

Bremerton City Council

Rules & Procedures

CONTENTS

RULE 1 - MEETINGS.....3

RULE 2 - PRESIDING OFFICER - DUTIES.....5

RULE 3 - COUNCIL MEMBERS.....6

RULE 4 - AGENDA CONTROL7

RULE 5 - REGULAR COUNCIL MEETINGS-ITEMS OF BUSINESS7

RULE 6 - DEBATES8

RULE 7 - PARLIAMENTARY PROCEDURE.....9

RULE 8 - ORDINANCES - RESOLUTIONS9

RULE 9 - MISCELLANEOUS9

RULE 10 - COUNCIL EXPENSE REIMBURSEMENT.....11

RULE 11 – QUASI-JUDICIAL HEARINGS.....11

RULE 12 - CLOSED RECORD HEARINGS12

RULE 1 - MEETINGS

1. Regular Meetings: The City Council shall meet regularly on Wednesday of each week at 5:30 p.m. in accordance with Rule 5, in the Council Chamber and/or Council conference room, Bremerton City Hall, Bremerton, Washington, except as follows:

(a) There shall be no regular meeting of the City Council during the week of Thanksgiving.

(b) If at any time any regular meeting of the City Council falls on a legal holiday, then pursuant to RCW 42.30.070 such regular meeting shall be held on the next business day.

i. Upon a motion, and majority vote, the Council may recess from a meeting to a certain time and place set forth in the motion.

ii. Meetings may be relocated to accommodate special needs or circumstances.

2. Special Meetings: Special meetings or any change in the time or location of a regular meeting shall be called by the Council President, or a majority of the members of the City Council, by delivering personally or by mail, e-mail, or fax, written notice to each member of the Council; and to each local newspaper of general circulation and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings. The notice must be delivered personally or by mail fax or e-mail at least twenty-four hours before the time of the meeting as specified in the notice. The call and notice 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. Written notice may be dispensed with:

(a) If a member, prior to the convening of the meeting, files waiver of notice with the City Clerk, either written, by e-mail, or by FAX;

(b) If a member is actually present at the time the meeting convenes; or

(c) If the special meeting is called to deal with an emergency involving injury or damage to persons or property, or the likelihood of such, where these requirements would increase the likelihood of such injury or damage. (RCW 42.30.080)

3. Quorum: Five Council Members shall constitute a quorum for the transaction of business, and in the absence of a quorum the members present may adjourn the meeting to a later date.

4. Open Public Meetings Act: All Council meetings shall be conducted in conformity with the Open Public Meetings Act (RCW 42.30).

5. Appearance of Fairness/Conflict of Interest: In all its dealings, the Council and its individual members shall be governed by RCW 42.36 (Appearance of Fairness Doctrine); RCW 42.20 (Misconduct of Public Officers) and RCW 42.52 (Ethics in Public Service) and Chapter 2.96 BMC.

6. Executive Sessions: The Council may hold Executive Sessions during a regular or special meeting to consider matters allowed under RCW 42.30.110 as it now exists or is hereafter amended including:

- (a) consideration of acquisition or sale of real property if public knowledge would adversely affect the price;
- (b) discussion with legal counsel of City enforcement actions or potential or pending litigation in which the City is, or is likely to become, a party;
- (c) to receive and evaluate complaints against a public employee, unless the employee requests the consideration to be held in an open meeting;
- (d) evaluate the performance of an employee or qualifications of an applicant for City employment, so long as the final decision to hire and terms of employment, and decisions to terminate or discipline, are taken in an open meeting;
- (e) to review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs; and
- (f) to evaluate the qualifications of a candidate for appointment to elective office.

See RCW 42.30.110 for complete itemization of executive session topics.

Before convening in Executive session, the presiding officer shall announce the purpose of the session and the anticipated length of such session, and whether further action is anticipated. Should the session require more time, a public announcement shall be made that the session will be extended. The Council will return to Council Chambers, as applicable, for Adjournment of the meeting. Confidential discussions during Executive sessions shall not be disclosed by any Council member or City official in attendance to any person unless confidentiality is waived by a majority of the Council. Violation of confidentiality may result in a censure motion by the Council during a regular meeting.

7. Telephonic Appearance: Council Members may appear at a council meeting via telephone under limited circumstances. Telephonic appearances are for the benefit of the City of Bremerton and not for the benefit of an individual Council Member. Telephonic appearances may occur as follows:

- (a) The Council President may approve a Council Member's appearance at a council meeting via telephone when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy *and* one or more of the following circumstances exists:
 - i. Due to fire, flood, earthquake, or other emergency, there is a need for action by a governing body to meet the emergency;
 - ii. A vote of the council of the whole is required for action; or
 - iii. A unanimous vote of the whole council is required for passage of a measure.
- (b) In the event that subsection 7(a) of Rule 1 of the Bremerton City Council Rules and Procedures has been satisfied and more than one Council Member is absent, reasonable efforts shall be given to provide all absent members an opportunity to appear via telephone. In no event shall the Council President approve a Council Member's telephonic

appearance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone equipped with a speakerphone function capable of broadcasting the Council Member's voice attending via telephone clearly and sufficiently enough to be heard by those in attendance at the meeting. The telephone must allow the Council Member to take and answer questions as posed from time to time.

(c) During any meeting that a Council Member is attending via telephone, the Council President or presiding Council Member shall state for the record that a particular Council Member is attending via telephone and the reasons for such attendance.

(d) Council members appearing via telephone may participate and vote during the meeting as if they were physically present at the meeting.

(e) Council Members appearing via telephone shall comply with all rules and procedures as if they were physically present at the meeting.

RULE 2 - PRESIDING OFFICER - DUTIES

1. Conduct of Meeting: The presiding officer at all meetings of the Council will be the President of the Council, or in the absence of the President, the Vice President of the Council, who shall conduct the business and deliberations of the Council under these rules. Reference herein to Council President shall also apply to the Council Member acting in the Council President's place as presiding officer. The President/*mayor pro tempore* and Vice President shall be elected by a majority of the Council Members at the start of the first meeting of each year, or at such time as necessary due to a vacancy. If both the President and Vice President are absent and a quorum is present, the Chair of the Fiscal and Budget Committee shall act as Presiding Officer. If the Chair of that Committee is unavailable, the Chair of the Operations Committee shall act as presiding officer.

The Council President shall:

(a) Preserve order and decorum in the Council Chamber at all times;
(b) Observe and enforce all rules adopted by the Council for its government;
(c) Decide all questions on order, in accordance with these rules, subject to a challenge as provided in Rule 6 Subsection 4., below; and

(d) Recognize members of the Council in the order in which they request the floor. No member shall be recognized and given the floor to speak on the same matter more than once until all other members of the Council have had an opportunity to be recognized and be heard;

(e) The presiding officer, as a member of the Council, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Council Members.

2. Warrant Register: The Council President shall be assigned the responsibility for signing off on the Warrant Register, following Council approval.

3. Council Committees: The Council President shall make all committee assignments, as well as Intergovernmental Representative assignments, subject to majority approval of the full

Council. To the degree possible, assignments will be consistent with special skills, interests and time constraints. Assignments will be made to the following:

(a) Standing Committees:

i. Committee of the Whole consisting of the full council membership, with the Council President as chair, to serve each week as a regularly scheduled committee meeting immediately following the Limited Agenda Council Meeting in the council conference room, or other times and locations as designated, to hear matters to be placed on the regular council meeting agendas and other council business.

ii. Fiscal & Budget Committee to serve as directed by the Council President,

iii. Operations Committee to serve as directed by the Council President,

iv. Audit Committee per the City Charter and Chapter 2.18 BMC,

v. Lodging Tax Advisory Committee per Chapter 67.28 RCW and Chapter 3.64 BMC.

The above listed standing committees may be restructured or reorganized as authorized and approved by the City Council without formal amendment of these rules and procedures.

(b) Special and Ad Hoc Committees - May be established for a specific purpose or a specific time frame to serve as authorized by the Council President and approved by the City Council.

(c) Intergovernmental Committees, Commissions and Boards – Kitsap Regional Coordinating Council of Governments and others as appointed and approved.

4. Council Liaison to City Departments: Each council member may be assigned by the Council President to one or more city departments to serve as a liaison between the city council and the departments. The council members will perform this function as directed by the Council President.

RULE 3 - COUNCIL MEMBERS

1. Comments: Council members shall address all comments to the Council President, except when a member moves to adopt a resolution, or when a member seconds a motion.

2. Leaving Place: No member shall leave his or her place while a question is being put or a count is being taken.

3. Voting: A vote on any matter shall be taken by roll call and any member may abstain from voting.

4. Questioning: Any member of the Council, including the Council President, shall have the right to question any individual, or staff member, on matters germane to the issue before the Council. Such questioning shall not be conducted so as to ridicule or denigrate the individual being questioned.

5. Information Requests: A Council member may seek clarification or additional information before voting on an issue. If such request delays consideration to another date, approval of a majority of the Council is required.

RULE 4 - AGENDA CONTROL

1. Agenda Control: Consideration of any subject, matter, or communication by the Council may be initiated by the Mayor or any Council Member. All written materials supplementing an agenda bill should be filed with the Council Legislative Assistant and presented to Council Committees. The Council President may reject any agenda item not complying with this procedure.

2. Committee or Study Session Review: Each Agenda Bill item shall be presented to a council committee or the City Council at a study session.

3. Removing Items: At the pre-council meeting, any item may be removed from the agenda for any reason upon the request of any Council Member. However, two Council Members may demand the item be reinstated to the agenda. The item shall be brought before the Council as regular business on the agenda and only tabled, continued or rejected by majority vote.

RULE 5 – REGULAR COUNCIL MEETINGS - ITEMS OF BUSINESS

1. Full Agenda Council Meeting: The Full Agenda Council Meeting shall meet in the designated council chambers, unless a different location is so designated, on the first and third Wednesday of each month at 5:30 p.m. or at such other day and time as designated by ordinance. The Full Agenda Council Meeting shall consist of the following items with the sequence to be determined by the Council President:

- (a) Call to Order
 - Pledge of Allegiance
 - Invocation
- (b) Mayors Report
- (c) Public Service Announcements
- (d) Consent Agenda
- (e) Public Hearings
- (f) Ordinances and Resolutions
- (g) General Business
- (h) Public Recognition.
- (i) Council Member Reports
- (j) Adjournment.

2. Limited Agenda Council Meeting: The Limited Agenda Council Meeting shall meet in the designated council chambers, unless a different location is so designated, on the second, fourth and fifth (as applicable) Wednesday of each month at 5:30 p.m. or at such other day and

time as designated by ordinance. The Limited Agenda Council Meeting shall consist of the following items with the sequence to be determined by the Council President:

- (a) Call to Order
 - Pledge of Allegiance
 - Invocation
- (b) Public Service Announcements
- (c) Consent Agenda
- (d) Other business as authorized by the Council President.
- (e) Adjournment

3. Executive Session/Recess: The agenda may be interrupted for a stated time to adjourn to Executive Session or recess at the prerogative of the Council President, unless overruled by Council majority.

4. Consent Agenda Items: Any Council member may request a Consent Agenda Item be moved to the regular agenda, for which no second is required.

5. Agenda Rearrangement: The Council President may rearrange, change the sequence, or add to or remove items from the Agendas outlined in Rule 5(1) and (2) above.

6. Regular Council Meetings Televised: The Full and Limited Agenda Council meetings shall be televised unless otherwise directed by Council.

RULE 6 - DEBATES

1. Interruption: No member, including the Council President, shall interrupt or argue with any other member while such member has the floor.

2. Courtesy: All speakers, including Council members, during comments, discussion or debate of any issue, shall address their comments to the Council President with courtesy and proper deportment. Comments shall not contain personalities, derogatory remarks or insinuations toward any member of the Council, Staff and Public, but shall be confined to facts that are germane and relevant to the issue.

3. Transgression: Upon transgression of these rules, the Council President shall call such person to order, in which case that person shall be silent except to continue in order. If the Council President transgresses these rules, or fails to call a transgressor to order, any other member of the Council may, under a point of order, call the transgressor to order.

4. Challenge to Ruling: Any member of the Council shall have the right to challenge any action or ruling of the Council President, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Council President, shall govern.

RULE 7 - PARLIAMENTARY PROCEDURE

Procedure Guide: Robert's Rules of Order shall be used as a guide to govern the conduct of business of the City Council while in Legislative session. However, the Council President shall have the authority to make a final ruling on all issues of procedure, subject to Rule 6, Subsection 4 of these Rules.

RULE 8 - ORDINANCES - RESOLUTIONS

- 1. Actions:** Any action of the Council shall be by ordinance, resolution or motion and shall be conducted only in open public meetings unless otherwise provided by law. Such action shall be deemed approved by an affirmative vote of a majority of those Council members present, unless otherwise provided by law. Any such action shall contain only a single subject matter and may not be amended to include a different subject.
- 2. Submittal:** No ordinance shall be submitted to the Council for consideration until approved as to form and legality by the City Attorney and copies have been furnished to Council Members and the City Clerk. No such ordinance shall contain any interlineations or marginal notes.
- 3. Presentations:** Reading of ordinances and resolutions at all Council meetings shall be deemed sufficient by the reading of a brief synopsis of the title of the ordinance or the purpose of the resolution. The full text of an ordinance or resolution under consideration by the Council will be provided to any member of the public upon request.
- 4. Reading of Ordinances:** Every ordinance shall have one reading except that, upon a request of a Council Member, an ordinance shall have two or more readings unless otherwise directed by the Council.

RULE 9 - MISCELLANEOUS

- 1. Agenda:** By direction of the Council President, the Legislative Assistant shall prepare the Agenda for each session of the Council in regular order in accordance with these rules, which order shall not be departed from, except as provided in these rules. Such Agenda shall include all resolutions, ordinances and matters requested by any Council Member, or the Mayor, with no items deleted from the Agenda except as provided in Rule 4 of these rules.
- 2. Public Comment on Agenda Items:** Any person has the right to speak on any Agenda item at the time the item is discussed and prior to a vote by the Council, except for Consent Calendar agenda items. Such remarks must be confined to those that are germane and relevant to the item being discussed and shall be subject to a time limit. If numerous speakers are addressing the issue, the Council President may further restrict speaker time. Written comments shall, to all intents and purposes, be considered the same as oral comments.

3. Public Recognition: Any member of the public shall have the right to address the Council and the Mayor on issues not on the Agenda. No member of the public shall engage in discussion or comment which a) is obscene, indecent or libelous; b) promotes the sale of products, or services; c) promotes any lottery or contest which offers prizes dependent in whole or in part upon lot or chance. Those questions from the public posed to the Council that cannot be answered at the Council meeting must be put in writing in order to receive a written response from the appropriate party or parties within a reasonable time. Letters addressed to City officials will not be read in Public Recognition unless an exception is granted by Council President based upon exceptional circumstances. Argumentative Rebuttal is not permitted during Public Recognition.

4. Ballot Issues: During the election period, beginning the last week in July or from the time an individual announces candidacy, whichever comes first, through the November General Election, all announcements or advertising concerning candidates are prohibited. Discussion of ballot issues is prohibited after the issue has qualified for the ballot. Meetings for political parties may be announced, with the exception of fundraising events (i.e. dinners, drawings, etc.) or meetings where the title of the function expresses support or opposition for any candidate, political party, or issue.

5. Public Hearings: The Council President may allocate the time allotted to Public Hearing equally among the members of the public who wish to speak.

6. Complaints: Personal complaints, especially those of a derogatory nature against any official or employee of the City shall not be discussed at a Council meeting. Citizens wishing to make such complaints shall be instructed that the same should be first processed and handled through the Mayor's office. Then, if the citizen feels appropriate action has not been taken, it shall be proper for the complaint to be communicated in writing to the members of the Council. Complaints against a Council Member shall be submitted to the Council President. If the complaint is against the Council President, the complaint shall be submitted to the Vice-President. Acceptance by the Council of a written complaint shall not, however, give rise to public discussion thereon. The City Attorney should be consulted regarding confidentiality, rights to privacy and other legal concerns.

7. Amendments to Rules & Procedures: Amendments to these rules shall be made by resolution of the Council.

8. The City Clerk: The City Clerk, or duly authorized representative, shall attend all business meetings of the City Council and maintain a permanent journal of its proceedings. All votes shall be recorded by calling the names of each member on a positional rotation basis with Council President's vote called last.

9. Maintain Record: All of the regular and special meetings of the City Council and each and every part thereof shall be recorded electronically. These records shall be maintained for a period in conformance with Chapter 40.14 RCW.

10. Prepare Minutes: Subsequent to each meeting, the Legislative Assistant shall prepare brief and concise minutes of all Council meetings and submit the same to the Council for approval. Such minutes shall contain an accurate resume of official Council actions, with reference to all matters before it.

11. Verbatim Transcript: No member of the Council, nor any member of the administrative staff of the City, shall be empowered or authorized to require the Legislative Assistant to insert in said official minutes any verbatim transcript of all or any part of the proceedings. Verbatim transcripts shall be made a part of the minutes only when authorized by a majority vote of the entire Council, made at the meeting wherein such Verbatim request is made. Copies of tapes will be available at cost.

12. Non-Compliance with rules and Waiver: Failure of a Council member to challenge the non-compliance of Council proceedings with any rule or procedure herein, prior to the vote or other action taken on the item under consideration, shall constitute a waiver and such non-compliance shall not affect the outcome of any action taken by the Council unless such compliance is required by law.

13. Council Comments: No Council member may advertise or promote a private business or enterprise during Council meetings except that Council members may make announcements to welcome a new business or announce special events regarding a private business or enterprise.

RULE 10 - COUNCIL EXPENSE REIMBURSEMENT

Members of the City Council shall observe the Expense Reimbursement Claim Policies that have been established by ordinance or resolution. Reimbursement for travel by any member of the Council outside the State of Washington shall be made only with the prior approval of the majority of the Council. All Council member expenses shall be subject to approval by the Council President.

RULE 11 - QUASI-JUDICIAL HEARINGS

1. Quasi-Judicial Body: In hearing matters requiring application of law and determination of facts which predominantly affect particular parties rather than the public generally or a class or group, the Council sits as a Quasi-Judicial body. It will conduct the hearing in accordance with Rule 11 and 12.

- (a) Council President convenes hearing.
- (b) Item is introduced by City Clerk.
- (c) Council President inquires:

i. “All Council members should now give consideration as to whether they have: 1.) a demonstrated bias or prejudice for or against any party to the proceedings; 2.) a direct or indirect monetary interest in the outcome of the proceedings; 3.) a prejudgment of the issue prior to hearing the facts on the record; or 4.) *ex parte* contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. If any Council member should answer in the affirmative, then the Council member should state the reason for their answer at this time so that the Chair may inquire of the City Attorney as to whether a violation of the Appearance of Fairness Doctrine or a Conflict of Interest exists.”

ii. “If any member of the public believes any Council member should excuse themselves due to a conflict with the Appearance of Fairness doctrine, or for another concern, please state the reasons now.”

(d) Council President calls upon Administrative Staff to present the recommendation or decision of the Administrative Hearing Examiner, or other applicable commission or board, to provide a general background and to answer Council questions.

(e*) Council President designates the length of argument to afford a fair hearing of the issues. Correspondence is read and testimony taken from proponents, then opponents and those neutral. Council may ask questions of those testifying.

(f*) Limited questioning of opposing witnesses on technical matters by either side may be allowed in the discretion of the Council President. The City Attorney will advise the Council President when such questioning may be a lawful requirement of the hearing.

(g*) President closes the public testimony portion of the hearing. Council deliberates and may ask questions of the presenters.

(h) A decision by motion is made. The Council may accept, reject or modify a recommendation or decision based upon its application of code criteria and appropriate findings.

(i) No motion to rescind or reconsider the initial quasi-judicial decision may be brought by any Council member following close of the meeting.

* Not applicable to closed record hearing.

RULE 12 - CLOSED RECORD HEARINGS

1. Hearing Procedure:

(a) Closed record hearings on land use applications shall be conducted in accordance to this rule. The provisions of Rule 11 are applicable to closed record hearings except as otherwise noted therein. After the appearance of fairness inquiry, the President or staff will announce that the decision will be based on materials received in evidence at the previous open record hearing of the Administrative Hearing Examiner or other applicable commission or board; minutes of the prior hearing; and the recommendation or decision from the open record hearing.

(b) The Council may consider the following limited evidence not set forth in the record:

i. The Council may take official notice of information such as any law, ordinance, resolution, rule or other fact generally known and verifiable from reliable sources.

- ii. Council members may view the area in dispute, but shall note the time, manner and circumstances of such view on the record.
- iii. Council deliberates and may ask questions of the staff.
- iv. A motion incorporating the decision is made. The Council may accept, reject, or modify the Administrative Hearing Examiner's recommendation based upon its application of code criteria and appropriate findings.

Dated this _____ day of _____, 2005.

DAREN NYGREN, City Council President

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