



City of Stanwood, Washington

Rules of Procedure

Approved by City Council

AMENDED:

April 14, 2022	Resolution 2022-03
November 25, 2019	Resolution 2019-15
January 25, 2018	Resolution 2018-01
February 11, 2016	Resolution 2016-02
February 13, 2014	Resolution 2014-02
February 14, 2013	Resolution 2013-01
January 27, 2011	Resolution 2011-01

SECTION I GENERAL PROVISIONS

COUNCIL MEETING – LOCATION

Rule 1. All regular meetings of the Stanwood City Council shall be held in the official proclaimed Council Chambers, unless:

- (a) Notice has been given, as required by SMC 2.44.020 for a special meeting, which states an alternate location; or
- (b) The meeting is convened in council chambers and moved to another location for review of city business, or for the convenience of the council.

COUNCIL MEETINGS

Rule 2. The regular meetings of the Stanwood City Council shall be held at 7:00 p.m. on the second and fourth Thursday of each month. When the date for any regular meeting of the City Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding Monday or the previous Monday, not a holiday. (SMC 2.44.035)

Cancellations. During an open public meeting a majority of the Council may agree to cancel an upcoming regular meeting, special meeting, or workshop meeting. Also, if no items of business have been submitted to the City Clerk for consideration at said upcoming meeting, the Mayor, Mayor pro tem and City Clerk may cancel the upcoming meeting, if all agree. In the case of such cancellation, payroll checks and vouchers will be approved at the next regular City Council meeting. (RCW 42.24.180/SMC 3.20.020)

COUNCIL MEETINGS - OPEN TO THE PUBLIC

Rule 3. All regular and special meetings of the Stanwood City Council shall be open to the public, except as provided for in Chapter 42.30 RCW.

PRESIDING OFFICER

Rule 4. The Mayor shall preside at all meetings of the Council, and be recognized as the Presiding Officer and Chief Executive Officer of the City. In the case of the Mayor's absence or temporary disability the Mayor pro tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and the Mayor pro tempore, a Mayor pro tempore selected by members of the Council shall act as Mayor during the continuance of the absences or disabilities and shall perform the duties of the Mayor, except that he shall not have the power to appoint or remove any officer or to veto any ordinance. The Mayor or Mayor pro tempore is referred to as "Presiding Officer" from time to time in these rules of procedure. (RCW 35A.12.100 & 110)

VACANCY IN MAYOR'S OFFICE

Rule 5. Per RCW 42.12 If a vacancy occurs in the office of the Mayor, the City Council, at its next regular meeting, shall appoint a qualified person who shall serve as Mayor until a Mayor is elected and certified at the next general municipal election.

PRESIDING OFFICER – DUTIES

Rule 6. The Presiding Officer should preserve strict order and decorum at all regular meetings and special meetings of the council. He/she shall clearly state every motion brought forth by the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council by a councilmember, in which event a majority vote of the Council shall govern and conclusively determine the question of order. He/she shall have a vote only in the case of a tie in the votes of the councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. RCW 35A.12.100. A duly elected Mayor pro tempore may vote in any case. The Mayor and the Mayor pro tempore shall have the power to administer oaths and affirmations, take affidavits and certify them. The Mayor, or the Mayor pro tempore when acting as Mayor, shall sign all conveyances made by the City and all instruments which require the seal of the City. (RCW 35A.12.100 & 110)

ELECTION OF MAYOR PRO TEMPORE

Rule 7. Annually, at the first meeting of the City Council, the members thereof shall choose a member from among their number who shall have the title of Mayor Pro Tempore. In addition to the powers conferred upon him/her as Mayor Pro Tempore, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a vacancy occurs in the office of Mayor Pro Tempore, the members of the council at their next regular meeting should select a Mayor Pro Tempore from among their number for the unexpired term.

QUORUM

Rule 8. Four (4) elected members of the Council shall constitute a quorum for the transaction of business. In the absence of a quorum, the Presiding Officer may, at the insistence of any two Councilmembers present, compel the attendance of absent members. If only one member is present, he shall have the duty and authority to fix the time and place to which to adjourn and to take measures to obtain a quorum. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council. (RCW 35A.12.120)

ATTENDANCE, EXCUSED ABSENCES

Rule 9. A Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. Councilmembers should contact the City Clerk or the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. Following roll call, the Presiding Officer shall inform the Council of the member's absence, the council may request the reason for such absence, if such request is made, then the Presiding Officer shall inform Council of such reason if it is known. Council may or may not make a motion to excuse the member's absence. (This vote on motion may be a verbal yah or nay.) The City Clerk will make an appropriate notation in the minutes. (RCW 35A.12.060)

Rule 9.1. Attendance of City Staff: The City Administrator, City Attorney, City Clerk, Fire Chief, Police Chief, Public Works Director, Finance Director and Community Development Director shall attend all regular meetings of the City Council unless excused by the Mayor. Staff attendance at special meetings and/or workshops will be at the discretion of the Mayor or per contracts.

SPECIAL COUNCIL MEETINGS

Rule 10. Procedures for setting a special meeting are as follows:

- (a) The Presiding officer or any 3 members of the Council may call a special meeting whenever, in their opinion; the public interest may require it. (RCW 35A.12.110)
- (b) Notice of the special meeting shall be prepared in writing by the City Clerk. The notice shall contain information about the meeting: time, place, and business to be transacted.
- (c) The notice shall be delivered by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the city council.
- (d) Notice of a special meeting shall be:
 - (1) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the city council a written request to be notified of such special meeting or of all special meetings;
 - (2) Posted on the city's web site;
 - (3) Prominently displayed at the main entrance of city hall and the meeting site if it is not held at city hall;

Such notice must be delivered or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.

- (e) The call and notices required in this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the city council.

- (f) Written notice may be dispensed with when:
- (1) A written waiver is filed with the City Clerk by a Councilmember.
 - (2) The Councilmember is present at the special meeting.
 - (3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

COUNCIL MEETING AGENDA

Rule 11. The Clerk of the Council, under the direction of the Mayor, shall arrange a list of such matters according to the order of business and prepare an agenda for the council. A copy of the agenda and supporting materials shall be prepared for Councilmembers on or before 5:00 p.m. three working days before a regular Council meeting. Prior to the approval of the current agenda, the Council shall have the option by majority vote of adding or deleting any item to/from the agenda or deferring an item on the agenda to a subsequent Council meeting.

Any Councilmember may request the addition of an item to a future Council agenda for initial consideration by making a motion. The item will be placed on a future agenda upon receipt of a second. This initial consideration of the item will not involve staff time and shall occur at the next council meeting or as soon thereafter as practical. The purpose of the initial consideration is to allow the maker of the motion to briefly present the item to the Council for discussion. Once briefly presented, a simple majority vote will be of taken by Council to decide whether to add the item to a future agenda for full consideration

WORKSHOPS

Rule 12. Special study sessions of the City Council where no official action is contemplated may be designated as Council workshops. Council workshops may be conducted prior to the first regular Council meeting of each month beginning at 5:00 p.m. in February, May, August, and October. Such workshops shall be considered special meetings and will comply with the notice requirements of Rule 10 above. Council workshops may be conducted informally so long as such informality is not in conflict with these rules. The City Council may set additional special study sessions of the City Council as defined within Rule 10 above. The City Clerk, under the direction of the Mayor, shall arrange a Council workshop agenda. After the proposed council workshop agenda has been approved by the Mayor, a copy of it along with any supporting materials shall be prepared for Councilmembers and the Mayor 24 hours before the Council workshop. During the Council workshop the Presiding Officer may: 1) introduce the subject and give background information; 2) identify the eventual goal of the workshop; 3) act as facilitator to keep the meeting discussion focused to the subject; 4) alert the Council when it is appropriate to call for a motion or other official direction of the Council. (RCW 35A.12.110); 5) citizen comments are generally not allowed during special study sessions unless allowed by the Presiding Officer.

CLERK OF THE COUNCIL

Rule 13. The City Clerk shall be ex-officio Clerk of the Council and shall keep minutes and shall perform such other and further duties in the meeting as may be required by the Council or Presiding Officer. In the absence of the City Clerk, the Mayor shall appoint another qualified staff member to act as Clerk of the Council. Minutes of regular Council meetings should be prepared and distributed to Councilmembers within 5 weeks following the meeting. (RCW 35.12.110)

MAIL DISTRIBUTION PROCEDURE

Rule 14. The City will provide mail receptacles for each member of the City Council. The City Clerk shall be responsible for distribution of e-mail and/or written correspondence from citizens to the City Council. Citizens wishing to have mail delivered to the City Council must provide copies for each Councilmember and deliver said copies to the City Clerk's office for distribution.

SECTION II DUTIES AND PRIVILEGES OF MEMBERS

FORMS OF ADDRESS

Rule 15. The Mayor should be addressed as "Mayor (surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor pro tempore, when acting for the Mayor, shall be addressed as "Mayor pro tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

SEATING ARRANGEMENT

Rule 16. Councilmembers shall occupy the respective seats in the Council chamber based upon their Council position order. Position 1 at the Mayor's extreme right.

APPEARANCE OF FAIRNESS DOCTRINE

Rule 17. State and local laws relating to the Appearance of Fairness Doctrine and Open Public Meetings Act are adopted by reference. A copy of the applicable law is available in the City Clerk's office upon request.

DISSENTS AND PROTESTS

Rule 18. Any Councilmember shall have the right to express dissent from or protest against any action of the Council and have the reason therefore entered in the minutes.

ADMINISTRATIVE INTERFERENCE BY COUNCILMEMBERS

Rule 19. Neither the Council, nor any of its committees or members shall direct or request the appointment of any person to, or removal of any person from, any office responsible to the Mayor. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the Mayor or City Administrator and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the Mayor, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the Mayor anything pertaining to appointments and removals of City officers and employees and City affairs.

SECTION III COUNCIL PROCEDURES

RULES OF ORDER

Rule 20. Rules of order not specified by statute, ordinance, or resolution should be guided by Robert's Rules of Order Newly Revised. The City Attorney shall serve as parliamentarian and shall advise the Presiding Officer as to correct Rules of Procedure or questions of specific rule application.

MOTIONS

Rule 21. All ordinances, resolutions, contracts and items of business that require Council approval prior to the expenditure of funds shall be in the form of an affirmative motion. (RCW 35A.12.120)

ORDER OF BUSINESS

Rule 22. The business of regular meetings of the Council shall normally be transacted as follows; provided, however, that the Presiding Officer, with the concurrence of a majority of council, may, prior to or during a Council meeting, rearrange or eliminate items on the agenda to conduct the business before the Council more expeditiously.

(a) Call to order by the presiding officer and Pledge of Allegiance

The Mayor shall, precisely at the hour appointed, call the Council to order. In the absence of the Mayor or Mayor pro tempore, the City Clerk or his/her assistant shall call the Council to order, whereupon the Council shall elect any qualified person to serve as the Mayor pro tempore in the absence or temporary disability of the Mayor.

Upon the arrival of the Mayor or Mayor pro tempore, the temporary chairman shall immediately relinquish the chair upon the conclusion of the particular item of business then immediately before the Council.

(b) Roll Call

Before proceeding with the business of the Council, the City Clerk or his/her Deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

(c) Approval of the Agenda

(d) Public Comments

(1) Members of the public wishing to address the Council must sign in with the City Clerk or his/her Deputy before the meeting. A sign-in sheet is accessible at the entrance of the Council Chamber.

(2) Subjects not on the current agenda. Any member of the public may request time to address the Council after first stating their name, city of residence, and the subject of their comments. The Presiding Officer may then allow the comments subject to a three (3) minute limitation per speaker, or other limitations as the Presiding Officer may deem necessary. Following such comments, if action is requested, the matter may be placed on the current agenda or a future agenda, or referred to staff or a Council committee for investigation and report at a future meeting in accordance with Rule 11.

(3) Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (e.g. proponents, opponents, adjacent owners, vested interests, etc.). All comments shall be limited to three (3) minutes per speaker, or other limitations as the Chair or Council may deem necessary.

(4) Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

(e) Staff/Department Reports

(f) Council Committee Reports

(g) Consent Agenda

(1) The Mayor shall place matters on the consent agenda which have been:

- i. previously discussed by the Council, or
- ii. based on the information delivered to members' of the Council by administration that can be reviewed by a Councilmember without further explanation, or
- iii. are so routine or technical in nature that passage is likely, or
- iv. as directed by the City Council.

Where possible, a Councilmember should notify the Presiding Officer prior to meeting when wanting to remove an item from the consent agenda.

(2) The suggested Council motion on the consent agenda is as follows: "I move for adoption of the consent agenda, items a through" This motion will have the effect of moving to adopt all items on the 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. Therefore, prior to the vote on the motion to adopt the consent agenda, any member of the Council may request to have an item withdrawn from the consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.

(h) Unfinished Business

(i) Public Hearings

(j) New Business

(k) Public Closing Comments

(l) Executive/Legislative Reports

- Mayor's Report
- City Administrator's Report
- Councilmember Reports/Questions

(m) Recess to Executive Session:

Executive Sessions or closed meetings may be held in accordance with the provisions of the Open Public Meetings Act (Chapter 42.30.RCW). Subject to limitations in RCW 42.30.110, topics that may be discussed in executive session include but are not limited to:

- Personnel matters.
- Consideration of acquisition or sale or lease of property for public purposes or sale or lease of city-owned property.
- Potential or pending litigation in which the city has an interest, as long as legal counsel is present in person or by phone as provided in the Revised Code of Washington.
- Collective bargaining.

The Council must keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. The Council may hold an executive session during a regular or special meeting. Before convening to executive session, the Mayor and/or City Attorney shall publicly announce the purpose for excluding the public from the meeting place and the length of time for the executive session.

(n) Reconvene and Adjourn

READING OF MINUTES

Rule 23. Unless a reading of the minutes of a council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a copy or synopsis thereof.

ACTIONS FOR A PUBLIC HEARING

Rule 24. The procedures for a public hearing will be made available as an attachment to the agenda when public hearings are scheduled to be on the agenda.

VOTING

Rule 25. The votes during all meetings of the council shall be conducted as follows:

- Unless otherwise provided for by statute, ordinance, or resolution, all votes should be taken by roll call and recorded by the City Clerk. The order of the roll call vote shall be staggered, so that the position voting first will be adjusted with each successive meeting. The Council attendance vote may be a voice yea or nay vote.
- Each Councilmember shall vote on all questions put to the Council, unless a conflict of interest or appearance of fairness question under state law is present. Unless a member of the Council states that he or she is abstaining, his or her silence shall be recorded as an affirmative vote.
- 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 pertaining to collective bargaining or personnel policy actions shall require the affirmative vote of at least a majority of the whole membership of the Council. (RCW 35A.12.120)

- (d) The passage of any public emergency ordinance (an ordinance that takes effect immediately), require the affirmative vote of at least a majority plus one of the whole membership of the Council.
- (e) The passage of any motion or resolution not subject to the provisions of state or local law, or these rules as amended, shall require the affirmative vote of at least a majority of the membership of the council who are present.
- (f) The Mayor may vote only in case of a tie vote of the Council. A majority of the entire membership of the Council is required to vote for passage of any ordinance, grant, or revocation of a franchise or license, or any resolution for the payment of money (RCW 35A.12.100). Therefore, the mayor may not break a tie vote on these matters. All tie votes will result in failure of motion.

DECORUM

Rule 26. By Councilmembers: While Council is in session, members should conduct themselves in a manner consistent with Roberts Rules of Order. When actionable items are presented by Councilmembers or Staff, Councilmembers may seek from the presenter clarification or explanation of the issue. Conversation intended to persuade or dissuade can be offered only following a properly proposed motion and second for action by the Council and then only upon recognition by the Chair.

By Citizens. Any person who delays or disrupts the proceedings of the Council, or who uses language offensive to commonly accepted customs of courtesy and decency while addressing the Council, or who, in the opinion of the Council appears to be under the influence of intoxicating liquor or drugs, shall be barred from further audience before the Council unless permission to continue is granted by majority vote of the Council. Procedures for addressing interruptions or disruption of the business of Council are found in RCW 42.30.050

ENFORCEMENT OF DECORUM

Rule 27.

- (a) The Chief Law Enforcement Officer or his/her designee shall, whenever possible, attend each council meeting and shall be sergeant-at-arms of the council meeting. They shall carry out all lawful orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the council meeting. Any person violating any part of the City Council's Rules of Decorum by making offensive, insulting, threatening, or intimidating remarks or who makes threats against any person or against public order and security while in the council meeting may be requested to leave the council chambers by either the presiding officer, the sergeant-at-arms or both.

- (b) Any conduct or behavior which constitutes a criminal offense may result in arrest and/or prosecution.
- (c) Any Councilmember may move to require the Presiding Officer to enforce these rules and the affirmative vote of a majority of the council shall require the Presiding Officer to do so.
- (d) In the event of emergency, such as threatened violence, or other situation that is a threat to the safety and welfare of the Council, the public or staff, or where there is an inability to reasonably conduct the business of the Council or to otherwise retain good order to the meeting, the presiding officer shall declare the meeting adjourned and the City Council may temporarily adjourn and move the meeting to a location that will allow for order to be restored. In such case the public may in the discretion of the Council be excluded but the press shall be invited.

ADJOURNMENT

Rule 28. Regular City Council Meetings shall adjourn no later than 10:00 p.m. The adjournment time established thereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. Any councilmember may call for a "point of order" to review agenda priorities.

COMMITTEES

Rule 29. The Committee structure of the council and the procedures governing all committees shall be as follows:

- (a) Standing Committees. The standing committee members shall be nominated by a committee made up of the Mayor, the Mayor pro tempore, and the longest serving member of the City Council other than the Mayor pro tempore considering the following:
 - Each member of council will rank his/her assignment preference from one to four on each of the standing committees.
 - Generally, assignments will be made based upon councilmember preference with the longest serving assigned his/her number one preference and continuing in this manner until all assignments have been made. Any tie in length of time served will be determined by seat position. The Mayor pro tempore shall gather the Committee Assignment Preference sheets and tally the information. After doing so, he/she shall meet with the appointment committee and go over the results. Exceptions are permissible upon majority agreement by the assignment committee. The longest serving member shall be defined as the total length of continuous service.
 - The committee's selection is subject to an affirmative vote of a majority of all councilmembers.

The term of each committee will be one year. Committees shall be submitted to Council by the second meeting of each calendar year. Each committee shall consist of four council members, three to serve as primary members and one to serve as an alternate member. The standing committees are:

- Public Works
- Community / Economic Development
- Finance / Personnel
- Public Safety

In the event that the Mayor or the Council perceives a need for any additional committee outside the scope of the standing committees, the Mayor shall submit recommendations to the Council for approval.

- (b) Committees shall appoint a committee chair at the first committee meeting of the new calendar year. No one Councilmember shall serve as chair for more than one committee. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the council. A committee member may present the recommendations of the committee during the discussion of the item of business.
- (c) Members may be removed from a council committee by a majority vote of the council for neglect of duty, conflict of interest, malfeasance in office or other just cause including unexcused absence for more than three (3) consecutive committee meetings.
- (d) Employees may staff the various committees as directed by the mayor but no staff person shall serve as a member of a Council Committee.
- (e) Standing Council Committees shall have a fixed monthly meeting. The standing committee meetings date, time and location shall be posted on the city's web-site and on the bulletin board at City Hall. Committee meetings may be cancelled or changed with the approval of the Committee Chair. A Committee Chairman has the authority to call a committee meeting. Staff shall work with Committee Chairman to arrange meeting.

ENACTED ORDINANCES, RESOLUTIONS, AND MOTIONS

Rule 30. An enacted ordinance is a legislative act having the force of law prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.

An enacted resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

RESOLUTIONS

Rule 31. *This section was rescinded by Resolution 2018-01.*

ORDINANCES

Rule 32. The procedure for ordinances is as follows:

- (a) With the exception of franchise ordinances as provided below, an ordinance shall generally require two readings. The first reading will consist of a staff presentation and may include council discussion. The second reading will occur at a subsequent meeting. At each reading, the title of an ordinance shall in all cases be read prior to its passage; provided, should a majority of the council members present request that the entire ordinance or certain portions of its sections be read,

such requests shall be granted. Printed copies should be made available upon request to any person attending a council meeting.

The provision requiring two separate readings of an ordinance may be temporarily suspended if the mayor, mayor pro tempore, and council committee chair, or longest standing councilmember if there is no committee chair, have agreed to bring it forward for adoption as a first reading.

- (b) **Franchises.** All ordinances granting a franchise require two readings prior to adoption. The second reading must be at least five days after the first reading. All franchise ordinances may be passed only at a regular meeting of the Council; and at least a majority plus one of the governing body must vote in favor of the franchise. (RCW 35.23.251)
- (c) **Emergency Ordinances.** By vote of one more than the majority, the City Council may without notice or hearing adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RCW 35A.33.080 and 35A.33.090.
- (d) A Councilmember may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the

Council may assign the proposed ordinance to a specific committee or schedule a Council workshop for study and consideration. The committee shall report its findings to the Council.

- (e) If a Motion to pass an ordinance to second reading fails, the ordinance shall be considered lost.
- (f) Any ordinance amending or repealing any portion of the Stanwood Municipal Code shall also amend or repeal the respective portions of any underlying ordinance(s).
- (g) The mayor may veto an ordinance, but the mayor's veto can be overridden by a majority plus one of the entire Council membership (RCW 35A.12.100).

ORDINANCE AMENDMENT AND REPEAL PROCEDURE

Rule 33. It shall require an affirmative vote of at least a majority of the whole membership of the Council to either amend or repeal existing ordinances heretofore passed by the Council.

ORDINANCE - EFFECTIVE DATE

Rule 34. Unless specifically provided otherwise in the body of an ordinance, an ordinance shall take effect five days after the date of its passage and publication, except that an ordinance passed by a majority, plus one, of the whole membership of the Council, designated therein as a public emergency ordinance, necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption (RCW 35A.12.120).

PERMISSION REQUIRED TO ADDRESS THE COUNCIL

Rule 35. Persons other than Councilmembers and staff shall be permitted to address the Council upon recognition and introduction by the Presiding Officer.

RECONSIDERATION

Rule 36. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular council meeting for any action the council deems advisable.

ADDRESSING COUNCIL AFTER A MOTION IS MADE

Rule 37. After a motion is made by a member of the Council, no person, other than a member of Council or the Mayor, shall address the Council or the Mayor without first securing the permission of the Presiding Officer.

MANNER OF ADDRESSING COUNCIL

Rule 38. Each person addressing the Council shall approach the podium, give his or her name and address in an audible tone of voice for the record, and unless further time is granted by a majority vote of the Council, shall limit his or her address to three minutes. All remarks shall be addressed to the Council as a body and not to any specific member thereof. No person, other than the Presiding Officer, the Council, and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember or City staff member except through the Presiding Officer.

COMPLAINTS AND SUGGESTIONS TO COUNCIL

Rule 39. When citizen complaints or suggestions are brought before the City Council, other than for items already on the agenda, the Presiding Officer may respond in the following manner:

- (a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to a committee, Administration or the Committee of the whole for study and recommendation.
- (b) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the Mayor, the Mayor will review the complaint if said complaint has not been so reviewed. The City Council may direct that the Mayor brief or report to the City Council when his/her response to any citizens inquires is made.

COUNCIL COMMUNICATIONS

Rule 40. Electronic Media and Technology, Councilmember Communications Outside of Meetings, Open Public Meetings (OPMA) and Public Records Act (PRA).

- (a) It is the policy of the Stanwood City Council to adhere to the Revised code of Washington (RCW) 42.30 regarding Open Public Meetings and RCW 42.56 regarding Public Records.
 - 1. All records, regardless of format, related to the conduct of City business reviewed, created or altered must be retained per the State of Washington Local Government Common Records Retention Schedule. (the CORE manual), pursuant to 42.56 RCW and 40.14 RCW, Preservation and Destruction of Public Records.

2 Per state law, all documents, files, communications and messages created, reviewed or altered that are related to the conduct of City business, regardless of format, are property of the City. As a result, these documents, files, communications and messages are not private or confidential unless otherwise noted in the Revised Code of Washington. The City reserves the right to request, access, monitor, and disclose the contents of electronic messages and any record, regardless of format, related to the conduct of City business on City-issued or personal devices that Council members use. Council members should have no expectation of privacy in either sending or receiving electronic messages, or other information on the Internet, City network or other electronic media related to City Business whether done on their own personal device or on a City issued device. The City may review the public records for legal exemption or redaction pursuant to the Public Records Act RCW 42.56 or other applicable state or federal laws and may provide third party notice providing affected parties the opportunity to file for a court order to prevent or limit disclosure.

3. Email Accounts:

- i. For ease of public record retention and for ease of document search, Councilmembers are strongly encouraged to utilize the City's assigned email account and information system for all City-related business.
- ii. Subject to limited exceptions set forth in state law, e-mail accounts established through the City's information system for individual Councilmembers are considered public and subject to public disclosure laws.
- iii. E-mails that are public records will be retained and archived according to City and State retention schedules.
- iv. Non-City provided email accounts used by individual Councilmembers for the conduct of communicating City business will be subject to public disclosure laws. Councilmembers are responsible for preserving all City business records on their personal devices, systems and servers.

4. Text Messages:

Text Messages generated or received by individual Councilmembers for conducting City business on any personal device whether issued by the City or not, are subject to public disclosure laws and records retention schedules. Text messages must be retained and archived according to City and State retention schedules. Councilmembers are responsible for preserving all City business records on their personal devices, systems and servers.

5. Social Media:

The City of Stanwood utilizes social media sites to enhance and promote the economic development initiatives of the community and to provide information on City issues, operations and services. City of Stanwood social media sites and all content therein are subject to the State of Washington's public records laws. City and State records retention schedules apply to all social media content.

6. Guidelines for Councilmember use of social media sites is as follows:

- i. All social media site entries should clearly indicate that any content posted is subject to public disclosure laws and records retention schedules.
- ii. Unless the content is pre-authorized by the City Council, Councilmembers posting to any social media site, whether owned by the City or a private individual or organization social media sites, should be clear that the individual Councilmember is speaking for themselves and not on behalf of the City or the City Council.
- iii. Information that has the potential to compromise the safety or security of the public or public systems should not be posted to social media sites.
- iv. Anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs will not be tolerated. This includes, but is not limited to sending threatening messages, slurs, obscenities, sexually explicit images, cartoons or messages.

7. Non-City issued Cell phones and other devices:

Non-City issued cell phones and other devices, used by individual Councilmembers, for texting or receiving texts relating to City business, will require archiving of text messages and retention of records according to records retention schedules.

8. Records Requests/Inspection/Monitoring:

- i. All Council members are required to work collaboratively with the City Clerk's Office for access to a personal or City- issued electronic device when responding to a public records request.
- ii. The City needs to be able to respond to proper requests resulting from public records request and legal proceedings that call for electronically-stored evidence. Therefore, the City must, and does, maintain the right and the ability to access City provided electronics and City email accounts and to inspect and review any and all data recorded in those applications and files. Because the City reserves the right to obtain access to all electronic mail messages left on or transmitted over these applications, Councilmembers should not assume that such messages are private and confidential or that the City or its designated representatives will not have a need to access and review this information.
- iii. The City reserves the right to regularly monitor electronic mail messages, information and all documents. The City will inspect the contents of computers or electronic mail in the course of an investigation.

9. Executive Session:

It is recommended that Councilmembers do not use electronic devices or transmit or receive electronic communications during executive sessions.

(b) The following is a list of prohibited uses of City communication applications or devices:

1. Transmitting any material or messages in violation of Federal, State, Local law, Ordinance, Regulation or City policy.
2. Distributing sensitive or confidential information, per RCW 42.23.070, Code of Ethics for Municipal Officers, Prohibited Acts.
3. Distributing unauthorized broadcast messages, soliciting or proselytizing others for commercial ventures, religious or political causes, or other non-job related matters except as provided elsewhere in this policy.
4. Accessing or distributing offensive or pornographic materials.
5. Using City-provided electronic media and devices for personal use, to accomplish personal gain, or to manage a personal business.
6. Downloading or distributing copyrighted materials not owned by the City, including software, photographs, or any other media except when authorized by the Mayor or City Administrator as it pertains to work related uses.
7. Developing or distributing programs that are designed to infiltrate computer systems internally or externally (viruses) or intentionally disrupting network traffic or crashing the network and connected systems.
8. Accessing or downloading any resource for which there is a fee without prior appropriate City Council authorization / approval and authorized by the Mayor or City Administrator.
9. Representing yourself as another user or employee, forging electronic mail messages, unauthorized access of others' files with no substantial business purpose, or vandalizing the data of another user.
10. Attempting to access any system, which Council member is not authorized to access (hacking).
11. Giving your user name and password to anyone, except the City Administrator or designee for any purpose.
12. Inappropriate use, which is deemed by the City Council Policy or City Policies to be a violation of the intended purpose of any electronic media.

(c) Councilmember Communications.

1. In order to ensure the most complete information is available to all decisionmakers, distribution to Councilmembers and the City Clerk of written communications, including letters and electronic messages, responding to citizens is recommended. However, to prevent a violation of the Open Public Meetings Act and a “serial Council meeting” the Council members should not reply “all” or have communications with more than two other members of the Council body.
2. The use of City letterhead by individual Councilmembers for communications to constituents or to other governmental entities shall not be allowed unless approved by Council majority.
3. Within the text of correspondence from Councilmembers to constituents, governmental entities, and community organizations, the Councilmember should not characterize or attempt to describe the views and actions of other Councilmembers in order to ensure that those Councilmembers have an opportunity to characterize their own views and actions.
4. Letters to the editor for publication in newspapers, magazines and electronic or Internet-based publications submitted by individual Councilmembers should not represent the Councilmember’s personal views as those of the City or the City Council unless specifically directed to do so by the City Council.

FILLING COUNCIL VACANCIES

Rule 41. 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 widely distribute and publish a notice of the vacancy, the procedure and any application requirements for applying. The Council will draw up an application form, which contains relevant information to answer set questions posed by the Council. The application forms or resumes will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

SUSPENSION AND AMENDMENTS

Rule 42. Any provision of these rules not governed by the Stanwood Municipal Code may be temporarily suspended by a vote of the majority of the Council.

Rule 43. These rules may be amended or new rules adopted by Resolution of a majority of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

Rule 44. These Rules should be periodically reviewed every two years in January or February of even numbered years, or at such other times as the Council deems appropriate.