

Clyde Hill City Council Rules & Guidelines

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OVERVIEW

Purpose and Structure

The **Clyde Hill City Council Rules & Guidelines** are intended to centralize information on common issues and procedures related to local government, the operation of the Clyde Hill city council, and the roles and responsibilities of Clyde Hill city council members. These Guidelines are based on State statutes, city ordinances, court cases, parliamentary procedure guides, and other sources, but are not a substitute for those sources.

These rules and guidelines are meant to guide councilmembers and advise the mayor, the city administrator, staff and the public on the proper conduct of the council.

The content is split into two sections:

RULES AND GUIDELINES. This section identifies the rules and guidelines that have been adopted by the Clyde Hill city council as its formal rules on procedure. Rules must be followed and have consequences for violation as stated in Section 7. Guidelines are provided to augment rules and provide best practice guidance. In addition to the specific rules and guidelines some framing information has been provided to establish context.

APPENDICES. This section provides the basis and information resources used to develop these rules and guidelines and describes how they are revised.

RULES AND GUIDELINES

Chapter 1 Councilmember Roles and Duties

1.1 Introduction

Per RCW 35A.12.190, the city council is the policy and lawmaking body of the city. State law and local ordinances grant the powers and responsibilities of the council. The council may only act as a body and pursuant to consensus or majority vote of the applicable quorum requirements (colloquially “majority”). No councilmember has any extraordinary powers beyond those of other councilmembers. It is also important to note that policy is established by at least a majority vote of the council.

Although individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the council to a course of action. Councilmembers should respect adopted council policy. In turn, it is staff’s responsibility to ensure the policy of the council is carried out.

1.2 Duties of City Council

Per MRSC’s *Mayor & Councilmember Handbook* (p32):

In general, it is the council’s role to adopt policies for the city. The council, being legislative, has the power to enact laws and policies, consistent with state law, usually through the enactment of ordinances and resolutions.

The council has broad legislative power. State law states that the council “shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law.” Without limiting the previous statement, council has the specific authority to:

- Enact a city budget.
- Define the powers, functions, and duties of city officers and employees.
- Fix the compensation of officers and employees.
- Establish the working conditions of officers and employees.
- Maintain retirement and pension systems.
- Impose fines and penalties for violation of city ordinances.
- Enter into contracts.
- Regulate the acquisition, sale, ownership, and other disposition of real property.
- Provide governmental, recreational, educational, cultural, and social services.
- Impose taxes, if not prohibited by state law.
- Cause the city to own and operate utilities.
- Approve claims against the city.
- Grant franchises for the use of public ways.
- License, for the purpose of revenue and regulation, most any type of business.

In addition, the council is authorized to enact rules governing its procedures, including for public meetings and hearings.

Please refer to RCW 35A.12 for a complete description of Mayor-Council cities and to RCW 35A.11.020 for an enumeration of the Powers vested in legislative bodies of noncharter and charter code cities.

1.2.1 Attendance. (Rule)

Councilmembers must attend all meetings of the council. RCW 35A.12.060 states “a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.”

Excusing an absence. If a councilmember is absent, the presiding officer will state the reason for the absence if known, and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the appropriate notation will be made in the minutes. If the motion is not passed or the above procedure is not followed, the minutes will reflect that the absence is unexcused.

In the event of extended excused absence or disability of a councilmember. Per RCW 35A.12.065: In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

1.3 Role of Mayor

Per RCW 35A.12.100:

- The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmembers.
- He or she shall prepare and submit to the council a proposed budget, as required by chapter 35A.33 RCW.

- The mayor shall have the power to veto ordinances passed by the council and submitted to him or her as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all councilmembers plus one more vote.
- The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.
- The mayor may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all members of the council.

Per CHMC 2.07, the mayor shall appoint a city administrator to "act as the chief administrative officer and head of the administrative branch of the city government, being responsible to the mayor and council for the proper administration of all affairs of the city." This appointment is subject to confirmation by the city council.

1.4 Mayor Pro Tem (Rule)

Election. At the first meeting of each calendar year, or as soon after that as practical, a majority of the full council must appoint a mayor pro tem. In the absence of the mayor pro tem, the councilmember who has served the longest continuous term(s) as councilmember shall serve as mayor pro tem. In the event of a resignation or the permanent disability of the elected mayor pro tem, the city council will elect a new mayor pro tem for the remainder of the then-existing term.

Duties. The mayor pro tem will serve as the mayor and fulfill the duties of the mayor when the mayor is absent, but in fulfilling that role, will not forfeit any of his or her voting rights or other privileges as a councilmember. Assumed duties include, without limitation, acting as signatory to documents requiring the mayor's execution, issuing proclamations and declarations, and extending official recognition of groups and events.

The mayor pro tem serves as the council president and performs the following duties:

1. Administer the council budget, including oversight and approval of council expenditures;
2. Coordinate with administration to schedule special meetings, including without limitation, workshops, study sessions, retreats, and emergency meetings.
3. Set the council's meeting agenda in accordance with these rules, in coordination with the city administrator and city clerk;
4. Refer proposed ordinances and resolutions to the council;
5. Call for a workshop, study session, or other special council meeting;
6. In cooperation with the mayor, ensure adequate council facilities, equipment and support;
7. Direct correspondence on behalf of the council, with council consent;
8. Act as council liaison to the mayor's office;
9. Appoint the membership of standing committees and ad hoc committees
10. Substitute for an absent council committee member or designate another councilmember to substitute on any council committee;
11. Gather information on regional issues and attend regional meetings as appropriate and applicable, to represent the council's views, or in the alternative, designate other councilmembers to represent the city and council on specific regional issues or meetings;

12. Serve as the council focal point for council, mayor, and staff; and
13. Discern councilmembers' areas of interest or expertise.

1.5 Advisory Boards and Commissions

1.5.1 Role of Advisory Boards and Commissions

The city council may create advisory boards and commissions pursuant to the provisions of Title 35A RCW. The city council may also create advisory boards or commissions to address issues of interest or to conduct background work on technical or politically sensitive issues. (Rule)

In the exercise of this authority, it is in the interest of the community for the council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those residents in the community who demonstrate a desire to serve on such boards or commissions.

Upon formation of any special purpose committee or task force, the council shall determine, based upon the committee's structure and function and with advice from the city attorney, whether such committee shall be subject to the OPMA. (Rule)

1.5.2 Appointments, Qualifications, and Terms of Service

The council expects that the administration will, in order to fill any vacancy with the most qualified person available, distribute and publish a notice of board or commission vacancies along with the procedure and deadline for applying for the position as well as criteria that will be used in evaluating applicants. Residents wishing to be considered for appointment or reappointment to a commission shall submit to the administration an application that includes qualifications and criteria on a form provided by the administration and approved by the council.

Where practical, every applicant will be considered and interviewed and each applicant will be evaluated, as objectively as possible, using its published criteria.

The council expects to be provided copies of all applications and to have at least ten days to review and evaluate the recommendation and applicants prior to the meeting at which the council will be asked to make an appointment or confirm a recommendation.

It is the policy of the city council to inform its confirmation decisions of mayoral appointments using documents provided by the administration in its evaluation of applicants.

Consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions. Multiple members from the same family or household will not be appointed to a single board or commission in order to avoid the reality or appearance of improper conflict, influence or favor.

1.5.3 Councilmember Roles and Relationship with Advisory Bodies

Councilmembers, in their capacity as residents, may provide public comment to advisory bodies except on quasi-judicial matters. (Rule)

When a councilmember wishes to provide comment or testimony, the following applies:

1. The councilmember may obtain input and advice from the city attorney as allowed for in section 6.3 of these rules and guidelines before any comment or testimony is provided.
2. If comment or testimony is not prohibited by law, the councilmember will declare in the submitted comment and/or at the outset of any testimony upon the record that the councilmember is present and

acting in his or her private capacity as an interested citizen, and not on behalf or at the request of the city council. (Rule)

3. The councilmember shall refrain from directing city staff or the advisory body to take any action on behalf of the councilmember or his/her comment or testimony. (Rule)
4. In addition to these Guidelines, the councilmember shall observe all rules of procedure and protocol that apply to any other private citizen making such comment or testimony to the advisory board.

1.5.4 Council Liaison to Planning Commission

The council may, by majority vote, appoint a councilmember to act as the city council's liaison to the planning commission. The term of the appointed liaison shall be for one year, to begin upon appointment and to continue until the end of each calendar year or until the council makes a new appointment or reappointment, whichever occurs later. In the event the council's liaison is unavailable to attend a planning commission meeting for any reason, the liaison may ask any other councilmember to fulfill the liaison's duties during the liaison's absence.

The purpose of the council liaison position is to encourage open communication with the commission, both to provide council perspective to the planning commission and to provide the planning commission's perspective to the city council. The duties of the liaison, at a minimum, are to attend all planning commission meetings when possible, to monitor planning commission agendas and tasks, to speak to the planning commission as allowed, either under the public comment section of the planning commission meeting or otherwise as invited, and to report back to the city council on a regular basis. This position is not intended as a monitor or supervisor over the commission, which the council recognizes as an independent body. Rather, the position exists to enhance a better understanding, communication, and collaboration between the planning commission and the city council, because most of the items addressed by the commission move from the commission to the city council for final action

1.5.5 Communications with City Council

Expressions of an Advisory Board's position, recommendation, or request for any action shall be in the form of a 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. Such communications shall be conveyed to council by the staff liaison designated to support the Advisory Board.

1.6 City Council Committees

Council committees are policy review and discussion arms of the council, made up of no more than two council members, that discuss issues and develop recommendations for consideration by the full council. Committees are intended to be flexible and may be dissolved and reconstituted by the full council depending on the needs of the city. Committees may be ad hoc or standing.

The council by majority vote may create committees on an as-needed basis. Committees may be formed on any topic. Committees shall meet as needed to carry out their purpose. Committee meetings shall be open to the public if required by the Open Public Meetings Act (OPMA). (Rule)

The mayor pro tem will appoint committee members.

A committee may be dissolved upon motion and approval by a majority of council.

1.7 Filling a Council Vacancy

1.7.1 Notice of Vacancy

If a council vacancy occurs, the council will follow the procedures outlined in RCW 35A.12.050. In order to fill the vacancy with the most qualified person available until an election is held, the council will approve a notice of the vacancy (to include the procedure and deadline for applying for the position) and request the administration to distribute and publish it to the community.

1.7.2 Application Procedure

The council will approve an application form including set questions posed by council and the specific interview process. The application form will be used in conjunction with an interview of each candidate to aid the council's selection of the new council member.

1.7.3 Interview Process

Where practical, all candidates who submit an application by the deadline will be interviewed by the council during a regular or special council meeting.

1.7.4 Selection of Council member

The council may recess into executive session to discuss the qualifications of all candidates. Interviews of candidates may be conducted in an open public meeting. Nominations, voting and selection of a person to fill a vacancy will be conducted during an open public meeting.

Chapter 2 City Council Meetings and Rules

The city council's collective policy and law-making powers are put into action at council meetings. Council meetings are where the council conducts its business and are governed by the council. The transparent conduct of city business is required and regulated by statute and provides the opportunity for citizens to be present and to be heard, and for city officials, staff and council guests to be available to the council, press and public. These attributes comprise the essential components of the democratic nature of local government in Washington.

2.1 Regular Council Meetings

Per CHMC 2.04.010, "Regular meetings" are scheduled the second Tuesday of each month at 7:00 p.m. in the Clyde Hill City Hall, 9605 NE 24th Street, Clyde Hill, Washington. When this day is designated as a legal holiday, the council meeting will be held the next business day or on an alternative day selected by the council. As a general rule, at regular meetings the council can consider and take action on any topic regardless of whether it is posted in the meeting agenda. All council meetings shall be conducted in accordance with the Open Public Meetings Act, RCW 42.30 (OPMA) and these Guidelines. Council meetings are recorded and minutes produced by the city clerk for council approval.

2.2 Special Council Meetings

Per RCW 35A.12.110, "Special meetings" may be called by the mayor, the mayor pro tem, or by a majority of the councilmembers pursuant to the OPMA and require posting and distributing a meeting notice and agenda at least 24 hours in advance of the meeting time. The notice and agenda must be distributed by the city to a pre-existing list of recipients (which includes news media and others requesting receipt of such notices). Other requirements for special meetings are set forth in the OPMA.

2.3 Council Study Sessions

Per CHMC 2.04.010, in addition to the city council's regular monthly meeting, the city council shall conduct study sessions as needed. Study sessions are special council meetings and generally occur on the fourth Tuesday of the month. If there is no business scheduled to come before the council at a study session, the council shall not be required to meet.

The council may meet informally in a "study session" during any meeting. The study session is the forum used by council to review forthcoming programs, to receive progress reports on current issues, to engage in extended discussion of pending topics, and/or to receive and comment on extensive or detailed information from the city administrator and others. Discussions are generally informal and need not follow a particular format. Final action may be taken in accordance with the OPMA.

2.4 Council Executive Sessions

An executive session may be called at any time as provided in the OPMA. At the call of the mayor, the mayor pro tem, or with a majority vote, the council may convene in executive session to privately discuss and consider matters of concern to the city.

Matters discussed and documents reviewed in executive sessions may not be divulged by any councilmember to any other person without prior authorization of a majority of the council. Councilmembers seeking this authorization should begin the process by consulting the city attorney.

The purposes for which an executive session may be held are specified in the OPMA (at RCW 42.30.110) and include the following typical reasons:

- Discussion with legal counsel of pending or potential litigation or agency policies and enforcement actions
- Property acquisition/disposition when public knowledge of the discussion could harm the city's bargaining position
- Matters affecting national security
- Performance review of publicly bid contracts when public knowledge of the discussion could lead to a likelihood of increased price
- Review of complaints or charges against a public officer or employee
- Review of qualifications and performance of employees and certain applicants
- Evaluation of qualifications of candidates for appointment to an elective office

Before convening in executive session, the presiding officer shall publicly announce the purpose for the executive session by citation to the OPMA, and the anticipated time when the executive session will be concluded. The presiding officer shall indicate whether council action is likely to be taken (or not) after the executive session. An executive session may be extended to a stated later time by announcement of the presiding officer. At the conclusion of an executive session, if it is the last item of business on the council's agenda, the council shall reconvene to regular session, take action if appropriate, and adjourn its meeting.

2.5 Public Notice of Council Meetings and Hearings

Cities are charged by statute with establishing and following procedures for notifying the public of upcoming council meetings, hearings and agendas. The city clerk is responsible for publishing and posting all notices and agendas required by law and these Guidelines.

2.5.1 Notice of Council Meetings and Agendas.

The public shall be notified of the meeting agenda for each regular city council meeting by posting a copy of the agenda at City Hall and on the city's official website at least 24 hours in advance of the meeting. Earlier notice is typically given by the clerk.

2.5.2 Notice of Council Hearings.

Except where a specific means of notifying a hearing is provided by law or ordinance, public hearings before the city council or the city's boards and commissions shall be noticed through publication on the city's website and in its official newspaper notice, before the hearing date, and typically includes the time, place, date, subject, and body before whom the hearing is to be held. RCW 35.22.288.

2.7 Council Meeting Rules for Councilmembers

Councilmembers shall act in a courteous, professional and respectful manner toward each other, the staff, and the public.

Councilmembers shall have reviewed the agenda materials and be prepared to substantively address all items on the council agenda in a reasonable manner.

Councilmembers shall use their best efforts to maintain a balanced, open, and respectful perspective in conducting council and public business.

Councilmembers shall use their best efforts to avoid surprising one another or staff with irrelevant issues or questions that could be researched, evaluated, and individually discussed before the meeting.

Councilmembers will respect and abide by the majority vote of the council. Councilmembers shall move forward expeditiously with council decisions without rehashing previously discussed information or engaging in conversation with the public during the business meeting.

Councilmembers shall not be repetitive in arguments or discussion or personally attack other members who may have contrary views.

2.8 Council Meeting Rules for Public Participants (Rule)

The City of Clyde Hill welcomes the participation of its residents in the public meeting process. The city clerk's office will take written comments at any time from distribution of the agenda packet to the completion of the meeting.

All persons may address the council by written communications, including via e-mail. Written communications timely received by the city will be made a part of the public record by the city clerk who shall acknowledge the comment aloud and submit the communication into the record.

Council meetings are recorded. Each person addressing the council at a regular or special meeting (if allowed) will do so, if in person from the podium, and will speak in an audible tone of voice. Public comments shall be allowed only during the designated comment period(s) of council meetings and public hearings. Speakers shall comply with the following rules:

1. Prior to making comments, speakers shall identify themselves by name, indicating if they are a resident of Clyde Hill.
2. Comments shall relate to matters of council action and city business.
3. Comments generally shall be limited to three minutes unless a greater or shorter length of time is requested and approved by the presiding officer.
4. All comments shall be addressed to the council as a body and not to any member individually. No comments shall be directed to staff without the presiding officer's permission.
5. Speakers must keep their remarks courteous and respectful. Speakers shall not engage in conduct that unreasonably disrupts the meeting, nor make comments for commercial or other purposes unrelated to the council's business.
6. Councilmembers shall not engage in debate or conversations with speakers or each other during the comment period, but may ask clarifying questions when recognized by the presiding officer. Public comments or questions requiring a staff response shall typically be referred to city administration for follow-up.

2.9 Council Meeting Recordings

The city clerk shall make and keep recordings of all meetings of the city council, except those meetings or portions thereof conducted in Executive Session. Recordings and related records of all council meetings shall be retained by the city in accordance with the Washington State Records Retention Schedule, the Public Records Act, and other applicable statutes.

Chapter 3 City Council Meeting Procedures

3.1 Parliamentary Procedure (Rule)

Unless otherwise addressed by these Guidelines, council meetings shall be conducted in accordance with Roberts Rules of Order (RRO).

Parliamentary rules are intended to assist the council in conducting business in an orderly manner, but strict adherence to parliamentary procedure shall not be required. Councilmembers are encouraged to work through discussions by consensus wherever possible. In the event that the procedure for considering a matter is unclear or in dispute after referencing RRO, the following procedure shall be employed: (a) a motion shall be made proposing a course of action; (b) a second shall be required; (c) thereafter, each councilmember shall be afforded the opportunity for discussion; and (d) the presiding officer shall call for a vote. The council shall be bound by the results of the vote.

The presiding officer or a councilmember may ask the city attorney for clarification or guidance on matters of parliamentary procedure.

3.2 Council Meeting Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to the full council. During council meetings, councilmembers shall preserve order and decorum, shall not delay or interrupt the proceedings nor refuse to obey the legitimate directives of the presiding officer or the requirements of these Guidelines and the rules of protocol. Any person making personal, impertinent, or slanderous remarks and/or

who creates an unreasonable disruption while addressing the council shall be directed to cease by the presiding officer. (Rule)

3.3 Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. A councilmember may propose by motion that the order of agenda items be rearranged for necessity or convenience. (Rule)

The order of agenda items at council meetings will be as follows:

1. Call to Order, Flag Salute, and Roll Call
2. Agenda Approval
3. Public Comment
4. Presentations
5. Executive/Closed Sessions and Action After Executive Session
6. New Business & Discussion Topics
7. Consent Agenda
8. Administrative Reports
9. Public Hearings
10. Motions for Consideration
11. Mayor & Council Reports
12. Future Agenda Topics
13. Adjournment

3.4 Discussion Limits

Councilmembers are encouraged to discuss items during the decision-making process and before taking action. Following Robert's Rules, a councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak.

3.5 Ordinances, Resolutions, and Motions

Ordinances, resolutions, and motions are the general mechanisms used by the council to take action.

Motions are the most common form of council action and must be made and seconded before discussion. They are approved by a majority vote and should be handled generally as provided in RRO.

Ordinances are the most formal of council actions and used to adopt local laws, regulations, substantive policies, budgets, taxes, etc. Ordinances are prepared by the staff in advance, reviewed by the city attorney, and are presented to council for consideration and possible action. They may be introduced in the form of a motion and a second but must in every case be adopted via motion.

Resolutions are the next most formal council action and used to document council actions and decisions that do not comprise the subject matter of an ordinance and are not required to be in ordinance form. Resolutions are handled using the same procedure as ordinances.

3.6 Council Voting and Conflicts

Each councilmember shall vote on all motions and questions put to the council unless an actual or potential conflict of interest under state law, appearance of fairness or otherwise requires recusal of the councilmember. (See Section 5.1) (Rule)

Council vote tallies and procedures are as follows:

1. Affirmative and negative votes will be cast in an audible and clear voice when called by the presiding officer.
2. A councilmember may abstain from voting on a motion or question but shall advise the presiding officer and state the reason when declaring her/his abstention. Abstentions shall not be counted for or against any question or motion, and a majority of the affirmative or negative votes cast shall be determined by ignoring abstentions, unless RRO or State law requires a different calculation of the majority.
3. A tie vote results in the question or motion having failed.
4. Reconsideration of a council decision may be obtained by a majority vote of the council upon a new motion made by a councilmember voting on the prevailing side of the previous vote on the matter. Such motion shall be brought no later than the next regular council meeting after which the previous vote was taken. If the vote to reconsider is approved, the previous matter is thereupon reopened for council discussion and further action.

3.7 Remote Participation at Council Meetings

Councilmembers may participate in and vote during all or part of a regular or special council meeting using electronic means.

The council looks to the administration to continue providing the technology that enables the community and the council to participate when in-person attendance is not possible.

Councilmembers are strongly encouraged to enable their camera and be visible to the public during meetings.

The remote councilmember(s) shall bear the cost of the electronic equipment, connections and transmission except for equipment and connections currently available at City Hall.

Chapter 4 Councilmember Actions and Legal Duties

4.1 Importance of Open Public Meetings

The city and council shall comply with the Open Public Meetings Act at RCW 42.30 (OPMA). Councilmembers shall be mindful of OPMA laws when communicating with each other by any means outside of a council meeting. The OPMA mandates that three or more councilmembers may not discuss any item of city business outside an open public meeting, including by phone calls or electronic means such as email, texting and social media. Councilmembers are discouraged from sending communications concerning city or council business to fellow members as this tends to provoke electronic discussion that could violate the OPMA. Councilmembers are instead encouraged to place items on the meeting agenda for discussion, and to individually discuss matters with staff or one-on-one.

4.2 Representatives of City Act in Accordance with City Policies

In public communications, councilmembers will acknowledge their office as appropriate and clarify if they are speaking or writing as a councilmember or as a resident. (Rule)

When representing the city, councilmembers will clearly state which positions represent the adopted or approved position of the entire council and which do not. Adopted or approved positions of the entire council generally require a statement of the full council by approved majority vote by motion, resolution, or ordinance. Interpretation or impressions of council discussions constitute personal opinions. Personal opinions and comments by councilmembers which differ from the council's adopted or approved positions may be expressed

if the councilmember clearly states that these are personal opinions that may not represent the consensus of the council.

Councilmembers, when serving as a Clyde Hill representative to other bodies, may act without authorization on specific votes for matters which pertain to the general operation of the organization or are emergency in nature.

Councilmembers should direct anyone seeking official comment on city business to City Hall.

4.3 City Council Communications and Records

Councilmembers shall perform and complete the council's business with particular care to remain in compliance with the Open Public Meetings Act, the Public Records Act, and publicly posted city policies. (Rule)

Councilmembers look to the more detailed policy statements that apply to city officers and employees for specific guidance. Councilmembers may not use personal email or social media accounts or personal text messaging for city business or to create public records.

Chapter 5 Councilmember Conflicts of Interest

5.1 Conflicts of Interest

The Washington State Code of Ethics for Municipal Officers, RCW 42.23 (Ethics Code), is a primary source of regulations concerning conflicts of interest.

The Ethics Code is generally not intended to preclude councilmembers from voting on legislation with city-wide impact, such as area-wide land use regulations; police power and public health, safety and welfare issues; and budget and taxation ordinances; but the legal boundaries of those topics can be ambiguous.

To understand the effect of the Ethics Code and its applicability to any particular situation, councilmembers should contact the city attorney as questions arise.

Councilmembers are encouraged to consider whether public perception and trust would be best served by disclosure of individual interests or relationships that are related or relevant to a policy or legislative matter under consideration. "Recusal" by a councilmember from the specific matter giving rise to the conflict is the most frequent remedy, which can then prevent legal issues from tainting council decisions.

The Ethics Code is intended to ensure that the judgment of public officers is not compromised or affected by inappropriate conflicts of interest, and that confidential matters are appropriately safeguarded. The Ethics Code has provisions that prohibit:

- Using one's official position to obtain special privileges or exemptions.
- Receiving compensation or gifts for the officer's services.
- Accepting employment or engaging in activities that could require or induce an officer to disclose confidential information.
- Disclosing confidential information or using such information for the officer's personal benefit.
- Being beneficially interested in a contract with the city.

The consequences of violating the Ethics Code can be severe and include: (i) a determination that an action taken by the council is void; (ii) financial penalties to the city or councilmember; (iii) consequences assessed by the council, including censure; and (iv) forfeiture of office through recall.

5.2 Appearance of Fairness

Prior to a quasi-judicial hearing before the city council, the city attorney will read the responsibilities and obligations of councilmembers and ask them to make any disclosures regarding their ability to be impartial decision makers in order that they may avoid, at the outset, any violation of the Appearance of Fairness Doctrine.

(The Appearance of Fairness Doctrine (RCW 42.36) was enacted to ensure that public officers hearing and deciding quasi-judicial matters (where the council acts in the manner of court to decide specific rights, duties, and responsibilities between specific parties) meet basic elements of procedural and substantive fairness. This Doctrine provides that government decision-makers shall conduct quasi-judicial hearings in a way that is fair and unbiased in both appearance and in fact. In other words, such hearings must not only be procedurally fair, but also appear to be conducted by impartial decision makers.)

If a councilmember has an appearance of fairness violation on a quasi-judicial matter, the councilmember will recuse him or herself. If two or more councilmembers believe that an appearance of fairness violation exists, they may move to excuse or recuse the councilmember on the basis of an appearance of fairness violation. Councilmembers shall give due regard to the opinion of the city attorney.

Chapter 6 Interaction Between City Staff & Councilmembers

6.1 Overview

City council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between council and staff be well understood so that we can serve residents effectively.

6.2 City Administrator

Per CHMC 2.07.030, the duties and responsibilities of the city administrator are:

- A. To act as the chief administrative officer and head of the administrative branch of the city government, being responsible to the mayor and council for the proper administration of all affairs of the city;
- B. To have general supervision over the administrative affairs of the city;
- C. Subject to the concurrence of the mayor, to appoint and remove at any time all department heads, officers and employees of the city, except members of the council, and subject to the provisions of any applicable law, rule or regulation relating to civil service;
- D. To attend all meetings of the council, at which his or her attendance may be required by that body;
- E. To see that all laws and ordinances are faithfully executed, subject to the authority that the council may grant the mayor to maintain law and order in times of emergency;
- F. To recommend for adoption by the council such measures as he or she may deem necessary or expedient;
- G. To prepare and submit to the council such reports as may be required by that body, or as he or she may deem it advisable to submit;
- H. To keep the council fully advised of the financial condition of the city and its future needs;
- I. To prepare and submit to the mayor a tentative budget for the fiscal year;
- J. To receive any claim for damages made under Chapter 4.96 RCW;
- K. To perform such other duties as the mayor and council may determine by ordinance or resolution.

6.3 Council-Staff Interaction

6.3.1 Non-interference

Per CHMC 2.07.070:

Neither the council, nor any of its committees or members, shall direct or request the appointment of any person to, or his [or her] removal from, office by the city administrator or any of his or her subordinates.

Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the administrator, and neither the council nor any committee or member thereof shall give orders to any subordinate of the city administrator, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the council, while in open session, from fully and freely discussing with the administrator anything pertaining to appointments or removals of city officers and employees and city affairs.

Per MRSC's *Mayor & Councilmember Handbook* (p22):

Though the council may be concerned about employee discipline and how certain employees are performing their duties, the council should not be involved in any individual situations. While the council can establish personnel policies and voice their concerns to the mayor, it is solely the mayor's job to discipline and supervise city employees, including conducting performance evaluations.

6.3.2 City Council Work Requests (Rule)

Councilmembers may, by motion at a council meeting, issue work requests or inquiries that could require staff to perform additional work. If individual councilmembers wish to make a work request or an inquiry that will require staff to perform additional work, the mayor pro tem must approve the request or inquiry.

6.4 City Attorney

Per MRSC's *Mayor & Councilmember Handbook*:

- The city attorney's job is to advise all city officials. (p17 and p21)
- Councilmembers have the right to seek advice directly from the city attorney. (p35)
- Neither the mayor nor the city manager can prohibit the council from accessing the city attorney for advice. (p22 and similar on p17)
- For financial [and practical] reasons, the mayor or manager may feel that questions to the city attorney should be channeled through the executive's office, to avoid possible duplication and to make sure that the questions are presented clearly. (p22 and similar on p17 and p35)
- Ultimately it is up to the council to establish procedures on how to provide city attorney services. (p17 and p22)

The city attorney should:

1. Attend all regular and special meetings of the council, or be represented by an attorney of their designation, unless otherwise excused by the council.

2. Prepare, draft, or supervise the preparation of all ordinances, resolutions, leases, instruments or conveyances, contracts and agreements, and such other and similar instruments as may be required by the business of the city.
3. Advise the council and its committees, boards, commissions, department heads and other city officials and officers, including the rendering of formal opinions when so requested, or when it appears advisable to do so.
4. Consult with and participate with other city officials or representatives of the city concerning settlement of claims against the city or its officials, officers and employees while acting in their official governmental capacities.
5. Attend official meetings of any board or commission in connection with the proposed drafting on any ordinances, resolutions, or contracts.
6. Assist the mayor, council and city staff with ongoing risk assessment. Providing the city the benefit of seasoned legal experience in determining options to mitigate the risk of cost to cover vs. exposure to liability.

Chapter 7 Consequences of Violating Rules

7.1 Consequences of Violation

The council expects and trusts that all councilmembers elected to this important office will act with integrity, honesty, and in accordance with the Oath of Office and these Guidelines. Nevertheless, the council adopts the following consequences for violations of the Guidelines. This process should only be used for serious violations such as deliberate or knowing breaches of confidentiality; violations of the Code of Ethics; repeated overstepping of authority; abuse of office or disregard for conflicts of interest; dishonesty; or refusal to follow open government protocols and requirements. Less serious violations should be addressed with reminders and requests for compliance. (Rule)

7.2 Process for Censure

Step 1: Notice and opportunity to cure

A councilmember suspected of violating the Rules & Guidelines shall be provided notice and an opportunity to remedy the alleged violation prior to the implementation of any further consequence. As a first step, two councilmembers familiar with the facts shall confer with the city attorney about the matter, who may then discuss the violation directly with the councilmember in question. Councilmembers shall not use email to discuss the substance of any suspected violations.

Step 2: Council meeting discussion

If Step 1 does not remedy the alleged violation, an executive session shall be called pursuant to RCW 42.30.110(1)(f) to consider and evaluate the complaint. All councilmembers (including the councilmember in question) and the city attorney shall receive advance written notice of the general nature of the complaint and the date, time and place of an executive session called to discuss the complaint. If the suspect councilmember requests that the discussion be held in a public meeting or that a public hearing be scheduled in lieu of an executive session, the request shall be honored.

Step 3: Censure motion

If Step 2 fails to resolve the alleged violation, a motion may be made and seconded at a regular council meeting to censure the councilmember. The proposed motion shall identify the councilmember in question and specific violation alleged. The censure motion may be made no sooner than thirty (30)

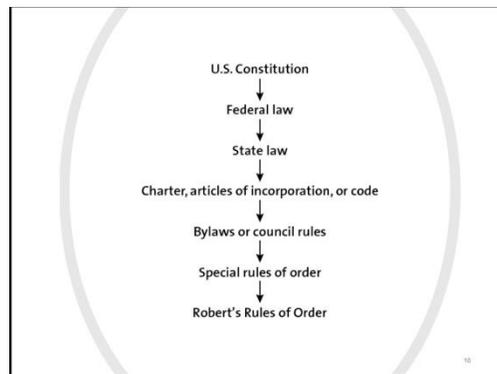
days after the completion of Step 2, and the suspect councilmember must receive advance written notice that such motion will be proposed. If the proposed motion is seconded, the suspect councilmember shall make a statement or decline the opportunity to do so at that time. At the conclusion of council discussion, the suspect councilmember shall be officially censured upon an affirmative vote of at least three members of the council.

APPENDICES

Appendix A-1 Overview and Information Sources

1.1 Introduction

These Rules and Guidelines fill the gap between the Clyde Hill Municipal Code (CHMC) and Roberts Rules of Order (RRO). The structure of rules is as follows:



From *Who Is In Charge of Meetings?*
(Ann G. Macfarlane, AWC EOE December 4, 2021)

1.2 Authority for these By-Laws and Process of Modification

Per RCW 35A.12.120, “The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order.”

1.3 Independent Municipal Information Resources

Many informational resources are available to councilmembers. Two principal organizational sources are the Municipal Research & Services Center and the Association of Washington Cities.

1.3.1 Municipal Research & Services Center of Washington

The Municipal Research and Services Center (MRSC) is a private, non-profit organization based in Seattle, Washington. MRSC is funded by the state legislature, with a mission to promote excellence in Washington local government through professional consultation, research and information services. MRSC information and research services are available free of charge to elected officials and staff of Washington city and county governments.

MRSC is not dedicated to representing or supporting any particular city, however, and is not a substitute for the city’s staff.

MRSC produces a number of useful guides and handbooks for councilmembers which are used statewide, including the following:

- **Mayor & Councilmember’s Handbook.** *Revised October 2021.*
- **Local Government Policy-Making Process.** *Revised October 2017.*
- **Knowing the Territory - Basic Legal Guidelines for Washington City, County, and Special District Officials.** *Revised January 2022.*

1.3.2 The Association of Washington Cities

The Association of Washington Cities (AWC) is a longstanding private, nonprofit, nonpartisan corporation that represents Washington’s cities and towns collectively before the state legislature, executive branch and regulatory agencies.

Appendix A-2 General Guidelines

2.1 Introduction

All councilmembers are expected to follow these Guidelines and be bound by them unless excused by a vote of at least three members of the city council. All councilmembers shall attend periodic training and refresher courses approved or endorsed by the city and other municipal entities.

2.2 Introduction to Council Service and Responsibilities

City councilmembers not only legislate for the city and establish important and critical community policies but serve as the “board” members of a public municipal corporation having an annual budget of several million dollars and extensive responsibility for maintaining and regulating the public health, safety and welfare. The council acts collectively, and every council action affects the public. Councils must exercise their authority in accordance with federal, state and local law, and each councilmember must be mindful of their oath and charge to act for and on behalf of the city.

These Guidelines provide a summary of important aspects of city and council activities, but it cannot incorporate all material and information necessary for undertaking the business of the council or the role of councilmember. The following list briefly summarizes some of the key principles of government, sources of city and council authority to govern, and the procedures it must use in doing so.

2.3 Revised Code of Washington

The Revised Code of Washington (RCW) is the compilation of all permanent state laws now in force. The RCWs are enacted by the state legislature and signed by the Governor or enacted via the initiative process. State laws contain many requirements affecting the operation of every city government and administration of meetings and activities of every city council throughout the state.

2.4 Open Public Meetings; Public Records

Two of the most important procedural laws the city and council must follow at all times are the Open Public Meetings Act (OPMA; RCW 42.30) and Public Records Act (PRA; RCW 42.56). These two statutes are mentioned here and frequently throughout the Guidelines because of their pervasive importance.

2.5 Form of Clyde Hill Government; Separation of Powers

Per CHMC 1.10, Clyde Hill is a non-charter code city under RCW Title 35A (Optional Municipal Code). As such, Clyde Hill is vested with the broadest powers of incorporated cities under the State constitution and the RCW. Clyde Hill uses a mayor/council form of government, as modified by Chapter 35A.12 RCW which separately assigns the city’s legislative authority to an elected city council and the city’s administrative authority to the

mayor. Per MRSC,¹ in the mayor-council form of government, the mayor is the chief administrative officer who is responsible for all administrative functions. Clyde Hill authorizes the mayor to hire a professional city administrator to serve under the mayor and take responsibility for many administrative duties.

2.6 Clyde Hill Municipal Code

The Clyde Hill Municipal Code (CHMC) is the repository for the local laws and regulations adopted by the council, typically through ordinances and sometimes resolutions. Title 2 of the Code addresses the role of the Clyde Hill council and describes its organization, its meetings and responsibilities. The Code compiles the broad array of local laws adopted by the council, including zoning and land use standards, health and safety issues, police and traffic regulations, building standards, and revenue and finance issues.

2.7 Clyde Hill Personnel Policy Manual

The city administration maintains a Personnel Policy Manual which covers many subjects pertinent to city employees. While they are not employees, councilmembers shall follow applicable policies, provisions and requirements of the Manual including but not limited to travel on city business, overnight stays, and expense reimbursement for transportation, accommodations, meals, per diem limits, incidental expense limits, use of personal vehicles, and expense reporting.

2.8 Clyde Hill Annual Budget

The city's annual budget is the primary tool and road map for accomplishing the goals of the city. The annual budget is prepared and proposed by the city staff and then reviewed, altered as appropriate, and approved by the council. It comprises one of the most important processes the city undertakes because it sets city priorities and policies, and establishes and allocates funding levels and tax revenues. All of that in turn provides the framework for the governmental and administrative operations of the city for the coming year.

2.9 Clyde Hill Comprehensive Plan; Coordinated Growth and Development

The authority for and requirements related to the city's comprehensive plan derive from the Washington Growth Management Act (GMA; codified primarily at RCW 36.70A). The GMA was enacted in 1990 in response to rapid population growth and concerns with suburban sprawl. It recognized the need for comprehensive and coordinated planning within and among adjacent jurisdictions, the need for environmental regulation to protect Washington's resources and quality of life, and related issues. Counties and cities planning under the GMA are required to adopt formal planning policies in their comprehensive plan that will then guide their respective land use and development activities. Nearly all western and some eastern Washington cities and counties are required to plan under the GMA.

The Clyde Hill Comprehensive Plan is the blueprint for the city's physical character, its future development and changes, and look and feel of the city. It creates the conceptual starting point for the city's specific development regulations and procedures. The city's development regulations must be consistent with the city's comprehensive plan, which must in turn be consistent with the comprehensive plans of surrounding cities and King County.

2.10 Clyde Hill Comprehensive Emergency Management Plan

The city administration maintains a Comprehensive Emergency Management Plan (CEMP) that outlines actions to be taken during times of extreme emergency. When the mayor is called upon to declare the emergency, the

¹<https://mrsc.org/Home/Explore-Topics/Governance/Offices-and-Officers/Roles-and-Responsibilities.aspx>

Police Chief then directs all disaster response activities per the CEMP. Because the council may be called upon during an emergency to establish policies related to a specific incident, councilmembers should become familiar with the CEMP.

Appendix B Document History

2024 February. Added section 1.5.5, "Communications with City Council"

2023 May. Added section 1.5.4, "1.5.4 Council Liaison to Planning Commission"

2022 November. Adoption of Rules & Guidelines.