



**City Council Rules of Procedure Policy  
City of Prosser, Washington**

<b>SUBJECT: City Council Rules of Procedure Policy</b>		
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Developed By: Rachel Shaw, City Clerk	Department Head Approval: Rachel Shaw, City Clerk	City Administrator Approval:

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**SECTION 1: AUTHORITY**

- A. The Prosser City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by Ordinance duly passed by the City Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

**SECTION 2: COUNCIL MEETINGS**

- A. Except as otherwise provided by law, in accordance with RCW 35A.12.110, all meetings of the City Council shall be open to the public. The City Clerk, or his or her designee, shall be responsible for preparing agendas for all City Council meetings. The City Clerk shall prepare meeting minutes of all of the Council meetings containing an accurate account of all official actions taken by the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

- 1. **Regular Meetings:** Regular meetings of the City Council shall be held on the second and fourth Tuesdays of every month in the City Hall Council Chambers located at 601 7<sup>th</sup> Street, Prosser, Washington and shall begin at 7:00 p.m. The Regular Meeting location may be changed as needed by presiding officer in accordance with Open Public Meetings Act (OPMA). Regular meetings shall be subject to the following:

A quorum of four or more Councilmembers is required for the transaction of business pursuant to RCW 35A.12.120.

In the event that a Regular scheduled Council meeting falls on a legal holiday, the meeting shall be cancelled or rescheduled.

The Mayor is the presiding officer over all Council meetings. The Mayor Pro Tem, who is elected by the governing body, shall act as the presiding officer in the Mayor's absence.

- 2. **Work Sessions:** Work Sessions of the City Council shall be held on the first Tuesdays of every month in the City Hall Council Chambers located at 601 7<sup>th</sup> Street, Prosser, Washington and shall begin at 7:00 p.m. The Work Session location may be changed as needed by presiding officer in accordance with Open Public Meetings Act (OPMA). Work Sessions shall be subject to the following:

A quorum of four or more Councilmembers is required for the transaction of business as provided for in RCW 35A.12.120.

In the event that a regularly scheduled Work session meeting falls on a legal holiday, the meeting shall be cancelled or rescheduled.

3. **Special Meetings:** Special Meetings of the City Council may be called by the Mayor or the Mayor Pro Tem at least 24 hours before the time specified for the proposed meeting. Provided, however that no ordinance or resolution shall be passed, or contract entered into or bill for payment of money allowed unless public notice of such meeting has been given to the local media and public in accordance with the Open Public Meetings Act (OPMA). Unless otherwise specified, Special Meetings shall take place in the City Hall Council Chambers located at 601 7<sup>th</sup> Street, Prosser, Washington and shall begin at 7:00 p.m.
4. **Emergency Meetings:** Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.
5. **Executive Sessions:** In accordance with RCW 42.30.110, Executive Sessions may be held during Regular and Special meetings of the City Council, and will be announced by the presiding officer. Executive Session subjects are limited to considering such matters as permitted by State law. The session is closed except to the Council, the Mayor, City Attorney, staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.
6. **Cancelled Meetings:** Meetings may be cancelled by the Mayor or Mayor Pro Tem. In the absence of either presiding officer, a meeting may be cancelled by a majority vote of the City Council, and proper notice given by the City Clerk.

### **SECTION 3: ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA**

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk or designee, in full by 12:00 Noon on the Wednesday preceding each Council meeting. The City Clerk shall then prepare an agenda according to the order of business and distributed to Councilmembers as the official agenda for the meeting.

3.1 The agenda format of the Regular City Council meeting may be as follows:

A. Call to order.

The Mayor shall call the meeting to order.

B. Pledge of Allegiance.

The Mayor, Councilmembers and, at times, invited guests will lead the Pledge of Allegiance.

C. Roll call

The City Clerk will call the roll. Mayor and Councilmembers may request to be excused from a meeting by request to the Mayor or City Clerk in advance of the meeting. The Mayor and the City Clerk are authorized to excuse a Councilmember from attending a meeting of the Council.

D. Approval of Agenda

Changes to the Council's published agenda are announced at this time and approved by a majority vote.

E. Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The presiding officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the presiding officer.

Audience members may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the presiding officer.

F. Mayor and City Council Reports and Comments

The Mayor and Councilmembers may report on their significant City-related topics, activities and/or appointed boards or committee meetings he/she attended, since the last Regular Meeting. The Mayor and Councilmembers shall limit their reports to not more than three (3) minutes, with sensitivity to avoiding duplicate reporting.

The presiding officer may read aloud any proclamations. A is defined as an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

G. City Administrator Reports and Comments

The City Administrator may report on any significant City-related topics, activities and/or appointed boards or committee meetings he/she attended, since the last Regular Meeting. Any Quarterly Partner Updates may occur under the City Administrator report.

H. Appointments

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate. Mayor is responsible for appointing Council Members to City represented boards and committees by selection and Council confirmation.

I. Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda may include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action during the “Approval of Agenda” section of the agenda.

1. Approval of minutes.
2. Fixing dates for public hearings and appeals.
3. Approval of claims and vouchers, bid awards and contracts.
4. Other items designated by the City Council.

J. Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The presiding officer will state the public hearing and/or appeal procedures before each hearing.

K. Action Items

Business items to include ordinances, resolutions, Interlocal Agreements, contracts or any other item that require Council action will be considered.

L. Ordinances

Prior to any ordinance being considered for adoption by the City Council, the ordinance shall be included on a Work Session agenda, or previously reviewed and discussed, for consideration of action. Provided, however, that if the Mayor believes that special, emergency or exigent circumstances exist regarding the need

to consider adoption of an ordinance without the ordinance having been placed on a Work Session agenda, the Mayor may place the ordinance on a Regular or Special City Council Meeting agenda with a request that the City Council consider it for adoption.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of the City Council, shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

M. Resolutions

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, provided that passage of any resolution for the payment of money or that grants or revokes a franchise or license, shall require the affirmative vote of at least a majority of the whole membership of the Council.

N. Discussion Items

O. Executive Sessions

P. Add-On Items

Q. Adjournment

3.2. Recess - The foregoing agenda may be interrupted for a stated time as called by the presiding officer to recess for any reason, including executive sessions.

3.3 Amendment to Agenda - The sequence of handling items on the agenda of a particular Regular Council Meeting may be amended from order listed on the printed/approved agenda as follows:

A. Adjustment of Agenda may be done by the Mayor. If the Mayor, as the presiding official, determines that an item on the agenda of a Regular Council Meeting or Work Session should be taken out of order – considered at a different order or placement in the agenda to accommodate members of the City Council or others at the Council Meeting, the Mayor may call for the amendment of the agenda to

accomplish such adjustment. Such action by the Mayor requires a motion or vote by the City Council; provided that if the City Council does not wish to have the item moved as directed by the Mayor, the City Council may, by motion duly made, seconded and approved by a majority of Councilmembers in attendance at the meeting keep the agenda unchanged.

#### **SECTION 4: COUNCILMEMBER ATTENDANCE AT MEETINGS**

- 4.1 Councilmembers shall attend Regular Council meetings and Work Sessions. Councilmembers shall inform the Mayor and/or the City Clerk if they are unable to attend any Regular Council meeting or Work Session, or if they knowingly will be late to any such meetings, or unable to stay for the entire meeting. If a Councilmember has informed the Mayor and/or City Clerk that he or she is unable to attend such meeting, the Mayor or City Clerk may grant an excused absence to that member, in their sole discretion and the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Per RCW 35A.12.060, a council position shall become vacant if the Councilmember fails to attend three consecutive regular meetings of the council without being excused.

Councilmembers are expected to attend the meetings of the Council Committees to which they are appointed. Councilmembers should inform the Committee Chair or the City Clerk if they are unable to attend any Committee meetings, and should inform the Chair or City Clerk if they expect to be late to any such Council Committee meeting or unable to stay for the entire meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Committee meeting, the minutes for that meeting, if minutes are required and/or taken, shall show the Councilmember as having an excused absence for that meeting.

Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, shall inform the Mayor and/or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor and/or City Clerk if they expect to be late to any such Special meeting or unable to stay for the entire meeting. If a Councilmember has informed the Mayor and/or City Clerk that he or she is unable to attend such Special meeting, the minutes for that meeting shall show the Councilmember as having an excused absence for that meeting.

- 4.2 Attendance at Council Committee meetings and Special meetings will not be considered “regular meetings” for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused absences from any Regular or Special meetings, or Committee meetings, shall constitute a violation of these Rules of Procedure.
- 4.3 At all meetings of the City Council, including but not limited to Regular Meetings, Work Sessions and Committee Meetings, Councilmembers shall refrain from use of cell phones or other personal communication devices, and shall not send or receive and read e-mails, text messages, or any other social media postings. Councilmembers shall also refrain from

side conversations with other individual Councilmembers. Councilmembers shall also refrain from inappropriate or derogatory body language or any other actions that detract from the professionalism of the City Council.

## **SECTION 5: PRESIDING OFFICER DUTIES**

### **5.1 Conduct of Meetings**

The presiding officer at all Regular Meetings of the Council shall be the Mayor and in the absence of the Mayor, the Mayor Pro Tem will act in that capacity. If both the Mayor and Mayor Pro Tem are absent and a quorum is present, the Council shall elect one of its members to serve as the presiding officer until the return of the Mayor or Mayor Pro Tem.

### **5.2 The Presiding Officer:**

- A. Shall preserve order and decorum at all meetings of the Council and shall remove any person in the audience who disrupts the meeting after having been warned to cease the disruptive behavior;
- B. Shall observe and enforce all rules adopted by the Council;
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- D. Shall recognize Councilmembers in the order in which they request the floor, giving every Councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the presiding officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;
- E. May affix approximate time limits for each agenda item;

## **SECTION 6: COUNCILMEMBERS**

- 6.1 Remarks: Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall refrain from comments outside of the question under discussion.
- 6.2 Questioning: Any member of the Council, including the Mayor, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute an attempt to ridicule or degrade the individual.
- 6.3 Obligation to the Public Agency: Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.

- 6.4 Council Training: Councilmembers are expected to participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers. Training opportunities will be preapproved during the budget process.
- 6.5 Participation in Committees, Agencies and Organizations: To better represent the interests of the City of Prosser, Councilmembers are encouraged to participate in assignments to local, regional, state and national committees, agencies and organizations.

## **SECTION 7: DEBATES**

- 7.1 Speaking to the Motion: No member of the Council, including the presiding officer, shall speak more than twice on the same motion except by consent of the presiding officer or a majority of the Councilmembers present at the time the motion is before the Council.
- 7.2 Interruption: No member of the Council, including the presiding officer, shall interrupt or argue with any other member while such member has the floor, other than the presiding officer's duty to preserve order during meetings as provided in Section 5.2.A of these rules.
- 7.3 Courtesy: All speakers, including members of the Council, which includes the presiding officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the presiding officer, be courteous, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff, or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Transgression: If a member of the Council shall violate these rules on debates, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the presiding officer shall violate these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the presiding officer, or such other member, to order, in which case the presiding officer or such member, as the case may be, shall be silent except to explain or continue in order.
- 7.5 Challenge to Ruling: Any member of the Council shall have the right to challenge any action or ruling of the presiding officer, in which case the decision of the majority of the members of the Council present shall govern.

## **SECTION 8: PROCEDURES AND MOTIONS**

- 8.1 If a motion does not receive a second, it dies. A second is not needed for matters that do not constitute a motion, including, but not limited to, nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order.

- 8.2 Motions that receive a tie vote, are deemed to have failed. When allowed by law, the Mayor shall be allowed to vote to break a tie vote.
- 8.3 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.4 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.5 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9, that Councilmember shall so advise the City Council, and shall abstain himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.
- 8.6 A motion to table is non-debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which require the interruption of the Councilmembers' consideration of the matter before them. If a motion to table is passed, then the matter shall be tabled until the interrupting circumstances or situations have been resolved, or until a certain time has been specified for reconsideration at a future Regular or Special City Council meeting.
- 8.7 A motion on the floor may be amended by a motion inserting, adding, striking out, or substituting the motion.
- 8.8 Motions that cannot be amended include: motion to adjourn, lay on the table (table), roll call vote, point of order, and reconsideration.
- 8.9 Amendments can be voted on first, then the main motion as amended can be considered (if the amendment received an affirmative vote).
- 8.10 The presiding officer, City Attorney or City Clerk should repeat the motion prior to voting.
- 8.11 The City Clerk will take a roll call vote, if requested by the presiding officer, a Councilmember, or as required by law.
- 8.12 The City Attorney or City Clerk shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.

- 8.13 These rules may be suspended, amended, or new rules adopted, by a majority vote of the full Council.

## **SECTION 9: VOTING**

- 9.1 Voice vote – A generalized verbal indication by the Council as a whole of “yea or nay” vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.
- 9.2 Roll call vote – A roll call vote may be requested by the presiding officer, by the City Clerk, or by any Councilmember.
- 9.3 Abstentions – It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. A Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness violation.
- 9.4 Votes by Mayor – Except where prohibited by law, the Mayor, as presiding official, shall be allowed to vote to break a tie vote.

## **SECTION 10: COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL**

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk’s desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The presiding officer may make exceptions to the time restrictions of persons addressing the Council when warranted, at the discretion of the presiding officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the presiding officer.

## **SECTION 11: PUBLIC HEARINGS AND APPEALS**

- 11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. Except for closed record decision hearings and appeals, the following procedure shall apply:
- A. The Department Director presenting the subject matter of the hearing, or said Director’s designee, will present the City’s recommendation and proposed findings. Staff may respond to Council questions.
  - B. The proponent shall testify first and be allowed (10) minutes. Council may ask questions.

- C. Other persons who wish to testify shall each be allowed five (5) minutes and Council may ask questions.
  - D. The proponent shall then be allowed five (5) minutes for rebuttal.
  - E. The City Clerk shall serve as timekeeper during these hearings.
  - F. After the time for testimony has expired, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.
- 11.2 Closed Record Decision Hearings and appeals, the following procedure shall apply:
- A. The hearing shall be on the record before the City Council, and no new evidence may be presented.
  - B. If any person desires to provide appellate argument, that person shall be allotted five (5) minutes.
  - C. The City Clerk shall serve as timekeeper during these hearings.
- 11.3 Public hearings where a general audience is in attendance to present arguments for or against a public issue:
- A. The Department Director or designee shall present the issue to the Council and respond to questions.
  - B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The presiding officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the presiding officer.
  - C. The City Clerk shall serve as timekeeper during these hearings.
  - D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
  - E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
  - F. The presiding officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

**SECTION 12: MAYOR PRO TEMPORE SELECTION PROCESS**

- 12.1 Biannually at the first meeting of a new Council, or periodically as needed, the members of the City Council, by majority vote, shall designate one of their members as Mayor Pro Tem for a two-year time period, except as provided in Section 12.1, Paragraphs G and H herein.
- A. Any member of the City Council may be nominated for the position of Mayor Pro Tem by having that Councilmember's name placed in nomination by a Councilmember. The nomination of a Councilmember for the position of Mayor Pro Tem does not require a second, and a Councilmember may nominate him or herself.
    - 1. In connection with the selection of Mayor Pro Tem, it is strongly suggested that Councilmembers approach the election in an open, transparent and respectful manner.
  - B. The Councilmember receiving a majority of the votes cast by the members of the City Council shall be elected Mayor Pro Tem. A Councilmember may vote for him or herself.
  - C. The names of all nominees for the position of Mayor Pro Tem shall be included in the vote.
  - D. If no single Councilmember receives a majority of the votes cast, a second vote/ballot, between the two nominees who received the largest number of votes shall occur. In the second vote/ballot, whomever of these two nominees received the larger number of votes, shall be elected to the position of Mayor Pro Tem.
  - E. The Mayor Pro Tem shall serve at the pleasure of the Council.
  - F. In the event of the absence or unavailability of the Mayor and Mayor Pro Tem, the longest serving member of the City Council, other than the Mayor Pro Tem, shall serve as interim Mayor Pro Tem until the return of the regular Mayor or Mayor Pro Tem.
  - G. If the designated Mayor Pro Tem is unable to serve the full term of the position of Mayor Pro Tem, the Council shall designate the next senior member of the City Council as Mayor Pro Tem for the remainder of the term. If the appointment is declined the process shall continue until a Mayor Pro Tem is designated.
  - H. In the event that the Councilmember selected as Mayor Pro Tem is unable to perform the duties of the position of Mayor Pro Tem, or fails to act in accordance with the City Council Rules of Procedure, the City Council may, by a majority vote of the full City Council, remove the Mayor Pro Tem from this position, in which case, the next senior Councilmember shall assume the position of Mayor Pro Tem

until a replacement is elected at the next Regular City Council meeting. If the next senior Councilmember is unwilling or unable to assume the position of Mayor Pro Tem, the position of Mayor Pro Tem shall be filled by a majority vote of the full City Council.

12.2 The Mayor Pro Tem, shall perform the following duties:

1. Preside over Regular Meetings of the City Council in the absence or unavailability of the Mayor;
2. In the event of the prolonged absence or incapacitation (a state of disability that prohibits the function of duties) of the Mayor, the Mayor Pro Tem shall perform the duties of the Mayor.
  - (a) A prolonged absence is defined as requiring a leave of absence that prohibits the performance of the duties of the office. Vacation leave for periods up to two weeks, illnesses requiring an absence of less than two weeks, out of state or out of country travel lasting not more than two weeks, or other similar short-term absences shall not be considered prolonged absences.
  - (b) In the event of a disaster, emergency, or other similar circumstance, where the Mayor is out-of-town and unable to carry out the duties of the office of Mayor, the Mayor Pro Tem, in consultation with the Mayor, shall act as Mayor until the return and availability of the Mayor;
3. The Mayor Pro Tem shall also stand in on behalf of the Mayor in other situations as requested by the Mayor;
4. In the performance of the duties of the Mayor, the Mayor Pro Tem shall not have authority to appoint, remove, replace, discipline or take other similar action on any director or employee of the City. The Mayor Pro Tem shall not have veto authority for actions that may be taken by the City Council;
5. The Mayor Pro Tem shall be aware of City, regional and intergovernmental policies and activities in order to properly execute the role of Mayor.

### **SECTION 13: COUNCIL POSITION VACANCY OR ABSENCE**

- 13.1 Vacancies in City Council positions shall be filled in accordance with RCW 42.12.070. Generally, in the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose.

- 13.2 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tem to serve during the absence or disability.

#### **SECTION 14: COUNCIL MEETING STAFFING**

- 14.1 Department Directors or designees shall attend all meetings of the Council unless excused.
- 14.2 The City Attorney may attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney may act as the Council's parliamentarian. An Acting City Attorney may attend meetings when the City Attorney has been excused.

#### **SECTION 15: COUNCIL RELATIONS WITH STAFF**

- 15.1 There will be mutual courtesy and respect from both City staff and Councilmembers toward each other and of their respective roles and responsibilities.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 It is the intent of Council that all pertinent information asked for by individual Councilmembers will be made available to the full Council.
- 15.4 Individual 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. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters.
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council. This provision, however, does not prohibit individual Councilmembers from discussing issues with the Mayor or making individual requests or suggestions to the Mayor. The Mayor shall endeavor to advise and update the Councilmember(s) on the status or follow-up of such issues.
- 15.7 All Councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff.

**SECTION 16: WORK SESSIONS, COMMITTEES AND CITIZEN ADVISORY BOARDS**

16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the second and fourth Tuesdays of the month, City Council shall regularly schedule Council Work Sessions on the first, Tuesdays of the month for review of matters that may come back before the City Council at Regular Council Meetings. Different than the format for Regular Council Meetings (identified in Section 2 hereof), Work Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. The format for these meetings shall be as follows:

16.2 Work Sessions should conform to the following:

A. Call to order.

The Mayor shall call the meeting to order.

B. Pledge of Allegiance.

The Mayor, Councilmembers and, at times, invited guests will lead the Pledge of Allegiance.

C. Roll call.

The City Clerk will call the roll. Mayor and Councilmembers may request to be excused from a meeting by request to the Mayor or City Clerk in advance of the meeting.

D. Approval of Agenda

Changes to the Council's published agenda are announced at this time and approved by a majority vote.

E. Mayor and City Council Reports and Comments

The Mayor shall provide any announcements, reports or presentations that need to be shared with the City Council in advance of the agenda discussion items. After that announcements, reports or presentations, City Council members may have questions or wish to discuss the issues at this time or request that they be put on a future Work Session agenda for further discussion.

Work Sessions are an opportunity for the members of the City Council to discuss among themselves issues coming before the City Council. Work Sessions do not include a place on the agenda for public audience participation. However, at the request of the presiding officer, individuals may be asked to give a report on topics appearing on the Work Session agenda.

F. City Administrator Reports and Comments

The City Administrator or his/her designee may provide an update to Council regarding projects or follow-up discussion items.

G. Council Discussion

The Mayor shall announce each of the various items that are on the agenda for Council discussion, and, as warranted, request a preliminary report from staff or a consultant or other individual(s) involved in the issue. The Mayor shall endeavor to call upon the members of the City Council in the order of their requests to discuss the Agenda Item.

After such report(s), if any, the Mayor shall open the floor for Council discussion on the agenda items in their order on the agenda, unless a different order is approved by a majority of the Councilmembers present.

Council discussion shall be in conformity with the provisions of Section 7 of these rules.

At the conclusion of the discussion, or at the point the Council feels its questions have been answered and discussion vetted, the Mayor shall move the attention of the Council to the next discussion item on the agenda; provided that if, after a lengthy discussion on a particular agenda item, the presiding officer concludes that discussion should be continued to a later date, the Mayor may conclude discussion on that agenda item and schedule the matter for a later Work Session.

With the support of a consensus of Councilmembers, the Mayor shall call for Work Session agenda items requiring formal Council action to be included in agendas for upcoming Regular Council Meetings.

H. Add-On Items

I. Adjournment

16.3 Meeting Times:

Work Sessions shall be scheduled as set forth in Section 2.2, above.

16.4 Advisory Boards, Committees and Commissions established by Ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.

16.5 Unless otherwise expressly provided for an advisory committee of the City Council, such committees shall not receive public testimony, shall not allow audience participation, and shall not hold public hearings in connection with or related to the agenda item being discussed by the Committee. Unless otherwise expressly provided for such advisory

committee, it is the intention of the City Council that such advisory committees function informally and not in any way that takes action in lieu of or on behalf of the full City Council. The purpose and function of such advisory committees shall be to review matters in advance of their consideration by the full City Council, and perhaps record and make recommendations to the full City Council. With that, it is the intention that these committees operate informally, without the need for compliance with the Open Public Meetings Act (Chapter 42.30. RCW).

## **SECTION 17: COUNCIL REPRESENTATION AND INTERNAL COMMUNICATION**

- 17.1 If a Councilmember meets with, attends a meeting or otherwise appears before individuals, another governmental agency, a community organization, or a private entity or organization, including individuals, agencies, or organizations with whom or with which the City has a business relationship, and makes statements directly or through the media, commenting on an issue that does or could affect the City, the Councilmember shall state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position, and the statements are those of the Councilmember as a private citizen. Additionally, before a Councilmember discusses anything that does or could relate to City liability, the Councilmember should talk to the City Attorney or the City's Finance Director, so that the Councilmember would have a better understanding of what may be said or how the discussion should go to control or minimize the City's liability risk and exposure.
- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.
- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.
- 17.4 Communication among Councilmembers shall conform to the following parameters:

Councilmembers should be prepared to communicate about matters that are on upcoming Council agendas at the public meetings. Except in connection with Councilmembers meeting informally, in committees not subject to the Open Public Meetings Act, to assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used in a way that could constitute a public meeting, *e.g.*, successive communications on City Council topics that involve a quorum of the Councilmembers:

- A. Email communication to staff relating to City operations should also include the Mayor as a recipient/addressee.
- B. Councilmembers may email the Mayor about City business without limitations or restrictions.
- C. Councilmembers shall not email other Councilmembers about such agenda items.

17.5 Internet & Electronic Resources/Equipment and Facility Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Prosser Administrative Policy (IT 001), “Information Technology” adopted hereby and incorporated herein by this reference.

It is important to note that all letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (RCW 42.56), are public records.

- B. Electronic Communications.
  - 1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users may delete these messages once their administrative purpose is served.
  - 2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
  - 3. Electronic communications that are intended to be shared among a quorum of the City Council, shall not occur. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further, the use of electronic communication to form a collective decision of the Council shall not occur.
  - 4. Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared

with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.

5. Inadvertent electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
6. As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.

C. Use of City Equipment and Facilities.

1. City Councilmembers are provided various tools to assist them in handling the business of the City in the role as members of the City Council. These tools include, but are not limited to: (1) an iPad Pro connected to the City's computer system that can be used remotely). All contents of this device shall be considered open to public view.
2. In order to assure transmittal of information necessary to conduct business of the City and to avoid Public Records Act liability for the City and Councilmembers for improper or private equipment use, Councilmembers shall use the tool(s) identified above to assist them in being able to receive and work with information related to duties as Councilmembers.

17.6 Council Relations with City Boards and Commissions.

A. Reports to the Council.

Each board, commission, committee, task force or any other advisory body of the City may be requested to present a report to the City Council at a Regular Meeting or a Work Session of the City Council. Such reports shall be delivered by the chair of the board, commission, committee, task force or any other advisory body or designee. The reports shall inform the City Council of the activities, functions and information with which the board, commission, committee, task force or any other advisory body has been involved since the previous report, and shall include the opportunity for questions by Councilmembers.

- 17.7 Whenever a member of the City Council attends any meeting of any other entity or organization, he or she should endeavor to be prudent in what he or she says or does at such meeting. Further, the Councilmember should avoid attending such meeting if that

attendance would impose an interference with the meeting or the operations of the other entity or organization, or of the operations of the City.

## **SECTION 18: TRAVEL AND TRAINING AUTHORIZATION**

### **A. Value of Council Travel**

The Prosser City Council recognizes the need of its members to attend conferences, trainings, and meetings to broaden their knowledge of and familiarity with a diverse collection of City-related issues, including, but not limited to Finance, Public Works, Communications, Transportation, Economic Development, Public Safety and Energy. These conferences also provide valuable opportunities to network with other city elected officials. Comparing Prosser's specific issues with those of other cities often provides the City Council with established policies already in place in other cities that can be adapted to meet the specific needs of the City of Prosser, as well as expediently and efficiently acquainting Prosser City Councilmembers with ideas of how to address Prosser issues and solve Prosser problems.

### **B. Annual Budget Amounts for Council Travel**

To accommodate Council travel, staff shall allocate an identified amount of money each year in the City budget process, whereby Councilmembers shall have an identified amount of money earmarked for City related travel costs, including transportation, lodging, meals and registration costs.

### **C. Receipts and Travel Documentation**

Each City Councilmember shall be responsible for providing to the City Clerk or Finance Director, within ten (10) business days of returning from City travel, any and all City travel related receipts and documentation.

## **SECTION 19: APPAREL**

- 19.1 Councilmembers may request City of Prosser approved standard logo apparel which can be worn at meetings, trainings, special events, or other activities where they are representing the City of Prosser. Councilmembers will be provided apparel in an amount not to exceed \$50; the Mayor will be provided apparel in an amount not to exceed \$75, annually as budget allows. Apparel can include shirts, hats, jackets, sweaters, vests, coats or the like. It is important to note that in any case, the requested preapproved apparel shall clearly include the City of Prosser's name and/or logo. Councilmembers are responsible for the care and cleaning of issued apparel. Councilmembers may request additional apparel which will be at their own expense.

**SECTION 20: CONFIDENTIALITY**

20.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive or Closed Sessions and as provided in RCW 42.23.070, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

**SECTION 21: ENFORCEMENT OF RULES OF PROCEDURE**

21.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.