

Councilor Orientation

Legal Department



Rules and Procedures

Council Rules

Parliamentary Procedures

Public Meetings and Records

Ethics

Council Rules, Rule 1 & 2

Robert's Rules is our default when the Rules are silent

Council “should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues”

Mayor is presiding officer and leads council meetings.

Council President, elected in January of each year, acts as presiding officer when the Mayor is absent.

Council Meetings, Rule 4

Meetings begin at 6:00 and are set for the second and fourth Mondays of the month

Council meetings may be called before or after the URA or SHA meetings.

Must adjourn by 10 p.m.

Council Meetings, Rule 4

Special meetings, include work sessions, and may be called by the Presiding Officer, City Manager, or at the request of five councilors, and can occur on any other day (one quirk – Council must approve the agenda at the beginning of a special meeting)

Executive Sessions (discussed in more detail later) usually occur immediately prior to the regular council/ura/sha meetings.

The public must be allowed to attend and participate virtually at council meetings.

Order of Business, Rule 5

City Manager determines what items appear on the agenda

Any councilor may request that an item be postponed for consideration if the councilor is unable to attend the meeting. The request should be honored unless the item must be acted upon at that meeting.

Consent Calendar, Rule 5(h)

Consent Calendar – Minutes, action items, and resolutions that are routine appear on the consent calendar. Council approves the consent calendar as a slate.

Any councilor may pull an item from the consent calendar, and it will be moved to Special Orders of Business. The councilor who pulls an item from consent is typically required to make a motion on the item at special orders of business.

Special Orders of Business, Rule 5(j)

Special Orders of Business includes items pulled from consent, non-routine items, mayor or councilor motions (“new business”), and formal presentations.

Mayor or Councilor Motions for New Business must be submitted in writing to the City Manager by 9:00 a.m. on the Tuesday prior to the next Monday council meeting. If submitted after that deadline, the item can still appear on the agenda but will not be acted upon by council until the next meeting.

Written Testimony, Rule 6

Written testimony submitted to council must include the person's name. If testimony is submitted after the agenda is published, it is sent out during the week prior to the council meeting via email.

Written testimony concerning non-agenda items are not included in the council agenda packet and are provided to council upon receipt.

Decorum, Rule 8

The Mayor/presiding officer has primary responsibility to preserve decorum and decide all points of order, subject to appeal to and majority vote of council.

Councilors are also responsible for preserving decorum, by not delaying or interrupting the proceedings or refusing to obey the orders of the presiding officer or the Rules. Councilors should not engage in personal attacks or impugn the motives of a speaker.

Disruptions, Rule 8

Before a person can be removed for disruptive behavior, they must first be warned (except to preserve public safety) and they must be causing an actual disturbance.

Speaking out of order, chanting, yelling, vulgar language need not be permitted, however the presiding officer and council should use its judgment and patience when faced with disruptive behavior.

The City Manager or designee serves as sergeant-at-arms at council meetings and shall carry out instructions from the presiding officer.

Council Deliberations, Rule 9

Councilors should address the presiding officer when speaking, and confine comments to the question under consideration.

Councilors should not interrupt each other.

The councilor making the motion has the privilege of addressing the motion first.

Councilors may “call the question” (bring the item up for a vote) but deliberations shall continue if other councilors have questions or comments.

Council Deliberations, Rule 10

Councilors are required to vote on items unless they have an actual conflict of interest or are otherwise legally precluded from voting.

A quorum of council is a majority of council.

A majority of councilors present constituting a quorum is required to pass a motion, except for ordinances, which requires five votes, or a suspension of council rules which requires a 2/3 majority of members present.

A tie vote results in the motion failing.

Motion Practice, Rule 11 & 12

Discussion of an item should be initiated by a motion such as the staff recommendation or an alternative

A substitute motion, if passed, replaces the original motion.

An amendment to the motion modifies the original motion if passed.

Up to three motions may be under consideration at any time.

A motion for reconsideration may be made no later than the close of the next following regular meeting and may only be made by one on the prevailing side.

Council Request of Staff, Rule 14

A request for major policy, ordinance research, or other major staff assistance must first raise the issue at a regular meeting.

If a request will require more than one hour of staff time, the request shall be approved by council.

Filling Vacancies on Council, Boards, or Commissions; Rule 18

The Boards and Commissions Committee is responsible for reviewing and making recommendations for filling vacancies at Council and boards and commissions.

The Committee reviews applications, determines whether applicants have established minimum requirements and are eligible to serve, and then recommends applicants to council for appointment.

Any councilor may review all applications and move that an applicant not recommended by the committee be considered for appointment

Guest Councilor, Rule 21

If a councilor will be absent, the councilor may designate a resident of their ward as guest councilor by giving notice in writing to the presiding officer and city manager.

Guest councilors may only serve once per year, cannot vote, and cannot participate in deliberations on quasi-judicial land use matters.

No more than two guest councilors at any meeting.

Council Communications, Rule 22

Councilor should not send emails to a quorum (five) of council and should send such emails to the City Manager to be provided to council as appropriate.

Social Media, Rule 24

Neither the City nor Council govern or endorse the content of a councilor's social media.

Councilor's social media may not use the City's logo or marks and should include a disclaimer that the account is not an official account of the City.

Standards of Conduct, Rule 25

The purpose of the standards is to encourage public confidence in the integrity of the City and Council.

Amendment or Suspension of the Rules

Rule 26. Rules may be temporarily suspended by a 2/3 vote of members present.

New or modified rules must be presented to council at least 10 days prior to council action on the proposal; approval requires a 2/3 majority of councilors present.

Parliamentary Procedure

KISS!

Procedural rules provide structure to facilitate orderly meetings and project the rights of those in the minority.

Important that the intent of the body be clear, regardless of strict adherence to procedure.

Parliamentary Procedure

- Quorum Required – Typically a majority present.
- A motion is necessary to initiate discussion.
- Local Practice Requires a Second.
- Only Consider One Motion at a Time:
- Only Two Amendments to a Main Motion
 - Amendment to the Main Motion, and
 - Amendment to the Amendment.

Parliamentary Procedure

- Only one member can speak at a time
- To speak, member must be recognized by the presiding officer
- Majority Vote of the Quorum Decides a Matter

Parliamentary Procedure

Making a Motion

- I move to adopt staff recommendation that . . .
- I move to adopt staff recommendation with the following changes
- I move to “ . . . ”

Seconding a Motion

- Person seconding does not need to be recognized,
- May state, “second for purposes of discussion”
- If no second, the motion dies.

Parliamentary Procedure

- Stating the Question
 - Presiding Officer states the question;
 - “The motion on the floor is . . .”
- Once Motion has been seconded, the body owns the motion, not the maker, and maker cannot withdraw the motion

Parliamentary Procedure

- Maker of motion gets first opportunity to address motion
- Members must be recognized before they can speak on motion
- If no members wish to speak regarding the motion, the presiding officer calls the question.

Parliamentary Procedure

- Presiding Officer: “The motion on the floor is to . . .” “All those in favor say “aye,” all those opposed say “no.”
- All members present must vote unless they have previously declared a conflict of interest or other reason to abstain.
- Presiding Officer announces the vote and action.
- In the event of a tie, the motion fails.

Parliamentary Procedure

- Main Motion
 - Effect: Introduces subject for consideration
 - Second Required
 - Debatable
 - Amendable
- Motion to Amend
 - Effect: Changes the pending motion
 - Second Required, Debatable, Amendable

Parliamentary Procedure

- Motion to Reconsider
 - Effect: Allows a majority to bring a matter back no later than the next regular meeting.
- Motion to Suspend Rules
 - Effect: Allows action to proceed w/o regard to rules. Cannot suspend SRC requirement.
 - Requires 2/3 majority of members present.
- Point of Order
 - Effect: Enforcement of rules
 - No second, not debatable, or amendable.
 - Upon being recognized, member has opportunity to explain point of order.

Parliamentary Procedure

- “Friendly Amendment” intent is usually to clarify or correct a motion.
 - Often the maker of the original motion is asked whether they will accept the friendly amendment.
 - Not proper to ask the maker to approve/accept once a motion has been seconded, because the motion belongs to the body, not the maker,
 - If a “friendly amendment” is proposed, the chair should restate the amendment, and if no one is opposed, the main motion may be amended without a vote.

Parliamentary Procedure

- Calling the question.
 - A motion or statement to “call the question” does not end debate.
 - It may be construed as a motion to call the previous question, in which case, passage requires two-thirds majority,
 - If debate has ended, it may be easier to simply ask the presiding officer to ask members if they are ready to vote.
 - If someone believes debate should end and a vote taken, a motion to call the previous question is proper.

Parliamentary Procedure

- Robert's Rules FAQ: <http://www.robertsrules.com/faq.html#8>
- Robert's Rules for “dummies.”
<http://www.dummies.com/careers/business-communication/roberts-rules-for-dummies-3rd-edition/>
- Exercise.

Parliamentary Procedure Exercise

- Shane: Presiding Officer,
- Irwin: Councilor 1/Council President,
- Paul: Councilor 2
- Dan: Councilor 3

Public Meetings and Records

- Meetings of a governing body must have prior public notice and be open and accessible to the public,
- Governing body includes city council, city boards and commissions and subcommittees of council, boards, and commissions,

Public Meetings and Records

- “Meetings” of a quorum of council that occur in private violate public meetings law and may result in financial penalties for the participants and the City.
- A “meeting” includes a discussion of City business, even if no decision is reached, where a quorum of council participates in the meeting.
- A meeting can occur in person, online, via email, or the phone.

Public Meeting issues that may arise

- Small Group Meetings: Meeting with the City Manager and less than a quorum of council. The purpose of a small group meeting is to share information, not to facilitate deliberations of council.
- Subcommittees. They are governing bodies, the same as the city council, and are subject to public meetings law.
- Emails to groups or all of council. If councilors reply-all and multiple councilors comment or discuss the issue via the email thread, a public meeting violation may occur.

Public Meeting issues that may arise

- “Serial meetings” are meetings where a quorum of the governing body may never be in the same room, phone call, or email thread together at one time.
- Example: A five person governing body – two members attend a private meeting to discuss official business, one member leaves the meeting and a third arrives and participates; the intent of the three members is to collectively deliberate toward the same vote/position on the issue.

Executive Sessions

- A meeting of council that is closed to the public (except the media),
- May only be held for specific subjects (litigation, labor negotiations, real estate negotiations, etc)
- Votes may be taken at executive session, but no final action may be made at an EXS, for example:
- Council may vote to give authority to the City Attorney to settle a claim, but will approve the final settlement in open session.

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Ethics, the Big Three; Conflict of Interest, Gifts, Improper Use of Office

- Conflict of Interest
- Actual Conflict of Interest: Any *action or recommendation* that *would* result in a benefit or detriment to yourself, a member of your family, or a business with which you or your family are associated,
- If faced with an ACTUAL conflict, you must; 1) Announce the Conflict at a public meeting, and; 2) abstain from participating.

Ethics, the Big Three; Conflict of Interest, Gifts, Improper Use of Office

- Potential Conflict of Interest; same definition as above, but the result of the action or recommendation *may or could* result in a benefit or detriment.
- If faced with a POTENTIAL conflict of interest, you must announce the conflict, but you may participate.

Section 62, City Charter

- Applies only at public hearings, where the decision will result in a financial benefit to any person or entity,
- You must disclose;
 - Any business relationship within the last four years, or any family relationship, with participants in the hearing, and
 - Any direct or indirect campaign contributions or gifts totaling \$501 or more during the preceding two years for the Mayor, or four years for councilors.

Section 62, City Charter

- Elected and appointed officials are PROHIBITED from participating at a public hearing if it is “reasonably likely to result in a financial benefit to any person or entity the official has one of the relationships identified in the section or received the campaign contributions identified in the section, “would create the appearance of bias or impropriety in the mind of a reasonable person.”

Gifts

- Gift means something of economic value given to the official or relative, without equal consideration, which is not extended to others who are not public officials
- Multiple exceptions to the definition of “gift”
- \$50 aggregate value annual limit for gifts from a source that has a “legislative or administrative interest” in your decision-making.

Improper Use of Office

- Public Official may not use or attempt to use their official position to obtain financial gain for themselves, their family, or their business, that would not otherwise be available for the public official's position.

Councilor's interest in contracts with the City, Charter, section 21

- Members of council may not participate in a decision involving a contract with the City, if that member has any interest in the contract.
- Members may not attempt to influence the City in the award or administration of a contract if the member has an interest in the contract.
- A member violating this section may be punished by expulsion from council

Influencing Staff Action, Council Rule 25(j)

Except at a council meeting, council members shall refrain from using their position to influence the deliberations or decisions of City staff.

Influencing Personnel Decisions, Charter, Section 23(10)

Except at a council meeting, no member of council may directly or indirectly attempt to influence the manager in the appointment, discipline, or removal of personnel or in decisions regarding city property or contracts.

A violator of this section may be removed from office by a court of competent jurisdiction.

