



RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

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RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 35A.12.100 and 35.A.11.020 the Black Diamond City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall take effect upon adoption by resolution of the Council and remain in effect until such time as they are amended or new rules are adopted in the manner provided for by these rules.

SECTION 2 – COUNCIL MEETING

2.1 Meeting Shall be Open to Public. All meetings shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in Chapter 42.30 RCW 42.30.RCW (the Open Public Meetings Act). Under RCW 42.30.040, no person at the meeting shall be required to register to provide other information, to complete a questionnaire, or otherwise comply with any other conditions as a precondition to be allowed to attend. However, persons wishing to address the Council or otherwise present information to the Council during a Council meeting may be requested to register and identify themselves and their home address. Persons who disrupt a meeting of the Council may lose the right to be present for the remainder of the meeting. See *Section 2.12*

2.2 Agenda. The City Clerk shall be responsible for preparing and publishing agendas for all City Council meetings that specify the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor or the Mayor's designee prior to publication. The agenda for a Special Council Meeting may not be amended. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. nine days prior to the scheduled Council meeting. After this time, inclusion of an item on the published agenda will be at the discretion of the Clerk, upon consultation with the Mayor. Once the agenda has been finalized, published, and provided to the Council, the Council may decline to consider additional items at the meeting for which the agenda was prepared, or postpone consideration of such items until a future Council meeting date, which date shall be specified by the Council.

2.3 Minutes. The City Clerk shall prepare action minutes for all the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. No changes shall be made to minutes except by motion approved by a majority of the Council at a properly noticed meeting.

2.4 Schedule of Regular Meetings. In accordance with BDMC 2.04.010, the regular meetings of the City Council shall be held on the first and third Thursdays of every month at 7:00 p.m. in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The regular meeting location may be changed by a majority vote of the City Council. A work session of the City Council will be held on the second Thursday of the month at 6:00 p. m. Town Hall meetings shall be held semi-annually (March and October) on the second Thursday of the month at 7:00 p.m. following the regular Work Session in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The Town Hall Meeting will be adjourned by 9:00 p.m. unless otherwise amended by a majority vote of the Council. Council meetings, work sessions and/or Town Hall meetings may be cancelled and/or rescheduled by a majority vote of the Council in an open public meeting. The Mayor or a majority of the City Council may, on an emergency basis, cancel a meeting due to unforeseen events.

2.5 Quorum Required. The presence of a majority of the whole membership of the Council who are also eligible to vote at a Council meeting shall constitute a quorum. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.

2.6 Holidays. Should a scheduled Council meeting fall on a legal holiday, the meeting shall be rescheduled to the next business day that is not a legal holiday or to another day certain by majority vote of Councilmembers present.

2.7 Study Sessions. Study sessions, or meetings to review upcoming and pertinent business of the City, may be scheduled as special meetings of the Council subject to the same notification procedures set forth below for special meetings. No public testimony will be allowed during study sessions.

2.8 Special Meetings. In accordance with chapter 42.30.080 RCW, a special meeting of the City Council may be called by the Mayor or at the request of a majority of the City Council. If the City Clerk receives a request for a special meeting from a majority of the City Council, then the City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone, e-mail, or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered at the special meeting. The Council may not make final disposition of any matter not mentioned in the notice. Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with City emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

2.9 Emergency Meetings. In accordance with RCW 42.30.070 and .080, if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, the Presiding Officer of the Council may provide for a meeting site other than the regular meeting site and the public meeting notice requirements shall be suspended during the emergency.

2.10 Executive and Closed Sessions. An executive session is a Council meeting that is closed except to the Council, the Mayor, the City Administrator, the City Attorney and staff members or others authorized to attend by the Mayor or a majority of Councilmembers present. In accordance with RCW 42.30.030 and .110, other persons and members of the public are prohibited from attending executive sessions.

Executive sessions may be held during regular Council meetings, Special Council meetings, or Council Study Sessions. In addition, the Council may retire to hold an executive session during any one of these meetings. When this occurs, the portions of the meeting that are not part of the executive session shall continue to be open to the public. Prior to convening an executive session, the Presiding Officer shall make an announcement that an executive session is being held and inform the public when the executive session shall end; provided that, the ending time of an executive session may be extended by announcement of the Presiding Officer. Executive sessions may only be called to consider such matters as authorized by RCW 42.30.110.

No votes, straw polls, or decisions on final action shall be made in Executive or Closed Sessions. Discussions occurring during executive sessions are confidential, and violation of confidentiality by any participant in an executive session may subject the violator to censure by the Council, up to and including exclusion from future executive sessions if so determined by a public vote of a majority of the entire Council.

2.11 Town Hall Meetings. Town Hall meetings are informal events that provide the City Council and members of the Black Diamond Community an opportunity to discuss emerging issues and matters of local or general concern.

2.12 Disruption of Meetings. As authorized by RCW 42.30.050, should any Council meeting be interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, such person or persons causing the interruption may be ordered removed by the Mayor, unless overruled by the Council from the meeting and prohibited from returning to attend the remainder of the meeting. If necessary to restore order, the Council may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the Councilmembers present. In such a session, final disposition may be taken only on matters that appear on the agenda. The Council shall allow any members of the public or representatives of the media who were not participating in the disturbance to attend any session that follows the disturbance, except an executive session, provided that the Council is not prohibited from establishing a procedure for readmitting individuals who were not responsible for disturbing the orderly conduct of the meeting.

SECTION 3 – REGULAR COUNCIL MEETING ORDER OF BUSINESS

The form of agenda of a Regular City Council meeting shall be as follows:

3.1 Call to Order. The Presiding Officer shall call the meeting to order.

3.2 Flag Salute. The Presiding Officer shall lead the flag salute. However, the Presiding Officer may designate a Councilmember or other person to lead the flag salute.

3.3 Roll Call. The City Clerk will call the roll and determine whether a quorum is satisfied. See Section 2.5.

3.4 Agenda Review and Approval. The Presiding Officer shall announce any changes to the Council's published agenda and present the agenda for approval. The Council may add, delete or amend agenda items by two-thirds majority vote of the members present. The order of the agenda may only be changed by a two-thirds vote of the majority of the Council Members present to suspend the rules and change the order of the agenda. Without the necessity of any vote thereon, the Presiding Officer may present matters to the Council for discussion, consideration, and/or voting.

3.5 Appointments, Announcements, Proclamations and Presentations.

3.51 *Appointments.* In accordance with the Black Diamond Municipal Code and these Rules of Procedure, individuals appointed by the Mayor to hold positions within City government or on various committees, boards and commissions may require confirmation by the Council. Where confirmation is required, the vote of the Council may be preceded by discussion in executive session. See SECTION 17 and SECTION 18.

3.5.2 *Announcements.* An announcement is a brief statement that informs the public of an event or happening of general interest. However, it cannot be a statement regarding a subject prohibited below Subsection 3.5.5

3.5.3 *Proclamations.* A proclamation is an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has had a major city-wide impact. The Mayor will read the proclamation and may invite guests to speak on the topic for no more than five (5) minutes.

3.5.4 *Presentations.* Any person(s) or organization(s) wishing to make a presentation to the Council must first submit a completed "Request to be on Council Agenda Form" with the City Clerk. The request should be made at least two weeks prior to the intended Council date. The Mayor or the Mayor's designee will determine if the proposed presentation is approved and will notify the applicant of the selected meeting date. If the presentation is not approved, the Mayor or the Mayor's designee will notify the applicant of the decision and the reason(s) for the decision. Presentations will not last more than five (5) minutes in length unless given at the request of the Mayor or Mayor's designee. Upon motion and approval of a majority of Councilmembers present, the Council may authorize presentations and may determine their length.

3.5.5 *Prohibited Topics.* Except as authorized or required by RCW 42.17A.555, no person may use this time to address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may use this time to address the Council for the purpose of advertising

3.6 Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action. Items on the Consent Agenda include but are not limited to the following:

- a. Approval of minutes.
- b. Fixing dates for public hearings and appeals.
- c. Approval of claims, vouchers and payroll, bid awards and contracts.
- d. Approval of property as surplus.
- e. Authorization of grant applications.
- f. Approval of interlocal agreements or other contracts.
- g. Other items designated by the City Council.

3.7 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period, except where prohibited by RCW 42.17A.555. *See Section 10.*

3.8 Legislative Public Hearings. Individuals may comment on legislative decisions regarding matters of policy. *See Section 11.*

3.9 Quasi-judicial Hearings. More formal proceedings are held to determine the legal rights of specific parties, which include the receipt of proponent and opponent testimony. *See Section 11.*

3.10 Unfinished Business. Unfinished business consists of subjects discussed by the Council at a previous regular or special meeting and which have been placed on the agenda for additional discussion or resolution.

3.11 New Business, Ordinances and Resolutions.

3.11.1 *New Business.* New business shall mean topics or issues that have not previously been before the City Council for discussion or other action, other than ordinances and resolutions.

3.11.2 *Ordinances.* Ordinances prescribe general, uniform, and permanent rules of conduct and constitute the local law of the City of Black Diamond. *See Section 9.1.*

3.11.3 Resolutions. Resolutions concern matters of special, temporary, or ministerial character and express the opinion or mind of the City Council.
See Section 9.2

3.12 Department Reports. Department Directors may report on action and activities of their respective departments.

3.13 Mayor's Report. The Mayor may report on significant activities since the last regular meeting, inquire on matters of general City business, or initiate investigation or action on a matter of concern.

3.14 Councilmember Reports. Councilmembers may report on Council committee discussions or other significant activities since the last regular meeting, or on matters of general City business, or may initiate investigation or action on a matter of concern.

3.15 City Attorney Report. The City Attorney may report on legally significant events or activities.

3.16 Public Comments. Members of the audience may request to comment on any issue discussed during the Council meeting. Comments will be allowed subject to the time limits and other restrictions in Section 10.

3.17 Executive Session. In accordance with RCW 42.30.030 and .110, executive sessions are closed to the general public. *See Section .2.8.*

3.18 Adjournment. With no further business to come before the Council, the Presiding Officer may request a vote to adjourn the meeting.

3.19 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer or majority of the City Council to recess for any reason, including executive sessions.

SECTION 4 – PRESIDING OFFICER

4.1 Who Shall Act as Presiding Officer.

4.1.1 The Mayor shall act as Presiding Officer at all meetings of the Council unless absent; in the absence of the Mayor, the Mayor Pro Tem will act as Presiding Officer. If both the Mayor and Mayor Pro Tem are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tem. *See Section 13.*

4.2 Duties of Presiding Officer. The duties of the Presiding Officer shall be to:

4.2.1 Preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct.

4.2.2 Observe and enforce all rules adopted by the Council.

4.2.3 Recognize Councilmembers in the order in which they request the floor, and recognize every Councilmember who wishes an opportunity to speak; provided that, the mover of a motion shall be permitted to debate it first; provided further that, the Presiding Officer may allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion.

4.3 Reordering Items on Agenda. Without the necessity of any vote thereon, Presiding Officer may present matters before the Council for discussion, consideration and voting in a different order than they appear in the agenda when matters on the agenda are able to be placed under more than one classification or category.

4.4 Limitations on Political Speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue in accordance with RCW 42.17A.555, no Black Diamond elected official shall use a Council meeting to express an opinion in support of or in opposition to a candidate for public office or a ballot measure. *See also Section 19.*

4.5 Duties and Authority of Mayor Not Limited. These rules do not limit the duties and authority of the Mayor as specified in RCW 35A.12.100.

SECTION 5 – COUNCILMEMBERS

5.1 Councilmember Attendance at Meetings.

5.1.1 *Excused Absence.* Councilmembers shall inform the Mayor or City Clerk in advance if the Councilmember will be unable to attend, or will be late to attend, any Council meeting. The Presiding Officer shall then announce during roll call that the Councilmember will be absent or late. Any absence following prior notice to the Mayor or City Clerk shall be noted in the minutes as an excused absence. Absence at a scheduled Council meeting due to sudden illness or emergency shall be noted in the minutes as an excused absence. Absences shall also be excused for the death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, and other unusual or unforeseen circumstances.

5.1.2 *Excessive Absence Shall Create Vacancy.* In accordance with RCW 35A.12.060, a Councilmember's position shall be deemed vacant if that Councilmember has three (3) consecutive unexcused absences from Regular Council meetings.

5.1.3 Telephonic or Other Electronic Attendance. Any Councilmember may attend any Council meeting by telephone, video conference, or other electronic means as long as all other persons present at the meeting can hear or otherwise understand all comments made and questions asked by the Councilmember and the Councilmember can hear or otherwise understand all comments made and questions asked by all other persons speaking at the meeting. The City Clerk shall reflect in the meeting minutes Councilmember attendance by telephone, video conference, or other electronic means.

5.2 Remarks. Councilmembers desiring to speak shall address the Presiding Officer and, when recognized, shall confine their remarks to matters currently under discussion, provided that a Councilmember may move to have a different matter considered by the Council, subject to these Rules of Procedure. Council Members may read prepared comments provided that printed copies of the prepared comments are furnished to other Council Members and the City Clerk. Council Members shall not read from part of a manuscript or book unless permitted by the majority vote of the Council Members present.

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

5.4 Limitations on Political Speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue in accordance with RCW 42.17A.555, no Black Diamond elected official shall use a Council meeting as an occasion to express an opinion in support of or in opposition to a candidate for public office or a ballot measure. *See also Section 19.*

SECTION 6– DEBATES

6.1 Speaking to the Motion. Councilmembers may speak on the motion at the time the motion is before the Council.

6.2 Interruption. No Councilmember, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Subsection 4.2.1 of these rules.

6.3 Courtesy. In the discussion, comments, or debate of any matter or issue, all speakers, including the Presiding Officer and Council members, shall be courteous in their language and deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or make insinuations about any other Councilmember, or any member of the staff or the public, but shall at all times confine their remarks only to those facts which are germane and relevant to the question or matter under discussion.

6.4 Violations. If a Councilmember violates these rules on debates, the Presiding Officer shall call such member to order, and the offending member shall be silent except to explain or continue in order. If the Presiding Officer violates these rules on debate or fails to call other members to order, any other Councilmember may, under a point of order, call the Presiding Officer or such other offending member to order, and the person being called to order shall be silent except to explain or continue in order.

6.5 Challenge to Ruling. Any Councilmember shall have the right to challenge any action or ruling of the Presiding Officer or other member, as the case may be, in which case the decision of the majority of the Councilmembers present shall govern.

6.6 Amendment of Rules. These rules may be amended or new rules adopted, by a two thirds or greater majority vote of the full Council at a regular or special City Council meeting. Waiver or suspension of the rules requires a two-thirds or greater majority vote by Councilmembers.

SECTION 7– PARLIAMENTARY PROCEDURES AND MOTIONS

7.1 Robert’s Rules Supplementary. Except as provided in these Rules of Procedure, all City Council meetings shall be governed by ROBERTS RULES OF ORDER, NEWLY REVISED (latest edition). The City Attorney shall act as Parliamentarian when present; otherwise, the City Clerk shall act as Parliamentarian. If the Parliamentarian determines that a procedural issue is not adequately addressed by these Rules of Procedure or by Robert’s Rules, the Council may handle the issue in any way that the majority of members who are present agrees is appropriate and which, in the opinion of the Parliamentarian, is not prohibited by law. Notwithstanding the foregoing, the proceedings of the Council may be conducted in an efficient and consensus based manner.

7.2 Motions.

7.2.1 If a motion does not receive a second, it dies.

7.2.2 Matters that do not constitute a motion include: nominations; withdrawal of motion by the person making the motion; request for a roll call vote; point of order or privilege. Because these matters are not motions, a second is not needed.

7.2.3 A Councilmember may abstain from voting on a motion because of a conflict of interest or to preserve the appearance of fairness, but cannot then participate in discussion or argument about the motion. *See Subsection 8.3.*

7.2.4 A motion that receives a tie vote is deemed to have failed; provided that, except where prohibited by RCW 35A.12.100 or other law, the Mayor shall be allowed to vote to break a tie vote.

- 7.2.5 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 7.2.6 After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote.
- 7.2.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 7.2.8 A “motion to table” is non-debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers’ consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires an affirmative vote of at least a majority of the whole membership of the Council.
- 7.2.9 A “motion to postpone to a certain time” is debatable and 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 may be postponed to a date certain at a future Regular or Special City Council meeting.
- 7.2.10 A “motion to postpone indefinitely” is debatable but not amendable, and may only be reconsidered at the same meeting if it receives an affirmative vote of at least a majority of Councilmembers present.
- 7.2.11 A “motion to call for the question” shall immediately close debate on the main motion and is not debatable. This motion must receive a second and fails without an affirmative vote of at least all of the Councilmembers present minus one. Debate is reopened if the motion fails.
- 7.2.12 A “motion to amend” is a motion to modify the wording of a pending motion before that pending motion is voted upon by the Council, by inserting, adding, striking out, striking out and inserting, or substituting language. A motion to amend must be seconded. However, some motions cannot be amended. *See Subsection 7.2.13.*
- 7.2.13 Motions that cannot be amended include: motion to adjourn; motion to lay on the table; motion to take from the table; motion for roll call vote; motion to reconsider; point of order; motion to amend. (A motion to amend an amendment is allowed.)

- 7.2.14 Amendments shall be voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 7.2.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 7.2.16 The Mayor, City Attorney or City Clerk shall repeat the motion prior to voting by the Council.
- 7.2.17 The City Clerk shall take a roll call vote, if requested by the Mayor, City Attorney, a Councilmember, or as required by law.
- 7.2.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be made until the next Regular City Council meeting.
- 7.2.19 These rules may be amended, or new rules adopted, by a vote of at least two-thirds of the full Council at a Regular or Special City Council meeting.

7.3 Waiver of Rules. The Council may, by motion that carries with an affirmative vote of two-thirds or greater majority of the Council, waive, suspend, or modify these Rules of Procedure.

SECTION 8 – VOTING

8.1 Voice Vote. In general, voice votes shall be used. Voice votes are a generalized verbal indication by the Council as a whole of “yea or nay” on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where the Councilmember abstains from participation, discussion and voting because of a stated conflict of interest, to preserve the appearance of fairness, or for other good cause. See Subsection 8.3. The Presiding Officer shall announce the outcome of each voice vote immediately thereafter and the result of each vote shall be recorded in the minutes.

8.2 Roll Call Vote. A roll call vote may be requested by the Mayor or by any Councilmember. When a roll call vote has been requested, the Clerk shall call upon each Councilmember and request an individual “yes or no”. The Presiding Officer shall announce the result of the vote immediately thereafter and the result of the vote shall be recorded in the minutes.

8.3 Abstentions.

8.3.1 Abstention allowed for conflict of interest or appearance of fairness. It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from

discussion and voting on a question because of a stated conflict of interest or to preserve the appearance of fairness. Should the City Attorney indicate that the Mayor or a Councilmember is required to abstain from further participation on an issue, the affected person must abstain except where abstention would result in a lack of a quorum (or lack of a majority vote where required by law). See *Subsection 8.6.1*. Failure to abstain may cause delay in proceedings to allow court intervention. See *Subsection 8.6.3*.

- 8.3.2 Notice of intent to abstain required. Notice of intent to abstain shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Mayor or Councilmember perceives a need to abstain.
- 8.3.3 Need to abstain shall be confirmed by City Attorney. Prior to the time that the Mayor or a Councilmember gives notice of intent to abstain, the affected person shall confer with the City Attorney to determine if abstention is truly required. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter is scheduled to come before the City Council. If that cannot be done, the affected person should advise the City Council that he or she has an “abstention question” that he or she wants to review with the City Attorney. A brief recess should then be taken for that purpose.
- 8.3.4 Abstaining member shall advise the Council and end participation. After conferring with the City Attorney, the Mayor or Councilmember wishing to abstain from a vote because of a conflict of interest or to preserve the appearance of fairness shall so advise the Council, and shall then remove and absent himself or herself from the Council’s deliberations and considerations of the motion, and shall have no further participation in the matter.

8.4 Votes by Mayor. Except where prohibited by law, the Mayor may only vote to break a tie vote of the Council and only 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.

8.5 Votes by Councilmember Serving as Presiding Officer. In accordance with RCW 35A.12.110, a Councilmember serving as Presiding Officer in the absence of the Mayor shall have the same rights to vote on matters before the Council as the person would otherwise have as a Councilmember.

8.6 Effect of Challenges Based on Conflict of Interest or Appearance of Fairness.

- 8.6.1 If abstention removes quorum or majority. Should the City Attorney determine that the participation of the Mayor or a Councilmember in discussion and voting on an issue would be a conflict of interest or appear

to violate the appearance of fairness doctrine, or any specific part of chapter 42.36 RCW, that person shall abstain from further participation unless, as provided by RCW 42.36.090, a challenge to a member or members of the decision-making body would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law; in such cases, any challenged member(s) shall be permitted to fully participate in the proceedings and vote as though the challenge had not occurred if the member(s) publicly disclose the basis for disqualification prior to rendering a decision and each party has a full opportunity to present regarding the information relating to the issues. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

8.6.2 Refusal to Abstain. Should the Mayor or a Councilmember refuse to abstain from participation and voting on an issue after the City Attorney has determined that abstention is necessary, the challenged person may be disqualified from participating and voting on that issue upon a vote to disqualify that is passed by a majority of the other Councilmembers present who are eligible to vote on the underlying issue.

8.6.3 Failure to Abstain. Should the Mayor or a Councilmember fail to abstain from participation and voting on an issue where that officer knows or should have known that a conflict of interest is present or that the appearance of fairness would be compromised, such failure to abstain by the Mayor or Councilmember shall be presumed to constitute a lack of good faith for purposes of officer indemnity under RCW 4.96.041; provided that, nothing herein shall preclude the Council from determining that the Mayor or Councilmember acted in good faith upon a failure to abstain.

8.7 Failure to Vote. In the absence of an abstention on the basis of a conflict of interest, appearance of fairness, or other good cause, an abstention or failure to vote of a Councilmember present at the proceeding shall constitute an affirmative vote on the proposition or motion before the Council.

SECTION 9 – ORDINANCES AND RESOLUTIONS

9.1 Ordinances. All ordinances shall be reviewed by the City Attorney. No ordinance shall be prepared or presented to the Council unless requested by two members of the Council, the Chair of a Council Committee, the Mayor, or the City Administrator. Unless waived, all ordinances shall be in writing, and the titles thereof shall be read aloud by the Presiding Officer prior to a vote being called. A motion and a second are required to bring an ordinance to a vote.

In accordance with RCW 35A.12.120 and .130, an ordinance must be adopted by the affirmative vote of at least a majority of the Councilmembers present, subject to the Mayor's approval and Council reconsideration of a mayoral veto; provided that, public

emergency ordinances require an affirmative vote of at least a majority plus one of the whole membership of the Council. A public emergency ordinance is one designated to protect public health, public safety, public property, or public peace.

In accordance with RCW 35A.12.160, either the full text of the ordinance or a summary shall be published as soon as practicable in the City's designated official newspaper after adoption. An ordinance becomes effective five (5) days after publication unless otherwise specified in the ordinance or as required by law.

9.2 Resolutions. Resolutions may be prepared or presented to the Council at the request of two Councilmembers, the Chair of a Council Committee, the Mayor, or the City Administrator and shall be reviewed by the City Attorney prior to presentation to the City Council for review and approval. All resolutions shall be in writing, and the titles thereof shall be read aloud by the Presiding Officer prior to a vote being called on their passage. A request for a full reading of a resolution need not be seconded.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Prior to voting on passage of a resolution, the Council may decide by majority vote to amend the resolution or direct staff to review the proposed resolution and make a report to the Council.

A resolution must be passed by an affirmative vote of at least a majority of the Councilmembers present; if passed, the resolution becomes effective immediately.

SECTION 10 – PUBLIC COMMENTS

10.1 Requesting to Speak. During the Public Comment period, members of the audience may comment on any matter related to City business. Persons addressing the Council who are not specifically scheduled on the agenda will be requested to fill out the speaker sign-in sheet at the City Clerk's desk, then step up to the podium, give their name and address for the record. All remarks must be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions when warranted. *See Subsection 3.1.4 for requests to make special presentations to the Council.*

10.2 Time Limit. Comments are limited to three (3) minutes per person. The Presiding Officer may adjust the time restrictions when warranted by special circumstances and after approval of a majority of Councilmembers present.

10.3 Advertising or Promoting Political Cause is Prohibited. Except as authorized or required by RCW 42.17A.555, no person may address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may address the Council for the purpose of advertising any item, service, or product for profit or otherwise.

10.4 Other Prohibited Remarks. Any person who causes actual disruption by making personal attacks, using hate speech, making slanderous remarks or other disruptive

conduct while addressing the Council shall be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of Councilmembers present.

SECTION 11 – LEGISLATIVE AND QUASI-JUDICIAL HEARINGS

11.1 Legislative Hearings. Legislative public hearings are held to obtain public input on legislative decisions on matters of policy and in some instances are required by state law.

11.1.1 Before opening a legislative public hearing, the Presiding Officer shall state the hearing procedures.

11.1.2 The Department Director or the Director's designee shall present the issue to the Council and respond to questions.

11.1.3 A person may speak for up to five (5) minutes. A person may speak for up to ten (10) minutes if representing a group of two or more. No one may speak for a second time without the approval of the Presiding Officer, and only after everyone who wishes to speak has had an opportunity. The Presiding Officer may make exceptions to the time restrictions when warranted by the circumstances; provided that, the Council upon a motion and majority vote of Councilmembers present, may also make exceptions to the time restrictions or may overrule an exception granted by the Presiding Officer.

11.1.4 The City Clerk shall serve as timekeeper during legislative hearings.

11.1.5 After the speaker has used his or her allotted time, Councilmembers may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

11.1.6 The hearing will then be closed to public participation and open for discussion among Councilmembers.

11.1.7 The Presiding Officer may request to change or modify the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of Councilmembers present.

11.1.8 When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present.

11.2 Quasi-judicial Hearings. Quasi judicial hearings involve the legal rights of specific parties and afford procedural due process, which may include receiving testimony, making a record of the evidence considered by the Council and issuing specific Council findings. The following procedures shall apply:

- 11.2.1 Before opening a quasi judicial hearing, the Presiding Officer shall state the hearing procedures.
- 11.2.2 The Department Director of the department most affected by the subject matter of the hearing, or said Director's designee, shall be afforded fifteen (15) minutes to present the City's position and findings. City staff shall be available to respond to Council questions.
- 11.2.3 The proponent or applicant spokesperson shall speak second and be allowed fifteen (15) minutes for presentation. The proponent may divide up the fifteen (15) minutes between more than one speaker and may reserve time to be added to the maximum time for rebuttal. Council may ask questions.
- 11.2.4 The opponent spokesperson, if any, shall speak third and be allowed fifteen (15) minutes for presentation, may divide up the fifteen (15) minutes between more than one speaker, and may reserve time to be added to the maximum time for rebuttal. Council may ask questions.
- 11.2.5 Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson. Any time reserved from the speaker's presentation may be added to the five minute limit.
- 11.2.6 After the proponent and opponent have used their speaking time, ten (10) minutes shall be allowed for the Council to ask further questions of the speakers, who shall be entitled to respond but who must limit their response to the question asked.
- 11.2.7 The City Clerk shall serve as timekeeper during these hearings. By motion and majority vote of Councilmembers present, the Council may extend the times provided in this *Subsection 11.2.2*.
- 11.2.8 When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present; provided that, the record is closed for the entire period of continuance and only Councilmembers who were present for the earlier portion of the hearing, or Councilmembers who have had the opportunity to consider the entirety of the record (verbatim transcript or audio and/or visual recording), may participate when the hearing resumes. Examples of reasons to allow a recess include, but are not limited to, absence of a necessary party due to illness or emergency; request for additional argument on an issue by a majority vote of the Council; inability to complete the hearing due to

circumstances beyond the parties' control, such as power failure or natural disaster.

11.2.9 Consistent with RCW 42.30.140(2), the Council may consider the matter in an executive session or otherwise.

11.2.10 Except as otherwise allowed by law, after the Council has publicly considered the arguments and evidence presented, the Council shall then vote on the issue that was the subject of the hearing.

SECTION 12 – TOWN HALL MEETINGS

12.1 Purpose. Town Hall meetings provide a forum for Council members and community members to discuss City initiatives, emerging issues and community concerns, opinions and preferences regarding specific topics affecting the Black Diamond community, and for the City to respond to community questions. It is not the purpose of Town Hall meetings to take final action on any matter before the City Council.

12.2 Town Hall Agenda. The scheduling, agenda preparation and public comment period for Town Hall meetings shall conform to these Rules of Procedure, except that public comment may be limited to specific topics identified in the Town Hall meeting agenda. The speakers should limit their time to 10 minutes, to allow time for all speakers to speak. A second round of comment will be allowed, and speakers will be limited to three minutes. The Presiding Officer shall retain authority to impose rules of procedure to ensure open discussion during the Town Hall meeting, that people with opposing or different viewpoints receive an equal opportunity to speak, that everyone receive an opportunity to speak before any one speaker receives a second opportunity to speak, and that order and decorum is maintained. When necessary to ensure that everyone receive an opportunity to speak, the Presiding Officer shall retain authority to limit all persons' remarks to an equal period of time.

12.3 Staffing. City staff and the City Attorney shall not be required to attend Town Hall meetings unless otherwise directed by the Mayor; with the exception that, the City Clerk, or designee, shall attend Town Hall meetings for the purpose of keeping a journal of the minutes of the meeting and to act as the City Council's parliamentarian in the absence of the City Attorney.

SECTION 13 – MAYOR PRO TEMPORE SELECTION PROCESS

Annually at the first meeting of the Council, the members thereof, by majority vote, shall designate one of their members as Mayor Pro Tempore for such period as the Council may specify. The Mayor Pro Tempore shall serve in the absence or temporary disability of the Mayor. In the event the Mayor Pro Tempore leaves, the Council shall, by a majority vote, designate one of the remaining Councilmembers as Mayor Pro Tempore.

SECTION 14 – SELECTING A COUNCIL MEMBER PRO TEMPORE OR FILLING A VACANT COUNCIL POSITION

14.1 Selecting a Councilmember Pro Tempore. In accordance with RCW 35A.12.065, in the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the period of absence or disability.

14.2 Filling Vacant Council Position. In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy in accordance with Chapter 42.12 RCW. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose.

SECTION 15 – COUNCIL MEETING STAFFING

15.1 The City Administrator or the City Administrator’s designee must attend all meetings of the Council, unless excused.

15.2 The City Attorney shall attend all meetings of the Council unless excused by the Mayor, and upon request, may provide comment, either written or oral, on legal questions. An assistant city attorney shall attend meetings when the City Attorney has been excused or is unable to attend due to illness or emergency.

15.3 It shall be the responsibility of each Department Head to ensure that a department representative or other City staff attend as necessary to present the department’s agenda items to the Council and answer Council member questions.

SECTION 16 – COUNCIL RELATIONS WITH STAFF

16.1 The Mayor, City staff and Councilmembers shall respect the different roles each officer plays in a successful City and will strive to treat each other with courtesy and respect when questions, comments or criticism are expressed in a public meeting.

16.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge the Mayor and City staff as administrators of the Council’s policies.

16.3 All written informational material requested of City staff by any individual Councilmember that the requesting Councilmember then intends to reference or introduce at a Council meeting shall be submitted or made available to all Councilmembers prior to being referenced or introduced at the meeting, unless other reasons preclude such distribution, in which case the reasons shall be communicated by the requesting Councilmember to the Mayor or the Mayor’s designee and such reason provided to all Councilmembers.

- 16.4 Councilmembers shall not attempt to coerce or influence City staff in the administration of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or purchases of City licenses or permits.
- 16.5 Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.
- 16.6 No Councilmember shall direct the Mayor or City staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study, without the consent of at least a majority of the whole membership of the Council.
- 16.7 Individual requests for information can be made directly to Department Directors unless otherwise determined by the Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor.

SECTION 17 – APPOINTMENT BY MAYOR & CONFIRMATION BY CITY COUNCIL – WHEN REQUIRED

- 17.1 Mayor’s Power to Appoint. In accordance with RCW 35A.12.090, the Mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service; provided that, in accordance with BDMC 2.08.020, each officer may hire any employee assigned to his or her department.
- 17.2 Confirmation by Council. In accordance with RCW 35A.12.090, confirmation by the City Council of mayoral appointments of officers and employees is required when City ordinance provides for the confirmation of such appointments. In addition, the City Council may require confirmation of mayoral appointments by the Council whenever the qualifications for the office or position have not been established by City ordinance.

SECTION 18 – COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS

- 18.1 Council Standing Committees.
 - 18.1.1 *Establishment.* The City Council, by a majority vote of at least the whole membership of the Council, is authorized to establish Council Standing Committees to provide recommendations on major policy items to the City Council.
 - 18.1.2 Mayoral Appointment/Council Confirmation. The Mayor shall appoint the members of each Council Standing Committee. Membership of any given

committee may include no more than two (2) Councilmembers. Annually at its first meeting in January, or as soon thereafter as practicable, the Council upon a majority vote of at least the whole membership of the Council shall confirm or decline the Mayor's appointments to Council Standing Committees.

18.1.3 *Agenda Setting/Proceedings.* The agenda setting and proceedings of each Council Standing Committee shall be as follows:

- a. In instances where a committee member cannot be present at a committee meeting, it is the responsibility of that member to contact an alternate Councilmember to attend in his or her place.
- b. Committees may forward issues with or without changes to staff for recommendation to the City Council. Reports on the activities of the committees may be given under the Council Reports section of the Council agenda.
- c. Matters forwarded from a Council Standing Committee to the City Council as a whole will remain at that level unless requested to be returned to Committee by a majority of the Council.
- d. Matters may be removed from Council Standing Committees and brought before the Council as a whole by a motion of the Council receiving an affirmative vote of at least a majority of the whole membership of the Council.
- e. Should a Council Standing Committee be split on whether a matter should be approved, the matter may move forward to Council without a recommendation. It is the Mayor's responsibility to bring matters before Council.
- f. Frequency of Council Standing Committee meetings shall be determined by the Mayor and Committee Members.
- g. Any direction from the Council Standing Committee for work to be performed by staff must be approved by the Mayor.
- h. Audience participation at a Council Standing Committee meeting is not allowed.

18.1.4 *Standing Committees Authorized.* Standing Council committees may include, but shall not be limited to:

- a. Budget/Finance/Administration Committee: The Budget, Finance and Administration Committee, in conjunction with City Staff, may consider

matters related to the financial issue of the City, including the annual and capital budgets including revenues and expenditures, sales of bonds, general fiscal and financial conditions, voucher approval, rates and fees, audit and operations of the City, including but not limited to, facilities and properties computerization, periodic budget and financial reports, and policy matters related to personnel, in coordination with the finance and administration departments.

- b. Planning/Community Services Committee: The Planning and Community Services Committee, in conjunction with City Staff, may consider matters of a non-quasi-judicial nature related to community growth and development, including but not limited to, planning of the physical, economic, aesthetic and social development of the City, comprehensive plan, zoning code, housing, annexation policies, and code enforcement. This committee may also consider matters not included in other committee's scopes of authority. In conjunction with City Staff, the committee may consider matters related to planning and implementation of parks and recreational facilities, the capital improvements program, and trails.
- c. Public Safety Committee: The Public Safety Committee, in conjunction with City Staff, may consider issues related to the public health, safety and welfare of the citizens of Black Diamond including but not limited to, law enforcement, fire safety, court, hazardous materials, animal control, special events and emergency services.
- d. Public Works Committee: The Public Works Committee, in conjunction with City Staff, may consider matters related to water, sewer, solid waste, recycling, utility franchises, storm water management, transportation, the capital improvement program, transit, streets, street lighting, signalization and street local improvement, and cemetery.

18.2 Task Force Committees and Intergovernmental Groups.

18.2.1 The Mayor or a majority of the whole membership of the City Council may establish Task Force Committees on an ad hoc basis to consider matters that require a special approach or emphasis. Task Force Committees may be established and matters referred to them at Council study sessions. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees. Such appointments and their terms shall be communicated to the Council by the Mayor as soon as practical.

18.2.2 Task Force Committees shall consider all matters referred to them. The Chair of each Task Force Committee shall report the findings of the

Committee to the Council. Committees may refer items to the Council with no Committee recommendation. Once the Committee's findings have been delivered to the Council, the Committee's duties shall be considered complete and the Committee dissolved, unless specifically re-tasked by the Council.

18.3 Advisory Boards, Committees and Commissions. Citizen advisory boards, committees and commissions may be established by ordinance from time to time, and shall consist of citizens appointed pursuant to the establishing ordinance and serving in the capacity and for the purposes indicated in the ordinance; such boards, commissions and committees shall act in an advisory capacity to the City Council.

SECTION 19 – SPEAKING WHEN REPRESENTING THE CITY COUNCIL

19.1 An Official City Position Requires a Public Vote. The City does not have an official position on any issue, whether the issue is political or non-political in nature, unless in accordance with RCW 42.17A.555, the City Council has taken a public vote and at least a majority of the whole membership of the Council votes to adopt the position. Failure of a majority of the Council to vote in favor of a position pursuant to RCW 42.17A.555 shall not constitute adoption of a contrary position; in such cases the City shall continue to have no official position on the issue.

19.2 Personal Opinions Must Be Distinguished From City Positions on an Issue.

19.2.1 Speaking to persons about issues. Whenever the Mayor or a Councilmember is speaking to a person or group of persons and the Councilmember expresses an opinion on an issue, whether the issue is political or non-political, the Mayor or Councilmember must clearly state whether the opinion represents the official position of the City of Black Diamond and its City Council, or whether it is only the speaker's personal opinion.

19.2.2 Speaking on behalf of the City. If the Mayor or 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 Mayor or Councilmember must state the official position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the official position of the Council may be expressed only if the speaker clarifies that these statements do not represent the City Council's position.

19.2.3 Expressing the views of other Councilmembers. Prior to representing the position of an elected City official on an issue to the media, another government agency, a community organization, or members of the public, the Mayor and Councilmembers must have permission from that elected

official; provided that, presenting how another elected official voted in an official public vote of the Council shall not require permission.

SECTION 20 – TRAVEL AUTHORIZATION

The City Council shall authorize and approve expenditures of city funds to pay for travel-related costs only in accordance with an adopted budget, and/or chapters 2.56 and 2.57 BDMC and/or the City’s adopted administrative.

SECTION 21 - CONFIDENTIALITY

21.1 In General. Certain information is required to be kept confidential under state or federal law. The Mayor and Councilmembers must keep such information confidential when that information has been provided to them by City staff or otherwise becomes known to them during the performance of their duties in office. Confidential information includes, but is not limited to, certain personnel and employment information, certain information regarding pending labor and other contracts, and certain information regarding negotiations for the sale or purchase of property. It is the duty of the Mayor and each Councilmember to consult with the City Attorney should the official have a question about whether any particular information is confidential and may not be released.

21.2 Executive Sessions. The Mayor and Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Sessions and may not provide them to persons not present during Executive Sessions, unless, after consultation with the City Attorney, such provision will not violate the confidentiality of Executive Session, or will not violate some other legal exemption or legal privilege.

SECTION 22 - SEVERABILITY

In the event that any of the terms or provisions of these rules are declared invalid or unenforceable by any Court of competent jurisdiction, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

City Council Rules of Procedure

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