

MERCER ISLAND CITY COUNCIL RULES OF PROCEDURE



ADOPTED

April 19, 2004

AMENDED

August 2, 2004

February 21, 2006

June 19, 2006

June 19, 2017

February 20, 2018

March 5, 2019

February 4, 2020, Resolution No. 1578

February 18, 2020, Resolution No. 1579

May 18, 2021, Resolution No. 1597

April 5, 2022, Resolution No. 1625

TABLE OF CONTENTS

<u>SECTION NO.</u>	<u>TITLE</u>	<u>PAGE NO.</u>
1	<u>Governance and Authority</u>	3
2	<u>City Council Organization</u>	4
3	<u>City Council Meetings</u>	6
4	<u>Agenda Preparation</u>	14
5	<u>City Council Protocols</u>	15
6	<u>City Documents</u>	18
7	<u>City Council & Staff Communication Guidelines</u>	19
8	<u>City Advisory Boards and Commissions</u>	20
9	<u>City Council Committees</u>	24
10	<u>Suspension and Amendment of Rules</u>	25
11	<u>Sanctions for Rule Violations</u>	26
Appendix A	<u>Parliamentary Rules and Motions</u>	27
Appendix B	<u>City Council Meetings Code of Conduct</u>	29
Appendix C	<u>Process to Fill a Mercer Island City Council Vacancy</u>	30
Appendix D	<u>City Council-Staff Communication Guidelines</u>	32
Appendix E	<u>How does the City use NextDoor?</u>	35

SECTION 1. GOVERNANCE AND AUTHORITY

1.1 Council-Manager Plan of Government

The City of Mercer Island is a Council-Manager plan 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 plan 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 City Council meetings, proceedings and business. These Rules shall be in effect upon adoption by the City 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

All City Councilmembers shall sign a statement acknowledging they have received, read, and agree to be bound by the City’s code of ethics MICC Chapter 2.60 and RCW Chapter 42.23. The City shall provide new Councilmembers training on the Code of Ethics. ▬

SECTION 2. CITY COUNCIL ORGANIZATION

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

2.2 Election of Mayor and Deputy Mayor. The City Council shall elect a Mayor and Deputy Mayor for a term of two years from among themselves at the first City Council meeting, or as soon as possible thereafter, of each even-numbered year or upon vacancy or resignation of the Councilmember filling the Mayor or Deputy Mayor position. The City Clerk shall conduct the elections for Mayor as follows:

- A.** Any Councilmember may nominate a candidate for Mayor; no second is needed.
- B.** Nominees may accept or decline the nomination.
- 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 for Mayor. 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 City Council.
- F.** Elections will continue until a Mayor is elected by a majority vote of the City Council.
- G.** The City Clerk shall declare the nominee receiving the majority vote as the new Mayor. The City Clerk shall swear the individual into office.

This process is repeated for the election of the Deputy Mayor.

2.3 Duties of Officers.

- A. Mayor.** The Mayor serves as the Presiding Officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the City 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. The Mayor is assigned the responsibility to impose Councilmember sanctions for violation of these Rules consistent with Section 11 of these Rules. If the Mayor is the Councilmember who is the subject of sanctions, then sanctions shall be imposed by the Deputy Mayor.

In consultation with the Deputy Mayor, the Mayor appoints Councilmembers to serve as liaisons to advisory boards and commissions and to serve on standing City 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).

- 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 to serve 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 during City Council meetings;
 2. Observe and enforce these Rules;
 3. Call the meeting to order;
 4. Keep the meeting to its order of business; and,
 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.

2.4 Filling a City Council Vacancy. If a vacancy occurs in the office of Councilmember, the City 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 City 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. CITY COUNCIL MEETINGS

3.1 General Meeting Guidelines.

- A. **Open Public Meeting Act.** All City Council meetings shall comply with the requirements of the Open Meetings Act (chapter [42.30 RCW](#)). All regular meetings and special meetings of the City Council shall be open to the public.
- B. **Meetings.** All meetings as described in Section 3.2 may be held in-person, remotely, or as a hybrid to the extent permitted by law.
- C. **Meeting Cancellation.** Any City Council meeting may be canceled by a majority vote ~~or consensus~~ of the City Council. The Mayor or City Manager may cancel a City Council meeting for lack of agenda items, adverse weather conditions, or due to an emergency.
- D. **Quorum.** Four members of the City 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.
- E. **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.
- F. **City Clerk and Minutes.** The City Clerk (or authorized designee) shall attend all regular and special City Council meetings and keep an account of all proceedings of the City Council (minutes) in accordance with the statutory requirements RCW [42.30.035](#). The minutes from previous meetings will be posted on the City website in draft format prior to City Council meetings as part of the City 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 Agenda 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 City 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.
- G. **City Council Meetings Code of Conduct.** The City Council Meetings Code of Conduct is attached as Appendix B to these Rules, which outlines acceptable behavior while in a City Council Meeting.

- H. Remote Attendance.** Remote attendance by a Councilmember who is not able to physically be present, whether for all or part of a meeting, is allowed as needed subject to the following:
1. **Notice:** A Councilmember shall contact the Mayor and the City Manager at least one day prior to the meeting for which they will attend remotely or as soon as possible due to an emergency. After the City Clerk has called the roll at a meeting, the Mayor shall indicate any Councilmember attending remotely, which will be noted in the minutes. If joining after roll call, the City Clerk shall note the time the Councilmember joined and, if before adjournment, when the Councilmember left in the minutes.
 2. **Remote Attendance Requirements:**
 - a. Remote attendance by a Councilmember shall be through the City's preferred teleconferencing platform.
 - b. A Councilmember's camera should be turned on when participating in the meeting.
 - c. A Councilmember attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
 - d. A Councilmember attending remotely must be able to hear public comment or testimony and staff's presentation in real time.
 - e. A Councilmember may attend an executive session or closed session remotely if the conditions in this subsection are met.
- I. Roll Call Voting.** All City Council voting will be done by roll call. Once a motion has been made and seconded, the Mayor will ask the City Clerk to call the roll. The City Clerk calls the roll, and each Councilmember, as their name is called, answers "aye" or "nay," or "abstain" if they do not wish to vote, and the Clerk notes the answers. Councilmembers shall refrain from additional comments about the motion or their vote when voting. If the vote count is not clear, the City Clerk reads the names of those who answered in the affirmative, and afterwards those in the negative, and then those who answered "abstain," and the Mayor announces the result.

3.2 Types of Meetings.

- A. Regular Meetings.** The City Council's regular meetings will be held the first and third Tuesdays of each month in the City Hall City Council Chambers (9611 SE 36th Street, Mercer Island) when permissible. Certain circumstances (weather, emergencies, etc.) may require that City Council meetings be held remotely using a videoconferencing platform. Regular meetings will begin at ~~5:00-6:30~~ p.m. or as set by [MICC 2.06.010](#). If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at ~~5:00-6:30~~ p.m., or as set by MICC

2.06.010, on the first business day following the holiday, or on another day designated by a majority vote of the City Council.

- B. Special Meetings.** A special meeting is any City Council meeting other than a regular City 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 City Council meeting may be scheduled by the Mayor, City Manager or at the request of a majority of the City Council and pursuant to [RCW 42.30.080](#).
- C. Emergency Meetings.** An emergency meeting is a special City 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 Sessions.** An executive session is a portion of a City Council meeting that is closed except to the City 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 City 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 City Council of the disclosure.
- E. Planning Sessions.** Each year the City Council shall hold an annual planning session during the first quarter of the year, or as soon as practicable thereafter. Potential topics for the Planning Session include City Council Goals, Priorities, and the Work Plan for the next two years. The City Council may hold additional planning sessions during the year.

3.3 Order of Regular City 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.
- B. **Pledge of Allegiance.** The Mayor or a designated Councilmember will lead the Pledge of Allegiance at the beginning of the meeting.
- C. **Agenda Approval/Amendment.** Agenda items may be added to a regular City 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 City Council. The Mayor may, with the concurrence of the majority of the Council, take agenda items out of order.
- 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 3.2(D).
- E. **Study Sessions.** Study sessions will be held, when needed, 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 City Council meeting.
- F. **Special Business.** Special Business items may include the presentation of a proclamation, the key to the City, community member 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 a staff designee shall determine approval of proclamation requests. Proclamations are placed

on the Consent Agenda and may be publicly read at a City Council meeting and presented to a representative of the event during the City 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. 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 City Council shall determine approval of Key to the City requests. Keys shall be presented by the Mayor or designee to the recipient at a City Council meeting or at an event sponsored by or affiliated with the recipient.

3. **Community Member of the Year.** The Community Member 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 City Council Planning Session or a Regular Meeting. Councilmembers or candidates for councilmember, are not eligible for nomination. The honoree(s) will be recognized at a City Council Meeting and a framed photo of the honoree is hung in the City Council Chambers lobby to commemorate this distinction.

- F. **City Manager Report.** To keep the City Council and the 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 City Council regarding any matter, except items before the City Council requiring a public hearing, any quasi-judicial matters, or campaign-related matters. Each person wishing to address the City Council should register with the City Clerk by 4 pm on the day of the City Council meeting. When the speaker's name is called, the speaker will give their name and city of residence for the record and shall limit their comments to three (3) minutes. No speaker may convey or donate time for speaking to another speaker. The Mayor may grant additional time for comments. The Mayor may allow speakers to comment on individual agenda items at times during any regularly scheduled City Council meeting other than the regularly scheduled Appearances period.

All remarks will be addressed to the City 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 City Council, may be requested by the Mayor to leave the meeting. The City 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 City Council agenda pursuant to [RCW 42.17A.555](#).

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

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

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

The City Clerk will read the Consent agenda items into the record.

- 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 City 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.

The City 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 deciding 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 the Councilmember should recuse themselves from the quasi-judicial hearing discussion and decision.

- J. **Regular Business.** Regular Business items are all other regular City Council business, including without limitations resolutions, ordinances, staff presentations, board and/or commission appointments, and regional board and committee reports requiring City Council action.
- K. **Other Business.** The City 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. 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 City Council report.
- L. **Adjournment.** With no further business to come before the City 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 City Council meeting. The City Clerk will prepare an agenda packet for each City 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 City Council.
- 4.2** An item may be placed on a City Council meeting agenda by any of the following methods:
- A.** Majority vote of the City 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 City Council to determine if the item should be brought back for discussion and/or action. If the City Council agrees to add the item to a future agenda, staff will prepare an agenda bill based on the City 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 City Council and staff) by 5:00 p.m. on the Wednesday before the meeting. If the deadline cannot be met, the City 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 City Council regular and special meetings.

SECTION 5. CITY COUNCIL PROTOCOLS

- 5.1 Roberts Rules/City Council Rules.** All City 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 Clerk or City Attorney shall answer questions of a parliamentary nature that may arise during a City Council meeting. The City Attorney shall decide all questions of interpretations of these Rules. ~~The City Attorney shall decide all questions of interpretations of these Rules and other questions of a parliamentary nature that may arise during a City Council meeting.~~
- 5.2 Appearances (Public Comment).** The City Council agrees to adhere to the following protocols during Appearances:
- A. The City Council shall listen attentively to the speaker's comments.
 - B. The City Council shall avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal, disparaging actions.
 - C. The City Council shall not engage in debate or discussion with any individual but may be recognized by the Mayor to ask the speaker clarifying questions.
- 5.3 Discussion Protocols.** The City Council agrees to adhere to the following protocols for City 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 City Council Decisions.** Councilmembers recognize that they are part of a legislative or corporal body. As such, when the City Council has voted to approve or pass an agenda item, the members agree not to contact staff to encourage actions inconsistent with such City Council action or take other action adversely impacting staff resources. Councilmembers, who voted on the prevailing side, may bring any approved action up for reconsideration, on the same day that the vote was taken, following City Council review and approval of such agenda item. The City 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 at least 48-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.

- 5.6 Possible Quorum.** Any member of the City Council can attend any City board, commission, ad hoc, or standing committee meeting; however, if a quorum of the City 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 four (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 City Council, if known, on such issue. Personal opinions and comments which differ from the City Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City 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 City 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 City 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 addressed to Councilmembers will be placed in their respective mailboxes at City Hall (located outside the City Manager’s office) and is available for pickup during regular business hours. Accumulated mail will be included with hard copy agenda packets, placed on the dais before City Council meetings, or mailed to a Councilmember’s residence.
- 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 City 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 posts, as they are unable to be captured in a manner that is suitable for responding to public records requests or in a manner that it can be deleted after meeting the required retention period. 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 City Council meeting. No ordinance, resolution or contract shall be prepared for presentation to the City Council, unless requested by a majority of the City Council or by the City Manager.
- 6.2 Signing.** The Mayor and City Clerk sign all ordinances and/or resolutions approved by the City 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 City Council meeting. A majority of the City 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 City Council meeting as either regular business or as a part of the consent agenda.
- Any amendments that a majority of the City Council has directed the City Manager to prepare will be included as proposed amendments in the City Council packet for the City 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 City 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 ordinances; or
 3. Any ordinances that the City Council determines require an effective date precluding a second reading.

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.11.090](#).

SECTION 7. CITY 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 City Council's policies and priorities consistent with the City 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 community 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.** To provide the City Council with timely information, Councilmembers should submit questions on agenda items to the City Manager and Director in advance of the City 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 the adopted City 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 City Council-Staff Communications 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 resident 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 City Council. It is at the discretion of the City 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 City 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 a statement acknowledging they have received, read, and agree to be bound by the City's code of ethics MICC Chapter 2.60 and RCW Chapter 42.23. The City shall provide new members training on the Code of Ethics.
- 8.9** The City Council transmits referrals for information or action through the City Manager and the City Council liaison to the advisory boards and commissions. Staff Liaisons, on

behalf of advisory boards and commissions transmit findings, recommendations, reports, etc., to the full City Council as part of the City Council Agenda Packet.

- 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 the 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 City Council or City Manager.
- 8.11** Annually, staff for the Parks and Recreation Commission, Planning Commission, and Open Space Conservancy Trust Board shall develop a draft work plan and present the work plan to the City 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 received by the deadline will be forwarded to the City Council for review.
 - C.** The City Clerk will include the appointment process on the agenda for the next regularly scheduled City Council meeting.
 - D.** The City Clerk will prepare a ballot for each board or commission, listing applicants alphabetically by last name.
 - E.** The voting process for appointment to each board and commission shall be as follows:
 - 1. Each City Councilmember completes a written ballot, casting a vote for the identified open seat on the board or commission. If there is more than one open seat on a board or commission, then each position will be voted on separately. If there are multiple positions open for a given Board or Commission, the position(s) with the longest term shall be voted on first.
 - 2. The City Clerk will collect the ballots, tally the votes, and read aloud the votes and outcome of the voting process.
 - 3. The applicant that receives the most votes, provided they have received a minimum of four votes, will be appointed to the open seat on the board or commission. In the event of a tie or if no applicant receives four votes, the procedures in Section 8.12(E)(4) and (5) shall be followed.
 - 4. If no applicant receives a minimum of four votes, a second round of voting will take place utilizing the following process:
 - a. Applicants receiving one or no votes in the first round will be dropped from the ballot and Councilmembers will re-vote on the remaining applicants. If more than one candidate has only one vote, the Mayor will recommend an appropriate procedure for breaking the tie, subject to approval by the Council.

- b. Voting will continue until an applicant receives the four-vote minimum.
- 5. If a tie exists after the first vote or in a subsequent round of voting, and a tiebreaker is necessary to make an appointment, a tiebreaker vote will be conducted utilizing the following process:
 - a. Councilmembers will vote on the applicants that are tied and all other applicants will be eliminated from the voting process.
 - b. If after three successive votes a tie still exists, the names of all of the applicants that are tied will be put into a hat and the City Clerk will draw out one of the names. The name that is drawn will be appointed to the open seat.
- 6. The Mayor may call for a recess at any time during the voting process to allow Councilmembers to caucus. Caution should be exercised during a caucus to avoid “serial meetings” as these types of discussions are not allowed under the Open Public Meetings Act.
- 7. The names of the applicant(s) selected will be added to a Resolution, with final approval required by a vote of the City Council.
- F. Letters will be 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.

- A. When vacancies occur, they are filled for the unexpired terms in the same manner as described in Section 8.12. If there is more than one vacancy to fill on a board or commission, the position with the longest term will be voted on first. The City Council will be notified of vacancies so they may encourage residents to apply.
- B. In the event a vacancy occurs mid-term, the City Council shall appoint a person to fill the unexpired term within 60 days, or as soon as reasonably practicable.
- C. If the mid-term vacancy occurs for a position with six months or less remaining in the term, the City Council may elect to fill the unexpired term and the next four-year term concurrently.

8.14 Open Government Training Requirement. Within 90 days of the appointment to a board or commission, all new members must complete the Open Public Meetings Act training required by the Open Government Trainings Act and provide proof of completion of such training to the City Clerk.

8.15 City Council Liaison Roles & Duties. The Mayor (in consultation with the Deputy Mayor) may appoint a City Council liaison for certain boards or commissions. The City Council liaison shall report objectively on the activities of both the City Council and the advisory group. The specific duties of a City 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 City Council Liaison is a voting member).
- C.** Represent the majority City 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 the City Council and the board or commission.
- E.** Be prepared to give the City Council regular and timely reports at regular City Council meetings. Take the lead on discussion items before the City Council which pertain to the assigned board or commission.
- F.** Provide input to the City Council regarding potential candidates for appointment to the board or commission.

SECTION 9. CITY COUNCIL COMMITTEES

- 9.1** City Council committees, which are created by the City 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. City 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 City 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 (City Council Liaison 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 City Council.
- 10.2** These rules may be amended, or new rules adopted, by a majority vote of the City 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.** If a majority of the City Council supports public censure, the Mayor shall, during a regular City Council meeting, 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. If the Mayor is the Councilmember who is subject of the sanction, then the Deputy Mayor shall preside over the public censure.
- C. Liaison Termination.** The Mayor, in consultation with the Deputy Mayor, (provided the Deputy Mayor is not the Councilmember who is the subject of the sanction), may terminate standing committee, ad hoc committee, board, commission, or other liaison assignments. If the Mayor is the Councilmember who is subject of the sanction, then the liaison termination decision shall vest in the Deputy Mayor; and/or
- D. Other.** Any other appropriate action decided by a majority of the City Council.

APPENDIX A

PARLIAMENTARY RULES AND MOTIONS

- (1) Following the presentation of the item and questions of staff, a motion should be made before Council begins discussion so as to frame and guide the discussion.
- (2) 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.
- (3) When making motions, be clear and concise and do not include arguments for the motion within the motion.
- (4) No comments may be made or heard until there is a second on the motion.
- (5) After a motion and second, the Mayor will indicate the names of the Councilmembers making the motion and second.
- (6) When the City 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 City Council consensus.
- (7) If the maker of a motion wishes to withdraw their motion, the Mayor shall ask the City Council if there is any objection to the maker withdrawing their motion. If none, the motion is withdrawn. If there is objection, the City 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 City 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) All votes of the City Council will be conducted by roll call voting.
- (17) When voting Councilmembers will reply with "aye," "nay," or "abstain" and shall refrain from additional comments about the motion or their vote.
- (18) At the conclusion of any vote, the Mayor will announce the results of the vote.
- (19) A motion that receives a tie vote is deemed to have failed.
- (20) When a question has been decided, any Councilmember who voted in the majority may move for reconsideration.
- (21) 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 COUNCIL MEETING CODE OF CONDUCT

The Mercer Island City Council welcomes the public to the City 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 City Council meetings. Audience members will be expected to treat all attendees with respect and civility.

1. **Appearances Ground Rules:**

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

- A. Each person wishing to address the City Council should register with the City Clerk by 4 pm on the day of the City Council meeting.
- B. Please (1) speak audibly, (2) state your name and city of residence for the record, and (3) limit your comments to three minutes.
- C. Traditionally, the City Council does not respond to comments made at the meeting, but will follow up, or have staff follow up, with the speaker if needed.
- D. Comments should be addressed to the entire City Council, not to individual Councilmembers, staff members, or the audience.
- E. Audience members should refrain from applause, video comments, or disapproval of individuals' comments.
- F. Any person who makes personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the City Council, may be requested to leave the meeting.
- G. The City 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 City Council agenda. [RCW 42.17A.555](#).

2. **General Rules:**

- A. Please silence cell phones, computers, tablets, and cameras while in the City Council meetings.
- B. 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 City 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 City 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 the City Council interviews, deliberations, and votes to appoint someone to fill the vacant position.

The City 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.

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

At the close of City 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 City Council.

The Mayor may poll the City 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 City 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 City Council meeting.

Under RCW 42.12.070(4), if the City 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

CITY 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 City Council's policies and priorities consistent with the City 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.

While any staff member is available to answer Councilmember questions and requests for information, the City Manager is the primary information liaison between the City Council and City staff as outlined in [RCW 35A.13](#). Questions of City staff should be directed to the City Manager and 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 the City Manager is aware of the Councilmember's requests and needs.

B. 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 City Council so that each member may be equally informed.

C. Depend upon the staff to respond to 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.

D. 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 (<https://www.mercerisland.gov/publicworks/page/submit-service-request>). 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.

E. 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 <https://www.mercerisland.gov/cpd/webform/code-compliance-request-form> to complete an online form or download or print the form and attach it to an email to

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.

F. Complaints/Concerns Directed to City 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 City Council. On occasion, a letter or email is directed specifically to a Councilmember. The Councilmember may choose to work directly with the City Manager or designee to provide a response. All correspondence is copied to all members of the City Council, regardless of whom it was addressed to.

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

The role of the City Council is as the legislative body. The City 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 the City Council policy and actions taken by the City Council and to keep the City 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, permits, or public records requests, and the interpretation and implementation of the City Council policy.

H. To provide the City Council with timely information, Councilmembers should submit questions on agenda items to the City Manager and Director in advance of the City 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 City Council meeting. Having a practice of “no surprises” between the City Council and City staff and vice versa fosters a productive working relationship.

I. 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” City Council. The City Manager takes direction from the full City 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 City Council for discussion and direction.

J. 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 the City Council as policy makers for the City and understands that the City Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

K. The City Manager and staff are supporters and advocates for adopted City Council policy.

Regardless of whether it was staff's preferred recommendation or not, staff will strongly support the adopted City Council policy and direction, even if this may cause concern by the City Council minority on controversial issues.

L. 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.

M. 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 Chief of Administration, Chief of Operations, and the City Clerk) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

N. 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.

(April 2021)

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. This 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 posts, as they are unable to be captured in a manner that is suitable for responding to public records requests or in a manner that it can be deleted after meeting the required retention period.

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)