



EVERETT

WASHINGTON

A RESOLUTION establishing City Council Rules Procedure for the conduct of Council and Repealing Resolution No. 7719

WHEREAS, Section 3.3 of the City Charter provides that "the Council shall determine 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 rules 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

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. Pursuant to RCW 35A.12.110 Special meetings may be called by the Mayor, or any three members of the council by written notice delivered to each member of the council at least twenty-four hours before the time specified for the proposed meeting. All council meetings shall be open to the public except as permitted by chapter **42.30** RCW. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation and to each local radio or television station.

1. **Full Council remote participation meeting. (HB 1329). ~~City Council meetings~~.** The Council as a whole, by majority vote, may designate one meeting each month to be held remotely and such meeting shall be published and open to the public to allow participation virtually by audio or video system. Accommodations must be made to ensure that there is a speaker phone, audio or video system is set up at a designated meeting place, accessible by the public, and that it allows members of the public present at the designated meeting location(s) to hear all discussions, provide testimony if testimony is required by state law or council rule, and generally observe the steps employed by the Council in taking its official action. Additionally, the Council may approve a special meeting of the City Council via remote communication, provided that the remote meeting complies with the accommodations specified above, as well as meeting requirements established in the City Charter and any other legal requirements that pertain to public meetings.

2. **Virtual Participation.** In limited circumstances the city would benefit by a Council member's virtual participation at a meeting where the majority of members are present at a physical location open to the public. The Council President / **presiding officer** may approve a Councilmember's appearance at a Council meeting via remote communication. A majority of council members must be physically present at the location specified in the notice of the meeting. In no event shall the Council President / **presiding officer** approve a Councilmember's remote attendance unless satisfactory equipment is available, use of City-provided devices are preferred. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember's voice, who is attending remotely, clearly and sufficiently enough to be heard by those in attendance in person at the public meeting. The device must allow the Councilmember to pose and answer questions as posed from time to time. During any meeting that a Councilmember is attending via remote communication, the Council President / **presiding officer** shall state for the record that a particular Councilmember is attending via remote communication. Attendance from remote locations is intended to be an alternative and infrequently used method for participation by Council members and remote participation must comply with meeting requirements established in the City Charter and any other legal requirements that pertain to public meetings.

3. The structure of the Council agenda will be determined by the Council President/presiding officer. The President or presiding officer's agenda structure may be overridden by a majority of Councilmembers present at any meeting. The agenda may contain some or all of the following contents:
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Land Acknowledgement
 - E. Approval of Minutes
 - F. Mayor's Comments
 - G. Public Comments

- H. Council's Comments
- I. Council Chair Subcommittee Reports
- J. Administration Update
- K. City Attorney
- L. Consent Items: Consisting of one or more of the following items: Approval of vouchers, Adoption of resolutions fixing dates for public hearings, Street closures, Acceptance of gifts and donations, approving and accepting grants, final acceptance of grants, deeds, easements, passage of ordinances which the Council has given directions to place on the agenda, approving final plats, and other such actions. Any Council Member may have a matter removed from the Consent Agenda for separate consideration upon notice to the Council President or Presiding Officer, either before or during the meeting.
- M. Proposed Action Agenda: Items appearing on Council's upcoming agenda requiring Council action but not requiring staff presentation.
- 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/ presiding officer 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 / presiding officer's motion is voted upon.

SECTION 5: PUBLIC COMMENT

To facilitate the orderly presentation of public comments:

1. For in person meetings, those wishing to speak must complete a speaker sheet and present it to the Council Support Staff.
2. If a speaker is providing public comment remotely, they must complete a speaker sheet on-line no later than 30 minutes before the start of the meeting when using a virtual platform such as zoom to comment.
3. Public comment on agenda items can be provided either during the designated public comment time or the speaker may elect to wait to present their comments until the agenda item is read. Speakers shall indicate, on the speaker form, if they wish to speak under public comment or at the time the item is called.
4. Public comment can be taken at any time during the meeting as determined by the Council President or presiding officer.
5. Written comments submitted prior to Council action shall be considered in the same manner as oral comments.
6. All remarks will be addressed to the Council as a whole.
7. All speakers during Public Comment, in the discussion, comments, or debate of any matter or issue, shall be civil and courteous in their language and deportment.
8. Public Comment must be relevant to City Council business, City services, programs,

projects, or activities.

- i. ~~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.~~
9. The Council President/presiding officer or designated City Attorney may rule any public speaker or attendee out of order if comments are inappropriate, are not relevant to City Council business or not directed at Council as a whole. Out of Order conduct may include, but is not limited to:
- i. Outbursts or disruptions by any attendees' who have not been recognized by the Council President / presiding officer. ~~are prohibited. Meeting disruptions by non-speakers is prohibited.~~
 - ii. Behavior that intentionally disrupts, disturbs, or otherwise impedes attendance or participation at the meeting or the view of other attendees.
 - iii. Failure to follow the direction of the Council President / presiding officer or Security Personnel.
10. If an individual is in violation of the public comment rules as referenced in the Council Procedures Resolution at three or more consecutive city council meetings, of which they are present, the Council President / presiding officer may exclude the individual from participation in public comment at future meetings. The Council President 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 to exceed 180 days. This ~~Council President'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.
11. **No Use of Public Comment for Campaigns. Per RCW 42.17A.555**, 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.
12. **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

1. Agenda. A Council Staff member shall prepare the agenda for each council meeting in collaboration with city Administration and under the direction of the Council President/ presiding officer. The agenda and council packet materials shall be available to the public, at a minimum in accordance with RCW 42.30.077.
2. 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.
3. 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. 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 and COUNCIL VICE PRESIDENT

In accordance with Section 3.2 of 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 / Mayor Pro Tempore will be noted on the Council agenda and will occur on the first regular meeting of the month of January. If for any reason, the Council President / Mayor Pro Tempore should be unable to complete their term, an election of a new Council President/ Mayor Pro Tempore shall occur at the first meeting following the vacancy.

Council will elect a Vice President annually, at the same meeting as the election of Council President / Mayor Pro Tempore, unless otherwise determined by majority vote of the entire Council. The duties of Council Vice President shall be described as assisting the Council President / Mayor Pro Tempore in the development of the weekly agenda. In the absence of the Council President / Mayor Pro Tempore, the Vice President shall chair the weekly council meeting. The Vice President will attend any community events where the Council President / Mayor Pro Tempore is unable to attend.

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 Council President/presiding officer 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 Council President /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:

1. A motion that does not receive a second fails;
2. A motion receiving a tie vote fails;
3. All motions receiving a second, including a motion to table and to call for the question, are entitled to discussion before taking a vote;
4. Amendments are voted on first, then the main motion, as amended, if the amendment receives an affirmative vote;
5. Motion for reconsideration.
 - i. 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.
 - ii. 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.
 - iii. 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).

6. For a motion to prevail, it must receive an affirmative vote of a majority of those voting except:
 - i. 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);
 - ii. 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);
 - iii. 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

1. 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. 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.
2. Council Committees. 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 subcommittees. The Council President, in collaboration with the Mayor, will determine any Ad Hoc committees. The President/Mayor Pro Tempore shall make council member assignments to ad hoc committees. The Chair of the Council Committee will share a brief "update" at Council meeting, during Council Committee Reports.
3. Reporting. Periodic reports of the work of a Council Subcommittee may be submitted to Councilmembers in writing or, if a Councilmember who chairs a subcommittee wishes to make a presentation at a City Council meeting, that Council member will coordinate with the Council President / presiding officer to schedule such presentation at a future meeting. Requests for time on the Council Agenda should be made after discussion and concurrence with the Department Head, directed to the Council President / presiding officer at least two weeks in advance of a council meeting whenever possible. If a briefing is time sensitive, council members may request through the Council President /presiding officer time on the next council agenda, provided there is adequate time to provide public notice of the report on the published Council agenda.

SECTION 12: COUNCIL RETREATS

1. Council will discuss and schedule retreats when a request for a retreat is made by a council member or Administration. Council retreats will be scheduled at least 30 days in advance unless agreed to by the Council President and Mayor. Any council member can request a retreat.
2. All retreats shall be held within the city limits of Everett. The date for any retreat shall be selected by the Council President. The Council President shall seek to select a date so that all Councilmembers or as many as possible may attend, including any Councilmember-elects.
3. 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.
4. 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.
5. Public Attendance. All Retreats are open public meetings 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.
6. Minutes shall 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. 7719 is hereby repealed.

PASSED AND APPROVED THIS ____ DAY OF MARCH 2022

Council member Introducing Resolution

Council President