



CITY OF DuPONT WASHINGTON

CITY COUNCIL RULES OF PROCEDURE

Adopted: August 10, 2004, by Ordinance No. 04-770

Amended: July 26, 2011, by Ordinance No. 11-918

Amended: March 27, 2012, by Ordinance No. 12-930

Amended: May 27, 2014, by Ordinance No. 14-966

Amended: August 26, 2014, by Ordinance No. 14-971

Amended: July 24, 2018, by Ordinance No. 18-1040

Amended: November 24, 2020, by Resolution No. 20-029

Amended: April 13, 2021, by Resolution No. 21-010

Amended: August 9, 2022, by Resolution No. 22-025

TABLE OF CONTENTS

1. General Rules
 - 1.1 Meetings to be Public
 - 1.2 Quorum
 - 1.3 Attendance, Excused Absences
 - 1.4 Journal of Proceedings
 - 1.5 Right of Floor
 - 1.6 Rules of Order
 - 1.7 Council Member Seating

2. Types of Meetings
 - 2.1 Regular Council Meetings
 - 2.2 Special Meetings
 - 2.3 Emergency Meetings
 - 2.4 Executive Sessions
 - 2.5 Closed Session
 - 2.6 Continued and Adjourned Sessions
 - 2.7 Council Contact Outside an Official Meeting

3. Chairs and Duties
 - 3.1 Chair
 - 3.2 Call to Order
 - 3.3 Preservation of Order
 - 3.4 Points of Order
 - 3.5 Questions to be Stated
 - 3.6 Mayor – Powers

4. Order of Business and Agenda
 - 4.1 Order of Business
 - 4.2 Council Agenda
 - 4.3 Privilege of Council
 - 4.4 Public Comment

5. Consensus and Motions
 - 5.1 Consensus Votes
 - 5.2 Motions
 - 5.3 Votes on Motions
 - 5.4 Failure to Vote on a Motion
 - 5.5 Motions to Reconsider
 - 5.6 Remote Council Attendance
 - 5.7 Council Relations with Staff
 - 5.8 Council Representation

6. Public Hearing Procedures

- 6.1 Definition of Public Hearing
- 6.2 Speaker Sign-In
- 6.3 Conflict of Interest/Appearance of Fairness
- 6.4 The Public Hearing Process
- 7. Duties and Privileges of Citizens
 - 7.1 Meeting Participation
 - 7.2 Subjects Not on the Current Agenda
 - 7.3 Comments and Suggestions to the Council
 - 7.4 Personal and Slanderous Remarks
 - 7.5 Written Communications
 - 7.6 Comments in Violation of the Appearance of Fairness Doctrine
 - 7.7 "Out of Order" Comments
- 8. Filling Council Vacancies and Selecting Mayor Pro Tem
 - 8.1 Notice of Vacancy
 - 8.2 Application Procedure
 - 8.3 Interview Process
 - 8.4 Selection of Councilmember
 - 8.5 Selecting Deputy Mayor
- 9. City Agencies and Committees
 - 9.1 Agencies and Committees
 - 9.2 City Agencies
 - 9.3 Committees
 - 9.4 Standing Council Committees
 - 9.5
- 10. Suspension and Amendment of These Rules
 - 10.1 Suspension of These Rules
 - 10.2 Amendment of These Rules
- 11. Rules of Conduct
 - 11.1 Respect
 - 11.2 Listen
 - 11.3 Fair Debate
 - 11.4 Disclosure, Avoiding the Appearance of Impropriety
 - 11.5 Maintain Our Legislative Focus
 - 11.6 Majority and Minority Rights
 - 11.7 Open Process
 - 11.8 Honor Confidences
 - 11.9 Use of Electronic Communication Devices

1. General Rules

1.1 Meetings to be Public: The meetings of the Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30).

1.2 Quorum: A simple majority of Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 Attendance, Excused Absences: RCW 35A.12.060 provides that a Councilmember's position shall become vacant by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Councilmembers may be so excused by complying with this section. The Councilmember shall contact the Mayor, City Administrator, and the City Clerk (or their respective designees) prior to the meeting and explain the reason for the absence. 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. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the City Clerk or Designee will make an appropriate notation in the minutes. If the motion is not passed, the City Clerk or designee will note the absence is unexcused.

1.4 Journal of Proceedings: The City Clerk will keep an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of the Council. Council meeting minutes will not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

1.5 Right of Floor: Any Councilmember desiring to speak shall be recognized by the Mayor and shall confine all remarks to the subject under consideration or to be considered.

1.6 Rule of Order: *Robert's Rules of Order Newly Revised* shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these

rules shall apply. The City Attorney (or designee) shall be the Parliamentarian for the meetings.

1.7 Council Member Seating: A City Council Member's seat at the dais will be determined as follows or as mutually agreed upon by Council:

- (1) The Mayor shall sit in Chair #5, the center seat at the dais, and the Deputy Mayor shall sit to the Mayor's right, in Chair #4; and
- (2) The remaining Council Members will be seated left to right by position #1 through #7 respectively.

2. Types of Meetings

2.1 Regular Council Meetings: The Council shall meet on the 2nd and 4th Tuesday of each month at 6:00 pm. If at any time any Regular meeting falls on a holiday or a primary, general, or special election day, wherein any matter is on the ballot in the City of DuPont, such Regular meeting shall be held the next business day.

The Council may reschedule Regular meetings to a different date or time by motion and in compliance with the Open Public Meetings Act (OPMA). The location of the meetings shall be the Council Chambers at City Hall, unless specified otherwise by a majority vote of the Council. All Regular and Special meetings shall be public.

2.2 Special Meetings: The Mayor, City Administrator, or any two (2) members of the Council may call a Special meeting. The City Clerk shall prepare a notice of the Special meeting stating the time, place, and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by e-mail or otherwise, of the Special meeting. The City Clerk shall give at least 24 hours' notice of the Special meeting to each local newspaper of general circulation and to each local radio and/or television station, which has filed with the Clerk a written request to be notified of Special meetings. No subjects other than those specified in the notice shall be considered. The Council may not make final disposition on any matter not mentioned in the notice.

2.3 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. The City Administrator or the Mayor, with the consent of a majority of Council members, may call Emergency meetings. The minutes will indicate the reason for the emergency.

2.4 Executive Sessions: An Executive Session is a Council meeting that is closed except to the Council, City Administrator, and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance. Executive Sessions may be held during a Regular meeting, Special meeting, and will be announced by the Mayor. Executive Session subjects are limited pursuant to RCW 42.30.110 or its successor statute.

Before convening in Executive Session, the Mayor or designee shall publicly announce the purpose for excluding the public from the meeting place and the time when the Executive Session will be concluded. If the Council wishes to adjourn at the close of a meeting from Executive Session, that fact will be announced along with the estimated time for the Executive Session. The announced time limit for Executive Sessions may be extended to a later time by the announcement of the extended time limit from the Mayor or designee.

2.5 Closed Door Sessions: A session of the Council to discuss collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress may be held in a Closed Door Session without any formal notice.

2.6 Continued and Adjourned Meetings: Any meeting of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next Regular Council meeting. Regular Council meetings shall adjourn at or before 10:00 pm; except the time may be extended to a later time upon approval of a motion by a Councilmember by a majority vote of the present members.

2.7 Council Contact Outside an Official Meeting: Generally, Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of City business.

3. Chair and Duties

3.1 Chair: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Council shall elect a Chair.

3.2 Call to Order: The meetings of the Council shall be called to order by the Mayor or, if the Mayor is absent, by the Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, the meeting shall be called to order by the City Clerk or the Clerk's designee for the election of a temporary Chair.

3.3 Preservation of Order: The Mayor shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives; and confine members in debate to the question under discussion.

3.4 Points of Order: The Mayor shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Mayor be sustained?"

3.5 Questions to be Stated: The Mayor shall state all questions submitted for a vote and announce the result. A roll call vote may be taken on any question.

3.6 Mayor Powers: The Mayor may not make or second motions but may participate in debate to the extent that such debate does not interfere with chairing the meeting. If the mayor wishes to participate vigorously in the debate of an issue, the Mayor shall turn over chairing of that portion of the meeting to the Deputy Mayor, or to another Councilmember if the Deputy Mayor is absent or wishes to participate vigorously in the debate of the issue. The Mayor's voting rights, and veto power are as specified in RCW 35A.12.100.

4. Order of Business and Agenda

4.1 Order of Business: The order of business for all Council business meetings will typically be transacted pursuant to Chapter 4 of these rules. The Mayor, or designee, may propose an order of business that differs from these rules so long as: 1) the proposed changes are provided to all Councilmembers at least 24 hours prior to any meeting; and 2) the Council is provided an opportunity to reject such changes and alter the agenda, pursuant to Council Privilege per Rule 4.3. A typical Council meeting agenda shall generally adhere to the following order of business, but is not limited to or required to include all the suggested agenda item categories set forth below, unless required by law:

- (1) CALL TO ORDER
- (2) ROLL CALL
- (3) PLEDGE OF ALLEGIANCE
- (4) PUBLIC COMMENT (Public comments will be limited to three (3) minutes per person and will not be related to New Business and/or Public Hearing matters)

- (5) STUDY SESSION (this section may be moved in the order of the agenda if needed)
- (6) APPROVAL OF THE AGENDA
- (7) PRESENTATIONS
- (8) APPOINTMENTS
- (9) PROCLAMATIONS
- (10) PUBLIC HEARING
 - a. ITEM(S)
 - b. OPEN PUBLIC HEARING

- c. PUBLIC TESTIMONY
- d. ACTION ON THE ITEM(S)
- e. CLOSE PUBLIC HEARING
- (11) APPROVAL OF THE CONSENT AGENDA ITEMS
- (12) NEW BUSINESS NEW BUSINESS (Public comments for each agenda item will be limited to three (3) minutes per item)
- (13) COUNCIL'S REPORTS AND COMMENTS
- (14) MAYOR'S REPORT AND COMMENTS
- (15) ADMINISTRATOR'S REPORT AND COMMENTS
- (16) EXECUTIVE SESSION
- (17) ADJOURNMENT

4.2 Council Agenda: The Mayor and City Administrator shall prepare the agenda for Council meetings. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety, or welfare). An item may be placed on a Council meeting agenda by any of the following methods: 1) by an act of Council privilege (see Rule 4.3); 2) by a Council Committee; and 3) by a Department Director with the approval of the City Administrator; 4) by the Mayor or the City Administrator at their discretion.

The Mayor or the City Administrator may, at their discretion, remove any agenda item brought by the Mayor, or the City Administrator or a Department Director at any time. Councilmembers seeking to place an item on the Agenda pursuant to these rules must provide timely notice to the City Administrator and relevant Department Directors.. The general minimum notice shall be no less than two calendar weeks s prior to the meeting the agenda item is intended for. The Council, Mayor, and Staff recognize that flexibility may be needed in determining the appropriate timeliness of an agenda request. The Mayor, City Administrator, or relevant Department Director may request more than two calendar weeks prior to the intended meeting date as a result of, but not limited to, workload, necessary staff-time, logistics, calendaring conflicts, or similar. Councilmembers may request an item be placed on an agenda in less than two calendar weeks s as a result of, but not limited to, simplicity of the agenda item in question, urgency as a result of factors outside the control of the Councilmembers, calendaring conflicts, or similar.

It is the intent of these rules that such requests that are feasible and negotiated in good faith shall be granted.

4.3 Privilege of Council: 1) Any Councilmember may bring forth a resolution or ordinance or other agenda item, co-sponsored by at least one other Councilmember, by submitting a timely request (see Rule 4.2) to the City Administrator for inclusion on the appropriate Council Committee or the City Council Agenda. The names of sponsoring Councilmembers shall appear on the proposed resolution, ordinance or agenda item; 2) any Councilmember may move to change the order of an Agenda at a Council Meeting, passing with a majority vote; 3) any Councilmember may move to table an agenda item to a date certain, but the item may only be so tabled once, passing with a majority vote; 4) any Council member may make a privileged motion to have an agenda item moved from the consent agenda to New Business items on the agenda.

4.4 Public Comments: The Council will, as a regular practice provide opportunities for public comment during Council meetings. All members of the public wishing to give comment must be recognized by the Chair and announce their name and city of residence prior to speaking. When feasible the City Clerk shall provide opportunity for members of the public who, due to disability, limited mobility, or similar difficulty in physical attendance, to comment through remote technology.

Public comment and public testimony for public hearings shall be by one of the following methods:

- Speaking in person when attending the meeting in the council chambers;
- In writing and delivered in person or via United States Postal Service to the City Clerk, 1700 Civic Drive, DuPont, WA 98327 no later than 3:00 P.M. on the day prior to the scheduled Council meeting;
- In writing and delivered via email to the City Clerk's email address no later than 3:00 P.M. on the day prior to the scheduled Council meeting;
- Speaking via remote audio/visual technology when available, the City Clerk shall provide remote access instructions in the published meeting agenda.

Each speaker shall be allowed three (3) minutes to address the Council during the Public Comment agenda item. Individuals seeking to comment on New Business agenda items are respectfully requested to save their comments for when the Council takes up the New Business item in question. If a speaker cannot wait until that time, the speaker may only address the New Business item once and is barred from making additional comment when the specific item already commented on is addressed by the Council. Spoken public testimony can only be provided during the Public Hearing portion of the agenda and speakers are allowed three (3) minutes to provide testimony.

No speaker may convey or donate their time to another speaker. Persons having more than three (3) minutes of comments or public testimony may provide written comments to the City Clerk or designee.

Each New Business item shall include an opportunity for public comment. Presentation of New Business items to the Council will typically be in the following format: a) staff presentation; b) public comment; c) Council discussion/questions. Comments during this period are limited to three minutes (3) per person per New Business item. No speaker may convey or donate their time to another speaker. Persons having more than three minutes (3) of comments may provide written comments to the City Clerk or designee.

Speakers providing comment through remote access technology must follow the City Clerk's instructions (as provided in the published meeting agenda) to access the meeting and to be recognized by the chair before providing comment. Once a remote speaker's time-limit has been reached, the City Clerk shall disconnect the speaker from the remote access.

5. Consensus and Motions

5.1 Consensus Votes: When a formal motion is not required on a Council opinion, a consensus voice vote will be taken. Consensus votes are generally used when the Mayor is seeking direction from the Council when

determining how best to deploy staff resources for a legislative project or initiative. The Mayor will state direction they intend to provide to staff and the Council as a group will indicate concurrence or non-concurrence with a simple hand vote.

5.2 Motions: No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the City Clerk or designee before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

5.3 Votes on Motions: Each Councilmember present shall vote on all questions put to the Council except on matters in which the Councilmember has or believes they have a conflict of interest. If a conflict of interest exists, such member shall recuse themselves prior to any discussion of the matter and shall leave the Council Chambers. A Council member may abstain from a vote by stating “present”, after the “aye” votes, when the question is called on any motion before the Council.

5.4 Failure to Vote on a Motion: Any Councilmember present who fails to vote without a valid recusal or abstention shall be declared to have voted in the affirmative on the question.

5.5 Motions to Reconsider: A motion to reconsider must be made by a Councilmember who voted with the majority on the principal question and must be made at the same or succeeding Council business meeting. However, no motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

5.6 Remote Council Meeting Attendance: Unless required by law or in the event of an emergency situation or similar circumstances, all Council meetings shall be held in-person and in compliance with the Open Public Meetings Act. A Councilmember may request remote attendance at a scheduled, in-person meeting, under the conditions and requirements of this rule. “Remote attendance” means when a Councilmember, through video and/or audio technology can hear all things stated at a Council meeting and can be heard by all those attending the

Council meeting, in real time, while not physically present at the meeting location.

:

- (1) Remote Attendance - Conditions: The intent of these rules is that while in-person attendance is both encouraged and preferred, remote attendance is available to ensure maximum Councilmember attendance for every meeting. Remote attendance is acceptable under the following terms:
 - a. Remote attendance is requested, to the City Clerk, no less than 24 hours prior to the scheduled meeting; in the event of an unforeseen emergency, a Councilmember may request remote attendance with less than 24 hours-notice, however, the City Clerk may deny at their discretion for timing, logistics or feasibility.
 - b. The City Clerk may deny a request solely on the grounds that the request is technologically infeasible, with the concurrence of the City Administrator;
 - c. The requesting Councilmember is unable to attend in person under circumstances that would normally require a request for an excused absence;
 - d. This section does not apply to circumstances where remote attendance by all Councilmembers is required.
- (2) Remote Attendance – Conduct: When attending a meeting remotely, the Councilmember shall:
 - a. Dress as if attending an in-person Council meeting;
 - b. Be in a location free from distractions and safety risks;
 - c. Not allow anyone else to be present with the Councilmember;
 - d. Not communicate, through any means (e.g. instant messaging, text, email, social media direct messaging, etc.), with anyone during the meeting and may only communicate to those persons at the in-person meeting as if they were physically present; and
 - e. Conduct themselves in a respectful and professional manner.

5.7 Council Relations with City Staff

- (1) There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.
- (2) Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- (3) No Councilmember shall direct the City Administrator to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. New initiatives having policy implementation shall be directed to a Council Committee for consideration.
- (4) Individual requests for information can be made directly to the Department Director unless otherwise determined by the City Administrator. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Administrator.
- (5) To provide staff the necessary preparation time, Councilmembers will provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

5.8 Council Representation:

- (1) If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.

- (2) Councilmembers need to have other Councilmembers' concurrence before representing (1) another Councilmember's view or position, or (2) the majority of Council's view or position with the media, another governmental agency, or community organization.
- (3) As a matter of courtesy, letters to the editor, interviews, or other communication by a Councilmember of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council prior to publication so that the Councilmembers may be made aware of the impending publication, when practical.

6. Public Hearing Procedures

6.1 Definition of Public Hearing: There are two types of public hearings: legislative and quasi-judicial.

Legislative hearings focus on proposed policies or laws with general application.

Quasi-judicial hearings focus on the rights of specific parties and decisions must be based on a formal record.

6.2 Speaker Sign-In: Prior to the start of a public hearing, the Chair may require that all individuals wishing to be heard sign in with the City Clerk or designee, giving their name and whether they wish to speak as a proponent, opponent, or from a neutral position. Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Mayor, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations. (Suggested time limit is three (3) minutes per speaker). Individuals wishing to address the Council and having more than three (3) minutes of comments may provide written comments to the City Clerk or designee. Copies of the written comments will be furnished to Council at a later date.) The Mayor may change the order of speaker's so testimony is heard in the most logical groupings (i.e., proponents, opponents, adjacent owners, etc.).

6.3 Conflict of Interest/Appearance of Fairness: Prior to the start of a public hearing, the Mayor will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the public hearing process.

A Councilmember who refuses to step down after a challenge and the advice of the City Attorney, a ruling by the Mayor or Chair, and/or a request by the majority of the remaining members of the Council to step down is subject to censure.

The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest.

6.4 The Public Hearing Process: The Mayor introduces the agenda item, opens the public hearing, and announces the following Rules of Order:

- (1) All comments by proponents, opponents, or other members of the public shall be made from the lectern or via remotely any individuals making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made.
- (2) No comments shall be made from any other location, with the exception of any person requiring an accommodation due to disability or other circumstances in accordance with the Americans With Disabilities Act (ADA) or at the discretion of the Chair if the ADA is inapplicable. Anyone making “out of order” comments shall be subject to removal from the meeting. If an individual making a public comment is disabled and requires an accommodation, they should advise the City Clerk prior to the start of the public hearing so a reasonable accommodation can be made.

- (3) There will be no demonstrations during or at the conclusion of anyone's presentation.
- (4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no person is embarrassed by exercising their right of free speech.
 - The Mayor calls upon City staff to describe the matter under consideration.
 - The Mayor calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.
 - The Mayor inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers, and/or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
 - The Mayor continues the public hearing to a time specific or closes the public hearing.

7. Duties and Privileges of the Public

7.1 Meeting Participation: The public is welcome at all Council meetings and is encouraged to attend and participate. It is expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting.

7.2 Comments and Suggestions to Council: When public comments or suggestions are brought before the City Council not on an agenda, the Mayor, at their discretion, may determine whether the issue is legislative or administrative in nature and then:

- (1) If legislative, and a comment about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such comment suggests a change to an ordinance or resolution of

the City, the Council may refer the matter to a committee, Administration, or the Council as a whole for study and recommendation.

- (2) If administrative, and a comment regarding administrative staff performance, administrative execution of legislative policy, or administrative policy within the authority of the City Administrator, the Mayor should request a written complaint be provided to the City and referred to the City Administrator for review if said complaint has not been so reviewed previously.

7.3 Personal and Slanderous Remarks: Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the Council during that Council meeting by the Mayor or Presiding Officer.

7.4 Written Communications:

- (1) Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council had control at any time.
- (2) The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Councilmembers. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.5 Comments in Violation of the Appearance of Fairness Doctrine:

The Mayor may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

7.6 “Out of Order” Comments: Any person whose comments have been ruled out of order by the Mayor shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous, or otherwise disruptive remarks after being ruled out of order by the Mayor may subject the individual to removal from the Council Chambers. These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. Filling Council Vacancies and Selecting Deputy Mayor

8.1 Notice of Vacancy: If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.070. 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 the vacancy and the procedure and deadline for applying for the position.

8.2 Application Procedure: The Council, through the City Clerk, will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with an interview of each candidate to aid the Council’s selection of the new Councilmember.

8.3 Interview Process:

- 1) All candidates who submit a complete and correct application by the deadline will be interviewed by the Council during a Regular or Special Council meeting open to the public.
- 2).The City Clerk will endeavor to coordinate with applicants to establish an interview time and date that accommodates all applicants. However, as all interviews are conducted on the same night, the City Clerk retains the discretion to set the interviews for a time and date that accommodates the Council, even if not all applicants can attend.
- 3) Applicants will be provided questions in advance of the interview and shall be prepared to answer those questions during the interview process. The Councilmembers will ask the same questions of each candidate.

4) The interview will have all applicants present answering the questions in turn round-robin style. Questions asked and answers provided will be staggered, i.e., the first applicant will be asked the first question, then to the other applicants in sequence; the second applicant will be asked the second question, then to the other candidates with the first candidate answering last. This sequence will continue until all applicants have an opportunity to be asked at least one question before all other applicants and the opportunity to answer at least one question after all other applicants have answered.

5) Each applicant will be allowed two (2) minutes for closing comments after interviewing is completed.

6) The interview process is not an election campaign. Comments, or opinions of other applicants will not be permitted. Responses to other applicant's interview answers will not be allowed. Interrupting or "talking-over" another speaker already recognized by the Chair will not be permitted. Disparaging, critical, insulting, defamatory, rude, or uncivil comments or statements about any person, entity, organization, business or governing body will not be tolerated. The Chair may, at their discretion, direct an applicant to stop speaking and/or remove them from the applicant pool for violating any of these rules.

8.4 Selection of Councilmember: The Council may go into Executive Session to discuss the qualifications of all candidates. Nominations, voting, and selection of a person to fill the vacancy will be conducted during an open public meeting.

A Councilmember may only nominate persons who have submitted a complete application and completed the interview process with the City Council. Nominations will be allowed from all Councilmembers from the floor (Open Nominations). Nominations will close once all Councilmembers have had an opportunity to make a nomination. A roll call vote will be administered by the City Clerk or designee for all nominees. Each Councilmember, when called upon, will announce their vote for a particular applicant. The applicant who receives a majority vote is the person selected. In the event that more than two applicants are nominated and no one applicant receives a majority vote, the applicant with the lowest number of votes is dropped and the Council will be asked to vote again

on the remaining applicants until one applicant receives a majority vote or until the vote qualifies for the Mayor to break a tie per RCW 35A.12.100.

8.5 Deputy Mayor: The Deputy Mayor is a Councilmember selected by the Council to take on additional administrative duties. The Deputy Mayor may also, at the Mayor’s request, assist the Mayor and the City Administrator with coordinating Council action with staff action.

Selection: A new Deputy Mayor shall be selected by a majority vote of the Councilmembers after each general City Council election. Any Councilmember may nominate themselves or another with the consent of the nominated member. The Deputy Mayor serves at the pleasure of the City Council and may be removed by motion and majority vote of the Council.

Duties: While still a Councilmember and retaining all such rights and duties, the Deputy Mayor’s additional formal duties are:

- Preside over Council meetings in the absence of the Mayor (Rule 3.1-2);
- Chair a Council meeting if the Mayor wants to participate vigorously in Council debate (Rule 3.6);
- Appoint Councilmembers to standing committees (Rule 9.4).
- Appoint Councilmembers to Council advisory boards (Rule 9.3).
- Assume duties as Chair at Council meetings if the Mayor must be excused from a meeting for using an electronic communication device in violation of Rule 12.9 (Rule 12.9).

9. City Agencies and Committees

9.1 Agencies and Committees: The Council may create agencies and committees to assist in the conduct of the operation of City Government with such duties as the Council may specify not inconsistent with the City Code.

9.2 City Agencies: As provided by DuPont Municipal Code (DMC) Chapter 1.04, the City of DuPont has established three (3) municipal agencies, designated as “commissions” to advise and provide recommendations to the Mayor and the Council. Specifically: the Parks and Recreation Commission; the Planning Commission; and the Tree Advisory Commission. Each agency has its own limited individual duties and responsibilities, as set forth in the DMC. Two (2)

additional City agencies, the Civil Service Commission and the Lodging Tax Advisory Committee also serve the Council and Mayor and are governed by state law. Agencies must be authorized by either City ordinance or state statute. City agencies only act in an advisory capacity to the Council and Mayor. City agencies must be authorized by the passing of an enabling ordinance passed by the Council. The ordinance must set out the purpose, authority, and duties of the agency.

9.3 Committees and Advisory Boards: A committee or advisory board that acts on behalf of the legislative body, conducts hearings, or takes testimony or public comment shall conduct its business in compliance with the Open Public Meetings Act per RCW Chapter 42.30 or as later amended. The City will implement a best practice of, when possible, having all committees and advisory boards meet in public session even if not required by the Open Public Meetings Act. Committees and advisory boards are not municipal agencies pursuant to DMC Chapter 1.04.

- (1) Standing Council Committees. Such committees are established to conduct business delegated by the legislative body and must be authorized by an enabling resolution. See CR 9.4.
- (2) Special Council Committee. Such committees are ad hoc and formed by Council resolution to investigate a specific subject and report back to the City Council. The committee shall be chaired by one of the Councilmembers who sponsored the resolution creating the Committee; two more Councilmembers will be assigned by the Deputy Mayor. The Mayor and/or the City Administrator shall be ex officio members. Typically, such a committee would focus on a policy issue or legislative matter and shall produce a report for Council review by a date certain set by the enabling resolution..
- (3) Citizen Advisory Boards. Such boards are ad hoc and formed by Council resolution to promote citizen participation on a particular subject. Citizen advisory boards provide guidance on community views on a subject and shall be chaired by the Councilmember who moved to so create the board. Alternatively, an appropriate staff member may chair at the request of the Council member who so

moved to create the board with the concurrence of the Mayor and City Administrator. The enabling resolution shall require the Board provide a report to the Council by a date certain and provide a date certain or, in the alternative, a condition subsequent for the Boards dissolution.

- (4) Mayor's Advisory Boards. Such boards are ad hoc and are formed to investigate a specific executive or operational issue and report back to the Mayor. The Mayor may form such advisory boards at their discretion. Mayor's advisory boards may only investigate, review, or advise on issues within the purview of the Mayor's statutory authority and shall produce a report for Council and mayoral review by a date certain set by Mayor.

9.4 Standing Council Committees: The purpose of Standing Council Committees is to provide small, goal intensive, subject matter work groups that allow significant ordinances, policies, agreements, budgets, and similar issues to be fully discussed, analyzed, and vetted prior to presentation to the full Council for final action. Councilmembers, key city staff, and other experts as needed will participate in any committee to provide quality work-product. Standing committees are created by resolution and are intended to be permanent unless dissolved by Council resolution. A standing committee's enabling resolution shall state its title and purpose, provide for its membership and meeting times/places, describe its purview, and define the types of work-products that must be vetted and/or developed by the committee prior to presentation to the Council for final action.

Standing Committee Meetings shall be open to the public and shall comply with the Open Public Meetings Act at RCW 42.30 now and as amended. Standing Committee Meetings shall be presided over by a Chair who shall be the senior Councilmember assigned to the Committee. Final work product of a committee, by consent of the sitting Councilmembers, may be moved on to the full Council for formal action. The Council, by motion and majority vote, may have any Standing Committee matter or final work product brought before the Council for review.

9.5 Transportation Benefit District (TBD): The City has established a TBD within its jurisdictional boundaries as authorized by RCW Chapter 36.73. The TBD is a separate, independent legal entity from the Council and is not technically an agency or committee of the City. However, as a matter of law the Council, acting ex officio and independently, is also the governing body of the TBD per RCW 36.73.020(3).

These rules of procedure shall govern the operations of the TBD governing body. As the governing body of the TBD, Councilmembers shall elect from their members a chair of the TBD governing body on first meeting of the calendar year for a term of one (1) year. The Chair shall have the authority and responsibility to lead meetings of the TBD governing body pursuant to these rules. Meetings of the TBD governing body shall comply with the requirements of the Open Public Meetings Act.

10. Suspension and Amendment of These Rules

10.1 Suspension of These Rules: Any provision of these rules not governed by the City code may be temporarily suspended by a vote of a majority of the Council.

10.2 Amendment of These Rules: These rules may be amended, or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting. New or amended rules must be adopted by resolution per DMC 1.02.025.

11. Rules of Conduct

Each Councilmember is elected by and answers to the citizens of DuPont. The oath of office pledges that each Councilmember will uphold the laws of the City of DuPont, the State of Washington, and the provisions of the constitution of the State and the United States. Councilmembers pledge to avoid conflicts of interest, the appearance of unfairness and to abide by other statutory directives.

These Rules of Conduct and standards of behavior have been adopted to guide Councilmembers in instances where the law does not. They are based on common sense and courtesy and may be enforced by the City Council through a motion of censure in accordance with the procedures as established by Robert's Rules of Order.

11.1 Respect: Displaying respect and courtesy to fellow Councilmembers, honor's the citizens' choice in electing each Councilmember. Councilmembers pledge they will accord each Councilmember, the Mayor, and staff the respect which their positions accord. Councilmembers will extend this same respect to members of the public and to others who testify before the Council, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.

11.2 Listen: Councilmembers will listen to each other, to the staff and to the public with an open mind. Each speaker shall be afforded an equal opportunity to be heard within the time limits established by the Chair, so long as that individual adheres to these standards of conduct.

11.3 Fair Debate: Each Councilmember will be permitted an opportunity to speak. Councilmembers shall allow each other Councilmember opportunity to finish their thoughts. Councilmembers will adhere to the City Council's adopted Rules of Procedure. Each Councilmember will await recognition by the Chair before speaking.

11.4 Disclosure, Avoiding the Appearance of Impropriety: While state statutory provisions regarding the Appearance of Fairness Doctrine govern conduct in quasi-judicial matters, Councilmembers will also attempt to avoid even the appearance of impropriety in all of their actions. If a Councilmember is aware of an issue that might reasonably be perceived as a conflict, even if there is doubt as to its relevance, the Councilmember will reveal that issue for the record. Each Councilmember pledges to step down when required by the Appearance of Fairness Doctrine, that is, when an objective person at a Council meeting would have reasonable cause to believe a Councilmember could not participate fairly.

11.5 Maintain Legislative Focus: The Council pledges to respect the administrative function of the Mayor, City Administrator, and staff. The Council will do so, however, without suspending its critical faculty and the legislative oversight which it has been elected to exercise.

11.6 Majority and Minority Rights: As the Council determines where the best interests and welfare of our citizen's lie, it will always attempt to balance the wishes of the majority with the rights of the minority.

11.7 Open Process: The Council will carry on debate in public, based upon information in the record. In addition to honoring the requirements of the Open Public Meetings Act, the Council will endeavor to carry on all business in open public session based on information in the public record and equally accessible to all citizens.

11.8 Honor Confidences: To the extent required by law, Councilmembers will honor the confidences to which they are privy as a result of their role as Councilmembers. In addition to any statutory requirement, Councilmembers will avoid the release of any information that would give any person a competitive or unfair advantage and will endeavor to make sure that public information is equally and readily accessible to all members of the public and not just to specific constituencies.

11.9 Use of Communication Devices: Councilmembers shall refrain from receiving messages from or conversing with any person via any communication device, during a public meeting, when the public, Councilmembers, mayor, and staff cannot hear or be heard by the person the Councilmember is communicating with. Concealed, non-public conversations, in any format (including, but not limited to text or instant messaging), with individuals or groups during a public meeting is a violation of the Open Public Meetings Act.

Unless a communication device is provided by the City for use during a Council meeting, or the device has been cleared by the City Clerk as an appropriate device for accessing relevant City materials during a meeting, Councilmembers and the

Mayor should refrain from accessing any electronic communication device during a meeting. Even if done in good faith, and not for the purposes of concealing conversation, accessing such communications devices could be construed as conducting relevant communications outside of public view.

If the Mayor or any Councilmember accesses an electronic communication device during a Council meeting and engages in any communication they shall be recognized by the chair on a point of personal privilege and shall at that time disclose: 1) the name of the person they were in contact with; and 2) the nature and content of the conversation. A Councilmember, or Mayor that willfully and knowingly violates this rule shall be prohibited from participating in the remainder of the meeting and must leave. Such departure shall constitute an unexcused absence. Depending on the nature and severity of the violation of this rule, the offending Councilmember may be subject to further penalty under these rules or any applicable city, state or federal law.