

**CITY OF TOPPENISH**  
**Governance Manual - Rules of Procedure**

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**CITY OF TOPPENISH**  
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**Section 1. Authority For Rules.**

1.1 Statutory Authorization. Pursuant to Section 35A.12.120 of the Revised Code of Washington (RCW), city councils, such as the Toppenish City Council, are authorized to establish rules for the conduct of council meetings and the maintenance of order.

1.2 Intent of Policies. The Toppenish City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These rules of procedure shall be in effect upon adoption by the Council and continue as such until such time as they are amended or new rules of procedure are adopted in the manner provided in these rules. (See Section 11 hereof.)

1.3 Effect/Waiver of Rules. These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council acts.

**Section 2. Council Organization.**

2.1 Oath of Office. Newly elected or re-elected Councilmembers shall execute a written oath of office and shall be sworn in by a judge of any court in the state of Washington, a Notary Public or any other person authorized to administer oaths under State law.

2.2 Election of Mayor and Mayor Pro Tem.

A. The Council shall elect a Mayor and Mayor Pro Tem for a term of two years.

B. The motion to elect the Mayor and Mayor Pro Tem will be placed on the agenda of the first meeting of even-numbered years.

C. In the event the Mayor is unable to serve the remainder of the term, a new Mayor shall be elected at the next meeting. In the event the Mayor Pro Tem is unable to serve the remainder of the term, a new Mayor Pro Tem shall be elected at the next meeting.

D. The election of the Mayor and of the Mayor Pro Tem shall be conducted by the City Clerk. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has had an opportunity to do so. Nominations do not require a second. The Clerk shall ask of the City Council not less

than three times - are there any further nominations? The Clerk will repeat the names of each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Only affirmative votes for Mayor shall be given and Councilmembers will be asked to vote by a raise of hands. As soon as one of the nominees receives a majority vote (four affirmative votes), the Clerk will declare that nominee elected. No votes will be taken on the remaining nominees. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote. Upon election, the Mayor will conduct the election for Mayor Pro Tem following the same process.

E. A super majority vote (five votes) shall be required to approve a motion to remove the Mayor or Mayor Pro Tem from the office of Mayor or Mayor Pro Tem. Such a motion shall not affect the role of such Mayor or Mayor Pro Tem as a member of the City Council.

## 2.3 Duties of Officers.

A. The Mayor, or in the Mayor's absence, the Mayor Pro Tem, shall be the Presiding Officer of the Council and perform the duties and responsibilities with regard to conduct of meetings and as is set forth in State law. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect one of the members to the Council to act as a temporary Presiding Officer.

B. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control discussion in an orderly manner.
  - a. Recognize every Councilmember who wishes to have an opportunity to speak.
  - b. Permit audience participation at the appropriate times and in appropriate manners.
  - c. Require all speakers to speak to the question and to observe the rules of order.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome.

C. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.

D. The Presiding Officer may at his or her discretion call the Mayor Pro Tem or any Councilmember to take over as Presiding Officer for the rest of a meeting or for a portion of the meeting.

E. The Mayor shall appoint Councilmembers to boards and committees that are not otherwise specified by the National League of Cities, Association of Washington Cities, or other governmental associations or entities.

#### 2.4 Filling a Council Vacancy.

A. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available until an election is held, the Council will endeavor to widely distribute and publish within the City a notice of the vacancy, the procedure by which the vacancy will be filled, and an application form.

B. The City Manager's Office will draw up an application form to aid the Council's selection of the new Councilmember.

C. Those candidates selected by the Council for interview will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by a drawing of the names. In order to make the interviews fair, applicants will be asked to remain outside the Council Chamber while other applicants are being interviewed. Applicants will be asked to answer questions posed by each Councilmember during the interview process. The interview process will be designed to be fair and consistent. At the conclusion of each candidate's interview, each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments about other applicants will not be allowed.

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

### **Section 3. Agenda Preparation.**

3.1 City Clerk to Prepare Meeting Agendas. Upon direction by the City Manager, the City Clerk will prepare an agenda for each Council Meeting, specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review by the Mayor, or in the Mayor's absence, the Mayor Pro Tem or Presiding Officer.

3.2 Placement of Items on Agendas. An item for a Council meeting may be placed on the agenda of a specific meeting date by any of the following methods:

- By majority vote or consensus of the Council.
- By the City Manager.
- By the Mayor, or Mayor Pro Tem when acting in the absence of the Mayor.

3.3 Placement of Items on Agendas by Councilmembers. Any two members of the Council may place an item on the Agenda for an upcoming meeting by making the request in writing to the City Manager or City Clerk. The names of the requesting



Councilmembers shall be indicated in their request. The request shall also identify any staff report or other documentation supporting the agenda item, which material shall be provided to the City Clerk. In coordination with the Mayor and Mayor Pro Tem, the City Manager will determine the timing for when the item will be scheduled on a specific agenda. Unless waived by the requesting Councilmembers, the item must be scheduled on a specific agenda within 60 days of making the request.

**3.4 Staff Reports.** Staff reports shall be in a standard format approved by the City Council and City Manager.

**3.5 Priority of Agenda Items.** Agenda Items will be prioritized in the following order of importance: 1) items scheduled for statutory compliance; 2) advertised public hearings; 3) continued items from a prior meeting and 4) items scheduled for convenience.

**3.6 Only One Reading Required for Ordinances.** Prior to adoption, ordinances scheduled for Council action will generally receive only one reading, unless additional readings are required by applicable law or continued for a repeat reading pursuant to a motion duly made and seconded and passed by the City Council.

## **Section 4. Consent Agenda.**

**4.1 Matters Placed on Consent Agenda.** The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent Agenda which: (a) have been previously discussed by the Council, or (b) based on the information delivered to Councilmembers by the administration, can be reviewed by a Councilmember without further explanation, or (c) are so routine or non-technical in nature that passage is likely.

**4.2 Approval of Consent Agenda.** The motion to adopt/approve the Consent Agenda shall be non-debatable and have the effect of moving to adopt all items on the Consent Agenda.

**4.3 Removal of Items from Consent Agenda.** Since adoption of any item on the Consent Agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Agenda. Councilmembers are given an opportunity to remove items from the Consent Agenda after the motion is made and seconded to approve the agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future Council Meeting.

## **Section 5. Council Meetings.**

**5.1 Open Public Meeting Act.** All Council Meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All Regular Meetings, Special Meetings, and Study Session of the Council shall be open to the public. Opportunities for remote attendance by the public at Regular and Study Session will also be provided. For all meetings at which remote attendance is provided, if a technology

issue prevents the City from providing for remote attendance, this shall not prevent such a meeting from convening or continuing due to the technology issue.

5.2 Cancellation of Meeting. Any Council Meeting may be canceled by a majority vote or consensus of the Council. The Mayor or Mayor Pro Tem may cancel a Council Meeting for lack of agenda items.

5.3 Regular Meetings. The Council shall hold Regular Meetings on the second and fourth Monday of every month at 7:00 p.m. in the Council Chamber of the Toppenish City Hall, located at 21 West 1st Avenue, Toppenish, WA, 9894. Should any meeting date occur on a legal holiday, the meeting shall be rescheduled to the next day at the same time and location.

A. Order of Business for Regular Meetings. The order of business shall be as follows:

Regular Meeting (7:00 p.m.)

- Call to Order
- Flag Salute
- Roll Call
- Approval of the Agenda
- Public Comment, as set forth in Section 6.1(A)
- Consent Agenda
- Action Items: The following procedures shall be used:
  - Introduction of item by Presiding Officer
  - Presentation by staff
  - Public Hearings, if any noticed
  - Council motion to adopt ordinance, resolution or other legislative action
  - Council discussion and possible action
  - Council Reports
- Study Items: The following procedure shall be used:
  - Staff reports
  - Council discussion
- Executive Session, if needed (See Section 5.8.)
- Adjournment

B. The Order of Business may be modified where warranted pursuant to a majority vote of a quorum of Council.

5.4. Study Sessions. The Council shall hold Study Sessions on the first Monday of each month at 5:00 p.m. in the Toppenish Council Chambers, Toppenish City Hall, 21 West 1st Avenue, Toppenish, WA, 98948. Should any meeting occur on a legal holiday, the meeting shall be rescheduled to the next day at the same time and location.

A. Study Session are less formal meetings than Regular Meetings, and are for the purpose of such things as preliminary review of upcoming action items or general review and discussion on matters of community interest, including meeting with other governmental agencies and officials such as the School District, neighboring city officials, regional organizations, and other agencies and consideration of topics as deemed appropriate by the City Council and/or the City Manager. Study Session may also be used by the Council to conduct Executive Sessions.

B. Action items may be included on a Study Session agenda; however, the Council may provide administrative direction to staff by consensus or discussion for future formal action. The agenda for these meetings will be distributed in the same manner as the Regular Meeting agenda.

5.5 Special Meetings. Special Meetings may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Mayor Pro Tem, or any four Councilmembers by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered. The order of business for Special Meetings may follow Section 5.3(A). Public comment for action items will follow the procedure found in Section 6.1. Special Meetings will be at a time and place as Council directs.

5.6 Emergency Meetings. An Emergency Meeting is a special Council meeting called without the 24-hour notice. It deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Manager or the Mayor with the consent of a majority of Councilmembers. The minutes will indicate the reason for the emergency. Emergency Meetings will be at a time and place as Council directs and can include a remote meeting without a physical location.

5.7 Meetings while under a Declaration of Emergency. After the declaration of an emergency by a local, state, or federal government, the City Council may direct that all its meetings be held remotely without a physical location; or at a physical location where physical attendance by some or all members of the public is limited due to the declared emergency.

5.8 Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110, which Executive Sessions may be held in connection with a Regular Meeting, a Special Meeting, an Emergency Meeting or a Study Session. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time, a public

announcement shall be made that the Session is being extended. Any final action by Council must be taken at an open session.

5.9 Closed Sessions. The Council may hold Closed Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.140, which Closed Session may be held in connection with a Regular Meeting, a Special Meeting, an Emergency Meeting or a Study Session, or may be held independent from such meetings. Such Closed Sessions are outside the parameters of the Open Public Meetings Act, and do not carry with them the requirements of the Open Public Meetings Act.

5.10 Public Notice of Meetings. The City shall comply with the provisions of RCW 35A.12.160. The public shall receive notice of upcoming public hearings through publication of such notice in the City's official newspaper at least ten (10) days prior to the hearing.

5.11 Quorum. At all Council Meetings, a majority of the Council (a minimum of four members) shall constitute a quorum for the transaction of business. In the absence of a quorum, the members present may adjourn that meeting to a later date.

5.12 Councilmember Excused from Attendance. A Councilmember may be excused from attending a City Council meeting by contacting the City Clerk, or the City Manager by 3:30 p.m. the day of the meeting and stating the reason for their inability to attend. The City Clerk or the City Manager will convey the message to the Mayor. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebatable. Upon passage of such motion by a majority of Councilmembers present, the absent Councilmember shall be considered excused and the Clerk will make an appropriate notation in the minutes. Councilmembers who do not follow the above process will be considered unexcused and it shall be so noted in the minutes. A motion to excuse a Councilmember may be made retroactively at the next meeting.

5.13 Remote Attendance. The Council recognizes the benefits of full attendance of its members at regular, special, emergency meetings and study sessions, and expects Councilmembers to attend meetings in-person. However, remote attendance by a Councilmember who is not able to be physically present, whether for all or part of a meeting, is allowed as needed, subject to the following:

A. A Councilmember shall contact the Mayor and the City Clerk no later than three hours prior to the Council meeting for which they will attend remotely or 15 minutes prior to an emergency meeting. If the Councilmember is unable to contact the Mayor, the Councilmember shall contact the City Manager, who shall convey the message to the Mayor/Presiding Officer.

After the City Clerk has called the roll at a meeting, the Presiding Officer shall indicate any Councilmember attending remotely. If joining after roll call, the Presiding

Officer shall note the time the Councilmember joined and, if before adjournment, when the Councilmember left. The City Clerk will document both the remote attendance and times of attendance, if applicable, in the minutes.

B. Remote Attendance Requirements:

1. Remote attendance by a Councilmember shall be through the City's approved video-conferencing system.

2. A Councilmember's camera should be turned on when participating in the meeting.

3. In order to effectively preside over the meeting, the Presiding Officer needs to be physically present at the meeting, unless the entire Council is remote. The Mayor may attend the meeting remotely with the Mayor Pro Tem or another Councilmember presiding over the meeting from the physical meeting location. The Mayor or Mayor Pro Tem may select, without a vote of the Council, one of the Councilmembers who is able to be physically present to act as a temporary Presiding Officer.

4. Councilmembers attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.

5. Councilmembers attending remotely must be able to hear public comment or testimony and staff's presentation in real time.

6. Councilmembers may attend an executive session or closed session remotely if the conditions in this subsection are met.

5.14 General Meeting Decorum.

A. While the Council is in session, the Councilmembers must preserve order and decorum. A Councilmember shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council Meeting, or disrupt any member while speaking or refuse to obey the orders of the Council or the Presiding Officer, except as otherwise provided in these Rules.

B. Any person who makes disruptive, impertinent, slanderous or threatening remarks whether addressing the Council during public comment or public testimony or not that disrupt, disturb, or otherwise renders orderly conduct of the meeting unfeasible shall be asked to leave the Council Chambers by the Presiding Officer, and shall be barred from further audience before the Council for that meeting. If such person is attending the meeting remotely, the Presiding Officer shall ask the City Clerk to remove them from their permission to talk in the videoconferencing application.

5.15 Addressing Mayor and Council. At all Regular Meetings, the Mayor shall be addressed as "Mayor (surname)", the Mayor Pro Tem shall be addressed as "Mayor Pro Tem (surname)", and members of the Council shall be addressed as "Councilmember (surname)."

5.16 Council Seating Order. At all Council Meetings, including Study Session, the Mayor shall sit at the center of the Council, and the Mayor Pro Tem shall sit at the right hand of the Mayor. Other Councilmembers are to be seated in a manner acceptable to City Council. If there is a dispute, seating shall be in position order.

5.17 Expression of Opposing Views. Any Councilmember shall have the right to express opposition to, dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

5.18 Written Motions, Ordinances and Resolutions. Motions shall be reduced to writing when required by the Presiding Officer or any Councilmember. All ordinances and resolutions shall be in written form prior to their being included in a meeting agenda and considered for action by the Council.

5.19 Council Duty of Confidentiality. Councilmembers should keep confidential all written materials and verbal information provided to them 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 to be exempt from disclosure under the Revised Code of Washington. If a Councilmember unintentionally discloses Executive Session discussion with another party, that Councilmember shall make full disclosure of such to the City Manager and/or the City Council in a timely manner. (See RCW 42.23.070(4). See also Section 11.1.)

5.20 Conflict of Interest for Quasi-Judicial Matters. Prior to commencement of discussion of a quasi-judicial item, the Presiding Officer will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the decision-making process. If it is deemed by the Councilmember, in consultation with the City Attorney, that it is warranted, the Councilmember shall step down from the Council Dais, and not participate in the Council discussion or vote on the matter. The Councilmember shall also leave the Council Chamber while the matter is under discussion and consideration. (See Section 7.15.)

5.21 Meeting Adjournment Time. Council meetings shall adjourn no later than 10:00 p.m., provided that said adjournment time may be extended to a later time certain upon the approval by a majority of a quorum of the Council of a duly made and seconded motion for such extension.

5.22 Council Points of Order. Any Councilmember may call for a Point of Order to review agenda priorities or an error in procedure or a lack of decorum in debate.

5.23 City Clerk Meeting Attendance. The City Clerk or an authorized Deputy City Clerk shall attend all Council meetings. If the Clerk and the Deputy Clerk are absent from any Council meeting, the City Manager shall appoint a Clerk Pro Tempore. The minutes of the proceedings of the Council shall be kept by the City Clerk and shall constitute the official record of the Council.

5.24 Duty of Officers and Employees to Attend Meetings. City officers or employees shall have the duty when requested by the Council to attend Council Meetings and shall remain for such time as the Council may direct. The City Manager will work with City officers or employees to determine whether they will attend Council Meetings in-person or remotely.

## **Section 6. Public Testimony.**

### **6.1 Public Comments At Regular Meetings.**

Members of the public may address the City Council in-person in the Council Chambers or remotely through the telephone or online at the beginning of any Regular Meeting under the Agenda Item for Public Comment. During the Public Comment portion of the meeting, individuals may speak to agenda items or any other matter pertaining to City business except those scheduled for a Public Hearing or pertaining to a quasi-judicial action. Individuals may speak for three (3) minutes or less, depending on the number of people wishing to speak. If more than 10 people are signed up to speak each speaker will be allocated two (2) minutes. The public comment period under the Public Comment Agenda Item will be no more than a total of 30 minutes. Individuals will be requested to sign up prior to the start of the Public Comment period. Individuals appearing in-person wishing to speak to agenda items must sign up prior to the start of the Public Comment Agenda Item, and will be called to speak generally in the order in which they signed up. Individuals participating remotely wishing to speak to agenda items are requested to sign up thirty (30) minutes prior to the start of the meeting and will be called on after in-person speakers, generally in the order in which they have signed up. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed up, with in-person attendees being called on first and remote attendees next. If time is available, the Presiding Officer may call for additional in-person and remote unsigned speakers. However, again, the public comment period under the Public Comment Agenda Item will be no more than 30 minutes.

### **6.2 Public Hearings.**

The following rules shall be observed during any public hearing:

- A. Individuals will be allowed up to three (3) minutes to speak.
- B. The Presiding Officer may allow additional time for receipt of written testimony when needed.
- C. Prior to closing the hearing, the Presiding Officer shall inquire if there are any additional speakers, in-person or remote, other than those that have signed up and previously spoken, and if there are they shall be allowed to testify.

6.3 No Repetitive Comments. When large numbers of people are signed up to speak on the same topic, the Presiding Officer may request individuals not to provide

repetitive comments of those previously provided by other individuals but, rather, to simply state they agree with the comments of the other speaker(s) on a topic.

6.4 No Speaking on Pending Matters. Public testimony authorized in Section 6.1 may not include comments or information on any quasi-judicial matter pending before the City Council, or on any topic for which Council has closed the public record.

6.5 Speakers to be Recognized. No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.

6.6 Speaker Identification. Persons testifying shall identify themselves for the record as to name and any organization represented.

6.7 Speaker Instructions. An instruction notice for speakers will be provided. Speakers will be advised by the Presiding Officer that their testimony is being recorded.

6.8 Clerk Timekeeper. The Clerk shall be the timekeeper for all public testimony. Time cannot be donated by one speaker to another.

6.9 Printed Forms for Written Testimony. Printed forms shall be made available at all Council Meetings to allow for written testimony to Council.

6.10 No Speaker PowerPoint or Screen Haring. Speakers will not be permitted to present testimony via electronic methods (e.g. PowerPoint or screen sharing). Speakers attending in-person may utilize visual aids. Hardcopies of all materials may be submitted to the City Clerk to distribute to the Council.

6.11 No Election Activity. During the election season, which starts when a candidate officially files their candidacy with the State or a county election office and runs through the election, no person may use public comment to promote or oppose any candidate for public office. Promoting a candidate for public office includes announcing a candidacy for public office, mentioning a specific campaign, or wearing a visible campaign button at the speaker's podium.

## **Section 7. Motions.**

7.1 Voice Votes. Unless otherwise provided for by statute, ordinance, resolution, or these Rules of Procedure, all votes shall be taken by voice, except that at the request of any Councilmember, a random roll call vote shall be taken by the City Clerk.

7.2 Motion and Second Prior to Discussion. Prior to discussion of an Action Item, a Councilmember should make a motion, which is seconded by another Councilmember, on the topic under discussion. If the motion is not seconded, it dies. Some motions/actions do not require a second: nominations, withdrawal of a motion, request for a roll call vote, and point of order.

7.3 Tie Votes Failed to Pass. In the case of a tie vote on any motion, the motion shall be deemed to have been defeated - failed to pass.



7.4 Form of Motions. Motions shall be clear and concise and not include arguments for the motion. Motions shall also be worded in the positive rather than in the negative, (e.g. – “I move that the City *approves* XXX project,” versus “I move that the City *does not approve* XXX project.” [Note: A negative motion is generally unnecessary, as that would typically be the result if no motions were made at all.]

7.5 Discussion on Motion. After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote. If they wish to do so, they may state why they will vote for or against the motion.

7.6 Consensus. When the Council concurs or agrees with an item that does not require a formal motion, the Presiding Officer will summarize the Council's consensus at the conclusion of the discussion.

7.7 Withdrawal of Motion. A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council or the member who seconded the motion.

7.8 Motion to Table. A motion to table is nondebatable. It requires a majority to pass. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future meeting, at which time discussion can continue. If an item is tabled, it cannot be reconsidered at the same meeting.

7.9 Motion to Postpone. A motion to postpone to a specific time is debatable, is amendable, and may be reconsidered at the same meeting. It requires a majority to pass. The motion being postponed must be considered at a later time in the same meeting or a specific future meeting.

7.10 Motion to Postpone Indefinitely. A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting. It requires a majority to pass. The merits of the main motion may be debated.

7.11 Motion to Call for the Question. A motion to call for the question shall close debate on the main motion and is nondebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.

7.12 Motion to Amend. A motion to amend is defined as amending a motion that is on the floor and has been seconded (though not yet voted upon) , by inserting or adding, striking out, striking out and inserting, or substituting language to the motion.

7.13 Motion to be Repeated Prior to Voting. When the discussion is concluded, the Councilmember making the motion, the Presiding Officer, or the City Clerk, shall repeat the motion prior to voting.

7.14 Voting Tally Reported. The City Council votes on the motion as restated. If the vote is unanimous, the Presiding Officer shall state that the motion has been passed unanimously according to the number of Councilmembers present, such as "7-0" or "6-0." If the vote is not unanimous, the Presiding Officer shall state the number of Councilmembers voting in the affirmative and the number voting in the negative (if that

can be determined absent a voice vote, a show of hands or other showing, and whether the motion passed or failed.

#### 7.15 Recusal for Conflict of Interest.

A. If Councilmembers feel they have a conflict of interest or an appearance of fairness question under State law related to a matter coming before the City Council, the Councilmembers may recuse themselves from the issue and shall step down from the Council Dais and shall leave the Council Chamber during discussion and voting on the issue. Such Councilmembers shall be considered absent when voting occurs.

B. If any member of the Council feel that another Councilmember has a conflict of interest or an appearance of fairness problem under State law related to a matter coming before the City Council, the Presiding Officer or other Councilmember may ask that the Councilmember with the possible a conflict of interest or an appearance of fairness issue under State law recuse himself or herself from action on that issue, and if the Councilmember agrees, he or she shall step down from the Council Dais and shall leave the Council Chamber during discussion and voting on the issue. If the Councilmember does not agree, upon a motion duly made and seconded and approved by a quorum of the Council, the Councilmember with the possible conflict of interest or an appearance of fairness issue shall step down from the Council Dais and shall leave the Council Chamber during discussion and voting on the issue.

C. Whenever a Councilmember is recused from voting on an issue, the recused Councilmember shall be considered absent when voting on that issue occurs.

7.16 Silence is Recorded as Affirmative Vote. If a Councilmember is silent on a vote, it shall be recorded as an affirmative vote. If a Councilmember abstains, it shall be recorded as an abstention and not included in the vote tally.

7.17 No Proxy Votes. No Councilmember may cast his or her vote by proxy.

7.18 No Discussion after Vote. Once the vote has been taken, the discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If they wish to make their positions known, this should happen during the discussion preceding the vote.

7.19 Reconsideration of Vote. After the question has been decided, any Councilmember who voted with the prevailing side may move for a reconsideration of the motion. (See Section 8.6.)

7.20 Parliamentary Interpretation. The City Attorney, in consultation with the City Clerk, shall decide all questions of interpretations of these policies and procedures and other questions of a parliamentary nature which may arise at a Council meeting.

7.21 *Robert's Rules of Order.* All cases not provided for in these policies and procedures shall be governed by *Robert's Rules of Order Newly Revised*, most current edition. In the event of a conflict, these Council rules of procedure shall prevail.

## **Section 8. Comments and Debates of the Council.**

8.1 Presiding Officer May Debate and Vote. The Mayor, or such other Councilmember acting as the Presiding Officer, may move, second and debate from the chair, subject only to such limitations of debate imposed by these rules on all members. Neither the Mayor nor any Councilmember shall be deprived of any of the rights and privileges of a Councilmember by reason of his or her acting as the Presiding Officer.

8.2 Orderliness and Cordiality in Council Comments. Every Councilmember desiring to speak shall address the Presiding Officer and, upon being recognized (being given the floor), shall confine his or her comments to the question under debate, keeping comments polite and courteous.

8.3 Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call him or her to a point of order, or as herein otherwise provided. If a Councilmember, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

8.4 Courtesy. All staff and Councilmembers during the discussion, comments, or debate of any matter or issue, shall address their remarks to the Presiding Officer, be courteous in their language and polite deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or insinuations with respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

8.5 Privilege of Closing Debate. The Councilmember making the motion shall have the privilege of final comments and closing the debate.

8.6 Motion to Reconsider. A motion to reconsider a matter on which the Council previously voted must be made by a person who voted with the majority on the principal question and must be made at the same or next regular meeting. It may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor and shall be debatable.

8.7 Remarks of Councilmember - When Entered in Minutes. A Councilmember may request, through the Presiding Officer, the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents to the request by vote or consensus, the statement shall be entered in the minutes.

8.8 Synopsis of Debate - When Entered in Minutes. The Clerk may be directed by the Presiding Officer, with consent of the Council, to enter a synopsis of the discussion on any question coming before the Council into the minutes.

## **Section 9. Items Requiring a Minimum of Four Votes.**

9.1 List of Items Requiring 4 Votes. The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council (four votes) [RCW 35A 13.170 and 35A.13.120].

## **Section 10. Council Representation.**

10.1 Councilmembers Meeting with Others. Councilmembers who meet with, speak to, or otherwise appear before individual citizens, a group citizens or representative of other governmental agencies must clearly state if their statements reflect their personal opinion or if it is the official position of the City, or if this is the majority or minority opinion of the Council.

10.2 Councilmembers Attending Meetings. When Councilmembers represent the City or attend meetings in an official capacity as Councilmember, they must communicate, support and advocate the official position of the City on an issue, and not their personal viewpoint.

10.3 Reflect Council Position. Once the City Council has taken a position on an issue, all official City correspondence regarding the issue will reflect the Council's adopted position.

10.4 Use of City Letterhead. City letterhead shall not be used for correspondence of Councilmembers representing a dissenting point of view from an official Council position, and shall not be used for purposes unrelated to the City.

10.5 Communication to be Shared with Council. As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, shall be distributed to the full Council so that Councilmembers may be made aware of the impending publication. For that matter, as a matter of courtesy, letters to the editor even expressing support for the opinions of the Council should be distributed to the full Council.

10.6 Council Contact with Designated Staff. If the Council, in Executive Session or in open session, gives direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the Issue.

## **11. Internet Applications and Electronic Equipment.**

11.1 Social Media and Email.

Councilmembers shall not use social media as a mechanism for conducting official City business, although it is permissible to use social media to informally communicate with

the public. Examples of what may not be communicated through the use of social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not been released to the public. As with telephone and e-mails, communication between and among Councilmembers via social media could constitute a “meeting” under the Open Public Meetings Act, and for this reason, Councilmembers are strongly discouraged from “friending” other Councilmembers.

## 11.2 Electronic Communications.

a. Electronic communication should be used cautiously when communicating with City officials about potential problems or seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.

b. As a cautionary note, if an elected public official uses his or her personal home computer or cell phone to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. This may also entail allowing one’s personal computers and/or phones to be turned over to an attorney suing or threatening to sue the City for inspection. That possibility amplifies the need for caution in how one uses electronic communication for City business.

## **Section 12. Relations with City Manager & Staff.**

12.1 Duties of the City Manager. The City Manager has general supervision over the City's administrative affairs. The Manager is directly accountable to the City Council for execution of the Council's policy directives, and for administration and management of all City departments. The powers and duties of the City Manager are defined by Washington law (RCW 35A.13.080). Such duties may be expanded by Ordinance or Resolution. Balanced with the City Manager's accountability to the Council for policy implementation is the need for the Council to allow the City Manager to perform legally defined duties and responsibilities without inappropriate interference by the Council in the day-to-day management decisions of the City Manager.

12.2 Administrative Interference by Councilmembers. Neither the Council, nor any of its committees or members, may direct or request the appointment of any person to, or their removal from, any office by the City Manager or any of the City Manager's subordinates. Except for the purpose of inquiry, the Council and its members must deal with City staff solely through the City Manager and neither the Council nor any committee or member thereof may give any orders to any subordinate of the City Manager, publicly or privately. Nothing in this section prohibits the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and

removals of City officers and employees and City affairs. (See RCW 35A.13.120. See also RCW 35.18.110.) No Councilmember may take on administrative functions that would be within the job functions of a City staff member.

12.3 Administrative Complaints Made Directly to Individual Councilmembers. When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember will refer the matter directly to the City Manager for review and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint.

12.4 Council Communication with Staff. The City of Toppenish encourages open communication between the City Council and staff. The City's philosophy is that open communication creates healthier working relationships within the organization. Staff is very encouraged to communicate directly with the City Council and the City Council is encouraged to communicate directly with staff, following the guidelines below. These guidelines are established to help everyone receive the information that they need to be successful in their roles. Following the guidelines will also improve efficiency by reducing the number of repeat questions and conversations that take place internally and in City Council meetings. These guidelines do not apply to Councilmembers conducting business with the City outside of their Councilmember roles or to Councilmembers seeking to discuss concerns about the City Manager with the City Attorney.

- A. Councilmembers will copy the City Manager on communications with staff.
- B. Council requests for information from staff requiring more than 2 hours of staff time will require City Manager approval. It is incumbent upon staff to confer with the City Manager under these circumstances and for the City Manager to communicate with Council if an issue requires policy direction or resolution. Under those circumstances, the City Manager would refer the item back to the entire City Council in a public meeting for direction;
- C. Councilmembers are not to direct staff actions beyond the research requests mentioned above;
- D. Councilmembers acting in volunteer roles with separate organizations should keep the City Manager informed when interacting with staff.

12.5 Staff Communication with City Manager about Council, Others.

- A. Staff will copy the City Manager on communication with Council.
- B. Staff will copy the City Manager and Council on communications with the community in response to requests for service that come through the Council. Keeping everyone in the loop regarding the resolution of issues reported through the City Council is important to the Council and to the City Manager. The City Manager will inform the Council of the initial staff assignment of requests to the Council where a staff response is warranted.

C. The City Manager and staff will share information requested by one Councilmember with the entire Council, as a matter of practice. This will typically be done as a part of a response to a Councilmember's request. Where possible and feasible, the City Manager will sometimes "bundle" these updates to the whole Council in the weekly update.

12.6 City Manager Hiring and Termination. Because the City of Toppenish is governed under the council/manager form of government, it is essential that any hiring or termination action involving its City Manager be conducted in open session; discussions or deliberations relating to hiring or termination can be conducted in executive session. The City Manager conducts the day-to-day activities of the organization. Therefore, the citizens of Toppenish deserve transparency for the position that oversees the City's operations.

A. In the event of a City Manager vacancy the following procedures will apply.

B. The Council, by majority vote, may choose to conduct a search for City Manager candidates either by:

1. Directing outside Consultants and/or City staff handling Human Resources duties to recruit for qualified candidates ("in-house recruitment") for Council review and selection.

2. Directing outside Consultants and/or City staff handling Human Resources duties to provide a list of potential executive search firms for Council to choose from. The search firm will then conduct a candidate search based on Council deliverables.

3. Any combination of in-house or executive search firm.

C. Current City staff, who are qualified for the position, are welcome and encouraged to apply through either option.

12.7 City Manager Selection Process.

A. Council will interview the top candidates in open session. Final applicants are encouraged to participate in a meet and greet with the public.

B. Council may enter into executive session to discuss the qualifications of the final applicants. Any action must take place in open session. (RCW 42.30.110(1)(g).)

C. Council, by majority vote, will choose one candidate with whom the Mayor shall endeavor to negotiate terms and conditions under which the candidate will be hired for the position of City Manager.

D. If such negotiations are successful in reaching agreement on the terms and conditions, the proposed hiring will be brought back to the City Council for review. The Council's final action in hiring a City Manager will be taken in open session.

12.8 Removal of City Manager. If action is expected to remove a seated City Manager, at least thirty days before the effective date of his or her removal, the City Manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. (See RCW 35A.13.140.)

A. The basis for termination will be discussed with the City Manager in executive session unless the City Manager requests that it occur in open session.

B. The Council's final action in passing the resolution removing the City Manager will be taken in open session.

### **Section 13. Enforcement of Rules of Procedure.**

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

### **Section 14. Suspension and Amendment of Rules.**

14.1 Suspension of Rules. Any provision of these rules not governed by State law or City ordinance may be temporarily suspended by a majority vote of the Council.

14.2 Periodic Review and Amendment of Rules. It is the intent of the City Council that the rules of procedure be periodically reviewed as needed. These rules may be amended, or new rules adopted, by a majority vote of the Council, provided that the proposed amendments or new rules shall have been distributed to Council at least one week prior to such action.