RESOLUTION NO. R2016-020

A RESOLUTION of the City Council of the City of Tumwater, Washington, adopting amended City Council Rules and Procedures and repealing Resolution No. R2016-003.

WHEREAS, on May 17, 2016, City Council adopted Resolution No. R2016-003 and Exhibit "A" consisting of the City Council Rules and Procedures; and

WHEREAS, at a Council Worksession on November 22, 2016, the Council discussed updates to the City Council Rules and Procedures; and

WHEREAS, the City Council finds that the updated City Council Rules and Procedures meet the conditions of RCW 35A.12.120 and are desirable and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Repealer. Resolution R2016-003 is hereby repealed in its entirety.

Section 2. Adoption. The Tumwater City Council hereby adopts the City Council Rules and Procedures attached as Exhibit A for the clear understanding and benefit of the elected officials, staff and citizens doing business with the City.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 4. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this 6th day of December 2016.

CITY OF TUMWATER

Pete Kmet

Pete Kmet, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

EXHIBIT A
(R2016-020)

City of Tumwater
City Council Rules and Procedures

Section 1. Authority

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

1.2 Eligibility for Council office shall be determined by Washington State law.[1]

Section 2. Types of Council Meetings

2.1 Regular. A formal meeting for the purpose of conducting official City business. This includes citizen comments; public hearings; presentations; and the adoption of ordinances and resolutions, contracts, agreements, and budgets. These meetings are generally televised locally.

a. Council's regular meetings will be held the first and third Tuesday of each month in the Council Chambers at City Hall beginning at 7:00 p.m. The time and place of regular meetings is established in TMC 2.04.

b. If possible, only one or two major topics (defined as issues of high interest or controversy, or those which take an extraordinary amount of time at the meeting) will be scheduled per meeting. Generally, meetings should not last more than two to three hours.

c. A regular meeting may be canceled by motion of the Council or by failure to produce a quorum.

2.2 Worksession. An informal meeting for the purpose of receiving briefings from staff, discussing forthcoming significant programs or projects, or similar activities.

a. Council worksessions will be held, if needed, on the second and fourth Tuesday of each month. Worksessions will be held in a publicly accessible location, generally within City Hall or the Fire Department Headquarters.

[1] RCW 35A.12.030: *"No person shall be eligible to hold elective office under the mayor-council plan unless the person is a registered voter of the city at the time of filing his or her declaration of candidacy and has been a resident of the city for a period of at least one year next preceding his or her election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilmember shall hold within the city government no other public office or employment except as permitted under the provisions of chapter."*

They shall begin at 5:30 p.m. and shall generally not last longer than two hours in length. A quorum is required to convene and conduct a worksession.

b. Additional worksessions may be called by the Mayor or majority of the City Council at any time, subject to the provision of adequate public notice.

c. No final action may be taken at a worksession. Decisions on those issues will be scheduled for a regular or special Council meeting. If action is needed, a special meeting may be held in conjunction with a worksession.

d. Worksessions will not include public comment or participation unless the Mayor allows it.

e. A worksession may be canceled by the Mayor or by a majority of the City Council.

2.3 Special Meetings. Any Council meeting other than the regular Council meeting, which has been called for the purpose of conducting official action, is a special meeting. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. Notice may be provided to Councilmembers by confirmed telephone, email, fax or regular mail. A special Council meeting may be scheduled by the Mayor or by a majority of the members of the City Council.

2.4 Emergency. A special Council meeting called without 24 hours' notice is an emergency meeting. An emergency meeting deals with an emergency such as involving injury or damage to persons or property or the likelihood of such injury or damage, by reason of fire, flood, earthquake or other emergency, or otherwise when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided under RCW 42.30.070. The minutes will indicate the reason for the emergency.

2.5 Executive Session. An executive session is a Council meeting, or portion of a Council meeting, that is closed except to the Council, City Administrator, Mayor, City Attorney, authorized staff members, and/or consultants authorized by the City Administrator or Mayor. The public is restricted from attendance. Executive sessions may be held during regular or special Council meetings, worksessions, or as separate meetings, and will be announced by the Mayor. Executive session topics are strictly limited to those matters authorized by RCW 42.30.110 or RCW 42.30.140. An executive session may occur at any point in the agenda.

a. Before convening an executive session, the Mayor shall announce the purpose of the meeting (including citing the RCW and specific exemption to justify the executive session) and the anticipated time the session will be concluded. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. Should the executive session end prior to the time specified and action is required, the Council may not take action until the specified time has lapsed.

b. The content of an executive session is limited to the reason that was publicly announced for the specific executive session.

c. At the conclusion of the executive session, if appropriate, the public meeting will reconvene to formally adjourn the meeting, for taking action on the item resulting from the executive session if properly noticed, or to continue the meeting.

2.6 Minutes. The City Clerk (or designee, hereafter referred to as City Clerk), will keep minutes of all proceedings of the Council in accordance with the statutory requirements, along with summaries of Council comments and committee report proceedings, and will be entered into a journal constituting the official record of the Council.

Section 3. Scheduling

3.1 Holidays. If a regularly scheduled meeting or worksession falls on a legal holiday, the regular meeting or worksession shall be held on the next business day at the same time and place, unless sufficient notice is otherwise provided for an alternate time and location.

3.2 Election Days. Regular meetings or worksessions which fall on a primary or general election day may be moved to the immediately prior Monday at the discretion of the Mayor.

3.3 Summer Recess. The Council will generally not schedule regular meetings, worksessions, and committee meetings during two weeks of August of each year.

Section 4. Order of Regular Council Meeting Agenda

4.1 Call to Order. The Mayor or designee calls the meeting to order.

4.2 Roll Call. Roll shall be called verbally and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the

Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.

4.3 Flag Salute. The Mayor, or the Mayor's designee, will lead the flag salute.

4.4 Agenda. The Mayor will ask the Council and staff if there are additions to the agenda which may be added pursuant to these rules.

4.5 Special Items. Special Items may include the presentation of a proclamation or other presentation to elected officials, staff, or the public by the City or presentations to the City or any official made by someone else. Other special presentations by citizen groups or outside agencies that make requests to present information on issues of interest to the City may also occur at this time with prior approval of the Mayor. Discretion shall be used in scheduling proclamations and presentations to help ensure the topics are timely, relevant to Tumwater and the City's business, and of general interest to the community. The City will strive to include at least one positive presentation or item at the start of each regular meeting, not more than two scheduled special items per meeting, and no more than 10 minutes per item.

4.6 Public Comments. Members of the audience may comment on items relating to any matter that is not scheduled for a public hearing. Comments may be limited to five (5) minutes, or another time limit, at the discretion of the Mayor. A "citizen comment sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to address the Council. The Mayor may allow citizens to also comment on individual agenda items during a regular or special meeting. These comment times may similarly be limited in duration at the discretion of the Mayor.

4.7 Consent Agenda. Consent agenda items are considered to be routine and non-controversial and are approved by one motion. Items suitable for the consent agenda could include, but are not limited to, minutes, business claims, setting hearing dates, contract payments, bid awards, project acceptance, housekeeping amendments to ordinances and resolutions, agreements, and ordinances and resolutions which have previously been subject to public review at either a Council committee or a worksession. Consent items are not subject to debate; however, any Councilmember may remove any item(s) from the consent agenda for separate discussion and action; a second is not required. When an item is removed, the consent agenda is considered for action without that item. After the consent agenda has been considered, the item which was removed is moved to the Section titled "Council Considerations".

4.8 Public Hearings. Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by state statute or City of Tumwater ordinances. The Mayor will state the public hearing procedures at the beginning of the public hearing. A "public hearing sign-up sheet" will be available at each meeting for the use of citizens wishing to give testimony. Citizens wishing to give testimony will follow the same procedure as for "Citizen Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making. Public hearing testimony shall be subject to the provisions of Section 6.

4.9 Council Considerations. Items for consideration by the Council are subject to presentation, usually by City staff, followed by the opportunity for Council discussion. They are submitted to Council in the form of an agenda bill which includes the subject matter (title for agenda), submitter, action requested, financial information (if applicable), attachments, and alternatives. All action items on the agenda shall have an agenda bill. The City Clerk will be responsible for assigning a number to the agenda bill. Agenda bills will also be used for Consent Agenda items.

4.10 Committee Reports. The Mayor calls upon each committee chair, or their designee, to report on the activities of their respective committee. Committee chairs should take this opportunity to inform the Council of major issues or discussions at the Committee level. In lieu of lengthy discussion, the Council may decide to continue discussion to a worksession.

4.11 Mayor and City Administrator Reports.

a. The Mayor makes announcements of upcoming meetings and events, and reports on meetings and events in which he/she has participated.

b. Staff reports and announcements are made to the Council by the City Administrator on issues of interest to the Council which do not require Council action.

4.12 Council Reports. At the end of each regular meeting, every Councilmember will be allowed up to 5 minutes to be used at their discretion for the following:

a. Reports on the activities, meetings, or issues arising from their service as a designated City representative to a community or intergovernmental organization or agency. The reports should be summaries and Councilmembers should exercise discretion in raising complex or detailed issues which are more appropriate for presentation at committees or worksessions.

b. Comments that are specific to City business, events, or activities. The time may not be used for political purposes. The use of the time for fundraising is limited as follows:

i. As a part of the biennial budget, Council will adopt a list of Designated Charities. A Designated Charity may either be one that is directly related to a City program or facility (e.g., Animal Services, Friends of the Library, PARC Foundation) or available to City employees as part of a community drive (United Way, Food Bank, TUFF, Relay for Life).

ii. Councilmembers may report retrospectively or prospectively about fundraising events. They may make people aware of opportunities to attend, purchase tickets, or to make a non-cash contribution. No fundraising, comments, or announcements would be allowed for organizations that are not Designated Charities. The Council may amend the Designated Charity list by motion at any time.

iii. The Mayor and City Administrator may report on other community events which have a relationship to the City.

iv. This does not alter the public's ability to comment during the public comment portion of the meeting or to be invited by the Mayor to make a special presentation.

c. The Mayor may allow up to 2 minutes of follow-up questions and answers in response to each Councilmember presentation.

d. Comment and follow-up time may not be yielded to other Councilmembers or the public.

4.13 Any Other Business. This is an opportunity for the Council to introduce new items or to make announcements regarding specific City business. Because it is at the end of the meeting, Councilmembers should strive to bring up new items for announcement or action at earlier portions of the meeting if appropriate.

4.14 Executive Session. An executive session may be held in compliance with these rules and RCW 42.30.110 or RCW 42.30.140. At the conclusion of the executive session, if appropriate, the public meeting will reconvene to adjourn or, if properly noticed, to take action.

4.15 Adjournment. The Mayor shall adjourn Council meetings upon the conclusion of the agenda.

4.16 Worksession Announcements. As part of a worksession, the agenda may include a provision for individual Councilmembers to make announcements or make short comments of general interest to the Council as a whole. These should be limited to no more than 2 minutes per Councilmember.

4.17 Special Meetings. Following lawful notice of a special meeting, items may be added to the agenda, but no final action is allowed on items that are added to the agenda of a special meeting.

Section 5. Agenda Preparation

5.1 The City Clerk will prepare an agenda packet for each Council meeting and worksession specifying the time and place of the meeting, and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the City Administrator or Mayor.

5.2 Agenda items will be completed by the appropriate department staff and submitted to the City Clerk for finalizing by 11:00 a.m. on the Thursday prior to the following Tuesday meeting. The "agenda bill" form will be used for all items submitted for a meeting agenda of committees, regular or special meetings, and worksessions.

5.3 An item may be placed on a Council or Committee meeting agenda by any of the following methods: 1) approval of the City Administrator; 2) approval of the Mayor; 3) request of any two or more Councilmembers. Staff will ensure Councilmembers are provided sufficient information to make decisions. Any item may be placed on a regular Council meeting or worksession agenda, at any time after the distribution of the agenda by the City Administrator, Mayor, or by a majority vote of the Council.

5.4 An agenda shall be prepared and provided to the Council and available to the public on the Friday prior to each meeting. Public availability shall include posting on the website and distribution by email to an established mailing list. Agenda packets will be distributed by email to the Council by 5:00 p.m. on the Friday prior to a meeting. Hard copies will be in the mailboxes of Councilmembers requesting hard copies by 5:00 p.m. on the Friday prior to a meeting. There will be no home delivery of packets. Other mail which Councilmembers receive during the week will be placed in their respective mailboxes as it arrives. Councilmembers will have access to their mailboxes at any time.

5.5 The City Administrator will prepare and keep current a calendar of agenda items for all Council regular and special meetings, worksessions, and committee meetings.

5.6 Legally required and advertised public hearings and other items required by statute or with predetermined deadlines will have a higher priority over other scheduled agenda items which have been scheduled by convenience rather than for statutory or other legal reasons. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

5.7 The Mayor and City Administrator shall schedule matters for Council and committee review as necessary for the smooth and orderly transaction of City business and in order to keep the Council advised as to the business of the City.

Section 6. Rules Supplemental

6.1 On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in the current edition of *Robert's Rules of Order* shall serve as a guide. In the event of a conflict, these Council policies and procedures shall prevail. The Mayor shall have the authority to interpret these rules and make rulings.

Section 7. Comments, Concerns and Testimony to Council

7.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address or other contact information, and limit their remarks to five (5) minutes or other limit established by the Mayor. They may not be required to give their address. All remarks will be addressed to the Council as a whole. Comments should be limited to those related to City business. A speaker shall generally be limited to speaking only once on an agenda item.

7.2 If an individual or group of persons becomes as disruptive as to render the orderly conduct of a Council meeting unfeasible, the following actions may be taken under RCW 42.30.050:

a. The person presiding over the meeting may request that the individual or group voluntarily leave the meeting. If they refuse to do so, the police may be summoned to remove them;

b. A majority of the members of the governing body may vote to clear the room. Persons with a valid press credential, or scheduled to appear on the agenda may be readmitted; or

c. A majority of the members may vote to adjourn the meeting and reconvene in a new location. When doing so, the governing body must:

i. Provide the media in attendance and persons scheduled to appear on the agenda, who were not part of the disruption, with notice of the new location and an opportunity to attend;

ii. Post an order or adjournment citing the new time and location at the entrance to the disrupted meeting location; and

iii. At the reconvened meeting, take final disposition only on matters appearing on the agenda.

d. Disruptive behavior includes impertinent or slanderous remarks or being boisterous, threatening, or personally abusive to elected officials, staff or the public.

7.3 Speakers shall not be allowed to comment upon, promote, advocate for, oppose or speak against a pending initiative, ballot measure, or candidate unless properly noticed on the agenda.

7.4 Citizens with complaints, concerns, or questions will be encouraged to contact the City Administrator or Mayor or the Council may ask that the matter be placed on a future City Council meeting, worksession or Council committee meeting agenda with the appropriate background information. Councilmembers should not engage speakers in dialog or rebut public comments. The presiding officer should acknowledge people's comments and provide clarification such as advising them of pending public meetings, other applicable agencies, or direct them to specific City staff.

Section 8. Council Actions

8.1 The following actions may be considered at Council meetings:

a. Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance.

b. Resolutions are adopted to express Council policy or to direct certain types of administrative action. They have the same effect as a motion, but in a written form. A resolution may be changed by adoption of a subsequent resolution.

c. Proclamations are issued solely under the Mayor's authority. It is not required that they be read or presented at a Council meeting.

d. Motions are official Council actions which do not require documentation in writing. They often are the Council authorizing action (e.g., signing an agreement by the Mayor) or to provide direction to staff to prepare an item for future consideration.

Section 9. Motions

9.1 If a motion does not receive a second, it dies. Motions that do not need a second include nominations, withdrawal of a motion, agenda order, request for a roll call vote, point of order, and adjournment. After consideration of the Mayor's ability to break a tie vote according to State law[2], a motion that receives a tie vote is deemed to have failed. Motions shall be clear and concise and not include statements for the motion within the motion.

9.2 After a motion and a second, the Mayor will state the names of the Councilmembers making the motion and second.

9.3 After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote. Public comment shall not be allowed when a motion is pending.

9.4 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council or the seconder of the motion.

9.5 A motion to table is not debatable, and requires a second. It shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

9.6 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or at a time certain at a future regular or special Council meeting.

9.7 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if a motion to reconsider receives an affirmative vote.

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[2] RCW 35A.12.100, in part: "*The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.*"

9.8 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fulfill the 2/3 requirement. Debate is reopened if the motion fails.

9.9 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 and inserting, or substituting language in the motion.

9.10 Discussion of the motion only occurs after the motion has been moved and seconded.

9.11 The motion maker, Mayor, or City Clerk shall repeat the motion prior to voting.

9.12 The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law. No Councilmember shall be allowed to pass when called upon and vote later in the order. Councilmembers may abstain from the entire vote as provided for in these rules and State law.

9.13 At the conclusion of any vote, the Mayor shall inform the Council of the result of the vote. The City Clerk may confirm the result.

9.14 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. A motion for reconsideration may not occur until the following meeting.

9.15 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

9.16 Voting by telephone or other electronic means is allowed provided it is in compliance with State public meetings and public records law and the Councilmember(s) appearing by telephone can hear the entire proceedings and participants at the meeting can hear the Councilmembers that are appearing by telephone.

Section 10. Ordinances

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

10.2 The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. In the event an ordinance is proposed to change substantially by either staff or by a discussion at a prior Council meeting, a substitute ordinance shall be submitted. The substitute ordinance shall be identified by the same ordinance number with an indication of the ordinance's substitute status. (For example, Ordinance No. 2004-005 would be replaced with Ordinance No. 2004-005-S1)

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

10.4 Ordinances, or ordinance summaries, shall be promptly published as provided by law. The City will strive to reduce publication costs when possible.

10.5 An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified.

10.6 There shall be one reading of an ordinance prior to any action and adoption by the City, unless a second reading is required by state statute or City code.

10.7 The Mayor may veto an ordinance as provided for in State law.[3]

Section 11. Mayor and Mayor Pro Tem

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

11.2 The Presiding Officer shall:

a. Preserve order and decorum in the Council Chambers/meeting room.

b. Observe and enforce all policies and procedures adopted by the Council.

c. Decide all questions on order, in accordance with these policies and procedures, subject to appeal by any Councilmember.

d. Recognize Councilmembers in the order in which they request the floor.

[3] RCW 35A.12.130, in part: *"The mayor shall have the power to veto ordinances passed by the council and submitted to him or her as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all councilmembers plus one more vote."*

11.3 Challenges to Ruling of Presiding Officer. Notwithstanding anything herein contained, including Robert's Rules of Order, to the contrary, any member of the Council shall have the right and privilege to challenge any ruling of any kind made by the presiding officer at any Council meeting, in which case the approval or disapproval of the ruling of the presiding officer shall immediately and without debate or comment be put to a vote of the Council, and the decision of the majority of the members of the Council present, shall prevail.

Section 12. Council Relations with Staff

12.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.

12.2 City staff acknowledges the Council as policymakers, and the Councilmembers acknowledge it is City staff's responsibility to implement Council policy.

12.3 Councilmembers shall not attempt to influence City staff in the selection of, or retention of, personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits, except as otherwise provided by law. The Mayor may invite Councilmembers to participate in certain hiring or consultant selection processes.

12.4 Councilmembers shall not attempt to interfere with the administration or internal operation and practices of any City department.

12.5 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated to all appropriate persons as soon as practicable after it arrives. Regular and electronic mail received by the City and addressed to Councilmembers shall be opened, provided to the Councilmembers, distributed to appropriate persons within the City, and retained in compliance with public records laws. Mail of all types that relate to political campaigns will be unopened, destroyed and not distributed.

12.6 No Councilmember shall direct the City Administrator or staff to initiate any action or prepare any report that requires significant resources, or initiate any project or study without the consent of the Mayor or a majority of the Council.

12.7 Individual requests for information can be made directly to the department director unless otherwise determined by the City Administrator or Mayor. If

the request would create a change in work assignments or City staffing levels, the request must be made through the City Administrator or Mayor. For questions regarding items pending before the Council, Councilmembers may contact the identified staff contact.

12.8 Requests for staff attendance at community meetings shall be made to the City Administrator or Mayor and may be approved on a staff availability basis. No request may be granted within 90 days prior to any election where a seated Councilmember is up for election.

Section 13. Council Meeting Staffing

13.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Administrator has an excused absence, the designated Acting City Administrator or applicable department directors shall attend the meeting.

13.2 The City Attorney shall attend all regular meetings of the Council unless excused by the City Administrator or Mayor and shall, upon request, give an opinion either written or oral on legal questions. An Acting City Attorney may attend meetings when the City Attorney has been excused. The City Attorney or designated City Attorney shall attend any executive sessions that are scheduled for the purpose of discussing potential or pending litigation.

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

Section 14. Councilmember Attendance at Meetings

14.1 Councilmembers will inform the City Administrator, Mayor, another Councilmember or Executive Assistant if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence.

14.2 As provided for in State law, a Councilmember shall vacate a position upon three unexcused consecutive absences from regular meetings.[4]

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[4] RCW 35A.12.060: *"In addition a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council."*

Section 15. Media Representation at Council Meetings

15.1 All public meetings of the City Council and its advisory committees, except executive sessions, shall be open to the media, freely subject to recording by radio, television, and photographic services and the public at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. The public may not be prohibited from electronic recording of Council meetings.

Section 16. Council Representation

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

16.2 Councilmembers and the Mayor, when serving as a Tumwater representative, may act without authorization on specific votes for matters which pertain to the general operation of the organization or are emergency in nature. Issues which have a direct financial impact on Tumwater finances, the level of service provided in Tumwater, or are issues of significant policy shall be reported back to the Tumwater Council for feedback and potential authorization before taking action.

Section 17. Confidentiality

17.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive session to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of executive session when the information is marked confidential.

17.2 Regarding executive session or confidential matter, all contacts with the outside parties shall be done by designated City staff handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney or City staff designated by the City Administrator or Mayor, Councilmembers should review such potential discussion with the Mayor, City Administrator or City Attorney. Any Councilmember having any such contact or discussion shall make full disclosure to the Mayor, City Administrator, City Attorney and/or the City Council in a timely manner.

Section 18. Conflict of Interest

18.1 City Councilmembers and Mayor shall comply with the City's gift acceptance policy.

18.2 City Councilmembers and Mayor shall excuse themselves from consideration of any proceeding in which they have a direct interest. If a conflict exists, the affected Councilmember or Mayor shall excuse themselves and leave the Council Chambers/meeting room prior to any briefing, hearing, discussion, or other consideration of the issue. Ultimate compliance with the State of Washington Conflict of Interest statutes is the responsibility of individual Councilmembers and the Mayor.

Section 19. Public Records

19.1 Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law. Public records that are duplicate of those received by, or in the possession of the City, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

19.2 As elected officials, the Mayor and Councilmembers have sole responsibility for compliance with all State Public Disclosure Commission rules and regulations.

Section 20. Mayor Pro Tem Selection Process

20.1 The Mayor Pro Tem shall be elected to a two year term at the first regular Council meeting in January following a municipal election year. The Mayor shall conduct the election for the Mayor Pro Tem who shall be elected by a majority of the full Council.

Section 21. City Council Committees

21.1 The following standing City Council Committees are formed as described:

a. Budget and Finance. Develop and review policy issues and make recommendations regarding budget amendments, financial contracts, social and health services funding, financing, and budget development not otherwise covered by other committees or the full Council.

b. Public Works. Develop and review policy issues and make recommendations regarding streets, utilities (water, sewer, storm sewer), utility rates, sidewalks, bicycle paths, competitive bidding for public works projects, award of public works projects, public transit, transportation planning, and traffic safety.

c. General Government. Develop and review policy issues and make recommendations regarding parks, recreation, facilities, golf course, trails, planning, licensing and regulation, zoning and land use regulations, historic preservation, economic development, and intergovernmental relations not covered by another committee.

d. Public Health and Safety. Develop and review policy issues and make recommendations regarding police, municipal court, fire, emergency services, dispatch and communications systems, community wellness, risk/hazard issues, epidemics, sickness, sanitation, disaster and emergency planning.

21.2 Each committee shall have a membership of three (3) Councilmembers.

21.3 The Mayor shall appoint the members of each Council committee by the second meeting of each even numbered year. Committee members shall serve two year terms. Committee members shall select the Chair of each committee at the first committee meeting following the appointment.

21.4 Committee Work Programs and Agendas.

The Council Committee shall, with staff support, study issues and make recommendations to the full Council for action.

a. Committee Agendas. Committee Agendas shall be prepared by the Thursday prior to the committee meeting in coordination with the committee chair and in consultation with the City Administrator or Mayor. The City Administrator, the Administrator's designee, Committee Chair, majority of a committee, or the Mayor may add things to the agenda. If there are no agenda items for a meeting at the time the agenda is due, the meeting will be canceled. Emergent issues may be added at the request of the Mayor or City Administrator and approval of the Committee chair. The Committee members shall be notified of the change to the agenda by telephone or email.

b. Committee Minutes. The City Clerk will maintain minutes of meetings recording attendance, discussion topics, and actions at a minimum. The minutes shall serve as the reports of the committee to the full Council.

Committee chairs may supplement the minutes with additional information at the full Council meeting.

c. Committee Function and Scope. The scope of Council committees is limited primarily to policy matters. They shall review such matters within their general areas of jurisdiction and shall formulate recommendations to the full Council for action. In certain circumstances, and with prior specific authorization from the full Council, a committee may conduct a public hearing.

21.5 Council Committee Schedule and Member Attendance.

a. Each committee shall establish a regular meeting time of at least once per month. The committee schedule and the agendas for meetings shall be noticed in accordance with State law and on the City's website.

b. All committee meetings are open to the public unless the subject matter is such that it would be the basis for the committee to meet in executive session according to state law.

c. Committee members will strive to attend their assigned meetings. If a committee member cannot attend, that committee member shall arrange for another Councilmember to attend in their place. Excepting bonafide emergencies, failure to attend two consecutive committee meetings and to provide an alternate shall be considered a resignation from the committee, so that a replacement can be made.

d. Any Councilmember wishing to attend a meeting of a committee which he or she is not a regular member shall provide the chair of that committee with sufficient advance notice of his or her intent to attend, and will attend in the capacity of an observer only.

Section 22. Appointments to Regional Organizations

22.1 Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made by the Mayor.

a. Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body directly to the Mayor.

b. When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. Any names shall

be submitted by the Mayor to the regional body which will then make the appointment(s) subject to confirmation by the Council.

c. When the City has the authority to make direct appointment to a regional committee, the Mayor shall appoint said representatives on an annual basis, unless the appointments are for a longer term.

22.2 When the Mayor and/or Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting by a majority vote. When possible, said selection of the voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

Section 23. Travel and Training Budgets

23.1 Individual Councilmember Training. Each biennium, every Council position will be allocated $500 to be used for training and travel expenses related to their official duties as Councilmember. The allocation may be combined with funds from other organizations or personal funds. Councilmembers may allocate their funds to other sitting Councilmembers. Funds may not be carried over to another biennium. Valid expenses will be determined by the City's administrative policies. Individual luncheons or other events that are not fundraisers and which comply with the City operating policies attended on behalf of the City are eligible for funding under this rule.

23.2 Shared Training. Each biennium, the Council will determine as part of the budget consideration/adoption process, the amount of additional funding provided to the Council for attendance at required meetings and conferences such as the AWC Annual Conference and the Legislative Workshop. In so doing, the Council may determine the number of Councilmembers that will be attending. As required, selection of voting delegates will be as provided for in Council Rule 22.2. The budget may also include a major conference line item. Any Councilmember may request up to $1,000 of this line item to be spent on travel, lodging or registration for a major conference in the United States or Canada. Any such conference shall be related to the business of the City. The Council shall make the decision on any such request by majority vote. The funds will be allocated on a first-come basis until the budget allocation is exhausted. Costs over the amount approved by the Council may be paid by the individual Councilmember, another organization, a scholarship, or the Councilmember may use some or all of their Individual Training funds from Section 23.1.

Section 24. Suspension and Amendment of Rules

24.1 Suspension of the Rules. Any provision of these rules not governed by State law or ordinance may be temporarily suspended upon proper motion and second and a majority vote of the Council.

24.2 Amendments to Rules. Permanent amendments to these rules shall be made by resolution of the Council, provided the amendments are not approved at the same regular meeting where they are introduced.

Section 25. Other Rules

25.1 The activities of the Mayor and City Councilmembers shall also be subject to the City's administrative and personnel policy manual. Copies of these policies and procedures shall be provided to new Councilmembers at orientation and to all Councilmembers upon amendment.

Section 26. Disciplinary Sanctions

26.1 The Council has power under general State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.

a. When a Councilmember or the Mayor believes that another Councilmember may have violated the adopted Council operating protocols, rules, laws, or policies, the suspecting Councilmember or Mayor shall discuss the issue with the offending Councilmember privately in an attempt to resolve the issue informally.

b. In the event the violations are believed to continue, by majority vote of the City Council, the Council may commission an investigation of the charges. In such case, the investigation may be done by a party outside the City of Tumwater. If an investigation is required, the investigation shall, where appropriate, follow generally accepted management and supervisory procedures as outlined in the relevant administrative and personnel policy manual.

c. The results of the investigation shall be submitted to the Mayor and City Council.

d. The charged Councilmember shall be given the opportunity to respond to any allegation, report or finding prior to any action being taken.

e. The City Council shall review the findings and by majority vote shall consider and adopt the applicable findings. The process for this action shall be consistent with these rules and applicable personnel policies.

f. Sanctions may be imposed for material violations pursuant to this section and shall be determined by a majority vote of the Council. The process for this action shall be consistent with these rules. The Council shall consider the intent, risk, and severity of the violation to determine the appropriate level of sanction or punishment.

    i. Consequences and sanctions could include, and range between, a verbal admonition, a written reprimand, censure, or removal of a Councilmember from Council committee chair positions or committee memberships, or removal of intergovernmental duties.

    ii. Additional consequences may include leadership development or other training. The Councilmember in question may spend time with the City Administrator, Mayor, or Administrative Services Department staff to develop leadership skills and / or develop a corrective action plan that is mutually agreed upon.

g. If a Councilmember is believed to have violated State Law, any individual Councilmember may choose to refer the alleged violation to the Thurston County Prosecuting Attorney's office, Public Disclosure Commission, or other appropriate agency for appropriate action.

Section 27. City Council Computer Policy

27.1 Intent. The following policies apply to the use of City-provided portable computers when made available to the Mayor and City Council. These rules are supplemental to the City's Operating Policies which address use of all information technology resources by staff and Elected Officials. For purposes of this policy, any reference to City Council is specific to the seven member City Council and any reference to Elected Officials includes the Mayor and City Council.

27.2 Ownership.

a. Computers provided to the Elected Officials shall remain the property of the City of Tumwater.

b. Computers shall be returned to the City prior to the end of the Elected Official's term. Failure to do so could result in garnishment of the final pay check.

c. Elected officials will use due care and caution in the maintenance and care of the computer.

d. The computers will be password protected at all times and will not be left where they can be easily stolen, damaged or accessed. Replacement of lost, damaged, or stolen computers will be reviewed by the City Administrator on a case-by-case basis.

e. The City will provide routine maintenance of the computers consistent with City operation policies. (Policies: 5.03.04, 5.07.02)

f. The computer shall not be loaned or otherwise accessed by non-City employees.

27.3 Appropriate Use.

a. The computer shall only be used for official City business. (Policy 5.03.01) No commercial, political, personal, pornographic, illegal or offensive use will be allowed. (Policy 5.04)

b. There may be no addition or downloading of software or programs without prior authorization from the City's IT department. (Policies: 5.03.03, 5.04)

c. Use is limited to official City business only. Any postings, blogging, messaging, or social media activity is limited to official City sites and activities and may not be used for personal sites or social media. (Policy 5.03.01)

d. Computers may be used during Council meetings, but members should be mindful of the appearance to those in the audience and watching on TV. Users should make sure the volume is off and should keep web surfing and other activities to a minimum. No communication between Councilmembers, postings, blogging, messaging, or social media activity is allowed during meetings. Computer use during meetings shall be solely related to the business of the meeting.

27.4 Records Management.

a. Records must be retained consistent with the State Attorney General's Local Records Retention Schedule for Local Agency Records.

b. No deletion of original, primary files is allowed.

c. Secondary copies, downloaded but unaltered files, may be deleted.

d. There is no expectation of privacy in the use of City equipment. The City may access the computer, saved files, internet logs, email records, metadata, or any other pertinent information at any time without notice. (Policies: 5.03.02, 5.07)

e. All information contained on City equipment is public. There is no protection, and the City will provide no defense, for private or personal files, data, email, or documents that reside on any City-owned computer. (Policies: 5.06.01, 5.07.03)

Section 28. Interpersonal Behaviors

28.1 In order to maintain decorum and good working relationships, Councilmembers shall:

a. Promote and require respect and civility in dialog between Councilmembers, Mayor, staff and the public while still allowing for healthy disagreement.

b. Be courteous and professional at all times in recognition that Council communications and behaviors set the tone for the organization.

c. Allow the public to respectfully present information and opinions at appropriate meeting times and Councilmembers, the Mayor, and staff will not engage in debate with the public during the meeting.

d. Authorize the presiding officer at a Council meeting, when complaints are raised by the public or an elected official, to take the contact information and make a follow up contact with the speaker to obtain resolution; alternatively, if the item can be easily resolved or answered, the presiding officer may provide the answer or ask staff to provide the information. The presiding officer will acknowledge the speaker's comments.

e. Not consume food at the dais.

f. Help ensure that everyone who wants to speak gets a chance to by limiting individual comments so as to not be repetitive, argumentative, and/or off-topic.

g. Be recognized by the meeting's presiding officer before speaking.

h. Not have side conversations, cell phone calls, on-line activity, or texting during the meeting when not in support of the business before the Council.

i. Include, when possible, in regular Council meetings a positive note or celebration of community accomplishments, recognition of staff achievement, or presentation of an award or commendation for the City, an employee, or other official.

j. Use formal titles (Councilmember Jones, Mayor Anderson, etc.) during regular Council meetings, but it is not required and shall be left up to each individual's discretion at informal meetings and worksessions.

k. Be respectful of Council time, as staff, by scheduling full and complete meetings and not having worksessions when there are insufficient agenda items.

l. Honor and respect disagreements and differences as an important feature of policy making and governance.

m. Not criticize those who vote against your position on any issue.

n. Respect the decision once a policy is passed or defeated by the majority vote.

o. Strive to honor time limits on the meetings.

p. Provide Councilmembers with sufficient information prior to meetings and Councilmembers will review the meeting materials and come to the meeting prepared.

q. Strive to attend the applicable meetings and assignments or inform the Mayor or City Administrator if unable to attend. If possible and applicable, notice will be in time to provide an alternate meeting time.

r. Carefully research the facts, the other organization's perspective, and potential damage to organizational relationships before criticizing another partner agency or organization. If possible, criticism and concerns will be delivered to the agency directly.

s. Support the success of City staff in their role as experts and advisors. Concerns about performance of staff will be raised to the City Administrator or Mayor.

t. Come to meetings prepared and having read the materials.

28.2 In order to promote efficiency, ensure preparedness, and avoid surprises, Councilmembers shall:

a. Make every attempt, as an elected official, to notify staff in advance of public meetings about key questions and discussion points that the officials would like addressed during regular meetings or worksessions.

b. Make every attempt, as staff, to notify the Mayor and/or City Administrator of key issues, events, and other emerging issues in advance of public notices of these issues and events that would be of interest or concern to the City Council.

c. To strive not to surprise other Councilmembers, while honoring the boundaries of the Open Public Meetings laws.

d. Make every attempt to avoid having elected officials, the Mayor, or City Administrator read about significant City issues, comments, etc. in the paper first, before being advised in person, by phone, or email.

e. Be inclusive in policy making. Seeking just a majority leaves out Councilmembers with whom you may need a positive relationship later.

f. Regularly check email, if available, in order to use it as an efficient tool for communicating City news.

28.3 In order to be efficient and maintain respective roles, Councilmembers, Mayor and staff shall:

a. Strive for a partnership, as Mayor and City Council, in the governance and operation of the City while respecting the necessary responsibilities for checks and balances.

b. Seek to involve, as Mayor, the Council in civic events and celebrations.

c. Use the Council Committee structure to flesh-out issues, develop and review alternatives, make recommendations to the full Council, and provide input to the Mayor and staff.

d. Empower staff to give input and challenge the potential ideas and direction of Council provided it is done respectfully, professionally, and in the appropriate setting (such as in private, in a worksession, or committee meeting). Similarly, staff is clear to help ensure that all perspectives and

alternatives are represented prior to action. Council will be clear in asking if they are seeking facts/data or opinions.

e. Report, as the Mayor and City Administrator, to Council in the following frequency as appropriate:

   i. At Council meetings and worksessions
   ii. In bi-weekly City Administrator's Reports
   iii. Quarterly financial reports
   iv. Council meeting minutes
   v. Additional reports and City Attorney memos that may be submitted at the request of the Council or prerogative of the Mayor or City Administrator

f. Understand that City staff will be asked to inform the City Administrator and Mayor of their contacts with the City Council in the interest of keeping the entire leadership team informed on key issues, requests and other City business related to their interactions.

g. Empower City staff to advise City Councilmembers of the need to seek the approval of the City Administrator and/or Mayor before responding to requests from the City Council.

h. Learn about the actions and/or processes that occurred in meetings during an individual Councilmember's absence and take individual responsibility for obtaining the information. The City Administrator will make staff available for individual make-up briefings as time permits.

i. Strive for unanimous votes from the City Council on decisions affecting key issues (e.g., bond issues, personnel issues, etc.).

j. Strive to make decisions on pending issues at the appropriate time, respecting the deadlines of others, and staff will strive to allow adequate time for Council to make decisions.

k. Strive to celebrate the accomplishments of the City at all levels of the organization.

28.4 In order to ensure an orderly and fair process for Council to make inquiries, request information and studies, and initiate policy, the Councilmembers agree as follows:

a. At any time, specific department directors may be approached directly by a Councilmember to answer operational questions about specific

departments' delivery of services, etc.

b. The City Administrator should be approached with questions that involve more than one department or cross-over into all aspects of City operations and require no action.

c. The Mayor or City Administrator shall be approached for all requests for actions, studies, or policy initiatives that involve additional City resources.

d. The City Administrator may be able to accommodate the request or may request the entire Council review major requests for studies and policy initiatives in order to determine the level of priority before assigning or reallocating resources.

e. Councilmembers may initiate a request for a study or policy initiative as a part of the budget development process, ideally at goal-setting meetings. The initiative would be considered as part of the overall budget and either be approved or not approved.

f. Councilmembers may also initiate requests for studies or policy initiatives at committee meetings or at Council meetings. Councilmembers should strive to alert the Mayor or City Administrator that such a request is being submitted prior to the meeting.

28.5 The Mayor agrees to employ a collaborative process that includes representatives of the City Council in the process of reviewing candidates for key positions within the City, whenever possible.

28.6 The Mayor, City Council, City Administrator, and senior staff agree that an informed policy body is the most effective means to establishing sound public policy and therefore shall strive to both ask and answer any question that is relevant to creating and managing public policy.

28.7 In order to maintain coordinated media communications and respect the collective decision-making role of the Council, Councilmembers agree as follows:

a. If members of the media make personal inquiries concerning other City elected officials (Mayor and Council), the recipient (staff or Council) of the inquiry should refrain from responding unless they have first-hand knowledge of the situation or until they have an opportunity to talk directly with the Mayor or City Administrator.

b. To speak only for one's own particular point of view on an issue and clarify to the reporter that you are only speaking for yourself. Do not speak for the entire Council or the City unless specifically authorized to do so.

c. To utilize the Executive Department as a resource to assist with media contacts or notify others of media contacts.

d. To not comment on issues of pending or potential litigation or quasi-judicial matters, referring those media contacts to the City Attorney or City Administrator.

Approved: December 6, 2016