

**RESOLUTION NO. 1404**

**A RESOLUTION OF THE CITY OF DAYTON, WASHINGTON, REPEALING RESOLUTION NOS. 871, 881, 921, AND 1007; AND, ADOPTING THE CITY OF DAYTON COUNCIL RULES OF PROCEDURES AND ETHICS HANDBOOK**

**WHEREAS**, Chapter 35A.12.120 RCW gives the City Council of each code city the power to set rules for conducting its business within the provisions of Title 35A RCW; and

**WHEREAS**, the City Council has amended its rules of procedure multiple times, most recently on June 10, 1997 by Council Resolution No. 1007; and

**WHEREAS**, the City Council has determined that the Council Rules and Procedures should be updated.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

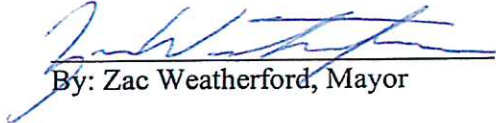
**Section 1. Repeal.** Resolution Nos. 871, 881, 921 and 1007 are hereby repealed in their entirety.

**Section 2. Adopt.** The City of Dayton Council Rules of Procedures and Ethics Handbook is hereby adopted as set forth and attached hereto as Exhibit "A" and incorporated herein by this reference.

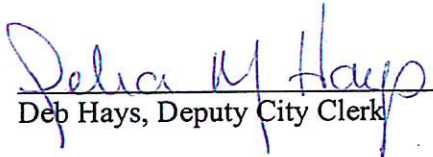
**Section 3. Effective Date.** This resolution shall be in full force and effect upon its adoption.

**PASSED** by the City Council of the City of Dayton, Washington on this 8<sup>th</sup> day of January, 2020.

City of Dayton

  
By: Zac Weatherford, Mayor

Attest/Authenticate:

  
Deb Hays, Deputy City Clerk

Approved as to Form:

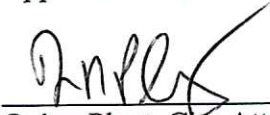
  
Quinn Plant, City Attorney



Photo Courtesy of Cody Hayes, Dayton, WA

January 2020  
City of Dayton, Washington

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# Council Rules of Procedures and Ethics Handbook

Adopted January 8, 2020  
Resolution 1404

January 2020  
City of Dayton, Washington

# Council Rules of Procedure and Ethics Handbook



# TABLE OF CONTENTS

|           |  |           |
|-----------|--|-----------|
| <b>1</b>  | <b>Council Meetings – Times and Location .....</b>                       | <b>3</b>  |
| <b>2</b>  | <b>Council Meetings – Open to the Public – Executive Sessions .....</b>  | <b>3</b>  |
| <b>3</b>  | <b>Special Council Meetings.....</b>                                     | <b>4</b>  |
| 3.1       | Emergency Meetings.....  | 4         |
| <b>4</b>  | <b>Study Sessions/Workshops .....</b>                                    | <b>5</b>  |
| <b>5</b>  | <b>Presiding Officer – Mayor – Mayor Pro Tempore.....</b>                | <b>5</b>  |
| <b>6</b>  | <b>Quorum and Adjournment.....</b>                                       | <b>5</b>  |
| <b>7</b>  | <b>Attendance .....</b>  | <b>6</b>  |
| 7.1       | Remote Participation .....   | 6         |
| 7.2       | Excused Absences .....   | 6         |
| <b>8</b>  | <b>Council Materials .....</b>   | <b>6</b>  |
| <b>9</b>  | <b>Council Meeting Agenda .....</b>                                      | <b>7</b>  |
| <b>10</b> | <b>Consent Agenda.....</b>   | <b>7</b>  |
| <b>11</b> | <b>Meeting Minutes.....</b>  | <b>8</b>  |
| <b>12</b> | <b>Decorum.....</b>  | <b>8</b>  |
| <b>13</b> | <b>Duties of the Presiding Officer of the Council .....</b>              | <b>8</b>  |
| <b>14</b> | <b>Council Relationship with Mayor, Administration, and Staff .....</b>  | <b>9</b>  |
| <b>15</b> | <b>Social Media Usage .....</b>  | <b>10</b> |
| <b>16</b> | <b>Appearance of Fairness Doctrine – Definition and Application.....</b> | <b>11</b> |
| 16.1      | Specific Statutory Provisions:.....                                      | 12        |

|    |   |    |
|----|---|----|
| 17 | Dissents and Protests.....  | 12 |
| 18 | Appointments of Boards and Commissions .....                              | 13 |
| 19 | Interference – Mayor – Council .....                                      | 13 |
| 20 | Rules of Order.....   | 13 |
| 21 | Motions and Discussion .....  | 13 |
| 22 | Order of Business.....  | 14 |
|    | 22.1 Agenda .....   | 14 |
|    | 22.2 Public Comment .....   | 14 |
| 23 | Public Hearings.....  | 15 |
| 24 | Voting .....  | 16 |
| 25 | Council Standing Committees.....  | 17 |
| 26 | Enacted Ordinances – Resolutions – Motions .....                          | 19 |
|    | 26.1 Resolutions .....  | 19 |
|    | 26.2 Ordinances.....  | 19 |
| 27 | Reconsideration .....   | 20 |
| 28 | Complaints and Suggestions to Council.....                                | 20 |
| 29 | Administrative Complaints made Directly to Individual Councilmembers..... | 21 |
| 30 | Filling Council Vacancies.....  | 21 |
| 31 | Audio Recording of Meetings .....   | 21 |
| 32 | Onboarding New Councilmembers.....  | 21 |
| 33 | Pay Procedures .....  | 22 |
| 34 | Council Compensation .....  | 22 |
| 35 | Waiver of Rules.....  | 23 |
| 36 | Amendment of Rules .....  | 23 |



## **1 Council Meetings – Times and Location**

All regular meetings of the City Council convening for the purpose of acting upon city business shall be held on the second Wednesday of each month at 112 S. 1st Street, Dayton, WA, or other time or location as established by ordinance or Section 3. Council meetings shall begin at 6 p.m. and adjourn no later than 9 p.m. No meeting shall be permitted to last beyond 9 p.m. without approval of most of the Councilmembers present. A new time limit must be established before taking a Council vote to extend the meeting. In the event a meeting has not been closed or continued by Council the items not acted on shall be deferred to the next regular meeting, unless the Council, by majority vote of members present, determines otherwise.

If a scheduled Council meeting falls on a legal holiday, the meeting shall be held at 6 p.m. on the first business day following the holiday.

The City Administrator's office shall notify the public of meeting cancellations pursuant to Chapter 42.30 RCW, the state's Open Public Meetings Act.

## **2 Council Meetings – Open to the Public – Executive Sessions**

All meetings of the City Council and of Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140. Executive Sessions are specifically exempted from the Open Public Meetings Act. Such meetings are closed except to the Council, Mayor, City Administrator and authorized staff members and consultants authorized by the Mayor or a majority of the Council. The public is restricted from attendance. Executive Sessions may be held during regular or special Council meetings. Executive Session subjects are limited to considering matters authorized by state law, as set forth in RCW 42.30.110 or RCW 42.30.140 or any other relevant chapter of the Revised Code of Washington.

Before convening an Executive Session, the Mayor shall announce the purpose of the meeting, the expected length of time of the meeting and the potential action by the Council when it reconvenes. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. At the end of that time, if the discussion has not concluded, the meeting shall by public announcement again be extended to a time certain.

Executive Sessions shall begin and end in accordance with state law.

Councilmembers must keep all written materials and verbal information provided to them during Executive Session confidential to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside Executive Sessions when the information is exempt from disclosure under the Revised Code of Washington.

Pursuant to RCW 35A.12.120, providing for the City Council the ability to make its own rules, Councilmembers who have a conflict of interest or the appearance of a conflict of interest related to an Executive Session item must recuse themselves from the session and leave the room. A City Councilmember should use the officially adopted Ethics Handbook for Elected Officials or any other relevant City code, policy or state policy or statutory authority as guidance to assess a conflict of interest or any issue in which there may be the appearance of a conflict of interest. A Councilmember may participate in that portion of an executive session not related to the item in which they have a conflict of interest or the appearance of a conflict of interest.

Should the City Council deem that a member of the Council has a conflict of interest or the appearance of a conflict of interest and the member refuses to recuse themselves from the session, a majority of the Councilmembers present may vote to exclude that member from that specific portion of the session in which they have said conflict or the appearance of said conflict. The Councilmember who has made a motion to exclude a Councilmember from an executive session should clearly state the reason for the conflict of interest or the appearance of a conflict of interest.

### **3 Special Council Meetings**

RCW 35A.12.110 and RCW 42.30 (Open Meetings Act) in part specifies public announcement and openness requirements concerning Council meetings. Therefore, the City Council requires that notification of Special meetings be made as follows:

- A. The Mayor or any four Councilmembers may call a Special meeting giving 24-hour notice.
- B. A meeting notification package that includes place, time, agenda and supporting materials to be discussed and/or acted upon by the Council shall be posted on the City's website and delivered by any reasonable means or method, including, but not limited to e-mail or telephone notification to all Councilmembers, agenda distribution list and official newspaper of legal record.

#### **3.1 Emergency Meetings.**

An emergency meeting is a Special Council meeting called without 24-hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, 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 by RCW 42.30.070. The Council minutes will indicate the reason for the emergency.

## **4 Study Sessions/Workshops**

Regular or Special Council meetings, or a portion thereof, may be designated as Study Sessions or Workshops by the Mayor. Study Sessions and Workshops need have no formal agenda and may be conducted informally. Study sessions and Workshops are subject to the regulations of the Open Public Meetings Act. The City Clerk shall record minutes of Study Sessions and Workshops. The minutes need only reflect the names of members and staff present and a brief description of the topic. No motions shall be entertained, or votes taken at a Study Session or Workshop. The purpose of Study Sessions is to allow Councilmembers to be made aware of impending business and to allow informal discussion of issues that might be acted on at a future meeting. The purpose of Workshops is to allow Councilmembers to do concentrated preliminary work with administration on single subject but time-consuming complex matters (i.e., budget, complex legislation or reports, etc.).

## **5 Presiding Officer – Mayor – Mayor Pro Tempore**

The Mayor shall act as the presiding officer at meetings of the Council and shall be recognized as the executive and administrative head of the City, as per RCW 35A.12.100. In the absence of the Mayor, the Mayor Pro Tempore shall act as the presiding officer at meetings of the Council. The Mayor Pro Tempore shall be elected by a majority vote of the Council from its own membership at the first meeting of each fiscal year and thereafter at such times as a vacancy occurs. The Mayor Pro Tempore shall hold office at the pleasure of the Council. In the absence of both the Mayor and the Mayor Pro Tempore, the Council shall appoint one of its members to act as the temporary presiding officer. Neither the appointment nor service of a member of the Council as Mayor Pro Tempore or temporary presiding officer shall abridge that individual's right to vote upon all questions coming before the Council.

In the event that the Mayor is incapacitated, or the office shall become vacant RCW 35A.12.050 shall apply.

## **6 Quorum and Adjournment**

Per RCW 35A.12.120, at all meetings of the Council, four Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. If a quorum is not present at a regular City Council meeting or at a properly noticed Special Meeting, the remaining members must adjourn and written notice of said adjournment must be posted on the exterior Council Chamber doors per RCW 42.30.090. If no members are in attendance, the City Clerk shall adjourn the meeting and written notice of said adjournment must be posted on the exterior Council Chamber doors. (RCW 35A.13.170, 35A.12.120).



## 7 Attendance

### 7.1 Remote Participation

- A. A Councilmember may participate remotely in all or part of a Council meeting under limited circumstances, and if:
  - a. At least 24-hour notice is given unless the meeting is a special meeting where the Council member must request remote participation as soon as reasonably possible, but not less than 2-hours before the special meeting.
  - b. All persons participating in the meeting are able to hear each other at the same time, such as the use of a speakerphone, Skype or other electronic or digital communication device.
  - c. The Councilmember participating remotely shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic to which the Councilmember is voting on. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Mayor/Council.
- B. A Councilmember's remote participation shall not exceed more than one meeting annually.

### 7.2 Excused Absences

RCW 35 A. 12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused from a meeting by complying with this section. The Councilmember shall contact the Mayor or designee prior to the meeting and state the reason for the member's inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the City Administrator or designee who shall convey the message to the Mayor. Following roll call, the Mayor or Mayor Pro-Tem or Presiding Officer shall inform the Council of the member's absence, state the reason for the absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of Councilmembers present, the member shall be considered excused and the Clerk or designee will make an appropriate notation in the minutes.

## 8 Council Materials

Councilmembers should read the agenda material in preparation for the Council meeting. If a member needs clarification on an issue, the member should contact the Mayor or appropriate

Department Head, with a copy to the Mayor if contact is made through mail or email and ask clarification prior to the Council meeting when possible.

## 9 Council Meeting Agenda

The Mayor or designee shall arrange a list of proposed matters according to the order of business and prepare a preliminary agenda. Proposed matters may be submitted by Councilmembers and Department Heads. A single Councilmember may submit a Committee agenda item to the Mayor or City Administrator. Items requiring Council action, other than emergency actions, which have not been previously reviewed by the appropriate Committee, must be approved by a majority of Councilmembers at the beginning of the meeting.

The preliminary agenda shall be completed by 3:00 p.m. on the Thursday preceding the regular Council meeting. Notice shall be furnished on the City website and, if applicable, the agenda distribution email list. Final agenda packets, complete with all necessary information for the Council, shall be available by 12 noon the Monday preceding a regular Council meeting. Should agenda items change after posting on the City website, updates will be made to the website duly noting the change. The Council is under no obligation to consider or act upon agenda items that are presented without necessary supporting information.

Councilmembers may personally pick up their agenda packets from the individual mailboxes located at City Hall or access the packet online at [www.daytonwa.com](http://www.daytonwa.com) unless otherwise arranged by the member or further directed by the Council.

## 10 Consent Agenda

Council Committees may recommend that certain items that have been previously discussed by the Council that are so routine and non-controversial that passage without discussion is likely, be placed on the consent agenda. Prior to the vote to approve the consent agenda, a Councilmember may request of the Mayor or president of the meeting to remove an item. This is non-debatable. If any matter is withdrawn, the remainder of the consent agenda may be voted on. The Mayor shall place the withdrawn item for separate consideration at an appropriate place on the current agenda or move it to a future meeting.

The proper Council motion on the consent agenda is as follows: "I move to adopt the consent agenda". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Agenda.

## 11 Meeting Minutes

The City Administrator or designee shall be the ex-officio Clerk of the Council and shall keep minutes as required by law and shall perform such other and further duties in the meeting as may be required by the Mayor or Council. The Administrator or designee shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The Administrator shall digitally record the proceedings of all public hearings and regular and special meetings and workshops and shall keep and make available a journal to the contents of each recording. The recordings shall be under the protection of the Administrator and shall be made available upon request.

## 12 Decorum

The City Council will treat members of the public and City staff with a high level of professionalism and respect, and Councilmembers require City staff and members of the public to extend the same courtesy. (See Section 24) Differences of opinion, values, and perspectives are expected, and it is essential the atmosphere and tone of Council meetings be professional and respectful, to foster public trust, confidence, and participation by citizens.

Personal attacks, insults, interruptions, inflammatory language, and profanity are not permitted. Nor are remarks that disparage groups or individuals because of race, religion, sexual orientation, age, or gender.

Any member of the body may rise to a point of order if he or she feels this section is being violated. The Mayor or can rule to uphold or decline the point of order, and the body, by a majority vote, may override the chair.

Councilmembers have the primary responsibility to assure that these guidelines are understood and followed, so that the public can have full confidence in the integrity of their local government. These guidelines are intended to be self-enforcing, thereby requiring an ongoing commitment by Councilmembers to faithfully honor the trust and dignity bestowed upon them as elected leaders and community role models.

## 13 Duties of the Presiding Officer of the Council

It shall be the duty of the Mayor, Mayor Pro Tempore or the temporary Presiding Officer to:

- A. Call the meeting to order and conduct a roll call of attendance.
- B. Inform the Council of a member's absence, state the reason for the absence, and inquire if there is a motion to excuse the member.
- C. Keep the meeting to its order of business.

- D. State each motion and require a second to the motion. Put all motions to a vote and announce the outcome. Suggest but not make motions for adjournment.
- E. Handle discussion in an orderly way.
- F. Give every Councilmember who wishes an opportunity to speak. No Councilmember may speak twice until every Councilmember who wishes to speak has spoken. The Mayor or temporary Presiding Officer shall attempt to give pro and con speakers alternating opportunities to speak when possible or practical.
- G. Permit audience participation at appropriate times.
- H. Keep all speakers to the rules and the questions.
- I. Appoint committees when authorized to do so.
- J. Adjourn the meeting in the event of an emergency such as a fire, threatened violence or inability to regain good order, at which time, the Mayor will declare the meeting adjourned and City Council will immediately leave the premises.

The Mayor, Mayor Pro Tempore or temporary Presiding Officer shall have the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the rules of the Council.

## **14 Council Relationship with Mayor, Administration, and Staff**

The Council exercises the policy and legislative functions of city government. The Mayor exercises the executive and administrative functions directly or through the City Administrator, as per RCW 35A.12.100. It is the Mayor's authority and responsibility to establish policies regarding the relationship and interactions between Council and Staff.

- A. The Mayor shall encourage open communication between the City Council and staff. The City's philosophy is that open communication creates healthier working relationships within the organization. Staff is encouraged to communicate directly with the City Council and the City Council is encouraged to communicate directly with staff, following the guidelines below:
  - a. Councilmembers will copy the Mayor on communications with staff;
  - b. Council requests for information from staff requiring more than 2 hours of staff time will require Mayor's approval. It is incumbent upon staff to confer with the Mayor under these circumstances and for the Mayor to communicate with Council if an

issue requires policy direction or resolution. Under those circumstances, the Mayor would refer the item back to the entire City Council in a public meeting for direction;

- c. Councilmembers shall not direct staff actions beyond the research requests mentioned above; and
  - d. Councilmembers should expect timely information from staff in matters related to their public duties; however, other than legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department or employee.
- B. Staff Communication with Council:
- a. Staff will copy the Mayor on communication with Council;
  - b. Staff will copy the Mayor and appropriate Standing Committee on communications with the community in response to requests for service that come through the Council. Keeping everyone in the loop regarding the resolution of issues reported through the City Council is important to the Council and to the Mayor; and
  - c. The Mayor and/or staff will share information requested by one Councilmember with the entire Council, as a matter of practice. This will typically be done as a part of a response to a Councilmember's request. Where possible and feasible, the Mayor and Standing Committee Chairs will sometimes "bundle" these updates to the whole Council during monthly City Council meetings under each respective agenda report.

These guidelines are established to help everyone receive the information that they need to be successful in their roles and to improve efficiency by reducing the number of repeat questions and conversations that take place internally and in City Council meetings.

These guidelines do not apply to councilmembers conducting business with the City outside of their council roles.

Concerns about the performance of any City employee, whether a personal concern or a citizen complaint, shall be directed privately to the Mayor and/or City Administrator. Alternatively, three Councilmembers may request an executive session to discuss the performance of an employee.

## 15 Social Media Usage

As an elected official or employee of the City of Dayton, your social media posts and the ensuing comment threads may qualify as public records that must be retained, disclosed, or moderated in order to comply with state and federal law and the City's rules and policies. This is true even for your



personal social media accounts if you discuss City business. Inappropriate use of social media can expose you and the City to allegations of criminal and ethical wrongdoing. Please refer to our policies and procedures regarding the Public Records Act, the Open Public Meetings Act, and other policies related to the conduct and responsibilities of City of Dayton employees and officials.

## **16 Appearance of Fairness Doctrine – Definition and Application**

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and in fact. The Appearance of Fairness Doctrine applies only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010.

Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember and/or a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should consider whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember shall disclose such facts to the City Administrator who will seek the opinion of the City Attorney as to whether a potential violation exists. The City Administrator shall communicate such opinion to the Councilmember and to the Mayor.

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

hearing, the City Administrator shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in Superior Court. Should such challenge be made in the course of a quasi-judicial hearing, the Mayor shall call a recess to permit the City Attorney to make such interview and render such opinion.

The Mayor or two or more Councilmembers shall have authority to request a Councilmember to excuse himself/herself based on an Appearance of Fairness violation. In arriving at this decision, the Mayor or other Councilmembers shall give due regard to the opinion of the City Attorney.

Notwithstanding the request of the Mayor or other Councilmembers the Councilmember may participate in the proceeding.

## **16.1 Specific Statutory Provisions:**

- A. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning as per RCW 42.36.040, except that sitting Councilmembers shall not express their opinions on any such matter which may come before the Council.
- B. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.
- C. During the pendency of any quasi-judicial proceedings, no Councilmember may engage in ex-parte (outside the hearing) communication with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember:
  - a. Places on the record the substance of such oral or written communications; and
  - b. Provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his/her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

## **17 Dissents and Protests**

Any Councilmember shall have the right to express dissent from or protest any motion, ordinance or resolution of the Council and have the reason therefore entered in the minutes.

## 18 Appointments of Boards and Commissions

Scheduled and end-of-term vacancies on Boards and Commissions shall be advertised for a period of two weeks via all relevant City communication channels, inviting application by residents no more than 60 days nor less than 45 days prior to the date upon which such vacancy is to be filled.

Unscheduled vacancies shall be filled as soon as practically possible after being advertised via all relevant City communication channels for at least two consecutive weeks. The Mayor shall bring at least one qualified candidate to the full Council for confirmation. Failing confirmation of the first candidate the Mayor may present additional candidates until such time as confirmation is forthcoming. Should all qualified applicants fail confirmation, the Council may require that the vacancy be re-posted in the newspaper.

## 19 Interference – Mayor – Council

The Separation of Powers Doctrine requires that the Mayor will not direct Councilmembers in the performance of their duties nor make assignment of tasks unless such tasks are specifically directed and identified by RCW. The Doctrine also requires that the Council and any committee thereof limit their correspondence with City Officials and Employees to activities of inquiry ensuring they do not direct work activities. If the inquiry from a Councilmember will cause extra effort or create substantial work, the inquiry shall be made in writing to the Mayor who will assign the inquiry appropriately. Removal of appointive and direct hire personnel is not within the authority of the Council. Both the Council and the Mayor have equal access to the contract attorney; however, reasonable efforts should first be made to resolve legal questions utilizing staff and/or services provided by organizations such as MRSC and AWC. Nothing herein shall be construed to prohibit the Council, while in Executive session, from fully and freely discussing with the Mayor and/or City Administrator anything pertaining to appointments and removals of City officers and employees. RCW 42.30.110(g).

## 20 Rules of Order

Rules of order not specified by statute, ordinance or resolution shall be governed by the most recent edition of Robert's Rules of Order. Any Councilmember or attending staff member may raise a point of order if he/she believes a procedural error has been made. The member states, "I rise to a point of order." The chair will ask the member to "State your point." The chair shall decide whether a procedural error was made; however, his/her decision may be appealed by Council.

## 21 Motions and Discussion

All items of business placed before the Council that requires the expenditure of Council and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed motion.

## 22 Order of Business

### 22.1 Agenda

The agenda should be arranged to best serve the needs and/or convenience of the Council and the public. The Mayor or Presiding Officer may during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. The business of all regular meetings of the Council shall be transacted as follows:

- A. Call to order
- B. Roll call (see Section 7 of this policy for procedure to excuse absence)
- C. Approval of agenda
- D. Public Comment (items not on agenda)
- E. Consent Agenda
- F. Public Hearing (if applicable)
- G. Items for Council consideration/action
- H. Mayor Reports/Comments
- I. Standing Committee Reports/Comments
- J. Department Reports
- K. Unfinished Business
- L. New Business
- M. Final Public Comment
- N. Executive Session (as required) Note: Executive Session may be held at another point in the meeting as appropriate, per direction of Council or Mayor.
- O. Adjournment

### 22.2 Public Comment

All public comments shall be made to the Council as a whole and under the Public Comment section of the agenda, except where a public hearing has been scheduled and public testimony has been requested for a specific item (see section 23 of this policy). Each speaker shall be limited to three minutes per subject.

Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening or personally abusive while addressing the Council, shall be requested to leave the meeting by the Mayor or temporary presiding officer. Councilmembers may override the Mayor's decision by a majority vote.

Any group of three (3) or more persons representing the same position on an issue shall designate a spokesperson who shall limit his/her comments to five (5) minutes. Each additional person representing the same position shall have a one (1) minute time limit.

## 23 Public Hearings

Public Hearings shall be conducted and noticed pursuant to state law. Public Hearings will begin according to the established agenda or as soon thereafter as possible.

The procedures for a public hearing are as follows:

- A. The Mayor shall introduce the agenda item, open the public hearing, and announce the following Rules of Order, which will be attached to the back of the council agenda sheet:
- B. Audience members will be given an opportunity to address the council once the public hearing is open; and
- C. Each speaker shall state his or her name and address for the record; and
- D. Each speaker will be given three minutes to address the council; and,
- E. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

Public Hearings are conducted on certain legislative actions and in quasi-judicial matters.

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

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. In most cases, quasi-judicial hearings will be held by the Dayton Planning Commission with as prescribed in Chapter 10 of the Dayton Municipal Code.

Prior to conducting a hearing, the Mayor (or in case of a potential violation by that individual, the Mayor Pro Tempore) shall ask if any Councilmember has a conflict of interest or knows of any reason that would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. The form of the announcement is as follows:



- A. All Councilmembers should now give consideration as to whether they have:
  - a. A demonstrated bias or prejudice for or against any party to the proceedings; or
  - b. A direct or indirect monetary interest in the outcome of the proceedings; or
  - c. A pre-judgment of the issue prior to hearing the facts on the record; or
  - d. Ex-parte contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing.
- B. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their affirmation and excuse themselves pursuant to the Appearance of Fairness Doctrine.
- C. The Council member who has stepped down must not participate in the Council decision nor vote on the matter. The Council member must leave the Council Chambers while the matter is under consideration; provided, however, that nothing herein will be interpreted to prohibit a Council member from stepping down in order to participate in a hearing in which the Council member has a direct financial or other personal interest.

## 24 Voting

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

- A. Unless otherwise provided for by statute, ordinance or resolution, all votes shall be taken by voice. Any Councilmember or Mayor may request a division of vote by a show of hands or a roll call vote. (RCW 35A.12.120) The clerk shall record the "ayes" and "nays." The order of the roll call vote shall be determined by the City Clerk. Council may vote to suspend the rules and vote using another method provided it complies with the Open Public Meetings Act. (OPMA)
- B. In case of a tie in votes on any proposal, the proposal shall be considered lost, unless the Mayor is authorized to break the tie. The Mayor is authorized to break a tie with respect to matters other than the passage of any ordinance, grant, revocation of a franchise or license, or any resolution for the payment of money. (RCW 35A.12.100)
- C. Every member who was in the Council Chambers when the question is put forth shall give their vote or abstention unless the Council, for special reasons, shall excuse the member by motion, or unless the Councilmember is excused in accordance with Rule 17, Appearance of Fairness Doctrine. If a Councilmember is excused, he or she should leave the meeting until after the vote has been conducted, returning on

- D. The passage of any ordinance, grant, or revocation of franchise, or license, and any resolution for the payment of money or approval of warrants shall require the affirmative vote of at least a majority of the whole membership of the Council. (RCW 35A.12.120)
- E. The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as a budget amendment, shall require the affirmative vote of at least a majority plus one of the whole membership of the Council.
- F. The passage of any motion or resolution not subject to the provisions of RCW 35A.12.130, or the Dayton Municipal Code, shall require the affirmative vote of at least a majority of the Councilmembers present and eligible to vote.
- G. If a member wishes to abstain the member shall inform Council and the Mayor before the vote is called, stating the reason for the abstention. An "abstain" vote shall not be counted.
- H. 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 vote.

## 25 Council Standing Committees

A standing committee shall function as an advisory body to the council. Each Committee shall review policy matters referred to them by the council, and such other matters as the whole council, by simple majority vote may direct, within their respective areas of responsibility, and formulating recommendations to the council regarding action proposed to be taken in general.

The following standing committees are established with the purpose and duties as set forth:

- A. Finance. The primary purpose of the finance committee is to review and advise the city council upon all matters involving financial affairs of the city, including, but not limited to the review of vouchers for payment, capital and financial planning, licensing and regulations, various fees and charges, financial tracking and reports such as Annual Financial Report, intergovernmental relationships, and such other matters as may be assigned to this committee.
- B. Public Works. The primary purpose of the public works committee is to review and advise the city council on all matters of policy related to the city's water treatment and distribution facilities, wastewater collection and treatment facilities, and city facilities in general which includes operation and maintenance plans and other matters as may be assigned to this committee.

- C. Public Safety. The primary purpose of the public safety committee is to review and advise the city council upon all matters of policy involving public health, welfare, and safety pertaining to the city, including, but not limited to animal control, code compliance, solid waste refuse collection and disposal services, fire and police protection, law enforcement, municipal court service, emergency management and such other matters as may be assigned to this committee.
- D. Parks and Recreation. The primary purpose of the parks and recreation committee is to review and advise the city council upon all matters of policy concerning the city parks and recreation programs and other such matters assigned to this committee.
- E. Human Resources. The primary purpose of the human resources committee is to review and advise the city council upon all matters of policy concerning recruitment, workplace safety, employee relations, public relations, compensation and benefit planning, labor law, training and other such matters assigned to this committee.
- F. Planning and Community Development. The primary purpose of this committee is to review and advise the city council on all matters of policy related to planning including, but not limited to, the comprehensive plan, shoreline management plan, development codes, environmental quality, and economic development, housing, building codes and such other matters as may be assigned to this committee.
- G. Transportation. The primary purpose of this committee is to review and advise the city council on all matters of policy related to streets, alleys, highways, sidewalks, bicycle and pedestrian routes, traffic safety, rail, parking, regional transportation plans, and general street infrastructure plans and such other matters as may be assigned to this committee.

Each standing committee shall review the Dayton Comprehensive Plan and utilize the pre-authorized adopted goals and policies of said plan when advising the City Council on all matters related to each respective committee.

The procedures governing the appointment and operation of all Committees of the Council shall be as follows:

- A. It shall be the responsibility of the Mayor Pro-Tem to appoint Councilmembers to Council Standing Committees.
- B. Each Committee shall consist of no more than three members, at least one of whom, when possible, shall be a re-appointment to the Committee on which he or she served during the previous year.
- C. The mayor may attend committee meetings as an ex-officio member.

- D. Councilmembers shall state their preference for the Committees on which they wish to serve and submit them to the Mayor Pro-Tem via email no later than January 31. Every Councilmember shall serve on at least one Committee.
- E. Mayor Pro-Tem shall make appointments to Standing Committees and notify members and staff of committee appointments no later than the first meeting of February.
- F. Each Committee shall establish its own meeting times.
- G. Special Ad Hoc Committees for a particular purpose may be established and appointed by the Council or the Mayor, along with a clear task description and “sunset” provision.
- H. Committees shall make recommendations, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility, before action is taken by the Council.
- I. All requests for staff assistance shall be made to the Mayor by the Committee chairperson.

## **26 Enacted Ordinances – Resolutions – Motions**

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the city. Council action shall be taken by ordinance when required by law, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form of action taken by Council to direct that a specific action be taken on behalf of the city. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

### **26.1 Resolutions**

Resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall, in all cases, be read prior to its passage; provided, should a Councilmember request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies may be obtained at city hall during regular business hours.

### **26.2 Ordinances**

The procedures for ordinances are as follows:

- A. A proposed ordinance will be presented to the appropriate Committee and designated to either the consent agenda or the regular agenda by a majority vote of the Committee.

Ordinances for which a public hearing is required will automatically be placed on the regular agenda.

- B. Any ordinance repealing any portion of the Dayton Municipal Code shall also repeal the respective portions of the underlying ordinance(s).

## 27 Reconsideration

Any action of the Council, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or to vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable.

## 28 Complaints and Suggestions to Council

When citizen complaints or suggestions are brought before the City Council not on an agenda, the Mayor shall determine whether the issue is legislative or administrative in nature and then:

- A. If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Mayor may refer the matter to a Committee, Administration, or the Council as a whole for study or recommendation.
- B. If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy, the complaint shall be reviewed by the Mayor. The City Council may request a written report to the Council when the complaint review is complete.
- C. The Mayor, or his/her designee, shall, in writing, by telephone, email, or in person, respond in a timely manner to citizen complaints and suggestions, regarding the disposition of the stated complaint or suggestion.
- D. Citizens bringing a complaint or suggestion to the City Council may leave their contact information with staff to enable staff to respond after further investigation of the situation. Councilmembers will be copied (BCC) on email correspondence with the complainant.



## 29 Administrative Complaints made Directly to Individual Councilmembers

When administrative policy or administrative performance complaints about staff are made directly to individual Councilmembers, the Councilmember shall then refer the matter directly to the Mayor or designee for review and/or action, whichever is appropriate. The individual Councilmember may request to be informed in writing of the action or response made to the complaint.

## 30 Filling Council Vacancies

If a vacancy occurs in the office of Councilmember, the Council will follow procedures as per RCW 42.12. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of vacancy, along with the procedure for applying. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council.

The application forms will be used in conjunction with an interview of each candidate to aid in the Council's selection of the new Councilmember.

If the vacancy occurs because of an election of a current Councilmember to another office, the current Council shall initiate a search process according to the above procedures, which the incoming Council may or may not use.

## 31 Audio Recording of Meetings

All regular meetings, Public Hearings and Quasi-judicial Proceedings, Workshops and Study Sessions of the City Council shall be recorded by the City Clerk on an audio recording device.

## 32 Onboarding New Councilmembers

In an effort to provide as much information and direction as possible to a newly elected or appointed member, it is suggested that the Councilmember:

- A. Coordinate and attend an orientation with the Mayor and Department Heads to discuss high level operations and current/near/future policy discussions;
- B. Submit Form F-1 to the Public Disclosure Commission (PDC) within 2 weeks of appointment, or as hereafter required to as the PDC;
- C. Coordinate and attend an orientation with the City Administrator to cover basic questions about Council operations. Common questions in discussions include:

- a. What time do meetings start? Is food provided? Am I allowed to eat at my station during the meeting?
- b. What is AWC, AWC RMSA?
- c. What is MSRC?
- d. What is Jurassic Parliament and how do I view it?
- e. How do I get reimbursed for expenses I make to support the City?
- f. How do I request excusal from a Council meeting? Is there a set limit on how many meetings I can miss?
- g. Can I have a layout of where everyone sits in the Council Chambers?
- h. Do not respond "REPLY ALL" to the City Council on an e-mail.
- i. How do I send an e-mail to the entire Council?
- j. What are the expectations for my attendance at events other than the Council meetings? (Such as AWC, AWC RMSA, etc.)
- k. How do I know what other meetings I am a liaison to/for?
- l. Is there a functional "panic" button in the Council Chambers? If so, where is it and how does it work?
- m. What is my pay and how do I receive it?

### 33 Pay Procedures

Councilmembers compensation shall be issued the last pay period of each month, generally around the last day of each month, during the elected official's term of office. If the regular payday occurs on a Saturday, Sunday, or a holiday, Councilmembers will be paid on the last working day before the regular payday.

### 34 Council Compensation

RCW 35A.12.070 governs the compensation and expense reimbursement of elected officials. Council is responsible for the setting of salaries for future councils and shall review such "from time to time."

Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the Council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

## **35 Waiver of Rules**

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of business. The rules of procedure do not grant to the public or third parties any rights or privileges other than those provided by RCW. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents or employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by majority vote, determine to temporarily waive any of the provisions herein.

## **36 Amendment of Rules**

These rules may be amended, or new rules adopted, by a majority vote of the Council at a regularly scheduled meeting.