

EXHIBIT A

# MERCER ISLAND CITY COUNCIL RULES OF PROCEDURE



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April 19, 2004

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## **SECTION 1. GOVERNANCE AND AUTHORITY**

### **1.1 Council-Manager Form of Government**

The City of Mercer Island is a Council-Manager form of government. As described in the municipal code and chapter 35A.13 of the Revised Code of Washington (“RCW”), certain responsibilities are vested in the City Council and the City Manager. This form of government prescribes that a City Council’s role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines what public policy is and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

### **1.2 Rules of Procedure**

The Mercer Island City Council hereby establishes the following Rules of Procedure (“Rules”) pursuant to the authority set forth in Mercer Island City Code (“MICC”) 2.06.050(A), for the conduct of Council meetings, proceedings and business. These Rules shall be in effect upon adoption by the Council and until such time as they are amended, or new rules are adopted in the manner provided by these Rules.

### **1.3 Orientation of New Councilmembers**

The City Manager will host an orientation program for newly-elected or appointed Councilmembers, including guidance on the Open Government Trainings Act, which requires training in the fundamentals of the Open Public Meetings Act (OPMA), Public Records Act (PRA), and records retention requirements.

### **1.4 Mentoring of New Councilmembers**

Current Councilmembers shall seek out opportunities to mentor newly elected or appointed Councilmembers to help them gain an understanding of their role as Councilmember.

### **1.5 Code of Ethics**

The purpose of the City of Mercer Island Code of Ethics and Statement are to strengthen the quality of government through ethical principles which shall govern the conduct of members of the City Council and the City’s boards and commissions pursuant to Mercer Island City Code (“MICC”) 2.60.

## **SECTION 2. COUNCIL ORGANIZATION**

**2.1 Swearing-In.** Councilmembers shall be sworn in by the City Clerk.

**2.2 Election of Mayor and Deputy Mayor.** The Council shall elect a Mayor and Deputy Mayor for a term of two years from among themselves. The City Clerk shall conduct the elections for Mayor and Deputy Mayor at the first Council meeting of each even-numbered year as follows:

- A.** Any Councilmember may nominate a candidate; no second is needed.
- B.** Nominations are closed by a motion, second and 2/3 vote of Council.
- C.** If only one (1) nomination is made, it is appropriate to make a motion and obtain a second to instruct the City Clerk to cast a unanimous ballot for that nomination. Approval is by majority vote of Councilmembers present.
- D.** If more than one (1) nomination is made, an open election is conducted by roll call vote.
- E.** To be elected, the nominee needs a majority vote of the Council.
- F.** Elections will continue until a Mayor and Deputy Mayor are elected by a majority vote of the Council.
- G.** The City Clerk shall declare the nominee receiving the majority vote as the new Mayor. The new Mayor shall declare the nominee receiving the majority vote as the new Deputy Mayor. The Clerk shall swear the individuals into office.

**2.3 Duties of Officers.**

- A. Mayor.** The Mayor serves as the Presiding Officer and acts as chair at all meetings of the Council. The Mayor may participate in all deliberations of the Council in the same manner as any other member and is expected to vote in all proceedings, unless a conflict of interest exists. The Mayor does not possess any power of veto. The Mayor is assigned as the ceremonial representative at public events and functions. The Mayor is vested with the authority to initiate and execute proclamations.
- B. Deputy Mayor.** The Deputy Mayor serves as the Presiding Officer in the absence of the Mayor and assumes ceremonial representative responsibilities when needed. If both the Mayor and Deputy Mayor are absent, the Mayor will appoint another Councilmember as acting Mayor. If the Mayor fails to appoint an acting Mayor, the Councilmembers present shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.
- C. Presiding Officer.** The Presiding Officer shall:
  - 1. Preserve order and decorum in the Council Chambers;
  - 2. Observe and enforce these Rules;
  - 3. Call the meeting to order;
  - 4. Keep the meeting to its order of business;

5. Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers;
6. In consultation with the Deputy Mayor, appoint Councilmembers to serve as liaisons to advisory boards and commissions and to serve on standing Council committees, ad hoc committees, local committees, and certain regional committees (Sound Cities Association makes appointments to King County and other regional committees; only one Mercer Island Councilmember can apply for each of these committees);
7. Appoint citizens to serve on advisory boards and commissions (with affirmation from the Council); and
8. Impose Councilmember sanctions for violation of these Rules consistent with Section 11 of these Rules.

**2.4 Filling a Council Vacancy.** If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in [RCW 42.12.070](#) and Appendix C to these Rules (The Process to Fill a Mercer Island City Council Vacancy). In order to fill the vacancy until an election is held, the Council will widely distribute and publish a notice of the vacancy, the procedure by which the vacancy will be filled, and an application form.

## **SECTION 3. COUNCIL MEETINGS**

### **3.1 General Meeting Guidelines.**

- A. Open Public Meeting Act.** All Council meetings shall comply with the requirements of the Open Meetings Act (chapter [42.30 RCW](#)). All regular meetings and special meetings of the Council shall be open to the public.
- B. Meeting Cancellation.** Any Council meeting may be canceled by a majority vote or consensus of the Council. The Mayor or City Manager may cancel a Council meeting for lack of agenda items, adverse weather conditions, or due to an emergency.
- C. Quorum.** Four members of the Council shall constitute a quorum and are necessary for the transaction of City business. In the absence of a quorum, the members present may adjourn that meeting to a later date.
- D. Councilmember Seating.** At the dais, the Mayor shall sit in Chair #4, the center seat at the dais, the Deputy Mayor shall sit to the Mayor's right or left, in Chair #3 or #5. The Mayor will determine the seats of the remaining Councilmembers.
- E. City Clerk and Minutes.** The City Clerk (or authorized designee) shall attend all regular and special Council meetings and keep an account of all proceedings of the Council (minutes) in accordance with the statutory requirements ~~RCW 35.23.151 and RCW 42.32.030~~[42.30.035](#). The minutes from previous meetings will be posted on the City website in draft format prior to Council meetings as part of the Council packet. Councilmembers are encouraged to inform the City Clerk and City Manager of any errors or proposed changes in advance of the meeting. If a Councilmember wishes to make any corrections (except scrivener) to the minutes, they must request to have the set of minutes pulled from the Consent Calendar and make a motion to revise the minutes. Any corrections to the minutes will be so noted and the draft minutes will be revised with the corrections. Once the Council has approved the minutes (as presented or revised), the final version of the minutes will be posted to the City's website and archived as the City's official record.
- F. Council Chambers Code of Conduct.** The City Hall Council Chambers Code of Conduct is attached as Appendix B to these Rules, which outlines acceptable behavior while in the Council Chambers.
- G. Remote Participation.** From time to time, a Councilmember will not be able to attend a Council meeting in person but may desire to participate in the meeting remotely by speakerphone. Attendance via speakerphone should be the rare exception. Should technological difficulties or connection issues arise during the meeting, the call may be ended to avoid meeting disruption.

If a Councilmember wishes to attend a Council meeting via speakerphone, the Councilmember should notify the Mayor and City Manager at least one day prior to the meeting. A Councilmember's attendance via speakerphone will be noted in the minutes.

### 3.2 Types of Meetings.

- A. **Regular Meetings.** The Council's regular meetings will be held the first and third Tuesdays of each month in the City Hall Council Chambers (9611 SE 36<sup>th</sup> Street, Mercer Island). Regular meetings will begin at ~~7:00~~[6:30](#) p.m. If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at ~~7:00~~[6:30](#) p.m. on the first business day following the holiday, or on another day designated by a majority vote of the Council.
- B. **Special Meetings.** A special meeting is any Council meeting other than a regular Council meeting. Notice shall be given at least 24 hours in advance specifying the date, time, and place of the meeting and the business to be transacted. A special Council meeting may be scheduled by the Mayor, City Manager or at the request of a majority of the Council and pursuant to [RCW 42.30.080](#).
- C. **Emergency Meetings.** An emergency meeting is a special Council meeting called without 24-hour notice. An emergency meeting may only be called as a result of an emergency involving injury or damage to persons or property or the likelihood of such injury or damage or when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Manager or the Mayor. The minutes will indicate the reason for the emergency.
- D. **Executive ~~(Closed)~~ Sessions.** An executive session is a portion of a Council meeting that is closed except to the Council, City Manager, City Attorney and staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive sessions may be held during regular or special Council meetings and will be announced by the Mayor or the Chair. Executive sessions may be held for limited purposes consistent with [RCW 42.30.110\(1\)](#) and RCW 42.30.140(4)(a). Permissible topics include: considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, review of collective bargaining agreements, public employment applications and evaluations, and certain attorney-client discussions. Before convening an executive session, the Mayor or Chair shall announce the purpose of the meeting. Pursuant to RCW 42.23.070(4), Councilmembers must maintain the confidentiality of all written materials and verbal information provided during executive sessions 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 exempt from production under the [Public Records Act](#), chapter 42.56 RCW. If a Councilmember unintentionally discloses executive session material

with another party, that Councilmember shall promptly inform the City Manager and/or the Council of the disclosure.

- E. **Planning Sessions.** Each year the Council shall hold an annual planning session (2- or 3-day retreat) during the first quarter of the year. During this planning session, the Council will agree upon City Council Goals for the next two years. The Council may hold additional planning sessions during the year.

### 3.3 Order of Regular Council Meeting Agenda.

A. **Call Meeting to Order & Roll Call.** The Mayor calls the meeting to order. The City Clerk will take roll call and record names of those present and absent in the minutes.

~~A.~~B. **Pledge of Allegiance.**

~~B.~~C. **Agenda Approval/Amendment.** Agenda items may be added to a regular Council meeting agenda after the meeting notice is published, if a Councilmember or City Manager explains the necessity and receives a majority vote of the Council. The Mayor may, with the concurrence of the Councilmembers, take agenda items out of order.

~~C.~~D. **Executive Sessions.** Executive sessions may be held before, during or after the open session portion of either a regular or special meeting. See Section 3.2D.

~~D.~~E. **Study Sessions.** Study sessions will be held, when needed, from ~~6:00-7:00~~5:30-6:30 p.m. before a regular meeting. They may be called by the Mayor, City Manager or by a majority of Councilmembers. Study sessions will be informal meetings for the purpose of reviewing forthcoming programs and projects, receiving progress reports on current programs or projects, or receiving other similar information. No final decisions can be made at a study session. Decisions on those issues will be scheduled for a regular or special Council meeting.

~~E.~~F. **Special Business.** Special Business items may include the presentation of a proclamation, the key to the City, citizen of the year, or other presentation to elected officials, staff, or the public by the City or presentations to the City or any official made by someone else.

1. **Proclamations.** Proclamations are generally broad statements expressing local government support for particular issues. Requests to proclaim certain events or causes will be considered when such proclamations:
  - a. pertain to a Mercer Island event, person, organization, or cause with local implications,
  - b. are timely,
  - c. have potential relevance to the City Council's Goals, Legislative Priorities, or Mercer Island's community values, and



- d. either forward positive messages or call upon the support of the community.

The Mayor, Deputy Mayor, City Manager, and/or staff designee shall determine approval of proclamation requests. Proclamations shall be publicly read at a Council meeting and presented to a representative of the event during the Council meeting.

- 2. **Key to the City.** The Key to the City is the City's most prestigious award and will only be used to recognize distinguished persons and honored guests of the City of Mercer Island. Receiving a Key is the City's highest honor and as such Keys will only be presented, by the Mayor or designee, in a manner that is consistent with the City's vision, mission and goals. The "Key to the City" is intended to honor:
  - a. A Mercer Island resident with significant accomplishments in military service, or public service
  - b. A Mercer Island resident reaching the age of 100 years,
  - c. A person who performed an act of heroism while in the City limits, or
  - d. A dignitary or celebrity visiting the City.

The Mayor, Deputy Mayor, City Manager, and/or staff designee shall determine approval of Key to the City requests. Keys shall be given by the Mayor or designee to the recipient at a Council meeting or at an event sponsored by or affiliated with the recipient.

- 3. **Citizen of the Year.** The Citizen of the Year is an annual tradition of recognizing an individual or group ("honoree") who is otherwise unrecognized for his/her/their contributions to making the Mercer Island community a great place to live and work. The honoree shall be selected based on the following criteria:
  - a. Significant service accomplishments within the past year;
  - b. The quality, scale, and duration of the benefits to the community resulting from the accomplishments;
  - c. The amount of time and energy devoted to the community beyond the scope of normal responsibilities;
  - d. The nature of the challenges faced and overcome by the honoree; and
  - e. The extent of previous recognition received by the honoree (e.g., the nominee is an "unsung hero").

Councilmembers will make nominations and select an honoree at the annual Council Planning Session. Councilmembers or candidates for councilmember, are not eligible for nomination. The honoree(s) will be

recognized at a Council Meeting and a framed photo of the honoree is hung in the Council Chambers lobby to commemorate this distinction.

- F. **City Manager Report.** In an effort to keep the Council and public informed of City business, the City Manager may provide an oral report, make comments, extend compliments, express concerns, or make announcements concerning any topic during this time.
- G. **Appearances (Public Comment).** During the Appearances section of the regular meeting agenda, members of the audience are invited to address the Council regarding any matter, except items before the Council requiring a public hearing, any quasi-judicial matters, or campaign-related matters. Each person wishing to address the Council should sign-up on the available form. When his or her name is called, the speaker will step up to the podium, give their name for the record, and shall limit their comments to three (3) minutes. No speaker may convey or donate his or her time for speaking to another speaker. The Mayor may grant additional time for citizen comments. The Mayor may allow citizens to comment on individual agenda items at times during any regularly scheduled Council meeting other than the regularly scheduled Appearances period.

All remarks will be addressed to the Council as a whole, and not to individual Councilmembers or staff members. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested by the Mayor to leave the meeting. The Council cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions) except under specific circumstances where consideration of a ballot measure is on the Council agenda pursuant to [RCW 42.17A.555](#).

The City Clerk will summarize all citizen comments in the minutes. Traditionally, the Council does not respond to comments made at the meeting; however, the City Manager may direct staff to follow up with the speaker as appropriate.

- H. **Consent Calendar.** Consent calendar items have either been previously considered by the Council or are routine and non-controversial and are approved by one motion. Items on the consent calendar include, without limitation, payables, payroll, minutes, [proclamations](#), resolutions, ~~and~~ ordinances discussed at a previous Council meeting, bid awards, and previously authorized agreements.

A Councilmember may remove an item from the consent calendar for separate discussion and action. If removed, that item will become the first item of regular business of the same meeting.

- I. **Public Hearings.** There are two types of public hearings: legislative and quasi-judicial. The Mayor will state the public hearing procedures before each public hearing. Comments are limited to the subject of the public hearing.

1. **Legislative Public Hearings.** The purpose of a legislative public hearing is to obtain public input on legislative or policy decisions, including without limitation, review by the Council of its comprehensive plan or biennial budget.
2. **Quasi-Judicial Public Hearings.** The purpose of a quasi-judicial public hearing is to decide issues involving the rights of specific parties including, without limitation, certain land use matters such as site-specific rezones and preliminary long plats.

The Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at the hearing and all documents and exhibits that have been submitted.

In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the appearance of fairness doctrine (chapter 42.36 RCW). The appearance of fairness doctrine prohibits ex parte (outside the hearing) communications with limited exceptions requiring disclosure on the record; prohibits a Councilmember from making a determination on the matter in advance of the hearing; requires the hearing to be fair and impartial; and prohibits the participation of any Councilmember who has a conflict of interest or financial interest in the outcome of the hearing.

A Councilmember shall consult with the City Attorney to determine whether he or she should recuse themselves from the quasi-judicial hearing discussion and decision.

- J. **Regular Business.** Regular Business items are all other regular Council business, [including without limitations](#) resolutions, ~~and~~ ordinances, [staff presentations, and regional board and committee reports](#) requiring Council action.

- K. **Other Business.** The Council will note upcoming Councilmember absences and make a motion to excuse or not excuse a Councilmember's absence. They will also discuss the Planning Schedule and make any necessary Board and/or Commission appointments. During Councilmember reports, Councilmembers may report on significant activities since the last meeting; provided, however, that Councilmembers may not enter into debate or discussion on any item raised during a Council report.

- L.     **Adjournment.** With no further business to come before the Council, the Mayor adjourns the meeting.

#### **SECTION 4. AGENDA PREPARATION**

- 4.1** The City Manager, in consultation with the Mayor and Deputy Mayor, will prepare an agenda for each Council meeting. The City Clerk will prepare an agenda packet for each Council meeting specifying the date, time, and place of the meeting. Each item shall be titled to describe the item to be considered by the Council.
- 4.2** An item may be placed on a Council meeting agenda by any of the following methods:
- A.** Majority vote of the Council.
  - B.** By the City Manager.
  - C.** By the Mayor or Deputy Mayor (when acting in the absence of the Mayor).
  - D.** By any two Councilmembers, in writing or with phone confirmation, no later than 12:00 pm seven (7) days prior to the meeting. The proposed item will be added to the agenda (without an agenda bill) for the whole Council to determine if the item should be brought back for discussion and/or action. If Council agrees to add the item to a future agenda, staff will prepare an agenda bill based on the Council's direction.
- 4.3** Staff reports (agenda bills) shall be in a standard format approved by the City Manager.
- 4.4** Agenda materials will be posted to the City's website and a link to the online packet will be emailed to an established mailing list (including Council and staff) by 5:00 p.m. on the ~~Thursday~~ Wednesday before the meeting. If the deadline cannot be met, the Council and the established mailing list will be notified of when it will be posted. Hard copies of agenda materials will be available for pick up in the HAM radio room in the Police Department lobby upon Councilmember request.
- 4.5** The City Manager will prepare and keep current the Planning Schedule, the calendar of agenda items for all Council regular and special meetings.

## **SECTION 5. COUNCIL PROTOCOLS**

- 5.1 Roberts Rules/Council Rules.** All Council discussion shall be governed by *Roberts Rules of Order, Newly Revised* or by these Rules. Examples of parliamentary rules and motions are shown in Appendix A to these Rules. In the event of a conflict, these Rules shall control. The City Attorney shall decide all questions of interpretations of these Rules and other questions of a parliamentary nature that may arise during a Council meeting.
- 5.2 Appearances (Public Comment).** Council agrees to adhere to the following protocols during Appearances:
- A.** Council shall listen attentively to the citizen comments.
  - B.** Council shall avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal, disparaging actions when citizens are speaking.
  - C.** Council shall not engage in debate or discussion with any individual citizen but may be recognized by the Mayor in order to ask the citizen clarifying questions.
  - C.D. To the extent possible, the Mayor will conduct Appearances at 7 p.m.**
- 5.3 Discussion Protocols.** Council agrees to adhere to the following protocols for Council discussion and debate:
- A.** Be courteous and professional at all times.
  - B.** Avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal disparaging actions when colleagues or staff are speaking.
  - C.** Be recognized by the Mayor before speaking.
  - D.** Be respectful of the City Manager and staff.
  - E.** Speak in turn after being recognized.
  - F.** Do not personally criticize other members who vote against or disagree with you.
  - G.** Do not be repetitive in your arguments or discussion.
  - H.** Respect each other's differences, honor disagreements, vote and move on.
- 5.4 Council Decisions.** Councilmembers recognize that they are part of a legislative or corporal body. As such, when the Council has voted to approve or pass an agenda item, the members agree not to contact staff to encourage actions inconsistent with such Council action or take other action adversely impacting staff resources. Councilmembers may bring any approved action up for reconsideration following Council review and approval of such agenda item. The Council's goal is to make final decisions and not to revisit or reconsider such decisions. (See Appendix A for more details).
- 5.5 No Surprise Rule.** Councilmembers should use best efforts to contact the City Manager to advise of emerging issues. Generally, Councilmembers agree not to propose substantial amendments and/or revisions to any agenda item unless they provide each other and City staff 24-hours advance notice to review any written proposal. To provide staff the necessary preparation time, Councilmembers will use best efforts to provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

- 5.6 Possible Quorum.** Any member of the Council can attend any City board, commission, ad hoc, or standing committee meeting; however, if a quorum of the Council (4 or more Councilmembers) is present at any of these meetings, Councilmembers shall “self-police” by not sitting together and not discussing City business. For community or regional meetings where there may be 4 or more Councilmembers in attendance, the City Clerk may notice the meetings for possible quorum.
- 5.7 Councilmember In-Person Representation.** If a Councilmember appears on behalf of the City before another governmental agency or, a community organization, for the purpose of commenting on an issue, the Councilmember must 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 but rather those of the individual Councilmember. Councilmembers must obtain other Councilmember's concurrence before representing another Councilmember's views or positions with another governmental agency or community organization.
- 5.8 Use of City Letterhead.** Use of City letterhead by the Council shall be confined to conduct of official City business or communicating messages of the City. City letterhead of any kind shall only be used by the Council at the direction of the Mayor or his or her designee. Individual Councilmembers shall not use City letterhead to communicate individual or personal messages or opinions.
- 5.9 Mail.** Mail, which Councilmembers receive during the week, will be placed in their respective mailboxes at City Hall (located outside the City Manager's office) as it arrives. Councilmembers will have access to their mailboxes during regular business hours. Accumulated mail will be included with hard copy agenda packets or placed on the dais before Council meetings.
- 5.10 Social Media.** Social media accounts operated by Councilmembers should not be used as mechanisms for conducting official City business, other than to informally communicate with the public. When Councilmembers use social media accounts to discuss City business, Councilmembers should clarify that the views expressed are solely their own. In addition, direct communication between a majority of the Council on social media may constitute a "meeting" under the OPMA and should be avoided. In addition, any content or post related to City business may be subject to disclosure under the Public Records Act, regardless of whether it occurs on a personal account or page. Councilmembers are responsible for capturing and retaining any City business-related posts on social media accounts for public records preservation purposes.

[The NextDoor.com \(“NextDoor”\) social media platform does not function in the same manner as the City’s other social media outlets \(i.e. Facebook, Twitter, Instagram\). NextDoor does NOT allow access by automated archiving services. Instead, the City must execute a complicated manual export process that can be refined only by date range \(not topic, or subject line, etc.\). This lack of archiving access to NextDoor also makes it difficult](#)

and potentially risky for Councilmembers to post about City business and/or to reply to other ~~people's~~ posts, as they are unable to be captured in a manner that is suitable for responding to public records requests. See Appendix E for further details.



## **SECTION 6. CITY DOCUMENTS**

- 6.1 Review.** All ordinances, resolutions, contracts, motions, amendments and other City documents shall be reviewed by the City Attorney. An individual Councilmember may contact the City Attorney to request the preparation of motions for a Council meeting. No ordinance, resolution or contract shall be prepared for presentation to the Council, unless requested by a majority of the Council or by the City Manager.
- 6.2 Signing.** The Mayor and City Clerk sign all ordinances and/or resolutions approved by the Council, immediately following the meeting. In addition, the City Attorney signs all ordinances. If the Mayor is unavailable, the Deputy Mayor signs the ordinances and/or resolutions.
- 6.3 Ordinances.** The following shall apply to the introduction, adoption and/or amendment of all ordinances:

- A. First Reading of Ordinances.** An ordinance shall be scheduled for first reading at any regular or special Council meeting. A majority of the Council may direct the City Manager to prepare any amendments to the ordinance for consideration during second reading and adoption.
- B. Second Reading/Adoption of Ordinances.** An ordinance that has previously been introduced for first reading may be scheduled for second reading and adoption at any regular or special Council meeting as either regular business or as a part of the consent calendar.

Any amendments that a majority of the Council has directed the City Manager to prepare will be included as proposed amendments in the Council packet for the Council's consideration. If further amendments (other than clerical, punctuation or other non-substantive amendments) are requested at second reading, the ordinance may be continued to the next regular Council meeting for adoption.

- C. Exceptions.** Sections A and B above shall not apply to:
1. any housekeeping ordinances that the City Manager recommends be adopted at first reading;
  2. any budget amending ordinances; or
  3. any ordinances that Council determines require an effective date precluding a second reading;
- so long as Council suspends this Rule pursuant to Section 10 before adopting the ordinance.

This Rule shall not apply to public emergency ordinances, necessary for the protection of public health, public safety, public property or public peace consistent with RCW 35A.11.12.

## **SECTION 7. COUNCIL-STAFF COMMUNICATION GUIDELINES**

Governance of a City relies on the cooperative efforts of elected officials, who provide oversight and set goals, policy, and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies and priorities consistent with Council goals.

The following are general guidelines to help facilitate effective communications between the City Council and City staff:

- A.** Channel communications through the appropriate City staff.
- B.** All Councilmembers should have the same information with which to make decisions.
- C.** Depend upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.
- D.** The City Council sets the direction and policy – City staff is responsible for administrative functions and City operations.
- E.** In order to provide the Council with timely information, Councilmembers should submit questions on agenda items to the City Manager or Director in advance of the Council meeting.
- F.** Respect the will of the “full” City Council.
- G.** Depend upon the staff to make independent and objective recommendations.
- H.** The City Manager and staff are supporters and advocates for adopted Council policy.
- I.** Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.
- J.** Seeking political support from staff is not appropriate.
- K.** Support life-family-work balance.

Appendix D to these Rules contains the standalone Council-Staff Communication Guidelines document and provides greater detail about each guideline listed above.

## **SECTION 8. CITY ADVISORY BOARDS AND COMMISSIONS**

- 8.1** Mercer Island's advisory boards and commissions provide an invaluable service to the City. Their advice on a wide variety of subjects aids the City Council in the decision-making process. Effective citizen participation is an invaluable tool for local government.
- 8.2** These advisory bodies originate from different sources. Some are established by Title 3 of the Mercer Island City Code while others are established by motion or ordinance of the Council. It is at the discretion of the Council as to whether any advisory body should be established by ordinance. The following advisory boards and commissions are established:
- A.** Design Commission
  - B.** Planning Commission
  - C.** Utility Board
  - D.** Mercer Island Arts Council
  - E.** Open Space Conservancy Trust Board
  - F.** Parks & Recreation Commission
- 8.3** Each board and commission shall adopt rules of procedure (or bylaws) to guide governance of their board or commission, including the number of meetings unless set forth in a resolution or ordinance or unless the number of meetings adversely impacts City staff resources, as determined by the City Manager.
- 8.4** The Council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason.
- 8.5** Lengths of terms vary from one advisory body to another, but in all cases overlapping terms are intended.
- 8.6** All meetings of advisory bodies are open to the public in accordance with Chapter 42.30 RCW, [Open Public Meetings Act](#), and require a minimum 24-hour advance notice.
- 8.7** Members may be removed, from any advisory board or commission, prior to the expiration of their term of office, in accordance with the provisions of the ordinance or resolution establishing such advisory board or commission.
- 8.8** All members of advisory boards and commissions shall sign the Code of Ethics Statement acknowledging and understanding the ethical principles which shall govern their conduct.
- 8.9** The Council transmits referrals for information or action through the City Manager and the Council liaison to the advisory boards and commissions. These advisory boards and commissions transmit findings, reports, etc., to the Council through the City Manager and Council liaison.

- 8.10** The City Manager shall appoint City staff to assist advisory boards and commissions. City staff are not employees of that body and take direction only from his or her Department Director or the City Manager. Boards and commissions shall not direct City staff to perform research, gather information or otherwise engage in activities involving projects or matters that are not listed on the work plan unless approved by the Council or City Manager.
- 8.11** Annually, staff for the Parks and Recreation Commission<sup>[DE1]</sup>, Planning Commission and Open Space Conservancy Trust Board shall develop a draft work plan and present the work plan to the Council for review, possible amendments, and approval.
- 8.12 Appointment Process.** Annually, the City Clerk will advertise for applicants to fill expiring positions on the boards and commissions as follows, unless otherwise provided by law:
- A. Available positions are advertised.
  - B. Once the application deadline has passed, all applications are forwarded to Council for review.
  - C. The City Clerk prepares an agenda bill for appointing applicants to the available positions, including the applications received and the ballot to be used by Council, and places it in the next agenda packet.
  - D. At the City Council meeting, each Councilmember will fill out their ballot to appoint applicants to each of the available positions. The applicants with the most votes will be appointed.
  - ~~A.~~E. Letters are sent to all applicants informing them of their appointment or thanking them for applying. Staff liaisons will contact new appointees in advance of the first board or commission meeting.
- 8.13 Vacancies.** When vacancies occur, they are filled for the unexpired terms in the same manner as described in Section ~~8.13~~8.12. The Council will be notified of vacancies so they may encourage residents to apply.
- 8.15 Council Liaison Roles & Duties.** The Mayor (in consultation with the Deputy Mayor) may appoint a Council liaison for certain boards or commissions. The Council liaison shall report objectively on the activities of both the Council and the advisory group. The specific duties of a Council liaison are as follows:
- A.** Attend meetings of the board or commission on a regular basis and sit at the table or dais, as applicable.
  - B.** Participate in discussion and debate of the board or commission, but not vote on any matter (except for the Open Space Conservancy Trust as the Council Liaison is a voting member).
  - C.** Represent the majority Council position, if known.
  - D.** Participate in a manner that will not intimidate or inhibit the meetings and operations of the board or commission. Make comments in a positive manner to promote positive interaction between Council and the board or commission.

- E.** Be prepared to give Council regular and timely reports at regular Council meetings. Take the lead on discussion items before the Council which pertain to the assigned board or commission.
- F.** With the Mayor and Deputy Mayor, provide input regarding potential candidates for appointment to the board or commission.

## **SECTION 9. COMMITTEES**

- 9.1** City Council committees, which are created by the Council, operate as policy review and discussion arms of the City Council. The committees enable City staff to obtain early feedback from representative members of the City Council on issues affecting public policy prior to their presentation to the full City Council. City Council Committees are expected to anticipate the full range of considerations and concerns related to various policy questions.
- 9.2** Committees do not replace the City Council as final decision makers on behalf of the full City Council. Council Committees give no staff direction on administrative matters, specific assignments, or work tasks. Any discussion or feedback expressed or received at a Committee meeting should not be construed or understood to be a decision by or for the full City Council.
- 9.3** There are two forms of Council Committees:
- A.** Standing Committees: these are permanent and meet regularly on policy matters pertaining to the designated subject.
  - B.** Ad Hoc Committees: these are short-term in nature and advise on a specific policy matter or concern. Ad hoc committees will be dissolved upon completion of the intended purpose and objectives.
- 9.4** Committees will be established by a charter containing the purpose, objectives, responsibilities, duration, membership, and meeting schedule.
- 9.5** Committee appointments (chairs and members) shall be made by the Mayor (in consultation with the Deputy Mayor). The Mayor will consider the interests and requests of individual Councilmembers in making committee assignments. No more than three (3) Councilmembers shall serve on any committee.
- 9.6** Committees will have staff support assigned by the City Manager. Staff will work with the committee chairs to set agendas, provide support materials, and prepare reports.
- 9.7** In January of even years, the Mayor, in consultation with the Deputy Mayor, will review committees for relevancy and make appointments or reassignments as necessary. The City Clerk will maintain the list of appointments to established committees.

**SECTION 10.       SUSPENSION AND AMENDMENT OF RULES**

- 10.1** Any provision of these rules not governed by state law or ordinance, may be temporarily suspended by a two-thirds (2/3) majority vote of the Council.
- 10.2** These rules may be amended, or new rules adopted, by a majority vote of the Council.

## **SECTION 11. SANCTIONS FOR RULE VIOLATIONS**

**11.1** Councilmembers may be sanctioned for violation of these Rules in any of the following ways:

- A. Executive Session.** Two (2) or more Councilmembers may call an executive session under RCW 42.30.110(f) to discuss complaints brought against a public officer;
- B. Public Censure.** Public censure if a majority of Council supports public censure. During a regular Council meeting, the Mayor shall state in detail the Rule(s) violated and the Councilmember's conduct resulting in violation of the Rule. The Councilmember who is the subject of the sanction shall have the opportunity to rebut;
- C. Liaison Termination.** The Mayor, in consultation with the Deputy Mayor, may terminate standing committee, ad hoc committee, board, commission, or other liaison assignments; and/or
- D. Other.** Any other appropriate action decided by a majority of the Council.



**APPENDIX A**  
**PARLIAMENTARY RULES AND MOTIONS**

- (1) If a motion does not receive a second, it dies and will not be included in the minutes. Motions that do not need a second, include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- (2) A motion that receives a tie vote is deemed to have failed.
- (3) When making motions, be clear and concise and do not include arguments for the motion within the motion.
- (4) After a motion and second, the Mayor will indicate the names of the Councilmembers making the motion and second.
- (5) No further citizen comments may be heard when there is a motion and a second on the floor and Council should attempt to ask questions of staff prior to such motion and second.
- (6) When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion. Councilmembers may object to such summary if any feel the summary does not reflect the Council consensus.
- (7) If the maker of a motion wishes to withdraw their motion, the Mayor shall ask the Council if there is any objection to the maker withdrawing their motion. If none, the motion is withdrawn. If there is objection, the Council will vote whether the motion can be withdrawn. The text of the withdrawn motion and the fact of its withdrawal will not be included in the minutes.
- (8) A motion to table is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
- (9) A motion to postpone to a certain time is debatable as to the reason for the postponement but not to the subject matter of the motion, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future regular or special Council meeting.

- (10) A motion to postpone indefinitely is debatable as to the reason for the postponement as well as to the subject matter of the motion; is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote.
- (11) A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
- (12) A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- (13) Motions that cannot be amended, include: motion to adjourn, agenda order, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
- (14) Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- (15) The motion maker, Mayor, or City Clerk should repeat the motion prior to voting.
- (16) At the conclusion of any vote, the Mayor will announce the results of the vote.
- (17) When a question has been decided, any Councilmember who voted in the majority may move for reconsideration.
- (18) Roll call votes will be taken if requested by a Councilmember.
- (19) A motion for reconsideration can only be made by someone who voted on the prevailing side and it must be made on the same day that the vote to be reconsidered was taken. All action that might come out of the original motion is stopped at the time that reconsider is made and seconded.

## **APPENDIX B**

### **CITY HALL COUNCIL CHAMBERS CODE OF CONDUCT**

The Mercer Island City Council welcomes the public to Council meetings and dedicates time at these meetings to hear from the public on agenda items and other issues of concern.

It is important for all community members to feel welcome and safe during Council meetings. Audience members will be expected to treat all attendees with respect and civility.

#### **Appearances Ground Rules:**

Appearances is the time set aside for members of the audience to speak to the City Council about any issue during a Council meeting. The ground rules are:

- Please (1) speak audibly into the podium microphone, (2) state your name for the record, and (3) limit your comments to three minutes.
- Traditionally, the Council does not respond to comments made at the meeting, but will follow up, or have staff follow up, with the speaker if needed.
- Comments should be addressed to the entire Council, not to individual Councilmembers, staff members, or the audience.
- Audience members should refrain from applause or disapproval of individuals' comments.
- Any person who makes personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.
- The Council cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions) except under specific circumstances where consideration of a ballot measure is on the Council agenda. RCW 42.17A.555.

#### **General Rules:**

- Please silence cell phones, computers, tablets, and cameras while in the Council Chambers.
- Please limit conversations in the audience seating area. You may be asked to step into the lobby to continue a conversation.

## **APPENDIX C**

### **PROCESS TO FILL A MERCER ISLAND CITY COUNCIL VACANCY**

#### **PURPOSE**

To provide guidance to the City Council when a Mercer Island Councilmember position becomes vacant before the expiration of the official's elected term of office.

#### **APPOINTMENT PROCESS**

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010. Under authority of RCW 42.12.070, the remaining members of the Council are vested with the responsibility for appointing a qualified person to fill the vacant position. Accordingly, the process should include all of the remaining Councilmembers in Council interviews, deliberations, and votes to appoint someone to fill the vacant position.

The Council should direct the City Manager to begin the Councilmember appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity. After the schedule is established, staff will notify applicants of the location, date, and time of the interviews.

Applications received by the deadline date and time will be copied and circulated to Councilmembers.

#### **NOTIFICATIONS AND SCHEDULING**

The notice of vacancy shall be posted on the City's website and published at least two times in the Mercer Island Reporter.

Council shall determine a regular meeting or set a special meeting for interviewing candidates and possibly appointing someone to the vacant position.

Interviews and the appointment process may be continued to another day if any Councilmember is not able to attend or if the selection process is not concluded.

#### **INTERVIEWS**

Each applicant shall be given three to five minutes to introduce themselves and present their credentials and reasons for seeking appointment to the City Council. They shall also address the answers to these questions during their allotted time:

1. Why do you want to serve on the City Council?
2. What experiences, talents or skills do you bring to the Council and community that you would like to highlight?
3. Are there any regional issues or forums in which you have a particular interest or expertise? (e.g. transportation, water supply, human services, water quality, fiscal management, solid waste, parks & open space, etc.)
4. Do you want to serve on the City Council because of a particular local issue on which you want to work or are your interests more broadly distributed?

The Council reserves the right to ask additional questions of candidates during the interview.

At the close of Council questions, applicants will be afforded an opportunity to comment on any additional issues relevant to their candidacy.

The applicants' order of appearance will be determined by a random lot drawing.

### **DELIBERATIONS AND VOTING**

Upon completion of the interviews, and as provided in the Open Public Meetings Act at RCW 42.30.110(1)(h), Councilmembers may convene into executive session to evaluate the qualifications of the applicants. However, all interviews and final action appointing a person to fill the vacancy shall be in a meeting open to the public.

In open session, the Mayor shall ask for nominations from the Councilmembers. No second to the motion is needed. Nominations are closed by a motion, a second and a majority vote of the Council.

The Mayor may poll the Council to ascertain that Councilmembers are prepared to vote. The City Clerk shall proceed with a roll-call vote.

Nominations and voting will continue until a nominee receives a majority vote of the remaining Councilmembers.

At any time during the election process, the Council may postpone elections until another open meeting if a majority vote has not been received, or if one of the remaining Councilmembers is not able to participate in a particular meeting.

The Mayor shall declare the nominee receiving the majority vote of all of the remaining Councilmembers as the new Councilmember who shall be sworn into office at the earliest opportunity, or no later than the next regularly scheduled Council meeting.

Under RCW 42.12.070(4), if the Council fails to appoint a qualified person to fill the vacancy within 90 days of the occurrence of the vacancy, the authority of the City Council to fill the vacancy ends and the King County Council is given the authority to fill the vacancy.

## **APPENDIX D**

### **COUNCIL-STAFF COMMUNICATIONS GUIDELINES**

Governance of a City relies on the cooperative efforts of elected officials, who provide oversight and set goals, policy, and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies and priorities consistent with Council goals. The following are general guidelines to help facilitate effective communications between the City Council and City staff.

- **Channel communications through the appropriate City staff.**

While any staff member is available to answer Council questions and requests for information, the City Manager is the primary information liaison between the Council and City staff as outlined in RCW 35A.13. Questions of City staff should be directed to the City Manager, Assistant to the City Manager, or Department Directors. When a Councilmember makes a request to a particular staff member, it is important to inform/copy the City Manager. In addition, staff will inform/copy the City Manager so that s/he is aware of Council's requests and needs.

- **All Councilmembers should have the same information with which to make decisions.**

When one Councilmember has an information request, the response will be shared with all members of the Council so that each member may be equally informed.

- **Depend upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.**

A key value in the City's organizational culture is providing quality customer service. Rely on staff to solve customer problems and concerns.

**Operational/Maintenance Complaints.**

The Public Works Team handles a variety of complaints including, water leaks, missing manhole covers, potholes, tree or street/stop sign down, etc. During business hours call (206) 275-7608 or file an online report with MI-Connect (<http://www.mercergov.org/Page.asp?NavID=3281>). In the evening or on weekends, a member of the City's 24-hour Customer Response Team (CRT) can be dispatched by calling (425) 577-5656 (NORCOM Dispatch). Staff will follow-up with the Councilmember as to the outcome of the problem or concern.

**Code Compliance Complaints.**

The Community Planning & Development Code Compliance team answers questions and investigates complaints on a wide variety of issues, including zoning, building, and nuisance violations. If you have a complaint, please complete a Code Compliance Request Form and fill it out as completely as possible. Go to [www.mercergov.org/complaintform](http://www.mercergov.org/complaintform) to complete an online form or download or print the form and attach it to an email to [codecompliance@mercergov.org](mailto:codecompliance@mercergov.org). You may also come to City Hall to drop off or complete a paper copy. Using this form will give staff the information needed to review and process the complaint.

### **Complaints/Concerns Directed to Council.**

Often City Council will receive customer letters or emails directly. Due to limited staff resources to handle the amount of correspondence, these are disseminated to the appropriate department to prepare a formal response on behalf of the Council. The Assistant to the City Manager oversees the process and ensures a uniform standard. On occasion, a letter or email is directed specifically to a Councilmember. The Councilmember may choose to work directly with the Assistant to the City Manager to provide a response. All correspondence is copied to all members of Council, regardless of whom it was addressed to.

- **The City Council sets the direction and policy – City staff is responsible for administrative functions and City operations.**

The role of the Council is as the legislative body. The Council is responsible for approving the budget, setting the vision and goals, and adopting policy and strategic plans. The primary functions of staff are to execute Council policy and actions taken by the Council and to keep the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Director.

Individual Councilmembers should not knowingly or willfully interfere with the administration of City business including, but not limited to, coercing or influencing staff in the selection of personnel or consultants, the awarding of contracts, the processing of development applications, licenses, or permits, and the interpretation and implementation of Council policy.

- **In order to provide the Council with timely information, Councilmembers should submit questions on agenda items to the City Manager or Director in advance of the Council meeting.**

Councilmembers are encouraged to submit their questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond before or at the Council meeting. Having a practice of “no surprises” between the Council and City staff and vice versa fosters a productive working relationship.

- **Respect the will of the “full” City Council.**

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers. However, if a request reaches a certain degree either in terms of workload or policy, it will need to come before the “full” Council. The City Manager takes direction from the full Council and not from individual Councilmembers. If this should occur, the City Manager will prepare a memorandum or email to the City Council informing them of the request. The City Manager will consult with the Mayor, Deputy Mayor, and Councilmember with the request to determine when it is appropriate to bring it before the full Council for discussion and direction.

- **Depend upon the staff to make independent and objective recommendations.**  
Staff is expected to provide its best professional recommendations on issues, providing information about alternatives to staff recommendations, as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and Councilmembers. When this occurs, please refrain from attacking the messenger. Staff respects the role of Council as policy makers for the City and understands that the Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.
- **The City Manager and staff are supporters and advocates for adopted Council policy.**  
Regardless of whether it was staff's preferred recommendation or not, staff will strongly support the adopted Council policy and direction, even if this may cause concern by the Council minority on controversial issues.
- **Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.**  
All critical comments about staff performance should be made only to the City Manager through private correspondence or conversation.
- **Seeking political support from staff is not appropriate.**  
The City is a non-partisan local government. Neither the City Manager nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals (e.g., City Manager, the Assistant to the City Manager, and the City Clerk) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.
- **Support life-family-work balance.**  
In a 24-hour, mobile accessible world, expectations for staff to always be available can emerge. However, this expectation is unsustainable. Staff will respond to nonemergency emails or phone messages during business hours only.

*(January 2018)*



## APPENDIX E

### HOW DOES THE CITY USE NEXTDOOR.COM?

NextDoor is a nationwide platform designed to encourage civil neighbor-to-neighbor interaction and discourse online, focused on highly local topics. The City joined NextDoor in October 2014 and uses its account to make general announcements, advertise meetings, solicit public engagement, provide crime and storm updates, highlight achievements, and more. The platform does not function in the same manner as the City's other social media outlets (i.e. Facebook, Twitter, Instagram). NextDoor is not a City-controlled page, but rather a private membership network that functions more like an online community bulletin board. The City merely has an official presence on the platform via its "Agency Account," but by design, NextDoor tightly limits Agency Accounts in important ways.

Most notably, the City can only see its own posts and replies to them, while ALL other neighbor-to-neighbor content is hidden. These is intended to prevent eavesdropping by the City on local discussions. The last name of anyone replying to a City post is just replaced with an initial and is not spelled out.

In addition, because the City is required to maintain public records of social media to comply with the Public Records Act, the City uses ArchiveSocial to backup Facebook, Instagram, Twitter, YouTube, and other accounts to retrieve records if requested. Unfortunately, NextDoor does NOT allow access by automated archiving services. Instead, the City must execute a complicated manual export process that can be refined only by date range (not topic, or subject line, etc.). This lack of archiving access to NextDoor makes it extremely difficult and potentially risky for Councilmembers and staff to post about City business or to reply to other people's posts, as they are unable to be captured in a manner that is suitable for responding to public records requests.

If Councilmembers post on NextDoor about official City business, they must capture the text of the original post and all comments. If they comment on a post, they must capture the original post, all comments before AND after their comment. The City Clerk can provide additional guidance regarding public records retention requirements for NextDoor posts/comments.

(July 2019)