



Project title: Resolution establishing City Council Rules of Procedure for the conduct of Council and Repealing Resolution No. 7719.

City Council Agenda Item Cover Sheet

Council Bill # *interoffice use*

Project: *What is the project?*

Partner/Supplier : *(Partner, etc.)*

Location: City wide

Preceding action: Council Retreat 1/28/22

Fund: *Department fund example: 004/Admin*

Agenda dates requested:
3/9/22

Briefing
Proposed action
Consent
Action 3 9 22
Ordinance
Public hearing
 Yes No

Budget amendment:
 Yes No

PowerPoint presentation:
 Yes No

Attachments:

Department(s) involved:
Council, Administration
Legal

Contact person:
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Initialed by:

Department head
B. Stonecipher
Administration

Council President

Fiscal summary statement:

Project summary statement:

On January 28, 2022, Council with Administration held a retreat. Resolution No. 7719 establishing the City Council Rules of Procedure for the conduct of Council was reviewed. After discussion, Legal was asked to draft amended procedures and bring back to council. Legal along with Administration have prepared a draft for council action including adding the new collaborative leadership model and Committee format.

By this action, Council will adopt a Resolution establishing the City Council Rules of Procedure for the conduct of Council and repeal Resolution No. 7719.

Recommendation: Adopt Resolution establishing the City Council Rules of Procedure for the conduct of Council and repealing Resolution No. 7719



Everett Council Committee Liaison Structure

Council Review Date

Changes to these guidelines require the Council Presiding Officer (Council President) and Mayor approval.

Council (as a whole) Key Functions

- Review and approve annual budget
- Establish policy objectives and priorities, set policy
- Enact ordinances and resolutions
- Communicate and respond to requests of City residents, businesses and visitors.

Committee Council Liaison Structure Goals (Ad Hoc Committees)

- Information sharing with Department Directors on needs and priorities, Council liaison Chair's share the learning with fellow councilmembers, especially for those issues that involve multi-departmental response.
- Refrain from:
 - any direction of, or management over, departmental work and operations
 - giving policy direction to staff in their role as a committee member

Communication Protocols

- The Chair will:
 - direct any requests for more information to the Department Director and include the Mayor, Deputy Mayor and/or Executive Director.
 - share departmental communication with other committee members.

Committee Attendees

- Assigned council liaison committee members and Department Directors.
- Department staff will be invited by the Department Director dependent on the agenda content.
- An Administration team member may elect to attend depending on the agenda content.

Council Convenings

- All Councilmembers will continue to meet as a "**Council as the Whole**" as defined in the City Charter
- The Chair will share brief '**updates**' at council meetings after committee meetings, during council comments.
- The Chair may request time on the council agenda for longer briefings. Requests for time on the council agenda should be after discussion and concurrence with the Department Head, directed to the Council President and initiated at least two weeks in advance of a council meeting whenever possible. If a briefing is time sensitive councilmembers may request through the Council President time on the next council agenda.

Assignments

- Any year the Council President and Mayor elect to utilize the Council Liaison Committee Structure the following guidelines apply:
 - The Council President and Mayor will determine the number of committees and assignment areas
 - Councilmember participation in the Council Liaison Committee Liaison Structure is voluntary
- The Chair will be the contact with assigned Department Directors. Other councilmembers on committees will work through their Council Liaison Committee Chair.

Committee Structure

- All committees are Ad Hoc with the exception of the Budget and Finance Council Committee. The Ad Hoc Committees serve to share information. Committees do not act on behalf of the council. The below table identified the differences between an Ad Hoc and Formal Committee.

Finance and Budget Committee	Ad Hoc (informal) Committees***
Virtual or In Person*	Virtual
Meeting frequency: Appr. 6-9 times annually**	Meeting frequency: Appr. 2-4 meetings annually)**
Public Access During Meeting available via Teams or Zoom virtual platform	No Public Access During Meeting
Agendas drafted and distributed in advance. Proposed agendas require Chair and Department Director approval prior to the meeting and are posted on the city's website	Informal agendas drafted and distributed in advance. Proposed agendas require Chair and Department Director approval prior to the meeting
Minutes posted on the city website	If informal minutes are desired the Council Executive Assistant will be present to take minutes and submitted in draft form for the Department Director and Chair to approve.

Table 1

*In person meetings will resume after approval from the Mayor and Council President.

** Committee Meetings may occur more frequently if requested and agree to by the Council President and Mayor.

***Based on subject matter there may be an occasion when an Ad Hoc committee requests a meeting be made available for the public to attend. On those rare occasions the Chair and Department Head will determine and make every attempt to incorporate an Ad Hoc committee meeting into an existing public meeting such as city council, Library Board, Planning Commission or Board of Park Commissioners meeting.

Staffing Support for Committee Meetings:

- Staff will attend the committee meetings at the frequency noted in table 1 on page 2 of this document.
- Councilmembers may elect to meet more frequently without staff in attendance.
- If written minutes are desired for any Ad Hoc committee work the Council Executive Assistant will be the designated minute-taker at meetings. Before finalized, the minutes will be approved by the Chair and the Department Director.



Resolution NO

A RESOLUTION establishing City Council Rules Procedure for the conduct of Council and Repealing Resolution No. 6890-A

WHEREAS, Section 3.3 of the City Charter provides that "the council shall determine its own rules and order of business, and may establish its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order"; and

WHEREAS, by the adoption of this Resolution, the City Council intends to establish some basic for the conduct of Council, its meetings and maintenance of order;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EVERETT DOES HEREBY RESOLVE:

SECTION 1: MISSION:

As a matter of open government and transparency, The Everett City Council strives to engage the public in a civil and democratic process. As the policy-setting and oversight body for the City, the design of the City's democracy as outlined in the Charter is that the legislative branch sets the policy and the administrative branch carries it out.

SECTION 2: PURPOSE.

It is the purpose of the City Council of the City of Everett in adopting these rules to provide a method for the conduct of its affairs and to complement the provisions of the City Charter and Council's standing rules. It is not intended that these rules confer upon any person any right to a particular procedure or affect the validity or legality of any Council action. The Council may implicitly or by a majority vote, determine to temporarily waive any of the provisions herein. Any action taken in disregard or non-conformity with these rules shall be construed as an implicit waiver thereof.

SECTION 3: MEETINGS - AGENDA

- A. The place, date and time of the Council meetings shall be in accordance with Section 3.2 of the Charter, Ordinance No. 3170-10 of the City and State law. The Council agenda will contain basically the following, provided deviation from the following is permitted with approval of the presiding officer (Council President)
- B. Call to Order
- C. Roll Call
- D. Land Acknowledgement
- E. Flag Salute
- F. Approval of Minutes
- G. Mayor's Comments
- H. Council's Comments
- I. City Attorney
- J. Administration Update on prior business
- K. Public Comment
- L. Proposed Action Agenda: Items appearing on Council's upcoming agenda requiring Council action but not requiring staff presentation

- M. Consent Items: consisting one or more of the following items: Street closures, Acceptance of gifts and donations, approving final plats, authorization of Community Development Block Grant program agreements with approved agencies, approving and accepting grants, and other such actions. Items requiring no Council discussion, simply a yes/no vote. Any Council Member may have a matter removed from the Consent Agenda for separate consideration upon notice to the Presiding Officer.
- N. Action Items: Items where there may be discussion as well as reports by staff.
- O. Council Briefing Agenda: Prospective Council agenda items or informational items. Matters of importance that should be publicly discussed at a Council meeting held prior to the meeting where action is to be taken
- P. Executive Session
- Q. Adjourn

SECTION 4: REMARKS AND DEBATES

In presiding over the Council Meeting, the Council President may move to end debate on any issue and call for a vote, provided that each member has had at least one opportunity to speak to the issue. If that motion is seconded, no discussion will be allowed until the President's motion is voted upon.

SECTION 5: PUBLIC COMMENT

- A. To facilitate the orderly presentation of public comments, those wishing to speak must complete a speaker sheet before the start of the meeting and present it to the Council Support Staff
- B. for in-person meetings or submit on-line when using a virtual platform such as zoom to comment. Requests to provide public comment via a virtual platform must be made no less than 30 minutes before the start of the council meeting. Speaker sheets require, at a minimum, the speaker name, city and state of residence and speaker topic. Submitting false information is grounds for a speaker request to be denied.
- C. To ensure equal opportunity for the public to comment, a speaker's comments should be limited to three minutes per person, except in those instances where the person is representing a group or organization, in which a request can be made in advance of the meeting to the presiding officer to be allocated more than three minutes, in which case the speaker may be allowed five minutes for public comment. Where necessary, due to the number of persons who wish to address the Council, the presiding officer shall retain authority to limit a persons' remarks to an equal period of less than three minutes. To further ensure equal opportunity for the public to comment, each person may address the Council only one time during the Public Comment portion of the meeting.
- D. Public comment on agenda items can be provided either during the designated public comment time or if the comment is directed to an item on the agenda the speaker may elect to wait to present their comments until the agenda item is read.
- E. The purpose of public comment is for the City Council to receive comments. With consent from the presiding officer, councilmembers may ask questions of the

speaker or comment on the speaker's public input. Out of respect for time constraints and schedules, it is recommended that questions and comments by councilmembers be reserved until all speakers conclude their remarks.

- F. Public comment can be taken at any time during the meeting as determined by the presiding officer.
- G. Written comments submitted prior to Council action shall be considered in the same manner as oral comments.
- H. All remarks will be addressed to the Council as a whole.
- I. All speakers during Public Comment, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment.
- J. Public Comment during council meetings is restricted to items on the agenda. In addition, a time may be set aside for public input on non-agenda items which are relevant to the business of the city of Everett.
 - Public Comment must be relevant to City Council's services, programs, projects or activities.
 - Speakers may not engage in abusive or harassing behavior including derogatory remarks, profanity or personal attacks, or use of obscene language or gestures, assault or threatening behavior, sexual misconduct or sexual harassment.
 - An allotted individual's comment period may not be used for purposeful delay, including remaining silent or engaging in other activity without conveying a discernible message.
 - Comments Which Are Out of Order: The presiding officer or designated City Attorney may rule any public speaker out of order if comments are inappropriate, are not relevant to City Council business or not directed at council as a whole, if comments lack civility or are unreasonably repetitious of previous comments by other speakers.
 - Think about whether we are adding any language specific to video submissions if Lori can figure out the technical possibilities
- K. Meeting disruptions by non-speakers are prohibited. Disruptions include but are not limited to:
 - Outbursts who have not been recognized by the presiding officer
 - Behavior that intentionally disrupts, disturbs or otherwise impedes attendance or participation at the meeting or the view of other attendees.
 - Failure to follow the direction of the presiding officer or Security Personnel.
 - If an individual is in violation of the public comment rules as referenced in the Council Procedures resolution two or more consecutive city council meetings the presiding officer may exclude the individual from participation in public comment at future meetings. The presiding officer determines the length of the exclusion based on the seriousness of the disruption or the number of disruptions, The length of an exclusion shall not exceed 180 days. The presiding officer's decision to exclude an individual from public comment may be overruled by a majority vote of the city council at a city council meeting.
- L. No Use of Public Comment for Campaigns. No person may use public comment for the

purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. "Campaign" shall include, but not be limited to, the direct promotion or opposition of a candidate or ballot measure or the display of any campaign material or such other prohibition promulgated by the Public Disclosure Commission. Any violation of this provision after receiving a warning from the presiding officer shall constitute grounds for immediate suspension of such person's right to speak at that Council meeting.

- M. **No Use of Public Comment for Advertising.** No person addressing the Council may use Public Comment for the purpose of advertising. Advertising is defined as "promoting by making known, proclaiming publicly, drawing attention to, or making conspicuous any item, product, service, or thing, for profit or otherwise." This does not prevent or preclude any person addressing the Council from expressing his or her views or opinions on matters over which the Council has jurisdiction.

SECTION 6: SIMULTANEOUS BROADCAST AND WEBCAST

All meetings of the City Council should be simultaneously broadcast when resources are available. All audio and visual records of meetings shall be retained in accordance with Local Government Common Records Retention Schedule GS50-05A-13 Rev. 2.

SECTION 7: MISCELLANEOUS

- A. **AGENDA.** A Council Administrative Support Staff member shall prepare the agenda for each council meeting in collaboration with city Administration and under the direction of the presiding officer, or in their absence, a designee. The agenda and council packet materials shall be available to the public, at a minimum, in accordance with RCW 42.30.077.
- B. **PUBLIC REQUEST FOR PRESENTATIONS.** It is the policy of the Council to consider requests for presentations of certain events or causes when such presentations pertain to an Everett event, person, organization, or cause with local implications. The Council will consider requests that are timely, have potential relevance to a majority of Everett's population, and either forward positive messages or call upon the support of the community.

The following guidelines and requirements apply to requests for consideration of presentations:

1. The person(s) or organization making the request to make a presentation must submit a completed Application to Make a City Council Presentation.
2. The request should be made at least 30 days in advance of the requested Council meeting.
3. City Administration and Council presiding officer will review together the application to determine if the proposed presentation meets the intent of this policy. When there is uncertainty in making this determination, the President will consult with the City Council Committee as-a-whole for its guidance.
4. The presentation will not exceed 5 minutes in length and Council will not entertain more than two presentations at one Council meeting.
5. The presiding officer retains the right to decide if the presentation will or will not be permitted.
6. Once, approved, the presentation will be included on the appropriate Council agenda.
7. If not approved, the applicant will be notified of the decision and reason(s) for the decision.

- C. COUNCIL CHAMBERS. The Council Chambers shall be reserved solely for the use of members of the City Council and Mayor for its regular and special meetings as well as committee meetings and other meetings approved by the Council President or Mayor. The Chambers shall not be used for any outside group or organization, according to Resolution No 5870. Except as authorized by the Council President, no other person or persons shall have access thereto.

SECTION 8: ELECTIONS OF COUNCIL PRESIDENT Mayor Pro Tempore PRESIDING OFFICER and Council Vice President

In accordance with Section 3.2 the Charter, the Council shall be presided over by the President, selected annually by a majority vote of the Council. In the absence of the President at a meeting, the presiding officer for a meeting shall be a Council member designated by the President; or if no such Council member has been designated, the presiding officer shall be selected by a majority of the members present at such meeting.

Pursuant to Section 2.7 of the Charter, the President of the Council shall also be deemed the Mayor Pro Tempore for the same period of office. The annual election of the Council President and Mayor Pro Tempore will be noted on the Council agenda and will occur on the first regular meeting of the month of January after any newly elected members have been seated unless otherwise determined by majority vote of the entire Council.

Council will elect a Vice President annually no later than February 1st unless otherwise determined by majority vote of the entire Council.

SECTION 9: PROCEDURE FOR COUNCIL INITIATED LEGISLATION

To promote the orderly development and consideration of proposed legislation and the efficient use of staff time, Council will initiate legislation as follows:
Council members may seek confidential legal advice from the City Attorney to draft an outline of their proposed legislation for consideration at a Council meeting. Following Council discussion, the City Attorney will prepare a draft ordinance or resolution if a request is made by two or more members at a council meeting. Once the legislation has been prepared, the President will place it on the Council agenda for discussion. Provided, however, the obligations of this section shall be consistent with the Washington Court Rules for Rules of Professional Conduct, State law, the Charter and City Ordinances.

SECTION 10: MOTIONS – VOTING

In presiding over Council meetings, the presiding officer shall cause the business of the Council to be transacted in accordance with these rules and shall determine all question of procedure subject to the appeal of the majority, of the Council members present. Council's procedural practice shall not be based on Robert's Rules of Order. As it relates to motions, the following shall apply:

- A. A motion that does not receive a second dies;
- B. A motion receiving a tie vote dies;
- C. All motions receiving a second, including a motion to table and to call for the question, are entitled to discussion before taking a vote.
- D. Amendments are voted on first, then the main motion as amended if the

- amendment receives an affirmative vote;
- E. Motion for reconsideration.
- 1) Except as specified in subsection (3), a motion to reconsider shall be in order only if it is brought forth at or before the next regularly scheduled City Council meeting by a councilmember who voted in favor of the action sought be reconsidered and the motion receives a second. To vote on a motion for reconsideration, the council member must have voted on the original item. To prevail, the motion for reconsideration must receive a majority of votes of those eligible to vote and present at the meeting.
 - 2) When a motion for reconsideration is passed, the underlying matter shall be put on the agenda for the next regularly scheduled meeting or at the first possible regularly scheduled meeting if a delay is necessary.
 - 3) A motion for reconsideration cannot be considered if any of the following events have already occurred:
 - a. The action approved by the Council has already been partially or fully carried out
 - b. A contract authorized by Council has already been executed by the City and is binding
 - c. An ordinance passed by the Council has already become valid (signed by the Mayor and attested by the City Clerk).
- F. For a motion to prevail, it must receive an affirmative vote of a majority of those voting except:
- 1) In the case of a passage of an ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, it must receive the affirmative vote of at least a majority of the whole membership of the Council (4 vote minimum - Section 3.3 of the Charter);
 - 2) In the case of an emergency ordinance made effective upon becoming valid, it must receive the affirmative vote of at least a majority plus one of the whole Council (5 vote minimum - Section 3.4 of the Charter);
 - 3) In the case of a budget amendment ordinance when there is a proposed decrease within any portion of the total appropriation provided for in any one fund or a re- appropriation of the same fund for another purpose, it must receive the affirmative vote of at least a majority plus one of the whole Council (5 vote minimum - RCW 35.33.121(5)).

SECTION 11: COUNCIL SUBCOMMITTEES

- A. Purpose. In collaboration with City Administration the City Council may establish formal or ad hoc subcommittees to provide members of the City Council an opportunity to review and discuss in detail issues and topics that are of interest to the City administration and the City Council.
- B. Standing Subcommittees. In the absence of charter or rcw language defining a standing committee the Mayor or their designee and the City Council President, after mutual agreement, may create standing ad hoc

sub-committees. The Council President, in collaboration with the Mayor, will determine any Ad Hoc committees and make councilmember assignments to ad hoc committees.

C.

SECTION 12: COUNCIL RETREATS

- A. Council will discuss and schedule retreats when a request for a retreat is made by a councilmember or Administration. Council retreats will be scheduled at least 30 days in advance unless agreed to by the Council President and Mayor. Any councilmember can request a retreat. Retreats will be scheduled when a majority of the councilmembers approve a request and when a retreat agenda has been approved by the majority of council members.
- B. All retreats shall be held within the city limits of Everett. The date for any retreat shall be selected by the currently designated president of the City Council. The President shall seek to select a date so that all Councilmembers or as many as possible may attend, including any Councilmember-elects.
- C. Purpose. A retreat is intended to provide an informal setting to encourage candid and creative discussions, and may include discussions with the Mayor, City Administration and/or Department Heads.
- D. Action to Be Taken at Retreat. The council shall not take final action on any ordinance or resolution at a retreat. The council may take action in the form of making subcommittee assignments, creating any ad hoc subcommittees, adopting goals for the upcoming year and other action related to how the council will conduct business during the upcoming year.
- E. Participation by Administration and City Staff. The Mayor or the Mayor's designee shall have a standing invitation to attend. Administration may include any staff members determined appropriate to attend. The Council President will coordinate any requests for staff to attend through the City Administration.
- F. Public Attendance. All Retreats is an open public meeting subject to the Open Public Meetings Act and shall be noted according to the procedures for noting a special meeting. Members of the public may attend but no open public comment period will be provided.
- G. Report. After a retreat, the City Council President shall prepare a report summarizing the issues City Council identifies as significant. Minutes shall also be taken.

SECTION 13: FILLING VACANCIES

Consistent with the Charter, Council will determine by majority vote the process to be followed in filling any vacancy. Council will endeavor to reach out to the community to seek interested and qualified persons for purposes of filling any vacancy.

SECTION 14: REVIEW

Council will review this Resolution as it deems appropriate.

SECTION 15: REPEAL

Resolution No. 6528 is hereby repealed.

PASSED AND APPROVED THIS ____ DAY OF MARCH 2022

Council member Introducing Resolution

Council President