

CITY OF PORT TOWNSEND

CITY COUNCIL RULES OF PROCEDURE

**A Comprehensive Collection of Meeting Rules,
Coordination Procedures, Public Hearing Procedures,
and Applicable References from the Revised Code of
Washington**

**Adopted June 19, 2000
Revised October 2, 2000
Revised April 16, 2001
Revised March 4, 2002
Revised April 15, 2002
Revised June 3, 2002
Revised June 17, 2002
Revised August 5, 2002
Revised February 23, 2004
Revised March 1, 2004
Revised February 22, 2005
Revised May 1, 2006
Revised September 11, 2014
Revised November 3, 2014**

ARTICLE 1 - COUNCIL MEETINGS 1

- 1.1.1 Council Meetings - Time and Location 1
- 1.1.2 Council Meetings - Open to the Public..... 1
- 1.1.3 Council Meetings – Pledge of Allegiance 1
- 1.2 Election of Officers 1
- 1.3 Presiding Officer..... 2
- 1.4 Quorum..... 2
- 1.5 Attendance, Excused Absences..... 2
- 1.6 Special Council Meetings 2
- 1.7 Council Material..... 3
- 1.8 Council Business Meeting Agenda / Consent Agenda 3
- 1.9 Study Sessions and Workshops..... 4
- 1.10 Telephone Tree 5
- 1.11 “Three Touch Rule” Defined 6
- 1.12 City Manager 7
- 1.13 City Clerk - Minutes - Public Information Access 7

ARTICLE 2 - DUTIES AND PRIVILEGES OF MEMBERS 7

- 2.1 Forms of Address 7
- 2.2 Filling Council Vacancies..... 7

ARTICLE 3 - COUNCIL MEETING PROCEDURES..... 8

- 3.1 Rules of Order..... 8
- 3.2 Motions..... 8
- 3.3 Order of Business 8
 - 3.3.1 Agenda Order..... 8
 - 3.3.2 Public Comment 8
 - 3.3.3 Other..... 10
- 3.4 Adjournment Due to Emergency or Disruption 10
- 3.5 Permission Required to Address the Council..... 11
- 3.6 Voting..... 11
- 3.7 Enacted Ordinances, Resolutions and Motions..... 12
- 3.8 Resolutions 13
- 3.9 Ordinances 13
- 3.10 Reconsideration..... 13
- 3.11 Legislative Process, Preparation, Introduction and Flow of Ordinances and Resolutions and Motions 14
- 3.12 Complaints and Suggestions to Council..... 14
- 3.13 Photographs, Motion Pictures, Video Tape -- Permission Required for Artificial Illumination 14
- 3.14 Guidelines for Processing New Matters 14

ARTICLE 4 - COMMITTEES, BOARDS, WORD GROUPS & COMMISSIONS..... 17

4.1 Committees 17
4.2 General Rules Applicable to Citizen Advisory Boards 17
4.2.1 Definitions 17
4.2.2 Purpose and Application 17
4.2.3 Scope of Work 18
4.2.4 Membership, Nomination and Confirmation Process, and Residency Requirements 18
4.2.5 Officers – Indemnification and Election 19
4.2.6 Quorums, Transacting Business 19
4.2.7 Terms of Office and Vacancies 19
4.2.8 Conflicts of Interest 19
4.2.9 Liaisons and Representatives 19
4.2.10 Procedures, Records and Minutes 20
4.2.11 Meetings 20
4.2.12 Communications to City Council 20
4.2.13 Compensation and Reimbursement of Expenses 20
4.2.14 Lobbying Efforts 21

ARTICLE 5 - RELATIONS WITH CITY MANAGER & ADMINISTRATION 21

5.1 Role of the City Manager 21
5.2 Administrative Interference by Council Members 21
5.3 Administrative Complaints Made Directly to Individual Council Members 21
5.4 Administrative Complaints – “Best Practice”[..... 21

ARTICLE 6 - PUBLIC HEARING PROCEDURES..... 22

6.1 Appearance of Fairness Doctrine 22
6.2 Actions for a Public Hearing 24

ARTICLE 7 - TRAINING, EDUCATION, INTERGOVERNMENTAL RELATIONS AND TRAVEL REIMBURSEMENT

7.1 Purpose 24
7.2 Travel Expenses and Reimbursement 24
7.3 Travel – Authorization – When Required 25

Exhibit A Telephone Tree Memo and chart 26
Exhibit B Resolution 98-044, Establishing a Policy of Action Minutes..... 28
Exhibit C Parliamentary Procedure at a Glance..... 30
Exhibit D Legislative Flow Chart 31
Exhibit E List of Standing Committees and Mission Statements..... 32
Exhibit F Public Hearing Procedures..... 35
Exhibit G Agenda Format..... 47

Policy Statement: The Council Rules should be considered a means to an end, and not an end in themselves. If used well, rules of order will advance fundamental goals and principles. They will help the Council spend its time well and make good decisions on behalf of the community. The rules should not become the master and the primary focus for the meeting. The “horse” (the principles) should come before the “cart” (the rules).

ARTICLE 1 - COUNCIL MEETINGS

1.1.1 Council Meeting - Time and Location. All regular meetings of the City Council shall be held at the times and locations specified by applicable ordinances and resolutions of the Council.

1.1.2 Council Meetings - Open to the Public. All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

1.1.3 Council Meetings – Pledge of Allegiance. The Pledge of Allegiance will be recited before every regular meeting, special meeting, workshop and committee meeting of the City Council.

1.2 Election of Officers. Procedures for electing officers are as follows:

- (a) Biennially, at the first meeting of the new Council, the members thereof shall choose a presiding officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, there shall be an election for Deputy Mayor. The term of the Deputy Mayor shall run concurrently with that of the Mayor. The Mayor and Deputy Mayor shall serve for two years consistent with RCW 35A.13.030 and 35A.13.040
 - (1) In the event of a vacancy, the replacement shall serve the remainder of the term.
 - (2) The Mayor and Deputy Mayor can be changed by a super majority vote of the council.
- (b) The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one (1) person, and nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The election for Deputy Mayor shall be conducted by the Mayor-elect, and nominations shall be made in the manner previously described for the election of the Mayor.
- (c) Except when there is only one (1) nominee, election shall be by written ballot. Each member's vote shall be signed. The City Clerk shall publicly announce the results of the election. Thereafter, the City Clerk shall record in the minutes the ballot total(s).
- (d) In the event the Council is unable to agree on a Mayor by majority vote of members present, the Office of Mayor shall be temporarily filled by an **Acting Mayor**. The Acting Mayor shall be the Council member who just previously

served as Deputy Mayor; or if such person is not a member of the Council, the Council member with the highest seniority as determined by the City Clerk. Ties shall be resolved in a contest by chance. The Acting Mayor and Acting Deputy Mayor shall continue in office and exercise such authority as is described in RCW 35A.13.035 until the members of the Council agree on a Mayor, at which time the role of Acting Mayor and Acting Deputy Mayor shall cease and terminate.

- 1.3 Presiding Officer.** The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes and shall have no regular administrative duties in accordance with RCW 35A.13.030. In case of the Mayor's absence or temporary disability, the Deputy Mayor shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and Deputy Mayor, a Deputy Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences. The Mayor or Deputy Mayor are referred to as "Presiding Officer" from time-to-time in these Rules of Procedure.

Preservation of Order: The Chair shall preserve order and decorum, confining members to debate the question under discussion.

Powers: The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as the Presiding Officer.

- 1.4 Quorum.** At all meetings of the Council, four (4) Council members, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A number less than four (4) Council members does not constitute a quorum for the transaction of business and a lesser number may adjourn from time-to-time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered regular meeting for all purposes.

- 1.5 Attendance, Excused Absences.** RCW 35A.12.060 provides that a Council member 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. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and state if the member's absence is excused or not, or put the matter to the vote of the Council. Any member may request a vote on matter. In the absence of a request for vote, the Presiding Officer's determination shall be deemed approved. If there is a motion to excuse the member, this motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

1.6 Special Council Meetings. Procedures for setting a special meeting are as follows:

- (a) A special meeting may be called by the Presiding Officer or any four (4) members of the Council.
- (b) Notice of the special meeting shall be prepared in writing by the City Clerk. The notice shall contain information designating the time, location, and the subject or agenda of the meeting. The notice form shall be approved by the City Attorney.
- (c) The notice shall be delivered by mail or personally to the residence of each Council member, the City Manager, and the business office of each local newspaper, radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.
- (d) The notices provided in this section may be dispensed with or disregarded within the circumstances provided by RCW 42.30.080, that is: **(1)** any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, **(2)** any member who was actually present at the meeting at the time it convenes, and **(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.

1.7 Council Material. Council members and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.

1.8 Council Business Meeting Agenda/Consent Agenda. As a guideline for advance preparation of the agenda the City Clerk, under the direction of the City Manager, shall arrange a list of proposed matters according to the order of business and prepare a draft agenda by Friday noon, at least 10 days before the next regular business Council meeting.

Council members may request the Presiding Officer to add or delete items from the draft agenda up until 10AM Monday, at least one week prior to the meeting.

Council committee chairs may request the Presiding Officer to add items to the next or future agenda pertaining to matters that have come before the Committee [OR the Council has assigned the Committee], and the Presiding Officer shall give due deference to promptly placing the matter on the next agenda or future agenda as requested by the Council Committee chair. If a requested item is not placed on an agenda as requested by the Council Committee chair, then the Council Committee chair may request, during the Council meeting (either under Changes to the Agenda, or Standing Committee Reports, or Suggestions for next or future agenda) that the Council act to add the item

The Presiding Officer shall approve the agenda by noon that Monday so that the proposed agenda can be appropriately distributed by 4 PM. The Presiding Officer may alter the agenda on his or her own initiative, or on request of a Council member or City Manager, until the time of the

next meeting.

At the meeting, the Presiding Officer, or any majority of the council members present, may move to delete any item from the agenda or add items to it, after stating the reasons for the change. Prior to the meeting, requests for agenda items to be scheduled on the agenda shall be made to the Presiding Officer or City Manager.

The Presiding Officer

- (a) The City Manager, in consultation with the Presiding Officer, shall place matters on the consent agenda which: **(1)** have been previously discussed by the Council; or **(2)** are based on the information delivered to members of the Council by the administration that can be reviewed by a Council member without further explanation; or **(3)** are so routine, technical or “housekeeping” in nature that passage without discussion is likely.

- (b) **As a guideline for advance preparation of the agenda**, a copy of the agenda and supporting materials shall be prepared for Council members, the City Manager, the media, the city website, the City Library and the public information file in advance of the meeting. The goal shall be to produce materials Thursday before the Monday meeting. The Clerk should place materials on the website to the extent this can be reasonably accomplished. A copy of the agenda which includes the consent agenda will be shown on PTTV for home viewers of Council meetings, at least 5 days in advance of each meeting, with a statement that the agenda is subject to change up to and including at the meeting, and that information concerning the agenda and any changes is available from the City Clerk. At least one complete binder with all Council packet materials shall be available at every Council meeting for the public's use. The proper Council motion on the consent agenda is as follows: “I move adoption of the consent agenda.” This motion shall be non-debatable and 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, the Presiding Officer shall inquire if any Council member wishes an item to be 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.

- 1.9 Study Sessions and Workshops.** Regular or Special Council meetings, or portions thereof, may be designated as study sessions by the Presiding Officer. The purpose of workshops is to allow Council members to conduct concentrated preliminary work with administration on single or multiple subjects but time consuming, subjects (i.e., budget, complex legislation or reports, etc.).

Study sessions need have no formal agenda and may be conducted informally so long as such informality is not in conflict with these rules. The purpose of study session discussions is to allow Council members to be made aware of impending business and

allow informal discussion of issues that might be acted on at a future meeting.

These conditions will allow the Council members to communicate informally about these impending issues. Workshops and study sessions in a less formal setting shall not discourage public observation or participation in the same manner as a regular Council meeting.

As a guideline for advance preparation of the study session agenda, the City Clerk, under the direction of the City Manager, and with the advice of the Presiding Officer and Council members, shall arrange a Council study session or workshop agenda for the meeting. The agenda shall, for each item, contain the discussion subject, the discussion leader (if any), the activity and the discussion goal. After the proposed agenda has been approved by the Presiding Officer, a copy, along with any supporting materials, shall be prepared for Council members, the City Manager, the public, the city website and the press, on or before 4:30 p.m., four (4) days before the Council study session or workshop, with a statement that the agenda is subject to change up to and including at the meeting, and that information concerning the agenda and any changes is available from the City Clerk. Materials shall be placed on the website to the extent this can be reasonably accomplished. The Presiding Officer may alter the agenda on his or her own initiative, or on request of a Council member or City Manager until the time of the next meeting. At the meeting, the Presiding Officer, or any majority of the council members present, may move to delete any item from the agenda or add to it, after stating the reasons for the change. Study sessions subjects shall be posted and announced at the preceding regular Council meeting with a statement that the agenda is subject to change up to and including at the meeting, and that information concerning the agenda and any changes is available from the City Clerk.

During the Council study session or workshop, the Presiding Officer may appoint discussion leaders who may: **(1)** introduce the subject and provide background information; **(2)** identify the discussion goal; **(3)** act as facilitator to keep the discussion focused on the eventual discussion goal; **(4)** alert the Presiding Officer when it is appropriate to call for a consensus motion or official direction of the Council. The Presiding Officer retains the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. Minutes of the study session and workshops will be prepared under the supervision of the City Clerk. Audio tapes will be used to record the proceedings of the meetings. These tapes will constitute the Official Record.

- (a) Training: Council members are strongly encouraged to take the Association of Washington Cities (“AWC”) annual training for newly elected officials during their first year in office.
- (b) Council shall hold an annual Work Plan Retreat with optional additional quarterly retreats to create and/or review the Work Plan for the year, and subsequently confer with Staff on Work Plan progress/ impediments and possible adjustments.
- (c) Certain actions can be taken at study sessions as follows: scheduling of (1) regular

and special meetings; (2) public meetings and hearings; (3) items for future regular or special meeting agendas.

1.10 Telephone Tree. Occasionally there are very important or emergency happenings in the community where members of the Council should receive briefings as quickly as possible. A City Council telephone tree system has been adopted by Council motion and is attached as **Exhibit A**.

1.11 “Three Touch Rule” Defined. The following procedures are designed to prevent “surprises” to the City Council and citizens as much as possible. Decision makers at all levels of the City should have adequate time to thoughtfully consider the issues prior to the final decisions.

- (a) **Qualifying Conditions** - Any subject or proposal for adopting or changing public policy, ordinances, resolutions or City Council directives which will eventually result in a decision of the City Council. The subject should “**touch**” (verbal, written or any combination thereof) the persons or groups, who may eventually recommend or approve a final action, **three separate times**. Quasi-judicial matters and any subject discussed in executive sessions are excluded from the “Three Touch Rule.”
- (b) **Three Touch Rule Elements:**
 - 1. **First Touch** - A deliberate, verbal or written statement or notification that a given subject is being considered or developed for future consideration along with a preliminary estimate of the time lines involved.
 - 2. **Second Touch** - A more detailed review / discussion of the proposal with adequate preparation made or personnel available to answer most questions and receive preliminary feedback from Council members.
 - 3. **Third Touch** - A presentation (verbal or written as appropriate) of final details of the proposal in the appropriate draft proposal form which **could be adopted** as amended or referred to further process before final action.
- (c) The “Three Touch Rule” is a general guide to help prevent **surprises** for elected officials, the city administration and the citizenry.
- (d) It is recognized that, on occasion, routine, time-sensitive, unknown and/or emergency circumstances may arise wherein utilization of the “Three Touch Rule” is impossible, impractical, or not necessary. The hands of decision makers to respond appropriately should not be tied unnecessarily. However, when routine, time-sensitive, unusual circumstances and/or emergency conditions arise which justify an expedited decision making process, the persons requesting the expedited decision should explain the circumstances. The intention of the “Three Touch Rule” is to promote pre-discussion, allowing time for an unhurried decision.

1.12 City Manager. The City Manager, as the chief executive officer and head of the

administrative branch of city government, or his/her designee, shall attend all meetings of the City Council, including study sessions and workshops, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by that body or as the City Manager deems it advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the well-being of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City administration. RCW 35A.13.080.

- 1.13 City Clerk - Minutes - Public Information Access.** The City Clerk shall be ex-officio Clerk-of-the-Council and shall keep minutes as required by law, and in accordance with City of Port Townsend, Resolution 98-044, adopted on the 6th day of April 1998, and attached hereto as Exhibit B, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall tape record the proceedings of all public hearings, regular meetings, workshop sessions, hearings, special sessions, study sessions and other conclaves as directed by the City Council, recorded proceedings for any item of business so recorded. Access to the tape recordings shall be made available to any party who so requests, according to City public information procedures. All regular meetings, workshop and study sessions shall be televised or videotaped for public informational purposes if held in appropriate venue and subject to availability of equipment and camera operator through PTTV.

End of Article 1 - Council Meetings

ARTICLE 2 - DUTIES AND PRIVILEGES OF MEMBERS

- 2.1 Forms of Address.** The Mayor shall be addressed as “Mayor (surname).” The Deputy Mayor shall be addressed as “Deputy Mayor (surname).” Members of the Council shall be addressed as “Council member (surname).”
- 2.2 Filling Council Vacancies.** If a vacancy occurs in the office of a Council member, the Council will follow the procedures outlined in RCW 35A.13.020. 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 form for the vacancy. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with a public interview of each candidate to aid the Council’s selection of the new Council member.

End of Article 2 - Duties and Privileges of Members

ARTICLE 3 - COUNCIL MEETING PROCEDURES

3.1 Rules of Order. Rules of order not specified by statute, ordinance or resolution shall be governed by *The Scott, Foresman Robert's Rules of Order Newly Revised - 10th Edition*, as published by Scott, Foresman and Company. A quick reference chart of the most common "Rules of Order" questions is attached as **Exhibit C**.

- (a) Council members shall speak to the issues in a civil manner, respecting the viewpoints of others, focusing on the issue at hand, sharing their own motives and reasons for supporting or not supporting an item for discussion, in a polite manner towards each other and the public.
- (b) Council members shall have 5 minutes, maximum, per speech (instead of the 10 minutes provided in Robert's Rules).

3.2 Motions. All items of business placed before the Council that requires the expenditure of Council and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

3.3 Order of Business.

3.3.1 Agenda Order.

- (a) The accepted order of business for the first and second regular business meeting of the Council shall be transacted as shown in the following list: See attached Agenda Format (Exhibit G); provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. This accepted order of business may also be changed from the format shown by the Presiding Officer or a majority of the full Council.
- (b) Order of business to be determined by the City Council periodically and established by motion. Accepted Order of Business will prevail until subsequent change.

3.3.2 Public Comment

- (a) All subjects on the current agenda under public comment (except public hearings), and public comment on items not on the agenda, are limited to a total of 30 minutes per subject or item; speakers will be allotted three minutes per individual, unless revised by the Presiding Officer (see Section (e) below). For an item not on the agenda that, based on the number of persons indicating an intent to speak, may require more than 30 minutes for public comment, consideration will be give to first allowing public comment on other items, and/or to setting an agenda item later in the agenda or at a future Council meeting for public comment on the item.
- (b) In the event of single subject group comment, at the discretion of the Presiding

Officer, single time allocation for a spokesperson can be allowed. Groups that qualify for this special treatment shall submit to the Presiding Officer, prior to comment, a list of present group constituents or others in agreement so that duplication shall not occur.

- (c) The City Council desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. At any time, the Presiding Officer, in the Presiding Officer's discretion, may set such reasonable limits as are necessary to prevent disruption of other necessary business.
- (d) **Subjects not on the current agenda.** Any member of the public may request time to address the Council after first stating their name, address or neighborhood (at the option of the speaker), and the subject of their comments. The Presiding Officer **may then** allow the comments subject to such time limitations as the Presiding Officer deems necessary. Following such comments, the Presiding Officer may place the matter on the agenda or a future agenda, or refer the matter to administration or a Council committee for investigation and report. The Mayor may recognize any Councilor or the City Manager for the limited purpose of providing a brief response, or comment, or summary of expected action. No debate of the merits of the item should occur at this time. Any Councilor or the City Manager may indicate that he or she desires to discuss the matter further on the agenda (under VIII Suggestions for Future Agenda, or IX. Comments from Council, or as otherwise determined by the Presiding Officer).
- (e) **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 **during the agenda item discussion**. As an option, the Presiding Officer may invoke a sign in procedure. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached and shall rule on a specific individual or group time limit for public comment. The Presiding Officer may change the order of speakers so that comment is heard in the most logical groupings.
- (f) Comments shall be made from the microphone, first giving the speaker's name and address or neighborhood (at the option of the speaker). No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting.
- (g) There will be no demonstrations during or at the conclusion of anyone's presentation.
- (h) These rules are intended to promote an orderly system of holding a public meeting, to give every person an opportunity to be heard and to ensure that no individuals are embarrassed by exercising their right of free speech.

- (i) Any ruling by the Presiding Officer may be overruled by a vote of a majority of members present, except as otherwise provided by these rules (for example (e) above).
- (j) **Public Hearing Procedures.** Public Hearings (see **Article 6** for procedural details).

3.3.3 Other

- (a) **Executive Sessions.** Convening of an executive session which is normally shown on each meeting agenda will be announced by the Presiding Officer after the Roll Call, when such a session is required.
- (b) The Presiding Officer will announce the next Council meeting date, and refer the public to a list of Standing committee meetings for the subsequent two-week period, during the Presiding Officer's report.
- (c) **Adjournment.** No meeting shall be permitted to continue beyond 9:30 p.m., without the approval of a simple majority of council members present and eligible to vote. The Council shall be deemed to have approved an extension of the meeting beyond 9:30 p.m. unless a member requests a vote to whether to extend or adjourn. A new time limit must be established before taking a council vote to extend the meeting. The items not acted upon or considered shall be deferred to the next regular council meeting, as unfinished business, unless the Council, by a majority vote of Council members present, determines otherwise.
- (d) **Mayor and Councilmember Comments and Concerns:** The agenda shall provide a time when the Mayor ("Mayor's Reports") or any Council member ("Comments From Council Members") may bring before the Council any business that he/she feels should be deliberated upon by the Council or added to future agenda. These matters need not be specifically listed on the agenda, but formal action on such matters shall be deferred until a subsequent Council meeting, except that for adoption of ordinances (see 3.9(b)) immediate action may be taken upon a vote of a majority of all members of the Council. There shall be no lectures, speeches or grandstanding.
- (e) **Standing Committee Reports:** The Clerk will place draft minutes of committee meetings held since the last Council business meeting in the Council Agenda package for the Committee Reports agenda item (second business meeting). If draft minutes are not available by the time the agenda package is distributed, then the clerk will include the draft minutes in the next Council meetings agenda. Discussion would only occur if (1) a committee chair wished to highlight or summarize any matter, or (2) any Councilmember requested information or clarification.

- 3.4 Adjournment Due to Emergency or Disruption.** In the event of emergency, such as a fire, threatened violence, or inability to regain good order, the Mayor shall forthwith declare the meeting adjourned and the City Council shall immediately leave the premises. The minutes of the meeting shall state the reason for the emergency or disruption.
- 3.5 Permission Required to Address the Council.** Persons other than Council members and administration shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or the chair of the appropriate Council committee.
- 3.6 Voting.** The votes during all meetings of the Council shall be transacted as follows:
- (a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council member, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
 - (b) In case of a tie in votes on any proposal, the proposal shall be considered lost.
 - (c) Every member who was in or near the Council chambers when the question was put, shall give his/her vote unless the Council, for stated, special reasons, shall excuse the member by motion. A member who is not excused from voting, and who does not vote, shall have his or her vote counted as a “no.”
 - (d) 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.
 - (e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as a budget amendment, shall require the affirmative vote of at least a majority plus one (1) of the whole membership of the Council.
 - (f) The passage of any motion or resolution shall require the affirmative vote of at least a majority of the membership of the council who are present and eligible to vote, unless otherwise required by provisions of Washington law, the Port Townsend Municipal Code, or this resolution.
 - (g) In the situation where the City Attorney states that a Councilor’s participation would violate or appears to be violating the appearance of fairness doctrine by failure to recuse, a super majority (majority plus 1 of members present) of the nonaffected Council members may vote to require the affected member not to participate in a particular proceeding, and if so, the affected Council member's vote shall not be counted and the affected Council member shall not participate in the proceeding.

- (h) Teleconference participation by Council members may be allowed under the following circumstances, subject to reasonable technical availability at the meeting location:
1. Requests to use **teleconference participation for voting purposes** shall be limited to extraordinary circumstances and must be ruled upon by the Council-of-the-Whole by specific motion before the Council main agenda begins. Adequate notice for these requests must be conveyed to the Presiding Officer to permit installation of the required equipment prior to the specified Council meeting or meetings. In such case, a microphone pickup must allow the teleconference participant to engage in Council discussion and be heard. Teleconferencing charges are to be at the Council member's own expense, unless waived in the Council motion.
 2. Requests to participate by **teleconference in a nonvoting capacity** shall be granted provided technical capability exists and adequate notice is given, and shall be at the Council member's own expense, unless waived in the Council motion.
 3. No teleconference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.
 4. Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc.
- (i) A motion or request by a Council member (with or without a second) to "call the question" (or similar words indicating an intent to terminate further debate and take a vote on a pending motion) allows a vote on the pending motion to immediately take place, unless any Council member requests that the motion to "call the question" be put to a vote, in which case, debate is only terminated if adopted by a 2/3s vote of the Council members present.

3.7 Enacted Ordinances, Resolutions and Motions.

- (a) *An enacted ordinance* is a legislative act prescribing general, uniform, and permanent rules or regulations relating to the operation and corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or where such conduct is enforced by penalty.
- (b) *An enacted resolution* is an administrative 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.
- (c) *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, and where such motion is not in conflict with existing State or Federal statutes, City ordinances, resolutions or these rules.

3.8 Resolutions. A resolution may be put to its final passage on the same day on which it was introduced. However, Council may invoke a two (2) reading procedures below to facilitate public understanding and/or comment on the resolution. The title of each resolution shall, in all cases, be read prior to its passage; provided, should a Council member request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies will be available in the public's binder.

3.9 Ordinances. The procedures for ordinances are as follows:

- (a) A Council member may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting an ordinance. The Presiding Officer then may assign the proposed ordinance to the administration, a committee or the Council-of-the-Whole for consideration. The committee or administration shall report its findings to the Council. The City Manager may propose the drafting of ordinances (RCW 35A.13.080). Citizens and Boards and Commissions may also propose consideration of ordinances and resolutions, see Exhibit D.
- (b) All ordinances shall have two (2) separate readings at separate Council meetings. At each reading, the title of an ordinance shall, in all cases, be read prior to its passage; provided that should a Council member request that the entire ordinance or certain of its sections be read, such request shall be granted. Printed copies are made available to any person attending a Council meeting.
- (c) Any ordinance repealing any portion of the Port Townsend Municipal Code shall also repeal the respective portions of the underlying ordinance(s).

3.10 Reconsideration. Any action of the Council shall be subject to a motion to reconsider, including final action on applications for legislative 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 are subject to a reconsideration motion. Reconsideration can be requested only by motion of a member of the prevailing side of the original motion or from a member who had an excused absence the night of the vote. A motion to reconsider must be made within a month for action to be reconsidered. 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 for any action the Council deems advisable.

3.11 Legislative Process, Preparation, Introduction and Flow of Ordinances and Resolutions and Motions. Ordinances and resolutions shall be prepared, introduced and proceed in the manner described on the flow chart attached hereto as **Exhibit D**, and by

this reference incorporated herein. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as **DRAFTS**. All such drafts shall also be dated to include the most recent revision.

- (a) **PROPOSED DRAFTS** may contain the name of the group, organization, committee or individual originating, initiating, or sponsoring the proposal prior to the first presentation to the City Council, where a vote is taken directing some official action or further consideration. Proposed drafts may be initiated by citizens or by boards, commissions or other task groups. All such drafts shall be dated.
- (b) **COUNCIL DRAFTS** shall be documents or proposals which have been presented in open session and voted on by the City Council when the resultant Council action was other than passage or a vote to cease further consideration.

3.12 Complaints and Suggestions to Council. When citizen complaints or suggestions are brought before the City Council covering an issue not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- (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 Council-of-the-Whole for study and recommendation.
- (b) If administrative, and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when the City Manager's response is made.

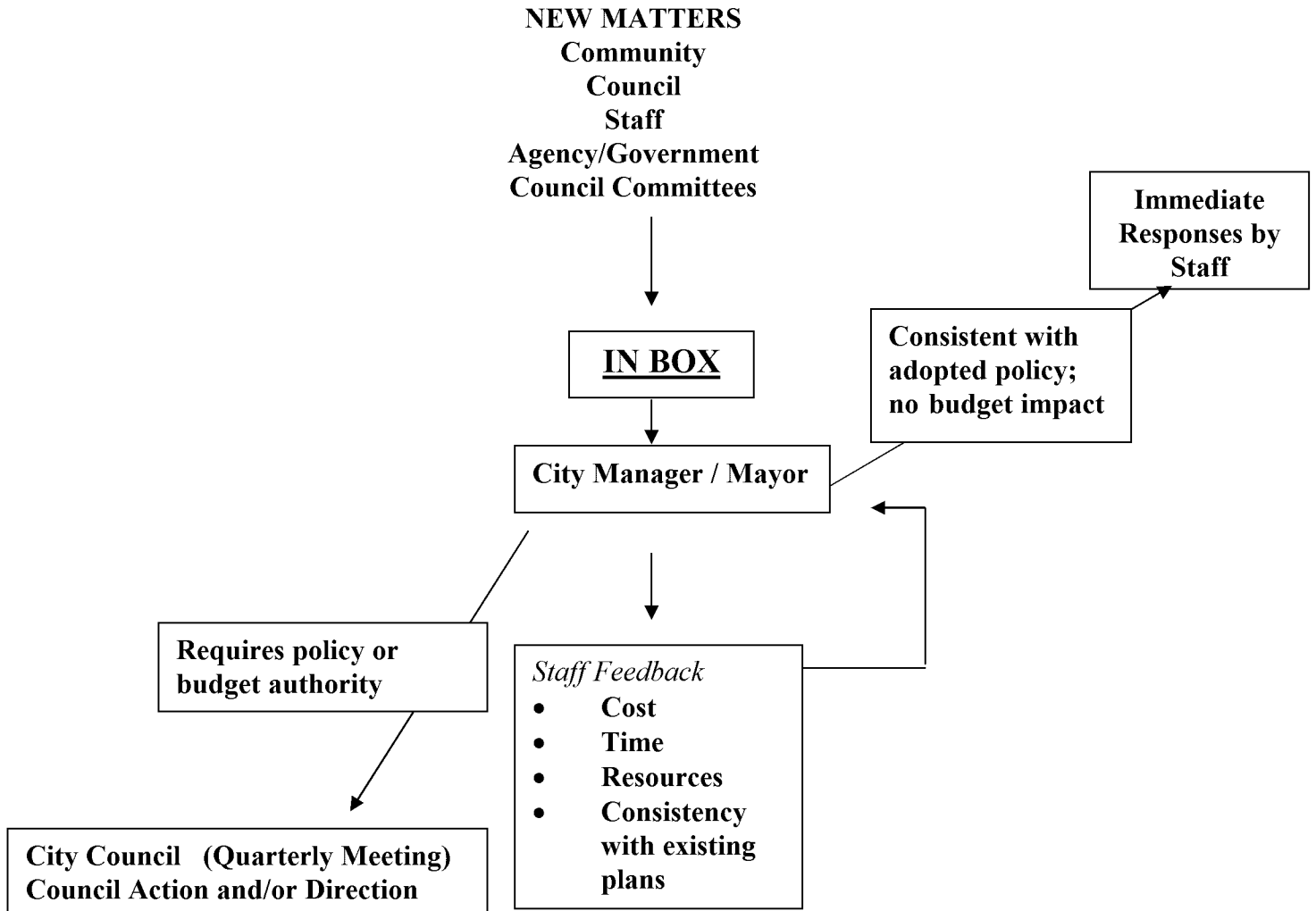
3.13 Photographs, Motion Pictures, Video Tape -- Permission Required for Artificial Illumination. No photographs, motion pictures, or videotapes that require the use of flood lights, or similar continuous artificial illumination shall be made at City Council meetings without the consent of the Presiding Officer or a majority of the Council.

3.14 Guidelines for Processing New Matters.

- (a) The goal of this guideline is to provide a process that allows the City Council to consider proposals that are not part of the approved budget or an adopted legislative priority in a cumulative, orderly process, with opportunity to take into consideration the impact of a new project on both existing projects and other proposed projects. This rule does not apply to routine matters that do not involve significant staff or Council time (for example, contract approvals, proclamations).
- (b) Generally, new matters should be handled according to the process set forth in

New Matters Flow Chart [located at end of Council Rules Article 3].

- (c) Approximately quarterly, at a study session, the Presiding Officer and City Manager shall present to the Council a “list of new proposals” (including proposals the Council previously indicated should be carried forward on the list of proposals for further consideration or action) that may have come up or been suggested for Council action since the Council last considered its legislative priorities. Items may be suggested by citizens, Councilors, citizen advisory committees, Council Committees, the City Administration.
- (d) The City Manager shall provide a recommendation and summary information to the Council concerning the proposals on the list, including information the bulleted items below. The City Council shall consider in evaluating whether or not to implement a new proposal, and if so, when to do so, the City Manager’s recommendation, including the following bulleted items:
- Estimate of time, staff resources and cost (administrative and monetary) to implement the proposal;
 - Estimate of impact of implementing the new proposal on existing projects.
 - Review for consistency with adopted plans and policies.
- (e) At the meeting(s) which the City Council considers new proposals, public comment on each item shall be limited to thirty (30) minutes total. The Presiding Officer may allocate this time as necessary among items, given consideration to the number of persons who have indicated an intent to speak. A majority plus one of the full Council (five members) may approve a motion to extend the above time limits. Such motion shall be non-debatable.
- (f) Generally, Council would discuss the list of new proposals at a study session, and place items for possible action on the next Council meeting where New Business is considered.



[NOTE: For process for matters added to work plan, see Exhibit D – Legislative/Policy Formation Flow Chart.]

End of Article 3 - Council Meeting Procedures

ARTICLE 4 - COMMITTEES, BOARDS, WORK GROUPS & COMMISSIONS

4.1 Committees. The City of Port Townsend is a Council / Manager form of government which has adopted a committee structure applicable to the normal Council-Manager system. Port Townsend is consistently working to improve the way the public relates to the City Council and how the Council reaches out to and encourages citizen involvement. The procedures governing all committees of the Council, and all boards, liaisons, blue ribbon work groups and citizen's taskforce groups established by the Council or involving a Councilmember, shall be as follows:

- (a) All standing committees shall be established or provided by Council resolution. See Exhibit E for current standing committees. **[Note: these committees are subject to change. No committees are required by state law.]**
- (b) All other Council committees, boards, liaisons, blue ribbon work groups and citizen's taskforce groups and rules or operating procedures thereof shall be established by Council directive with special attention to RCW 35A.13.120, and rules provided in Section 4.2, and after consultation with the City Manager. Such committees shall be subject to periodic review so as to determine whether the committee and its function continue to be appropriate and necessary.
- (c) Committees, boards, liaisons, work groups and citizen's taskforce groups shall make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson shall present the recommendation(s) which could lead to final action during the discussion of the business item on Council agenda.
- (d) Appointments shall be made by the Presiding Officer subject to Council confirmation.

4.2 General Rules Applicable to Citizen Advisory Boards

SECTION 4.2.1 Definitions

An "Advisory Board" means any Committee or Commission created by the City Council to give advice on subjects and perform such other functions as prescribed by the City Council. Advisory Board also includes task forces, informal committees, or working groups formed by City Council resolution for short periods of time or for specific tasks.

SECTION 4.2.2 Purpose and Application

The purpose of this section is to establish general provisions applicable to all Advisory Boards. The provisions of this resolution govern Advisory Boards unless otherwise specifically provided by ordinance, motion or resolution of the City Council, or as may be required by state law. In establishing an Advisory Board, the Council shall consider the following:

1. Scope of work, and clear task description
2. Term of board – sunset provision
3. Membership, nomination and confirmation process, and residency or other special member requirements
4. Terms of office
5. Place of board within City or Council structure – who does Board report to?
6. Council member liaison (if any)
7. Time frames for board action on tasks
8. Time frames for Council or Committee action; for example, periodic review or interim reports
9. Staffing (if any) for board, and which City Department bears any staffing responsibility or expense for Board
10. Any other matters appropriate to the Board’s work

SECTION 4.2.3 Scope of Work

A. Each Advisory Board, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by the City Council to determine its effectiveness. This statement of purpose, as well as other information regarding duties and responsibilities, will be made available to all members when appointed.

B. The City Council may determine any specific guidelines or tasks to be referred to the Advisory Board by motion or resolution.

C. Each Advisory Board shall develop a scope of work, within the jurisdiction and area of responsibility consistent with the City Council resolution forming the Board.

SECTION 4.2.4 Membership, Nomination and Confirmation Process, and Residency Requirements

The number of members and any specific qualifications of each Advisory Board shall be set forth by resolution of the City Council.

Unless otherwise specifically provided by applicable resolution or motion, or as may be required by state law, the following procedures and requirements shall apply to all members of each Advisory Board:

A. Each person at the time of nomination and continuing uninterrupted thereafter while serving on an Advisory Board shall be a resident of and/or work in the City of Port Townsend.

B. Each person to be appointed shall be nominated by the Mayor for a specific numbered position on each Advisory Board.

C. Each person shall be deemed appointed and shall commence service after confirmation by the City Council or on the effective date of the previous member’s resignation, or on the expiration of the existing term for the position, as applicable.

D. Each confirmation motion by the Council shall include ending date and term for the position to which the person is appointed and such information shall be entered into the Council minutes.

E. At the expiration of a member's term, the member may hold over and continue to serve as a member until the member or a successor is appointed and confirmed by the Council.

SECTION 4.2.5 Officers - Identification and Election

Each Advisory Board shall elect from its membership a presiding officer who shall be referred to as chairman, chairwoman, or chairperson, as determined appropriate by the Advisory Board, and such officer shall serve for one year, or until the Board discontinues its operation, whichever is shorter. The Advisory Board may elect other officers as it deems necessary and such officers shall be set forth in the rules of procedure adopted by the Advisory Board.

SECTION 4.2.6 Quorums, Transacting Business

A majority of the appointed members of the Advisory Committee shall constitute a quorum for the transaction of business. An affirmative vote of the majority of a quorum in attendance at any meeting shall be necessary to transact business or carry any proposition.

SECTION 4.2.7 Terms of Office and Vacancies

Appointments to boards shall be provided for in the resolution establishing or providing for a board. Vacancies shall be filled by the City Council, upon nomination from the Mayor, for the unexpired term in the same manner as the original appointment. Membership vacancies other than through expiration of term shall be filled for the unexpired term. Any member may be removed by Council action based on Council decision that removal is in the best interests of the City. Removal should not occur for disagreement with an official recommendation of the board or its members.

SECTION 4.2.8 Conflicts of Interest

If any members of an Advisory Board conclude that they have a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Advisory Board so that they cannot discharge their duties on such an Advisory Board, they shall disqualify themselves from participating in the deliberations and the decision-making process with respect to the matter.

SECTION 4.2.9 Liaisons and Representatives

A City Council representative may be available to each Advisory Board for the purpose of providing a constructive relationship between the City Council and the Advisory Board without implying direction, review, or oversight of the activities of the Advisory Board.

SECTION 4.2.10 Procedures, Records, and Minutes

Rules of order not specified by statute, ordinance or Council resolution shall be governed by *The Scott, Foresman Robert's Rules of Order Newly Revised – 10th Edition* (published by Scott, Foresman and Company), as the same may be amended or updated. The Advisory Board may adopt supplemental rules of procedure. The Advisory Board shall provide for the taking of minutes and maintaining the records of all regular and special meetings. Any Advisory Board may establish standing or ad hoc committees comprised of Board members to assist in accomplishing its duties and responsibilities. Committee minutes shall be filed with the City Clerk's office within 10 days of approval.

SECTION 4.2.11 Meetings

Each Advisory Board shall hold regular public meetings at such times and places as is deemed advisable or as provided for in the resolution establishing the board. All meetings of the entire body and of any subcommittee or task force of the Advisory Board shall be subject to all requirements of the Washington Open Public Meetings Act, and shall be open to the public, and shall be held at a public place at a regularly scheduled time, or at a special meeting time following notice as set by the City Manager. Notice of all meetings shall be provided to the Clerk's office for publication. No meeting shall be scheduled without at least 48 hours notice to the Clerk's office unless special arrangements are otherwise made with the City Clerk or City Manager.

SECTION 4.2.12 Communications to City Council

Expressions of an Advisory Board's position, recommendation or request for any action shall be in the form of a resolution, motion, or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication, and shall be directed to the City Council and Manager.

Communications from such boards, commissions and bodies to the City Council shall be acknowledged by the Presiding Officer, who shall state: "So noted for the record", and thereafter the City Clerk shall make an appropriate notation in the minutes. Should any member of the Council determine that any such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

SECTION 4.2.13 Compensation and Reimbursement of Expenses

Members of Advisory Boards shall serve without compensation. Members shall be reimbursed for authorized travel expenses incidental to that service, which are authorized by the City Manager or by City Council resolution or motion. Members should seek pre-authorization for any proposed expense.

SECTION 4.2.14 Lobbying Efforts

Lobbying efforts by any Advisory Board on legislative or political matters should first be checked for consistency with existing City policy by contacting the City Manager's office. In the event a position is taken that differs from that of the City's policy, an Advisory Board cannot represent that position publicly or before another body, for example, the State Legislature or the Board of County Commissioners. An Advisory Body is free to communicate positions to the Council or a Council Committee on matters pertaining to the Body's purpose and function. A member of the Advisory Board is not authorized to speak for the Board, unless the Board has expressly authorized the member's communication. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the City, or as a member of an Advisory Board.

End of Article 4 - Committees, Boards, Work Groups & Commissions

ARTICLE 5 - RELATIONS WITH CITY MANAGER & ADMINISTRATION

- 5.1 Role of the City Manager.** The City Manager is the chief administrative officer of the City of Port Townsend. The Manager is directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments. The powers and duties of the City Manager are defined by Washington law, RCW 35A.13.080. Balanced with City Manager's accountability to the City 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 City Council in the day-to-day management decisions of the City Manager.
- 5.2 Administrative Interference by Council Members.** Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the City Manager, either publicly or privately. That nothing herein shall be construed to prohibit 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. RCW 35A.13.120.
- 5.3 Administrative Complaints Made Directly to Individual Council Members.** When administrative policy or administrative performance complaints are made directly to individual Council members, the Council member shall then refer the matter directly to the City Manager for review and/or action. The individual Council member may request to be informed of the action or response made to the complaint.
- 5.4 Administrative Complaints – "Best Practice."** Although citizen's direct access to elected officials is to be encouraged to help develop public policy, City Council members should not develop a personal intervention pattern in minor calls for service or

administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with customer service unless an unsatisfactory result has occurred. In that case refer to **Section 5.3** above.

End of Article 5 - Relations with City Manager & Administration

ARTICLE 6 - PUBLIC HEARING PROCEDURES

6.1 Appearance of Fairness Doctrine. Appearance of Fairness Doctrine and its Application:

- (a) Appearance of Fairness Doctrine Defined. “In short, when the law which calls for public hearings gives the public not only the right to attend, but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance.” Smith vs. Skagit County, 75 Wn.2d 715 (1969). “The test of whether the appearance of fairness doctrine has been violated is ... as follows: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided.” Swift vs. Island County, 87 Wn.2d 348 (1976).
- (b) Types of Hearings to Which Doctrine Applies. The Appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide (versus site-specific) significance (RCW 42.36.010). Street vacations are typically legislative actions, unless clearly tied to, and integrated into, a site-specific development proposal which is quasi-judicial in nature.
- (c) Obligations of Council Members Procedure.
 - 1. Council members should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Council member or a Council member's business associate, or a member of the Council member's immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Council member's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each council member should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how

remote, the Council member should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Council member and to the Presiding Officer.

2. Anyone seeking to disqualify a Council member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Council member shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or *ex parte* contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Council member and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in Superior Court. Should such challenge be made in the course of a quasi-judicial hearing, the Council member shall either recuse him/herself or the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

(d) Specific Statutory Provisions.

1. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning (RCW 42.36.640), except that sitting Council members shall not express their opinions on any such matter which may come before the Council.
2. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.
3. During the pendency of any quasi-judicial proceeding, no Council member may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Council member: **(1)** places on the record the substance of such oral or written communications; and **(2)** provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060.

6.2 Actions for a Public Hearing. The procedures for public hearings are attached in Exhibit

F.

End of Article 6 - Public Hearing Procedures

ARTICLE 7 - TRAINING, EDUCATION, INTERGOVERNMENTAL RELATIONS AND TRAVEL REIMBURSEMENT

7.1 Purpose.

- A. The City Council recognizes and encourages councilmember attendance and participation in trainings, conferences and seminars that will help councilmembers stay current with issues and be useful to councilmembers' Council duties, for example, events hosted by Association of Washington Cities, Washington Finance Officers' Association, Washington Cities Insurance Authority and similar.
- B. In addition, the City Council recognizes and encourages councilmembers to meet with other elected officials and/or their staffs to stay connected with current issues and present information and work with officials on issues that affect the City, for example, travel to Olympia to meet with elected officials and/or their staffs.
- C. This Rule formally adopts travel expense policies for these purposes (training and intergovernmental relations). Travel expenses have been reimbursed on the same basis as City employees, namely, as set forth in the City's Personnel Policies Manual (presently applicable to City employees but not to City councilmembers), which adopts by reference Chapter 10 - Travel of The State of Washington Administrative & Accounting Manual Issued by the Office of Financial Management ("OFM Travel Manual").

7.2 Travel Expenses and Reimbursement.

1. Subject to the Rules in Article 7, City elected officials will be reimbursed for reasonable and customary expenses incurred in the conduct of their business for the City ("business travel"), including food, lodging and travel expenses while away, but excluding any expenses for personal entertainment and alcoholic beverages.
2. Reimbursement for such expenses will be made subject to conformance with the following:
 - These Council Rules,
 - Chapter 42.24 RCW, Payment of Claims for Expenses, Material, Purchases—Advancements, and
 - Chapter 10 - Travel of The State of Washington Administrative & Accounting Manual Issued by the Office of Financial Management ("OFM Travel Manual") (including amendments, as applicable). The City Manager determines applicability and interpretation of the OFM Travel Manual.

Terminology references in the OFM Manual are changed as follows:

Where OFM Manual uses -	Change to -
State	City
Agency	Department
Travel Expense Voucher	City form providing equivalent information
State Charge Card System	City purchasing card
Travel Authorization	City form providing equivalent information
statute	Ordinance or Resolution
Director of OFM	City Manager

7.3 Travel – Authorization – When Required.

7.3.1 Subject to available budget and processes in paragraph 7.3.2:

1. Out-of-State Travel. For all out-of-state councilmember travel on City business where councilmembers seek travel expense reimbursement and/or intend to use Council travel budget, councilmembers must receive prior authorization for travel from the City Council, except, the Mayor, in consultation with the City Manager, may authorize a councilmember’s out-of-state travel without City Council prior authorization if the matter is time sensitive and there is not adequate time to bring the matter to the City Council at a regular meeting. In such circumstance, the City Manager and/or Mayor shall promptly notify City Councilors by email or similar means.
2. In-State Travel - Trainings. For in-state councilmember travel on City business to trainings, conferences and seminars that will be useful to the councilmember’s Council duties, for example, events hosted by Association of Washington Cities, Washington Finance Officers’ Association, Washington Cities Insurance Authority and similar, where the councilmember seeks travel expense reimbursement, prior authorization for travel from the City Council is not required.
3. In-State Travel – Intergovernmental Relations. For in-state councilmember travel on City business to meet with other elected officials and/or their staffs to present information and work with officials on issues that affect the City, for example, travel to Olympia to meet with elected officials and/or their staffs, where the councilmember seeks travel expense reimbursement, prior authorization for travel from the City Council is not required.
4. Travel – Other. For all other councilmember travel on City business where the councilmember seeks travel expense reimbursement, and subject to available budget, prior authorization for travel from the City Council is required.

7.3.2 For all councilmember travel where the councilmember seeks travel expense reimbursement:

1. Requirement to check with City Manager on travel plans and budget availability. Before making travel plans, councilmembers must check with the City Manager for any comments or input he or she may have that might affect the councilmember’s travel, and on travel

and training budget availability. The City Manager may advise the councilmember's proposed travel or training expense may impact budget availability that in the City Manager view is or should be reserved for other councilmember's expected or planned travel or training. For example, the City Manager may advise the councilmember who desires to attend a training that the councilmember has attended a similar training before, and the City Manager recommends that the councilmember forgo attending that training to reserve budget for another councilmember who has not attended the training. If the councilmember and City Manager do not agree on the City Manager's recommendation, then the Council would resolve the matter.

2. Situation where travel reimbursement is requested without first checking with City Manager. If a councilmember without checking with the City Manager on budget availability makes a request for travel reimbursement, travel reimbursement does not occur unless the City Manager or the City Council subsequently approves reimbursement for the travel.
3. Travel arrangements through City Administration. Councilmembers are encouraged to make travel arrangements through City Administration (namely, have City Administration book travel arrangements).
4. Councilmember Report Following Travel. Following the travel, the councilmember would provide a brief report of the purpose of the travel to the City Council at the next regular meeting of the Council.

End of Article 7

EXHIBIT A

City of Port Townsend

Office of the City Manager

Waterman & Katz Building

181 Quincy Street, Port Townsend, WA 98368

360/385-3000 FAX 360/385-4290

MEMORANDUM

DATE: JUNE 17, 2000
TO: CITY COUNCIL
FROM: DAVE TIMMONS, CITY MANAGER
SUBJECT: TELEPHONE TREE FOR COUNCIL-MANAGER FORM OF GOVERNMENT

Sometimes an important happening occurs in the City where Council members should be briefed:

For example:

Major News! Accident, Disaster, Major Utility Failure!

Storm Damage

Major Police Problem

Civil Emergency

A pre-arranged “telephone tree” informs the entire Council in the shortest possible time. It can be embarrassing to be asked by a citizen about a major event if you have to say, “**I haven’t even heard about it!**”

The telephone tree for timely briefings of major news is shown on the attached sheet. The Mayor assigns the tree according to availability of the members.

Telephone Tree for Council / Management Government

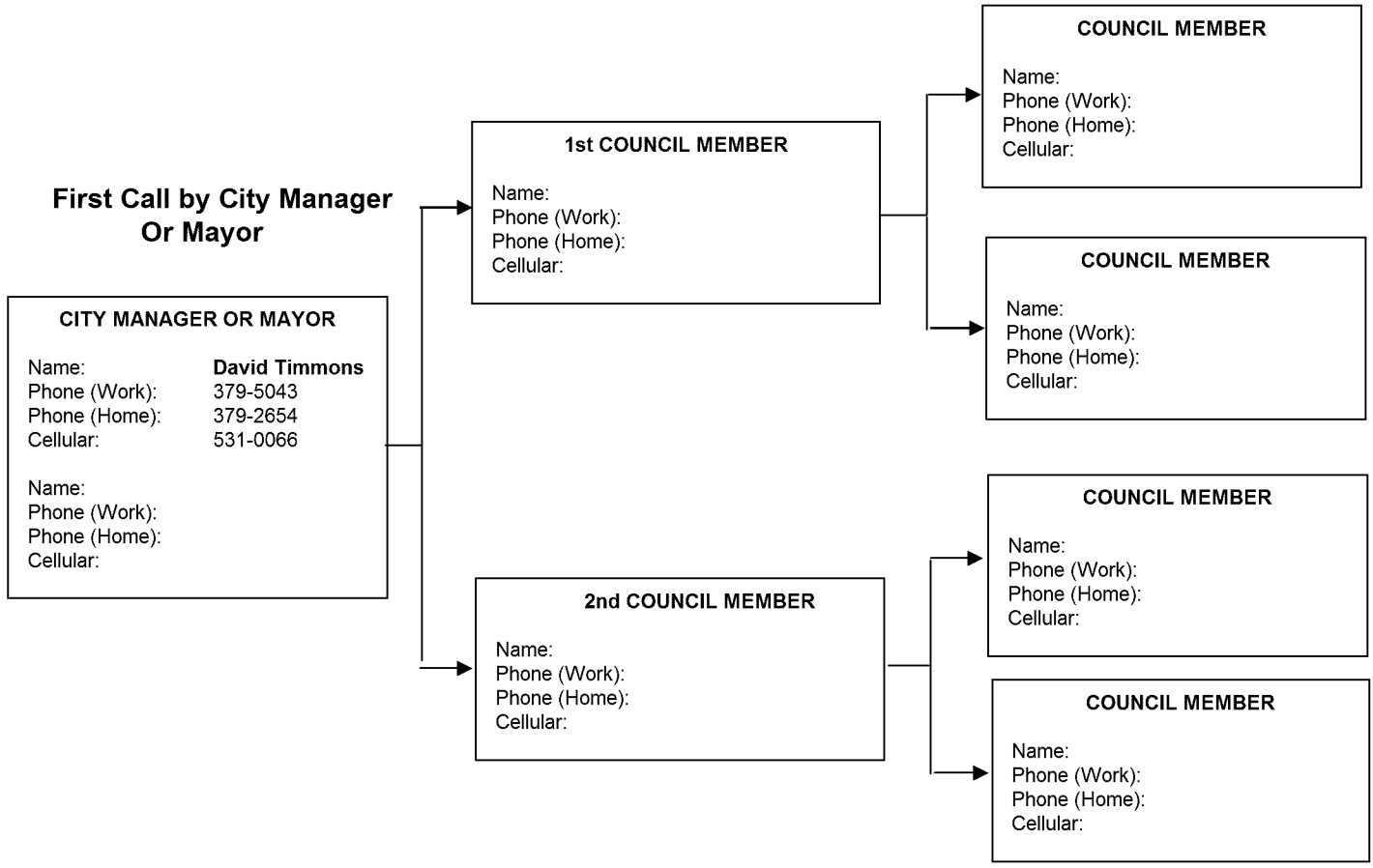


EXHIBIT B

RESOLUTION NO. 98-044

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT TOWNSEND
ESTABLISHING A POLICY OF ACTION MINUTES FOR THE CITY COUNCIL**

WHEREAS, the Government Operations Committee has recommended to the full City Council adoption of a policy of streamlining the practice of taking detailed minutes for the City Council, and

WHEREAS, it is in the best interest of the City to establish a uniform policy for the preparation of council minutes; and

WHEREAS, the preparation of “action minutes” maximizes personnel resources and is more cost effective and time efficient; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Port Townsend as follows:

SECTION 1. The policy of taking action minutes for the City Council is established.

SECTION 2. The following information shall be reflected in the action minutes:

- A. Name of the body.
- B. Date, hour, and place of the meeting.
- C. The names of members in attendance and members absent. If a member arrives late or departs before adjournment, the minutes should reflect the time of arrival and/or departure at that point in the minutes.
- D. Whether it is a regular, adjourned, or special meeting.
- E. That proper notice has been given if it is a special meeting.
- F. Time the meeting commenced. Time of meeting recess (if any).
- G. Topics of business.
- H. Actions taken on each business item:
 - Record motions and votes
 - Include direction given to staff by general consensus.
- I. Statements made “for the record” or which clarify the intent of the body.
- J. Oral communications/public comment need only reference the name of the person, subject matter addressed, and direction (if any) given.
- K. Adjournment time and, if applicable, whether the meeting was adjourned to another time prior to the next regular meeting.
- L. Signature block for the City Clerk.

SECTION 3. With respect to public hearings, the action minutes shall include:

- A. The fact that the public hearing was opened.
- B. The fact that required notice was given, the manner of giving notice (publishing, posting, mailing), dates(s) of publishing, posting or mailing, and number of copies posted or mailed (if this information is given in the staff report accompanying the public hearing, it need not be repeated in the minutes).
- C. Appropriate reference to any written evidence in the form of statements, affidavits, reports, photographs, maps, correspondence, or other objects filed at the hearing and included as part of the record.
- D. The names of people who spoke and whether their testimony was for or against the hearing subject.
- E. Findings of the body (if the findings are modified or otherwise not incorporated in the ordinance, resolution or staff report as a result of the hearing).
- F. The motion and vote to close the public hearing. If the hearing is continued, the date, time and place of the continued hearing shall be reflected in the minutes.
- G. Statements made "for the record" or which clarify the intent of the body.
- H. Action taken on the subject matter:
 - Record motions and votes
 - Include direction given to staff by general consensus

SECTION 4. The audio tapes of City Council meetings shall be maintained by the City Clerk for a period of six years, according to the state retention schedule.

ADOPTED by the City Council of the City of Port Townsend and signed by the Mayor on this sixth day of April, 1998.

Julie McCulloch, Mayor

Attest:

Approved as to Form:

Pamela Kolacy, City Clerk

Timothy L. McMahan, City Attorney

EDITOR'S NOTE - This resolution was adopted and signed on April 6, 1999.

EXHIBIT C

Motion "To Approve the **Parliamentary Procedure at a Glance** Herein Contained and Incorporated as **Exhibit A-4** of the City of Port Townsend Council Rules of Procedure."

PARLIAMENTARY PROCEDURE AT A GLANCE		(cannot be amended)			
To do this:	You say this:	May you interrupt speaker?	Must be seconded ?	Is motion debatable ?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	2/3 VOTE
Postpone discussion	"I move we postpone this matter until ..."	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration of this"	YES	NO	NO	2/3 VOTE
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..."	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	2/3 VOTE
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

EXHIBIT D

LEGISLATIVE/POLICY FORMATION FLOW CHART

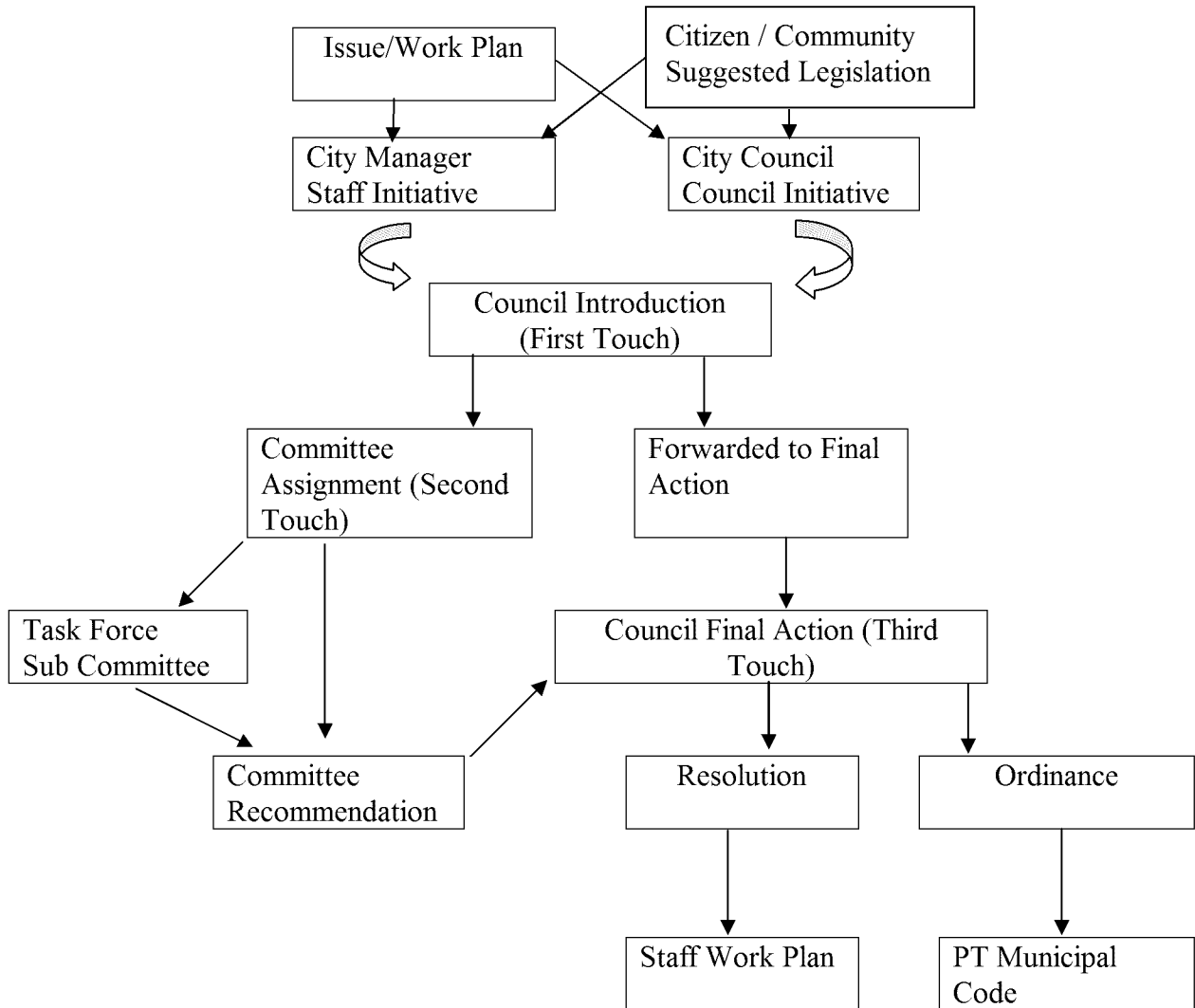


EXHIBIT E

STANDING COMMITTEES

| The Council shall have five (5) standing committees:

- I. Finance and Budget
- II. Community Development and Land Use
- III. Public Safety
- IV. Transportation
- V. Public Works

The mission statement and assignments from the Council from time-to-time define the purpose and role of each committee.

The committees are created to support the Council in review of complex issues and provide a means to facilitate public policy formation. The committees are also assigned as the Council's liaison with citizen-based committee activities.

The committees are not intended to supplant the Council's role. The Council assigns agenda items to the committees.

A regular meeting schedule will be determined by each committee, and reported to the Clerk for purposes of public notice and inclusion in the Meetings Update, the City web site and elsewhere as appropriate.

FINANCE AND BUDGET COMMITTEE

Mission Statement:

The committee is entrusted with the responsibility of advising and making recommendations in regard to the formulation of City Council policy with respect to matters relating to the city's finances, including the budget, rates and fees, risk management, interlocal agreements, and grants.

In addition, the committee, with the consent of the City Council, may create such subcommittees as it may deem necessary or expedient to expand public process and participation.

| Advisory boards and task forces ~~may also~~ provide input to the Finance and Budget Committee as directed by the Council on specific matters.

COMMUNITY DEVELOPMENT AND LAND USE COMMITTEE

Mission Statement:

The Community Development Committee is entrusted with the responsibility of reviewing, advising and making recommendations to the full City Council in regard to the formulation of City Council policy with respect to issues tasked by council regarding community visioning, quality of life, land use, planning and development guidelines, standards, regulations and policies.

In addition, the committee may, with the consent of the City Council, create such subcommittees as it may deem necessary or expedient to expand public process and participation.

Advisory boards and task forces provide input to the Community Development and Land Use Committee as directed by the Council on specific matters. Unless otherwise specifically directed by Council, the following boards and task forces will report to the Community Development and Land Use Committee, and the CD/LU Chair, or designee from the Committee, shall serve as liaison:

Park and Recreation Advisory Board
Metropolitan Park District Advisory Board
Arts Commission
Planning Commission
Library Board

TRANSPORTATION COMMITTEE

Mission Statement:

The Transportation committee is entrusted with the responsibility of advising and making recommendations to the full City Council in regard to the formulation of City Council policy with respect to transportation issues facing the City.

In addition, the Committee, with the consent of the City Council, may create such subcommittees as it may deem necessary or expedient to expand public process and participation.

Advisory boards and task forces provide input to the Transportation Committee as directed by the Council on specific matters. Unless otherwise specifically directed by Council, the following boards and task forces will report to the Transportation eCommittee, and the Transportation Chair, or designee from the Committee, shall serve as liaison:

Nonmotorized Transportation Advisory Board
Transportation Advisory Board
Parking Task Force

PUBLIC WORKS COMMITTEE

MISSION STATEMENT:

The Public Works Committee is entrusted with the responsibility of reviewing, advising and making recommendations to the full City Council in regard to the formulation of City Council policy on issues tasked by the Council regarding utilities, Public Works planning and development guidelines, standards, regulations, and ~~and Public Works~~ policies.

In addition, the Committee, with the consent of the City Council, may create such subcommittees as it may deem necessary or expedient to expand public process and participation.

Advisory boards and task forces may provide input to the Public Works Committee as directed by the Council on specific matters.

PUBLIC SAFETY COMMITTEE

MISSION STATEMENT:

The Public Works Committee is entrusted with the responsibility of reviewing, advising and making recommendations to the full City Council in regard to the formulation of City Council policy on issues tasked by the Council regarding public safety guidelines, standards, regulations and policies.

In addition, the Committee, with the consent of the City Council, may create such subcommittees as it may deem necessary or expedient to expand public process and participation.

| Advisory boards and task forces ~~may~~ provide input to the Public Safety Committee as directed by the Council on specific matters.

EXHIBIT F
PUBLIC HEARING PROCEDURES
Council Rules – Exhibit F
F(1)
Legislative Public Hearing Procedures – Script

The procedure for Public Hearings involving a legislative matter shall be substantially as follows:

Opening [All statements by Mayor/Presiding Officer.]

1. The public hearing for the *(state name of matter)* is now open.
2. All persons wishing to be heard should have signed in at the sign-in at the table in front. If you have not done so, please do so now.

Rules of Order

3. These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising their right of free speech.
4. The public hearing will proceed in an orderly fashion and I would like to ask your cooperation in the following procedures:
5. It is not necessary to be a proponent or opponent in order to speak.
6. Everyone will be given an opportunity to be heard. All comments shall be made from the speaker's rostrum, and any individual making comments shall first give his or her name and address. Please speak slowly and clearly. This is required because an official recorded transcript of the hearing is being made. If there is an appeal, the court must make its decision on the basis of what was said here.
7. If anyone requires special accommodation in order to speak, please let me know and we will make arrangements.
8. In fairness to all in attendance, each person will be given an opportunity to address the Council for an initial period not to exceed 3 minutes. If more time is needed, it will be made available after everyone has had a chance to speak. I am requesting Councilmembers to hold their questions of the public until everyone is done.
9. There shall be no demonstrations (clapping, cheering) during or at the conclusion of anyone's presentation.
10. This is the time for presentation of testimony. No debate is allowed.
11. Do any Council members have any interests, financial or property, to disclose in connection with this matter?

Purpose of Hearing and Order of Speaking

12. The purpose of this hearing is for the Council to hear and consider pertinent facts and to take action relating to the (*name of action – from the agenda*).
13. The order of speaking will be:
 - a. Staff presentation
 - b. Then comment from members of the public in attendance; to the extent possible, we will alternate between speakers for and against the matter at issue.
 - c. Then response from staff
 - d. Then questions from Council members

Staff Presentation

14. Before hearing from members of the public, I am going to introduce _____ (*name in memo in agenda packet*) who will make the staff presentation.

Public Testimony and Comment

15. (*To Clerk*) Are there any written materials that have been submitted, or does anyone wish to submit written materials without speaking? (*Any documents are given to City Attorney, who will read or summarize the document.*)
16. At this time, the floor is open for comments from the public.

Questions and Answers

17. Does staff wish to respond to any subjects raised by any speaker, or make any additional statement?
18. At this time, any Council member may ask any questions of any speaker or staff. (*Any person recalled will speak from the rostrum.*)
19. Does anyone in the audience have any comments solely to clarify any item raised by a Council member's questions? Please, no new issues can be presented, and please do not repeat your or any other person's previous testimony. Your comments should be limited to clarifying any item raised by any Council member or staff.

Council Discussion

20. There being no further testimony, I will close the public testimony portion of the hearing.
21. It is now in order for the Council to discuss this matter and for a Council member to make a motion to take action or postpone. (Mayor calls on Council members wishing to be recognized.)

22. Is there any further discussion by Council members?
23. Is there any further recommendation or comments from staff?
24. Does any Councilmember, or staff, wish to keep the public record open for the submittal of additional materials?
 - a. *[If so, ask staff for a date when they want the record to be closed, and ask Council to make a motion to keep the record open until that date. The motion should be specific that the record will close at 4:30 p.m., local time, on that date. Then, say “The record in this matter shall remain open until 4:30 p.m. local time on (date in motion). The public hearing in this matter is now closed]”.*
 - b. *[If not, say “The record in this matter is now closed, and the public hearing is now closed.”]*
25. Motions from Council.
 - a. *[If there has been a request to keep the record open,] May I have a motion to continue this matter to a date after the close of the record? [Ask staff and the City Clerk for a possible future council date]*
 - b. *[If there has not been a request to keep the record open]. Is there a motion from Council?*

F(2)

Quasi-Judicial Public Hearing Procedures – Script

The procedure for Public Hearings involving a Quasi-Judicial matter shall be substantially as follows:

Opening [*All statements by Mayor/Presiding Officer.*]

1. The public hearing for the (*state name of application*) is now open.
2. All persons wishing to be heard should have signed in at the sign-in at the table in front. If you have not done so, please do so now.

Rules of Order

3. These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual are embarrassed by exercising their right of free speech.
4. The public hearing will proceed in an orderly fashion and I would like to ask your cooperation in the following procedures:
5. It is not necessary to be a proponent or opponent in order to speak.
6. Everyone will be given an opportunity to be heard. All comments shall be made from the speaker's rostrum, and any individual making comments shall first give his or her name and address. Please speak slowly and clearly. This is required because an official recorded transcript of the hearing is being made. If there is an appeal, the court must make its decision on the basis of what was said here.
7. If anyone requires special accommodation in order to speak, please let me know and we will make arrangements.
8. In fairness to all in attendance, each person will be given an opportunity to address the Council for an initial period not to exceed 3 minutes. The applicant shall be given 5 minutes to make their initial presentation. If more time is needed, it will be made available after everyone has had a chance to speak. I am requesting Councilmembers to hold their questions of the public until everyone is done.
9. There shall be no demonstrations (clapping or cheering) during or at the conclusion of anyone's presentation.
10. This is the time for presentation of testimony. No debate is allowed.

Swearing-in

11. The City Attorney will now swear in all those who have signed in and who wish to testify. Please stand and raise your right hand.

Appearance of Fairness and Conflict of Interest Issues

12. This hearing is quasi-judicial in nature, and therefore the appearance of fairness and conflict of interest rules apply. Quasi-judicial actions are defined as actions of the Council that determine legal rights, duties, or privileges of specific parties in a hearing. The public hearing must be fair in three respects: form, substance and appearance.

13. [*Option A - Long Form*] All council members, and this includes the Mayor, 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. Does any Council member have an Appearance of Fairness or Conflict of Interest issue or disclosure to make? Seeing none, . . . (*to next item, or if there is a question or disclosure, refer to City Attorney.*)

[*Option B - Short Form*] Do any Council members, and this includes the Mayor, have an interest in this property or issue, or stand to gain or lose any financial benefit as a result of the outcome of this hearing, or have any disclosures to make? Seeing none, . . . [*to next item, or if there is a question or disclosure, refer to City Attorney.*]

14. Is there anyone in the audience who objects to my participation or any other Council member's participation in these proceedings? (*Refer any affirmative answer to City Attorney.*)

Purpose of Hearing and Order of Speaking

15. The purpose of this hearing is for the Council to hear and consider pertinent facts and to take action relating to the (*name of proposal – from the agenda*).

16. The order of speaking will be:

- a. Staff presentation
- b. Then comments from the applicant
- c. Then comments from proponents, and persons in support of the application.
- d. Then comments from opponents, and persons in opposition to the application.
- e. The comments from any others wishing to speak
- f. Then any comment from the applicant in response
- g. Then response from staff
- h. Then questions from Council members

Staff Presentation

17. Before hearing from the audience, I am going to introduce _____ (*name in memo in agenda packet*) who will make the staff presentation.

Public Testimony and Comment

18. (*To Clerk*) Are there any written materials that have been submitted, or does anyone wish to submit written materials without speaking? (*Any documents are given to City Attorney, who will read or summarize the document.*)

19. I will call upon the applicant to speak.

20. Is there anyone else who favors the item, or is neutral, who wishes to speak.

21. At this time, I will call upon opponents to speak.

22. Are there any other opponents, or anyone else who has not spoken, who wishes to speak.

23. I will now call upon the applicant to speak in rebuttal. You may not introduce new material.

Questions and Answers

24. Does staff wish to respond to respond to any subjects raised by any speaker, or make any additional statement?

25. At this time, any Council member may ask any questions of any speaker or staff. (*Any person recalled will speak from the rostrum.*)

26. Does anyone in the audience have any comments solely to clarify any item raised by a Council member's questions? Please, no new issues can be presented, and please do not repeat your or any other person's previous testimony. Your comments should be limited to clarifying any item raised by any Council member or staff.

Council Discussion

27. There being no further testimony, I will close the public testimony portion of the hearing. It is now in order for the Council to discuss this matter and for a Council member to make a motion to take action or postpone. (*Mayor calls on Council members wishing to be recognized.*)

28. Is there any further discussion by Council members?

29. Is there any further recommendation or comments from staff?

30. Does any party, or staff, wish to keep the public record open for the submittal of additional materials?

- a. [*If so, ask staff for a date when they want the record to be closed, and ask Council to make a motion to keep the record open until that date. The motion should be*

specific that the record will close at 4:30 p.m., local time, on that date. Then, say “The record in this matter shall remain open until 4:30 p.m. local time on (date in motion). The public hearing in this matter is now closed]”.

- b. *[If not, say “The record in this matter is now closed, and the public hearing is now closed.”]*

31. Motions from Council.

- a. *[If there has been a request to keep the record open,] May I have a motion to continue this matter to a date after the close of the record? [Ask staff and the City Clerk for a possible future council date]*
- b. *[If there has not been a request to keep the record open]. Is there a motion from Council? (Mayor states the motion and calls for a vote. Following a vote by the Council-) Staff is directed to prepare findings and decision*

F(3)

Quasi-Judicial Closed Record Appeal Procedures – Script

The procedure for Public Hearings involving a Quasi-Judicial closed record appeal (for example, major CUPs, plats, PUDs) shall be substantially as follows:

Opening [All statements by Mayor/Presiding Officer.]

1. The closed record appeal for the *(state name of application)* is now open.
2. All persons who participated in the open record hearing on this matter before the Hearing Examiner wishing to be heard should have signed in at the sign-in at the table in front. If you have not done so, please do so now.

Rules of Order

3. The public hearing will proceed in an orderly fashion and I would like to ask your cooperation in the following procedures: This is a closed record appeal. There has been an open record hearing before the Hearing Examiner. Under state law, there is only one public hearing allowed in this proceeding. This closed record appeal means the Council bases its decision on the record developed at the public hearing before the Hearing Examiner; therefore no new testimony is allowed except in very limited circumstances. If a party has submitted a motion to supplement the record, Council will deliberate and vote on that motion before hearing argument from the parties. Comments from speakers must be in the nature of argument only, based on and limited to facts in the written and oral record developed before the Hearing Examiner. If anyone presents comments that are not based on facts in the record, anyone may make an objection. If an objection is made, the person speaking will stop until the issue of the objection is resolved.
4. All comments shall be made from the speaker's rostrum, and any individual making comments shall first give his or her name and address. Please speak slowly and clearly. This is required because an official recorded transcript of the hearing is being made. If there is an appeal, the court must make its decision on the basis of what was said here and the record.
5. If anyone requires special accommodation in order to speak, please let me know and we will make arrangements.
6. In fairness to all in attendance, each person will be given an opportunity to address the Council for an initial period not to exceed 3 minutes. The appellant shall be given 5 minutes to make their initial presentation. If more time is needed, it will be made available after everyone has had a chance to speak. I am requesting Councilmembers to hold their questions of the public until everyone is done.
7. It is not necessary to be a proponent or opponent in order to speak.

8. There should be no demonstrations (clapping or cheering) during or at the conclusion of anyone's presentation.

Appearance of Fairness and Conflict of Interest Issues

9. This hearing is quasi-judicial in nature, and therefore the appearance of fairness and conflict of interest rules apply. Quasi-judicial actions are defined as actions of the Council that determine legal rights, duties, or privileges of specific parties in a hearing. The public hearing must be fair in three respects: form, substance and appearance.

10. [*Option A - Long Form*] All council members, and this includes the Mayor, 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. Does any Council member have an Appearance of Fairness or Conflict of Interest issue or disclosure to make? Seeing none, . . . (to next item, or if there is a question or disclosure, refer to City Attorney.)

[*Option B - Short Form*] Do any Council members, and this includes the Mayor, have an interest in this property or issue, or stand to gain or lose any financial benefit as a result of the outcome of this hearing, or have any disclosures to make? Seeing none, . . . [to next item, or if there is a question or disclosure, refer to City Attorney.]

11. Is there anyone in the audience who objects to my participation or any other Council member's participation in these proceedings? (*Refer any affirmative answer to City Attorney.*)

Purpose of Hearing and Order of Speaking

12. The purpose of this hearing is for the Council to hear the appeal and to take action relating to the (*name of proposal – from the agenda*).

13. The order of speaking will be:

- c. Staff presentation
- d. Then argument from the appellant, or those in support of the application, or those who are neutral
- e. Then argument from opponents to the appeal, or those who are neutral
- f. Then any argument from the applicant in response
- g. Then response from staff
- h. Then questions from Council members

Staff Presentation

14. Is there a pending motion to supplement the record? City Attorney to respond.

a. If there is a motion, it will be in Council packets. City Attorney will summarize the motion, and the criteria for granting or denying the motion. If there is a motion pending, after

the City Attorney's presentation, ask Council if they are ready to make a decision on that motion, or if they wish to adjourn to a closed session to deliberate on that motion.

1) If Council is ready to vote, ask for a motion to grant or deny the motion to supplement the record.

2) If Council wishes to deliberate, say "Council will now adjourn to a closed session to deliberate on this motion. We shall return to the hearing in ____ minutes" (then adjourn)

3) On return from deliberations, ask for a motion to grant or deny the motion to supplement the record.

b. If there is no pending motion to supplement the record, continue.

Before hearing argument, I am going to introduce _____ (*name in memo in agenda packet*) who will make the staff presentation.

Public Testimony and Comment

15. (*To Clerk*) Are there any written materials that have been submitted, or does anyone wish to submit written materials without speaking? (*Any documents are given to City Attorney, who will read or summarize the document.*)

16. I will call upon the appellant to speak.

17. Is there anyone else who favors the item, or is neutral, who wishes to speak.

18. At this time, I will call upon opponents to speak.

19. Are there any other opponents, or anyone else who has not spoken, who wishes to speak.

20. I will now call upon the applicant to speak in rebuttal.

Questions and Answers

21. Does staff wish to respond to any subjects raised by any speaker, or make any additional statement?

22. At this time, any Council member may ask any questions of any speaker or staff. (*Any person recalled will speak from the rostrum.*)

23. Does any speaker have any comments solely to clarify any item raised by a Council member's questions? Please, no new issues can be presented, and please do not repeat your or any other person's previous testimony. Your comments should be limited to clarifying any item raised by any Council member or staff.

Council Discussion

24. There being no further comment, I will close this portion of the hearing. It is now in order for the Council to discuss this matter and for a Council member to make a motion to take action or postpone.

a. RCW 42.30.140(2) allows, but does not require, the Council to deliberate (but not vote) on quasi-judicial matters in a closed session. Does any Councilor wish to make a motion to adjourn to a closed session? (If so, vote on motion if it passes, adjourn for a set period of time for deliberations)

b. If no one wants to go to a closed session, or the vote to do so fails: *(Mayor calls on Council members wishing to be recognized.)*

25. (Upon conclusion of discussion and return, if applicable, from closed session): Does any Councilor wish additional briefing on any matter related to this issue? Remember, that any supplemental briefing must be in the form of argument, not additional facts, (If so, have the City Attorney work the with Councilor to frame the motion, then vote)

26. Is there any further discussion by Council members?

27. Is there any further recommendation or comments from staff?

28. *(Mayor states the motion and calls for a vote. Following a vote by the Council-)* Staff is directed to prepare findings and decision.

F(4)

Quasi-Judicial Closed Record Hearing Procedures – Script

The procedure for Public Hearings involving a Quasi-Judicial closed record hearing, where there is no appeal (for example, major CUPs, plats, PUDs), shall be substantially as follows:

Opening *[All statements by Mayor/Presiding Officer.]*

1. The closed record hearing for the *(state name of application)* is now open.
2. All persons who participated in the open record hearing on this matter before the Planning Commission [or Hearing Examiner] wishing to be heard should have signed in at the sign-in at the table in front. If you have not done so, please do so now.

Rules of Order

3. It is not necessary to be a proponent or opponent in order to speak.
4. The public hearing will proceed in an orderly fashion and I would like to ask your cooperation in the following procedures: This is a closed record hearing. There has been an open record hearing before the Planning Commission [or Hearing Examiner]. Under state law, there is only one public hearing allowed in this proceeding. This closed record hearing means the Council bases its decision on the record developed at the public hearing before the Planning commission.

Therefore no new testimony is allowed except in very limited circumstances. If a party has

submitted a motion to supplement the record, Council will deliberate and vote on that motion before hearing argument from the parties. Comments from speakers must be in the nature of argument only, based on and limited to facts in the written and oral record developed before the Planning Commission. If anyone presents comments that are not based on facts in the record, anyone may make an objection. If an objection is made, the person speaking will stop until the issue of the objection is resolved.

5. All comments shall be made from the speaker's rostrum, and any individual making comments shall first give his or her name and address. Please speak slowly and clearly. This is required because an official recorded transcript of the hearing is being made. If there is an appeal, the court must make its decision on the basis of what was said here and the record.
6. If anyone requires special accommodation in order to speak, please let me know and we will make arrangements.
7. In fairness to all in attendance, each person will be given an opportunity to address the Council for an initial period not to exceed 3 minutes. The applicant shall be given 5 minutes to make their initial presentation. If more time is needed, it will be made available after everyone has had a chance to speak. I am requesting Councilmembers to hold their questions of the public until everyone is done.
8. There shall be no demonstrations (clapping or cheering) during or at the conclusion of anyone's presentation.

Appearance of Fairness and Conflict of Interest Issues

9. This hearing is quasi-judicial in nature, and therefore the appearance of fairness and conflict of interest rules apply. Quasi-judicial actions are defined as actions of the Council which determine legal rights, duties, or privileges of specific parties in a hearing. The public hearing must be fair in three respects: form, substance and appearance.
10. [*Option A - Long Form*] All council members, and this includes the Mayor, 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. Does any Council member have an Appearance of Fairness or Conflict of Interest issue or disclosure to make? Seeing none, . . . (*to next item, or if there is a question or disclosure, refer to City Attorney.*)

[*Option B - Short Form*] Do any Council members, and this includes the Mayor, have an interest in this property or issue, or stand to gain or lose any financial benefit as a result of the outcome of this hearing, or have any disclosures to make? Seeing none, . . . [*to next item, or if there is a question or disclosure, refer to City Attorney.*]

11. Is there anyone in the audience who objects to my participation or any other Council member's participation in these proceedings? (*Refer any affirmative answer to City*

Attorney.)

Purpose of Hearing and Order of Speaking

12. The purpose of this hearing is for the Council to take action relating to the (*name of proposal – from the agenda*).
13. The order of speaking will be:
 - a. Staff presentation
 - b. Then presentation from the applicant
 - c. Then presentation from the public; to the extent possible, we will alternate between proponents and opponents of the application.
 - d. Then any response from the applicant
 - e. Then response from staff
 - f. Then questions from Council members

Staff Presentation

14. Before hearing from the applicant and the public, I am going to introduce _____ (*name in memo in agenda packet*) who will make the staff presentation.

Public Testimony and Comment

15. (*To Clerk*) Are there any written materials that have been submitted, or does anyone wish to submit written materials without speaking? (*Any documents are given to City Attorney, who will read or summarize the document.*)
16. I will call upon the applicant to speak.
17. Now I will call on members of the public who have signed up. If you have not signed up and wish to speak, you will be given an opportunity after all who have signed up have spoken.
18. I will now call upon the applicant to speak in rebuttal.

Questions and Answers

19. Does staff wish to respond to any subjects raised by any speaker, or make any additional statement?
20. At this time, any Council member may ask any questions of any speaker or staff. (*Any person recalled will speak from the rostrum.*)
21. Does any speaker have any comments solely to clarify any item raised by a Council member's questions? Please, no new issues can be presented, and please do not repeat your or any other person's previous testimony. Your comments should be limited to

clarifying any item raised by any Council member or staff.

Council Discussion

22. There being no further comment, I will close this portion of the hearing. It is now in order for the Council to discuss this matter and for a Council member to make a motion to take action or postpone.
 - a. RCW 42.30.140(2) allows, but does not require, the Council to deliberate (but not vote) on quasi-judicial matters in a closed session. Does any Councilor wish to make a motion to adjourn to a closed session? (if so, vote on motion -- if it passes, adjourn for a set period of time for deliberations)
 - b. If no one wants to go to a closed session, or the vote to do so fails: *(Mayor calls on Council members wishing to be recognized.)*
23. (Upon conclusion of discussion and return, if applicable, from closed session): Does any Councilmember wish additional briefing on any matter related to this issue? Remember, that any supplemental briefing must be in the form of argument, not additional facts? (If so, have the City Attorney work with the Councilor to frame the motion, then vote)
24. Is there any further discussion by Council members?
25. Is there any further recommendation or comments from staff?
26. *(Mayor states the motion and calls for a vote. Following a vote by the Council-)* Staff is directed to prepare findings and decision.

**EXHIBIT G
AGENDA FORMAT**

**PORT TOWNSEND CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS**

- | Business Meeting | 6:30 p.m. | Date |
|---|------------------|-------------|
| I. Call to Order and Pledge of Allegiance | | |
| II. Roll Call | | |
| III. Changes to the Agenda | | |
| IV. Proclamation(s) | | |
| V. Comments from the Public (re consent agenda items and items not on the agenda) | | |
| A. Public comment | | |
| B. Mayor, Councilor, City Manager Response | | |
| VI. Consent Agenda | | |
| A. Approval of Bills, Claims and Warrants | | |
| B. Approval of Minutes: | | |
| <i>Action: Motion to adopt the consent agenda or request to remove any individual item from the consent agenda.</i> | | |
| VII. Public Hearing(s) | | |
| VIII. Unfinished Business | | |
| VIX. New Business | | |
| X. Presiding Officer's Report | | |
| XI. City Manager's Report | | |
| XII. Standing Committee Reports | | |
| XIII. Suggestions for next or future agenda, regular meeting and/or study session | | |
| XIV. Comments from Council | | |
| XV. Executive Session | | |
| XVI. Adjourn | | |

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act those requiring accommodation for this meeting should notify the City Clerk's Office at least 24 hours prior to the meeting at (360) 379-5045.