



# Port Angeles City Council Rules of Procedure

*most recently updated on July 3, 2018*

**Section 1 - Rules.** These Rules shall govern the procedures followed by the City Council of Port Angeles, Washington, for the conduct of Council meetings and the maintenance of order, pursuant to RCW 35A.13.170.

**Section 2 - Open Public Meetings Act.** The Council shall comply with the provisions of the Open Public Meetings Act, Chapter 42.30 RCW, in the conduct of all meetings to which said Act is applicable.

**Section 3 - Executive Sessions.** The Council may discuss topics in executive session, which topics are specified in RCW 42.30.110 or relate to potential or pending litigation and are subject to attorney-client privilege. The City Attorney shall inform the Council whenever any proposed discussion in executive session is not legally allowed.

No member of the City Council, employee of the City, or any other person present during executive session of the City Council shall disclose to any person the content or substance of any discussion or action that took place during said executive session.

**Section 4 - Work Sessions.** Special meetings designated as work sessions shall be advertised and conducted in the same manner as special meetings. Work sessions are for the purpose of in-depth review and discussion of specified issues. Final disposition shall not be taken at designated work sessions.

Necessary work sessions will be held at 5:00 p.m. on the 4<sup>th</sup> Tuesday of the month, or at another time if approved by a majority of the Council.

**Section 5 - Attendance.**

A. Attendance, Excused Absences. RCW 35A.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 ask to be excused by following the procedure described in this paragraph. The member shall contact the Mayor prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Clerk, who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and 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 members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

B. Attendance Via Speaker phone (AVS). From time to time, a Councilmember may not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Councilmember to attend a Council meeting via Speaker phone are as follows:

Attendance via Speaker phone should be the exception, not the rule, and AVS is limited to three Councilmembers per meeting. Examples of situations where AVS would be appropriate include, but are not limited to:

- An agenda item is time sensitive, and AVS is needed for a quorum;
- An agenda item is of very high importance to the Councilmember that cannot be physically present;

- It is important for all Councilmembers to be involved in a decision, but a Councilmember is unable to be physically present;

Examples of situations where AVS would not be appropriate include, but are not limited to:

- Quasi-judicial and other hearings when the Councilmember is unable to see presentations or read materials that are distributed during the hearing.
- Participation in an executive session, unless the Councilmember can assure that he or she is in a secure location and able to maintain confidentiality.

Attendance - Procedure:

1. Each Councilmember attending via Speaker phone:
  - a. Must be able to hear the discussion on the agenda item taking place in the Council chambers, and
  - b. Must be able to be heard by all present in Council chambers.
2. At the beginning of the Council meeting the Mayor (or Deputy Mayor, if the Mayor is not physically present) should state for the record:
  - a. Let the record reflect that Councilmember\_\_\_\_\_is attending via Speaker phone.
  - b. Councilmember\_\_\_\_\_, can you hear me? [There must then be a clearly audible response in the affirmative.]
  - c. Let the record reflect that Councilmember\_\_\_\_\_, who is attending via Speaker phone, can be heard by all present in Council chambers.

Notification:

If a Councilmember wishes to attend a Council meeting via Speaker phone, the Councilmember should notify Council of his or her intent at the Council meeting prior to the meeting for which he or she wishes to attend via Speaker phone.

If that is not possible, the Councilmember should notify the City Manager of his or her wish to attend the Council meeting via Speaker phone not later than the business day prior to the Council meeting for which he or she wishes to attend via Speaker phone.

**Section 6 – Presiding Officer.** The presiding officer at all meetings of the Council shall be the Mayor, who shall conduct the business and deliberations of the Council under these rules. In the physical absence of the Mayor, the Deputy Mayor shall conduct the business and deliberations of the Council under these rules. The Mayor and Deputy Mayor shall be elected biennially by a majority of the Councilmembers at the beginning of the first Council meeting of the new year of all even numbered years. If both the Mayor and Deputy Mayor are physically absent and a quorum is present, the Council shall, by motion, appoint one of its members to serve as presiding officer of the Council until the return of the Mayor or Deputy Mayor.

The presiding officer shall:

1. Preserve order and decorum in the Council Chambers;
2. Observe and enforce all rules adopted by the Council for its governance;
3. Decide all questions on order, in accordance with these rules, subject to appeal by any member of the Council; and
4. Recognize members of the Council in the order in which they request the floor.

No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the Council have had an opportunity to be recognized and be heard.

5. During Public Comment, determine whether a speaker or members of the audience fail to comply with these Rules or exceed the scope of the limited forum provided for Public Comment, and the presiding officer shall have the authority to suspend such person's right to speak and to require that non-conforming audience behavior cease, subject to the Council's right to overrule such decision.

If such conduct continues and prevents the Council from accomplishing its business in a reasonably efficient manner, the presiding officer may call a recess, may request the removal of such person(s) from the Council Chambers, may remove all persons from the Council Chambers, may move the meeting to a different location, may adjourn the meeting, or may take such other appropriate action as permitted by the law, subject to the Council's right to overrule such as decision.

In the event of an emergency such as a fire or other natural or catastrophic disaster, threatened violence, or inability to regain or retain good order, the presiding officer shall forthwith declare a recess, adjourn, or continue the meeting, and the City Council as well as everyone in the room shall immediately leave the meeting room. The presiding officer may reconvene the meeting when it has been determined by the appropriate safety officials that it is safe to do so.

The presiding officer shall have only these rights, and shall be governed in all matters and issues by the same rules and restrictions, as other Councilmembers.

The presiding officer may vote on all matters coming before the Council.

**Section 7 - Agenda.** The City Manager shall prepare the agenda of business for all Council meetings. Topics may be added to the agenda 1) when deemed appropriate by the City Manager, 2) at the direction of the Mayor, or 3) by motion approved by a majority of City Councilmembers attending a regular Council meeting.

Every agenda item must be supported by a written explanation informing the Council and staff of the issue, background, analysis, financial impacts, and recommendation and/or conclusion, unless the item is self-explanatory or unless the Mayor or City Manager has waived this requirement. All written materials for the agenda shall be delivered to the City Manager by five p.m. on the Wednesday preceding the Council meeting. Except for announcements, late

items that the City Manager does not receive by the stated deadlines shall not be considered by the Council except upon a majority vote of the members present.

Each agenda shall reference all ordinances to be considered by the City Council. No ordinances shall be acted upon unless notice of the preliminary agenda referencing such ordinance has been made available to the public in advance of Council meetings, as set forth below. Except in cases of emergency and of final approval of subdivisions, a proposed ordinance shall be presented to the Council at a regular meeting, and the Council may then act to adopt the ordinance at any subsequent regular meeting.

Agendas for all meetings of the City Council shall be made available at least 24 hours prior to the time scheduled for such meetings. The agenda will be made available to the public in the following ways:

1. A copy is placed on the City website at [www.cityofpa.us](http://www.cityofpa.us).
2. Several copies are placed on the front counter at City Hall.
3. A copy is posted on the bulletin board outside the Council Chambers.

**Section 8 - Order of Business.** The Mayor may determine the order of business for a particular City Council meeting. The agenda should be arranged to best serve the needs and/or convenience of the Council and the public. The items of business for regular Council meetings may include the following:

- A. Call to Order
- B. Roll Call
- Pledge of Allegiance
- Ceremonial Matters/Proclamations/Employee Recognition
- C. Public Comment

D. Items to be Placed on This or Future Agendas, including any executive session needed during or at the end of the meeting.

E. Consent Agenda

F. Public Hearings

G. Ordinances Not Requiring Public Hearings

H. Resolutions Not Requiring Public Hearings

I. Other Considerations

J. Contracts & Purchasing

K. Council Reports

L. Information

M. Second Public Comment Period

Adjournment

**Section 9 – Council Action Procedures.** At all meetings of the Council, four (4) Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business.

The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council. RCW 35A.12.120.

Unless otherwise provided for by statute, ordinance, resolution, or these Rules of Procedure, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken by the City Clerk.

Prior to discussion of an action item, a Councilmember should make a motion.

Three steps required to bring a motion before the Council for its consideration:

1. A Councilmember makes a motion;

2. Another Councilmember seconds the motion, and
3. The chair states the motion.

The purpose of a second is to prevent time being spent on motions that only one person wants to discuss. If the motion is not seconded, it dies. Some motions do not require a second: nominations, withdrawal of a motion, request for a roll call vote, and point of order.

Councilmembers should attempt as much as possible to state motions in the positive form--that is, "I move to..." rather than "I move not to..." Motions where one must vote "yes" to vote against a proposal are confusing not only for Councilmembers, but also for staff and citizens.

Motions should be clear and concise and not include arguments for the motion.

No person shall address the Council without first securing the permission of the Mayor or Council to do so.

If a proposal has only minimal support, a Councilmember might state "I make this motion in order to put it on the floor for discussion. I am not sure of my position on it at the present time."

After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote. If they wish to do so, they may state why they will vote for or against the motion.

Once recognized, a Councilmember should not be interrupted while speaking, except for a point of order or personal privilege. If a Councilmember is called to order while speaking, the individual shall cease speaking until the question of order is determined.

Upon being recognized by the presiding officer, members of the Council shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

A Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak. Councilmembers are encouraged to

discuss items during the decision-making process.

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

A motion to table is non-debatable. It requires a majority to pass. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future meeting, at which time discussion can continue. If an item is tabled, it cannot be reconsidered at the same meeting.

A motion to postpone to a specific time is debatable, is amendable, and may be reconsidered at the same meeting. It requires a majority to pass. The motion being postponed must be considered at a later time in the same meeting or a specific future meeting.

A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting. It requires a majority to pass. The merits of the main motion may be debated.

A motion to call for the question shall close debate on the main motion and is non-debatable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.

A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

When the discussion is concluded, the motion maker, Mayor, or City Clerk, shall repeat the motion prior to voting.

The City Council votes on the motion as restated. The Mayor shall state the number of Councilmembers voting in the affirmative and the number voting in the negative and whether the motion passes or fails.

Each Councilmember shall vote on all questions put to the City Council, unless a conflict of interest or appearance of fairness issues requires a Councilmember to excuse him/herself.

If a member of the Council who is eligible to vote does not vote, his or her silence shall be recorded as an affirmative vote.

No vote may be cast by proxy.

When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, we will vote."

Only those motions that receive an affirmative vote by the majority of the present and voting members of the City Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law in which case Washington State law shall prevail. In order for an ordinance or resolution to become effective immediately, the City Council must declare that an emergency exists and approve the ordinance or resolution by the affirmative vote of three-fourths of the members of the City Council. A tie vote results in the motion having failed. The presiding officer may publicly explain the effect of the tie vote for the audience.

After the question has been decided, any Councilmember who voted in the majority may move for a reconsideration of the motion. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken.

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

The presiding officer shall decide all questions of procedures and other questions of a parliamentary nature that may arise at a Council meeting. All cases not provided for in these rules shall be governed by the current edition of Robert's Rules of Order. In the event of a conflict, these Council Rules of Procedures shall prevail.

If a Councilmember has a conflict of interest or an appearance of fairness disqualification, the Councilmember should recuse him or herself from the issue and shall leave the Council chambers during discussion and voting on the issue. That Councilmember shall be considered absent when voting occurs.

If a member asserts a conflict of interest or appearance of fairness disqualification, and it is not apparent to all Councilmembers present, the member shall be excused from voting on an issue only by majority vote of the Councilmembers present.

If it is determined by majority vote of the City Council as a whole, plus one, that a Councilmember has a conflict of interest or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the City Council in order for the Councilmember to present further information to the Council, then the City Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the City Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the City Council shall make its determination as provided hereinabove.

**Section 10 – Adjournment.** A Councilmember may propose to close the meeting by moving to adjourn. The meeting will close upon the majority vote of the Council. A motion to adjourn will always be in order and decided without debate.

Upon adjournment, Councilmembers shall immediately leave the Council chambers, to avoid what could constitute a meeting with a quorum of Councilmembers present in violation of

the Open Public Meetings Act.

No meeting shall be permitted to continue beyond 10:00 p.m., without the approval of a majority of Councilmembers present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. The items not acted upon or considered shall be deferred to the next regular Council meeting, as unfinished business, unless the Council, by a majority vote of Councilmembers present, determines otherwise.

**Section 11 – Respect and Decorum**. Neither Councilmembers nor the public shall disrupt the proceedings of the Council or refuse to obey the orders of the presiding officer or the rules of protocol.

Any person disrupting the business of the Council, either while addressing the Council or attending its meetings, shall be asked to cease such disruption.

For clarification, disruption of a City Council meeting does not require behavior that constitutes a breach of the peace, although a breach of the peace would constitute a disruption of a City Council meeting. Rather, disruption of a City Council meeting is any behavior that interrupts the Council meeting or prevents the Council from accomplishing its business in a reasonably efficient manner. For purposes of illustration only, such disruption may include, but is not limited to:

- irrelevant or repetitious speech
- continuing to speak after the allotted time has expired
- audience demonstrations such as booing, display of signs, or any other conduct that disrupts the Council proceedings.
- continuing to speak after being ruled out of order by the presiding officer
- other speech or behavior that disrupts the orderly conduct of the Council meeting.

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall behave with order and decorum, and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor interrupt or disparage any Councilmember while speaking, nor use profanity.

At any time during any Council meeting, any Councilmember may object to a personal affront or other inappropriate comments, by calling for a "point of order." After the Councilmember is recognized by the presiding officer and the Councilmember explains his or her point concerning respect and decorum, or lack thereof, the presiding officer shall rule on the remark and may ask the person making the disturbance to cease or leave the room. Continued disruptions may result in a recess or adjournment as set forth above.

In order to maintain decorum and good working relationships, Councilmembers should not criticize the vote of another.

Councilmembers shall respect the decision once a policy is passed or defeated by a majority vote.

If a member of the Council shall transgress these rules, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the presiding officer shall transgress these rules or fail to call such member to order, any other member of the Council may, under a point of order, call the presiding officer or such other member to order, in which case the presiding officer or such member, as the case may be, shall be silent except to explain or continue in order. By a majority vote, the Council can impose additional sanctions that may include an oral admonition, written reprimand, censure, expulsion from the meeting at which the conduct is occurring, removal of the Councilmember from the Council committee chair positions or committee memberships, or removal of intergovernmental duties.

**Section 12 – Public Comment.** Members of the public may address the City Council at the beginning and end of any Regular Meeting under "Public Comment." During the "Public Comment" portion of the meeting, individuals may speak to agenda items, except those scheduled for a Public Hearing.

The City Council desires to allow the opportunity for Public Comment. However, the business of the City must proceed in an orderly, timely manner. At any time, the presiding officer, in the presiding officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption of other necessary business.

At its most restrictive, Public Comment shall be limited to a total of 15 minutes for the first Public Comment period and shall be concluded not later than 9:45 for the second Public Comment period.

Individuals may speak for three (3) minutes or less, depending on the number of people wishing to speak. If more than 20 people are signed up to speak each speaker may be allocated two (2) minutes.

Individuals are asked to sign up prior to the start of the Public Comment period.

Individuals who are residents of the City or own businesses within the City will be called to speak first, with preference given to those who wish to speak to an item on the meeting's agenda. If time remains, the presiding officer will call other individuals wishing to speak, generally in the order in which they have signed. If time is available, the presiding officer may call for additional unsigned speakers.

Persons speaking shall state their name, whether they reside within the City limits, whether they have any other pertinent connection to the City, and whether they are appearing as the representative of an organization.

All comments shall be addressed to the Council as a whole and not to individual members thereof.

The Clerk shall be the timekeeper for all Public Comment. Time cannot be donated by one speaker to another.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the Clerk prior to the meeting, in which case a copy of the document will be provided to each Councilmember, but the document will not be read aloud; or a document may be distributed to the City Council, with a copy to the clerk, by a speaker while the speaker is addressing the Council.

City Council meetings are not public forums for addressing the audience. All speakers must address the Council, not staff or the audience.

Speakers may not comment on any matter for which a quasi-judicial hearing is required.

**Section 13- Board and Commission Vacancies.** The selection process for filling board and commission vacancies shall be as follows. Provided, however, that in specific situations, the Council may by majority vote revise the process:

A. The City Manager or his designee will solicit in the City's official newspaper, and on the City website, volunteers who wish to serve on boards and commissions.

B. The City Manager or his designee will mail application forms and specific information as to functions of the preferred board(s) or commission(s) to interested citizens.

C. The City Manager or his designee will submit application forms, questionnaires, and/or related information, to the designated interviewing body.

D. The designated interviewing body will interview candidates in open public session. Candidates who have not been interviewed will be excluded from attending the prior interviews.

E. The designated interviewing body will forward a recommendation to the City Council as to the preferred candidate(s) for appointment to a board or commission. The City Council will make appointments by a majority vote. If the City Council is the designated interviewing body, the Council will select its preferred candidate in an open public meeting by roll call vote and the Mayor will make the appointment.

F. The City Manager or his designee will provide written notice of appointment and confirmation, provide introduction to the chairperson of the respective board or commission, and provide introductory and educational information to the newly appointed member.

In the event the number of members of any board or commission fall to the number required for a quorum plus one, the City Manager, or mayor, shall have the authority to make an interim appointment, subject to confirmation by the City Council. The term of an interim appointment shall be for (a) the remainder of the vacant term, (b) 6 months, or (c) until a permanent appointment is made by the City Council, whichever is less.

**Section 14 - Notice of Public Hearings.** Notice of all public hearings to be conducted by the City Council or any of its advisory boards and commissions shall be given either by publishing written notice at least once in the City's official newspaper prior to the date of the hearing, or by complying with any specific statutory requirements for such notice that may be applicable to the particular type of hearing involved.

**Section 15 - Council Vacancies.** The selection process for filling Council vacancies shall be as follows, provided, however, that the Council may by majority vote revise the process:

Notice of the vacancy and the procedure for filling the vacancy shall be published twice in the City's official newspaper.

The Council will open a filing period of not less than 10 days for the vacancy and request

each candidate to complete an application form or submit a letter of interest.

The candidates will then be interviewed during a public Council meeting.

The Council may deliberate on the qualifications of the candidates in a closed session and then vote on the appointment in an open meeting.

In all other respects, the procedure for filling a Council vacancy shall be as provided in State law.

Established/Amended by Resolution Nos.: 21-84, 13-86, 9-87, 2-88, 3-88, 19-88, 37-91, 5-92, 2-95, 5-95, 4-96, 20-96, 11-97, 2-98, 6-98, 15-99, 17-04, 2-05, 10-05, 2-06, 11-06, 12-06, 8-07, 3-08, 10-09, 5-10, 2-12, 6-12, 09-15, 16-15, by Council Adoption on August 16, 2016, and Resolution 08-18.