efforts to prepare copies of all proposed ordinances for distribution to all members of the Council at least forty-eight (48) hours before the Council meeting at which the ordinance is to be introduced.
 - 4. The title to an ordinance shall in all cases be read prior to its passage.
 - 5. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the council.
 - 6. When any vote is called, each Councilmember shall respond "Yes" (aye) or "No" (nay), or "Abstain". Any Councilmember who abstains shall state their reason for the abstention which shall be entered upon the official record of the council.

- (c) Emergency Ordinances. By vote of one more than the majority, the City Council may without notice or hearing adopt an emergency ordinance when necessitated by a public emergency as defined and prescribed in state law.
- (d) A Councilmember may, in open session, request of the Mayor that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the Council may assign the proposed ordinance to a specific committee or the committee of the whole for study and consideration. The committee shall report its findings to the Council.
- (e) If a Motion to pass an ordinance fails, the ordinance shall be considered lost.
- (f) Any ordinance amending or repealing any portion of the municipal code shall also be construed as amending or repealing the respective portions of any underlying ordinance(s).

RULE 26. PERMISSION REQUIRED TO ADDRESS THE COUNCIL

Persons, other than councilmembers and department heads, who desire to address the council, shall be permitted to do so only upon the Mayor's recognition and yielding of the floor.

RULE 27. RECONSIDERATION

To the extent permissible under state law, any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider.

Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the second (2nd) succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable.

RULE 28. COUNCIL RELATIONS WITH BOARDS AND ADVISORY COMMITTEES

All statutory boards and commissions will provide the Council with copies of any minutes taken of meetings.

- (a) Communications from such boards, commissions and bodies to the City Council may be recorded in the minutes of a Council meeting as follows:
 1. Any such communication may be officially acknowledged by the Council and receipt noted in the minutes. The procedure for acknowledging such receipt shall be that the Mayor or any member of the Council or Department Head may bring such communication to the Mayor's attention under agenda items regarding reports or requests. The Mayor shall state: "So noted for the record", and thereafter the Clerk shall make an appropriate notation in the minutes. Should any member of the Council determine that any such communication be officially answered by the Council, the Mayor shall add the matter to the agenda or defer to a subsequent meeting agenda.

RULE 29. COMMENTS, COMPLAINTS AND RECOMMENDATIONS TO COUNCIL

When citizen complaints or recommendations are brought before the City Council under "Citizen Comments" or at other times during the council meeting, other than for items already on an agenda, the Mayor shall first determine whether the issue is legislative or administrative in nature and then:

- (a) If the subject matter of the comments to be made by the public member requesting time are thought to be slanderous in nature or of no value to the council proceedings, the Council by majority vote may ask the public member to submit their comments in writing to the council and be refused public time to comment.
- (b) If the complaint or recommendation is legislative in nature, and if the Council finds such complaint or recommendation would require new legislation, or a change to an ordinance or resolution of the City, the Council may refer the matter to a council meeting, Committee of the Whole Study Session, or to Staff for study and recommendation.
- (c) If the complaint or recommendation is administrative in nature, or relates to administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Mayor may then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when the Manager's response is made.

(d) Should any member of the Council determine that any such communication under items (b) and (c) above be officially discussed by the Council, the Mayor, on an affirmative vote of the Council, shall add the matter to the present agenda or defer to a subsequent meeting agenda.

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RULE 30. FILLING COUNCIL VACANCIES

If a vacancy occurs in the office of Councilmember, the Council will follow procedures in accordance with RCW 35A.12.050 in order to fill the vacancy with the most qualified person available until an election is held. The City Manager will widely distribute and publish a notice of the vacancy, and the procedure and application form for applying. The Council will draw up a set of questions that they will use to interview the chosen Councilmember candidates.

~~RULE 31. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE — PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION~~

~~No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Mayor or a majority of the Council. No taping or recording equipment, the noise or size of which disrupts the normal conduct of Council business, shall be permitted.~~

RULE 32. COUNCIL TRAVEL

The Council may appropriate funds for Council travel in the legislative department of the annual City budget. Any Councilmember who desires to expend Council travel funds, ~~where the cost of such travel, including registration fees, lodging and meals would exceed \$150, shall complete a form provided by the City Clerk. Upon receipt by the City Manager, the completed form will be put in the Council packets for the next regular meeting. The Mayor shall bring the item to the floor under new business, and the Council shall act to approve, disapprove or modify the request. Will~~

use the annual allocation and follow standard procedures for submitting receipts. No funds may be use for the purchase of alcohol, tobacco or cannabis.