

RULES OF PROCEDURE

OF THE

YAKIMA CITY COUNCIL



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Introduction

The Yakima City Charter gives the City Council the authority to "...adopt rules of order and regulations for the conduct of its business." The Council has adopted these Rules of Procedure to clarify the duties and responsibilities of Council members, how meetings of the Council will be conducted and how Council members may participate in meetings, types of meetings the Council may conduct, and other formalities regarding the efficient and effective conduct of the Council's business.

These Rules of Procedure are intended to serve as a summary guide to the conduct of Council business and Council representation on external boards, committees, and commissions. Many of the provisions within these Rules of Procedure reference the Yakima City Charter, state statute, or other applicable law related to the conduct of Council business. Some of the provisions within these Rules of Procedure are based on elements of Roberts Rules of Order Newly Revised, and some provisions reflect the preference of the Council concerning how its business is conducted.

In accordance with the Yakima City Charter and state statute, the Council serves as the legislative branch of the City of Yakima. The City Council consists of seven elected officials, each elected to four-year terms. Individual Council members do not have governing power as individuals, but only when meeting as a Council when a quorum (four or more) are present. The Council is the law-making, policy-making, and budget and spending approval authority of the City government. The Council hires, directs, guides and evaluates the performance of the City Manager. As provided for in the Yakima City Charter, the City Manager shall be appointed for an indefinite term and may be removed by a majority vote of the Council.

In accordance with the Yakima City Charter and state statute, the City Manager is the chief executive officer of the City and the head of the executive branch of the City government. The duties and responsibilities of the City Manager are defined in the Yakima City Charter. The City 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. Balanced with the City Manager's accountability to the City Council for policy implementation is the legal requirement under the City Charter and state statute for the Council to allow the City Manager to perform her/his legally-defined duties and responsibilities without interference by the City Council in the day-to-day management decisions of the City Manager. All City staff work under the direction of the City Manager, who is directed by the City Council. The Council and its members deal with City staff through the City Manager.

These Rules of Procedure will evolve as conditions dictate. They are intended to be flexible and adaptable to specific circumstances. In accordance with best practices, these Rules of Procedure should be reviewed and evaluated on a regular basis and amended as necessary.

RULES OF PROCEDURE
OF
THE YAKIMA CITY COUNCIL

A. ORGANIZATION

1. Election of Mayor and Assistant Mayor

The Council of the City of Yakima, immediately after its election and qualification, shall elect from among the members a Mayor and Assistant Mayor.

2. The Mayor is the Chair of Council Meetings

The Mayor shall preside as the Chair of all meetings of the Council and shall have the general direction of the meetings.

3. Chair may call member to chair

The Mayor or any other member of the Council who may be acting as Chair at a meeting of the Council may call any member of the Council to the Chair to occupy same temporarily and such member shall be vested with all the powers of the Chair while so presiding. Such a substitution shall not extend beyond an adjournment.

4. Duties of the Mayor

It shall be the general duty of the Mayor as Chair of the Council:

- (a) To take the chair every day precisely at the hour for which the meeting of the Council has been called or to which the Council may have adjourned and immediately to call the Council to order and proceed with the daily order of business.
- (b) To announce the business before the Council in the order in which it is to be acted upon.
- (c) To receive and submit in the proper manner all motions and propositions presented by the members of the Council.
- (d) To put to vote all questions which are properly moved, or which necessarily arise in the course of proceedings, and to announce the result thereof.
- (e) To inform the Council when necessary, or when referred to for that purpose, on any point of order or practice. In the course of the discharge of this duty she/he shall have the right to call upon the City Attorney or any member of the Legal Department for advice.
- (f) To authenticate by his/her signature when necessary, or when directed by the Council, all the ordinances and resolutions, and all the acts, orders and proceedings

of the Council, and entries in the official record of the Council when the same have been approved by it.

- (g) To maintain order at the meetings of the Council, for which purpose she/he shall have the right to call upon the Chief of Police and any and all other officers of the Police Department for assistance.

5. Duties of Assistant Mayor

The Assistant Mayor, during the absence of the Mayor, shall have and perform all the duties and functions of the Mayor. The Assistant Mayor may also provide support with parliamentary procedure and timekeeping as requested by the Mayor.

6. Temporary Chair

In the event of the absence of or disability of both the Mayor and the Assistant Mayor, the Council shall elect a temporary Chair to serve until the Mayor or Assistant Mayor so absent or disabled shall return or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Mayor and Chair of the Council.

7. First Meeting After Council Election

At the first meeting after the election of Council members, generally the first Tuesday of January in even numbered years, the City Clerk shall call the meeting to order. The Clerk will take roll call and then solicit nominations for the role of Mayor. Upon determination of Mayor, the City Clerk is relieved of their duty to facilitate the meeting and the meeting will be turned over to the newly-appointed Mayor.

B. RIGHTS AND DUTIES OF MEMBERS

1. Duty to Vote – Abstention

Every member of the Council present at a meeting where a vote is taken on any proposal shall vote thereon unless excused. A member desiring to be excused from voting may, when his/her name is called, make a brief statement giving the reasons for making such a request, and the question of excusing her/him shall then be decided by vote of the other members of the Council.

2. Attendance by speakerphone or video

From time to time, a Council member may not be able to be physically present at a Council meeting or a Council committee meeting, but will want to be involved in the discussion for the entire agenda, and/or a decision for a particular agenda item or items. The procedure and guidelines for permitting a Council member to attend a Council meeting or Council committee meeting by speakerphone or video conferencing is in this section.

(a) Limitations on attendance by speakerphone or video

Council members may attend regular meetings, special meetings, study sessions, or executive sessions by connecting remotely via the City-approved hybrid meeting platform, which is currently Zoom, but may be changed as deemed necessary and/or appropriate by the City's Community Relations office.

The following rules on remote attendance apply to quasi-judicial hearings and public hearings:

- i. Council members participating remotely must be able to clearly see the documents through full visual capability and must be clearly seen on video by others.
- ii. Council members shall have their cameras on at all times during a quasi-judicial hearing and public hearing, unless it is impossible based on the bandwidth or technology being used at the time of the hearing. If it is impossible, that shall be stated on the record before the hearing begins.
- iii. All votes regarding matters subject to quasi-judicial matters shall be by roll call.

(b) Quorum

A Council member who is connected remotely shall be considered to be actually present at that meeting for the period of time he or she is so connected, and that presence shall count toward a quorum of the Council or committee for all purposes, including voting.

(c) Attendance – Procedure

- i. The Council member attending remotely:
 - A. Must be able to hear the discussion on the agenda item taking place in the Council Chambers, and
 - B. Must be able to be heard by all present in Council Chambers.
 - C. Must appear via video unless due to bandwidth or technology it is impossible.

(d) Requirements of the system(s)

Any communications system utilized shall reliably permit all persons attending – whether they are physically in the Council Chamber or in remote location(s) – to be clearly heard by all others and to clearly hear all audio content of the meeting. If the Council member who is not physically present is communicating by video, such communications system shall reliably permit all attendees, whether in the chamber or in a remote location, to be clearly seen by all others and to clearly see all visual content, if applicable, that is determined by the Council to be crucial to the understanding of matters discussed. The communication system(s) used in the course of Executive Sessions shall be reasonably secure from unauthorized access.

Councilmembers shall not allow conversations held in executive session to be overheard, purposefully or inadvertently, when appearing remotely.

(e) Notification

If a Council member wishes to attend a Council meeting or Council committee remotely for the entire agenda or for an agenda item(s), the Council member should notify the City Clerk or designee of his or her intent no later than two working days prior to the meeting for which he or she wishes to attend remotely. The City Clerk or designee shall immediately advise the presiding officer and the City Manager of the proposed remote participation. To attend a Council meeting or committee meeting remotely, a Council member shall have received in advance all materials for the meeting.

No member shall give his/her proxy to any person whomsoever and no pairing of the vote of an absent member against the vote of a present member shall be permitted.

3. Notification of a Council member's absence from a Council session

- (a) Council members shall relay any scheduled travel or periods of absence to the Mayor and the City Clerk by email well in advance—at a minimum five days—of known attendance conflicts. An exception to the advance notification will be made for emergency situations or unexpected situations that prevent attendance. When this notification is provided, the Council member shall be granted an excused absence from any meetings that occur during that timeframe. Council members shall also notify the Mayor and City Clerk if they will knowingly be late to any meetings.
- (b) Any excused absences shall be announced by the presiding officer at the beginning of the meeting and noted in the minutes. Any absences that are not excused in advance will be noted as unexcused in the minutes.
- (c) Per the Yakima City Charter, if a Council member fails to attend three consecutive regular meetings of the City Council or six or more regular City Council meetings during any calendar year without being excused by the Council in accordance with the provisions set forth in the Rules of Procedure of the Yakima City Council, their seat shall become vacant. In addition, excessive, continued or prolonged excused absences or tardiness may be addressed by the City Council on a case-by-case basis.

4. Council member terms and oath of office

In accordance with RCW 29A.60.280, the term of incumbent Council members ends and the term of the successor begins after the successor is elected and qualified and the term commences immediately after December 31st following the election except: 1) Where the term of office varies from the standard according to RCW 29A.60.280; and, 2) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement of the new term occurs when the successor becomes "qualified" (see definition below) in accordance with RCW 29A.04.133.

Under RCW 29A.04.133, "qualified", as it pertains to a winner of an election, means that for such election: 1) The results have been certified; 2) Any required bond has been

posted; and, 3) The winner has taken and subscribed an oath in compliance with the appropriate statute, or if none is specified, that he/she will faithfully and impartially discharge the duties of the office to the best of her/his ability. This oath or affirmation shall be administered and certified by any officer or notary public authorized to administer oaths, without charge therefor.

In accordance with RCW 29A.60.280, the oath of office must be taken as the last step of qualification as defined in RCW 29A.04.133 but may be taken either: 1) Up to ten days prior to the scheduled date of assuming office; or, 2) At the last regular meeting of the Council held before the winner is to assume office.

5. City Council Wireless Communication Devices and Public Records Responsibilities

(a) Each City Council member will have the opportunity to utilize a City-owned cellular telephone and a separate device for online access. At the time these devices are received from the Information Technology Services Division (ITS), each Council member receiving such devices shall complete a basic form ITS will provide acknowledging the receipt of the devices as well as the responsibility to return the devices in good order no later than the day before the Council member's term ends.

(b) At the conclusion of a Council member's service with the City, he/she shall verify that she/he has returned all City-owned devices to the City and shall attest by written affidavit that they have transferred all public records in his/her possession to the City.

6. Council contacts with staff

(a) The Council, Council members, Council committees, and Council committee members shall not give any directives, assign any tasks, nor give any orders to City staff either publicly or privately.

(b) Neither the Council nor its members shall direct or request the appointment to nor the removal from office of any of the City Manager's subordinates. Nothing in the Yakima City Charter nor state law shall be construed to prohibit the Council, while in open public session, from fully and freely discussing with the City Manager anything pertaining to the appointments and removal of City officers and employees and City affairs.

(c) The requirements herein should not be misconstrued as to prevent informal interaction between the Council and its members with City staff that do not involve giving directives, assigning tasks, or giving orders. The Council and its members are encouraged to interact informally with City staff for the purposes of gathering basic information, obtaining explanations of policies and programs, or providing incidental information to City staff relevant to a given staff assignment. Such informal communication between the Council and its members can help promote better understanding of City policy, City functions, and City issues.

However, during such informal interaction between Council members and City staff, Council members need to be careful to avoid giving directives, assigning tasks, or giving orders to City staff. City staff members shall inform the appropriate supervisor of all such interaction and provide the appropriate supervisor with any and all information provided to a Council member(s) during such interaction.

7. Council contacts with others

- (a) Council members who meet with, speak to, or otherwise appear before a community group or another governmental agency or representative must clearly state if his/her statement reflects her/his personal opinion as an individual Council member or if it is the official stance of the Council.
- (b) When Council members represent the City or attend meetings in an official capacity as Council member, they must support and advocate the official City position on an issue, not a personal viewpoint.
- (c) Once the City Council has taken a position on an issue, all official City correspondence regarding the issue will reflect the Council's adopted position.
- (d) City letterhead shall not be used for correspondence of Council members representing a dissenting point of view from an official Council position.
- (e) As a matter of prudence, any communication by an individual Council member that does not express an official and established Council position may be shared with the full Council.
- (f) In accordance with a policy adopted by the City Council, the Council may consider external requests to support or oppose ballot measures utilizing the procedure outlined in the policy, which includes initial review and recommendation by the Council Partnerships Committee regarding whether the Council should conduct or not conduct a public hearing on the ballot measure at issue and eventual consideration and action by the full Council. Should the Council vote to conduct a public hearing on the request to support or oppose a ballot measure, following such hearing the Council may vote to support the ballot measure, vote to oppose the ballot measure, or take no further action.
- (g) Generally Council members have the same freedoms of association as any other citizen. Council members must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

8. Filling a Council vacancy

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

9. Council Committees

The Council may, by majority vote, establish committees consisting of Council members to assist the Council in examining policies, proposals, and issues that may come before it in greater depth and detail. Each established Council committee shall consist of three (3) Council members and an alternate. Each committee shall choose its own chair.

The work of Council committees is a legislative function of the Council and is directed, in part, by the adopted Council Strategic Plan.

Council committees shall examine policies, proposals, and issues assigned to them by a majority vote of the Council. Issues, proposals, and items generated independently by Council committees or individual Council members will not be examined, reviewed, or pursued by City staff without direction having been given to the City Manager to do so by a majority vote of the Council.

Council committees shall report on their activities and make recommendations for action to the full Council during Council meetings. Any action regarding Council committee recommendations shall be determined by a majority vote of the Council. No activity of a Council committee shall serve to limit information about policies, proposals, and issues assigned to it by a majority of the Council from reaching the full Council in a timely way. No Council committee shall substitute its judgement for the judgement of the full Council.

Council committees do not have the power or authority to commit the City nor to take any binding action on behalf of the full Council.

10. Adoption of specified provisions of the Yakima Administrative Code that shall apply to City Council members¹

The following City Administrative Policies are incorporated in the City Council Rules of Procedure and applicable to and observed by the City Council members. Administrative Policy references to "employee(s)" shall include City Council members with respect to the following Policies:

Policy Number

- 1-550 Electronic Communications Process at Employee Departure
- 1-1400 Public Records Disclosure
- 1-1500 Receiving Gifts and Discounts
- 1-1550 City Owned Devices and Records Management Policy
- 3-400 Procurement Cards

C. MEETINGS

1. Regular meetings - Time of meeting

Regular meetings of the Council shall be held on the first and third Tuesdays of each month, unless otherwise changed. Regular meetings will generally convene at 5:30 p.m.

2. Regular meetings - Place of meetings

(a) City Hall

Unless notice is given pursuant to Rule C.2.b. of these Rules, all regular meetings of the Council shall be held in the City Council Chambers on the first floor of City Hall

¹ Approved by Council April 7, 2020.

and all study session meetings shall be held either in the City Council Chambers or another properly noticed location.

(b) Changed meeting place

Any meeting of the Council may be held at a place other than that required by Rule C.2.a. hereof on proper notice of a changed meeting place.

(c) Special meetings

Special meetings may be called by the presiding officer or by a majority of the members of the Council pursuant to RCW 42.30.080. Types of special meetings that may be called include study sessions, Council briefings, retreats of the Council, joint meeting with another elected body, and emergency meetings (see C 6 below).

3. Meetings - Items considered

(a) At regular meetings of the City Council, no action should be taken on any item(s) not appearing on the posted agenda of such meeting except and unless, by majority vote of the City Council members, it is determined that these procedural rules should be suspended and the Council should take action to address the item not appearing on the posted agenda, or that an emergency exists and that immediate action must be taken by the City Council to address the emergency.

(b) Any City Council member(s) may, under "Other Business", propose that an item(s) or issue(s) be referred to City staff for research and review, be assigned to a specific committee of the Council for research and review, be assigned to a specific advisory committee to the Council, and/or be added to the agenda of the next available City Council regular meeting so that such item(s) or issue(s) can be considered by the full Council, provided that such a proposal receives a positive majority vote by the City Council members present.

(c) In accordance with the City Charter and RCW 42.30.080(3), at special meetings of the City Council, final disposition shall not be taken on any matter that is not included on the posted agenda of such meeting.

4. Executive Sessions

(a) If the Council holds an executive session, it shall be held pursuant to the Open Public Meetings Act, RCW Chapter 42.30. The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Chair shall ask for a motion from the Council to: publicly announce the purpose for adjourning into executive session; the approximate length of time for the executive session; and the likelihood of the Council taking action at the close of the executive session and return to open session.

i. At the close of the executive session and upon the Council's return to the Council Chambers, the Chair declares that the Council is out of executive session and asks for the appropriate motion (i.e. an action motion or a motion to adjourn).

- ii. To protect the best interests of the City, Council members shall keep confidential all verbal and written information provided during executive sessions. Confidentiality also includes information provided to Council members outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW 42.52), Attorney- Client Privilege, and/or the Public Records Act (RCW 42.56).
- (b) RCW 42.30.110 explains the purpose for holding an executive session, some of which include:
- i. RCW 42.30.110(1)(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price (*pending land acquisition*).
 - ii. RCW 42.30.110(1)(g). To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4) (*labor negotiations*), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public (*review qualifications of a public employee*).
 - iii. RCW 42.30.110(1)(h). To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public (*review qualifications of an elected official*).
- RCW 42.30.110(1)(i). To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency *litigation or potential litigation* to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. For purposes of this subsection (1)(i), "potential/pending litigation" means matters protected by Rules of Professional Conduct (RPC) 1.6 or RCW 5.60.060(2)(a) concerning:
- A. Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
 - B. Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
 - C. Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

- (c) The Council may adjourn into executive session even if it is not listed on the meeting agenda. There is a requirement in RCW 35A.12.160 that the public be made aware of the preliminary agendas of meetings in advance of the meeting, but that does not mean that an item that arises after the agenda has been posted cannot be discussed at the meeting, even in executive session. Since final action on the matter would not be taken at the executive session, it would not violate any provision in state law to hold an executive session at a regular Council meeting even if the executive session was not listed on the agenda. [Per MRSC Index-General Government-Executive sessions.] Although amending the agenda is not required in order to adjourn into executive session, it is good practice for the Chair to announce at the beginning of the meeting, that Council will be adjourning into an executive session during the regular meeting.
- (d) If the Council, in Executive Session, has given direction to the City Manager all contact with the other party shall be done by the City Manager or other City staff member so designated by the City Manager.

5. Quorum

Four members of the Council shall constitute a quorum thereof for the transaction of business. Except as otherwise specified by law or City Charter, a majority vote of the Council members shall be required and shall be sufficient to transact any business before the Council.

6. Emergency meetings

- (a) Emergency meetings of the Council may be called by the Mayor or any two Council members pursuant to RCW 42.14.075. RCW 42.14.075 provides: "Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body."
- (b) Meeting time, location, and notice requirements do not apply to emergency meetings called for emergency matters as permitted by RCW 42.30.070, RCW 42.30.080, and RCW 42.14.075. RCW 42.30.070 in the Open Public Meetings Act provides: "If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter [the Open Public Meetings Act] shall be suspended during such emergency." RCW 42.30.080 provides: "(4) The notices provided in this section [RCW 42.30.080] may be dispensed with 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."
- (c) At an emergency meeting, one or more Council members up to and including all members of Council, may attend and vote by any electronic means (e.g., speakerphone or video) utilized by the Council for such purpose. Attendance of a

Council member by speakerphone or video at an emergency meeting does not apply to the number limitation in Section B. 2 of these rules regarding attendance by speakerphone or video.

- (d) Emergency meetings are open to the public, unless the meeting is an exempt emergency executive session pursuant to RCW 42.30.110 entitled "Executive sessions."

7. Use of electronic devices during Council meetings

All current ("live") electronic communication between Council members and any party relating to City business shall be prohibited during a Council meeting. Council members will not utilize electronic devices for the purposes of sending or receiving messages during the course of a Council meeting. Accessing such communication during a Council meeting could be construed as receiving public comment without the benefit of having the person sending the communication present in person to address their concerns. Additionally, Council members will not use electronic devices during a Council meeting for any purpose other than relevant City business so that each Council member's full attention can be on the business being conducted.

8. Interpreter available at Council meetings

A professional English-to-Spanish interpreter will be available at the two Council business meetings regularly scheduled to take place each month. If interpreter services are not needed within an hour of the beginning of a Council business meeting, the interpreter present will be allowed to leave the meeting. For other Council meetings (i.e. special meetings, executive sessions, study sessions, retreats, committee meetings, etc.), the City will provide interpreter services only if the issue(s) to be discussed is expected to draw a large crowd (based upon the determination of the mayor and/or city manager) or if interpreter services have been requested as per this policy. Interpreter services can be requested for Council meetings by contacting the Yakima City Clerk's office not less than forty-eight (48) hours prior to the start of such meeting. If during a meeting it is necessary for a speaker's comments to be interpreted so that Council members and others in attendance may understand them, the time required for interpretation will not be counted against the designated time for speakers to address the Council.

9. Invocations

Resolution R-2011-33 outlines the City Council's policy regarding invocations at Council meetings.

D. PROCEDURE - ORDER AND DECORUM

1. Chair to decide who is entitled to the floor

If two or more members of the Council desire to be heard at the same time, the Chair shall name the member who is to speak first.

2. Seating policy

The Mayor shall sit at the center of the Council. The Assistant Mayor shall sit immediately to the right of the mayor. With the exception of special circumstances (medical necessity, etc.), all other Council members are to be seated in a manner acceptable to the Council. If there is a dispute over seating, Council members, other than the Mayor and Assistant Mayor, will be seated in district position order from left to right (while facing the dias).

3. Reading of ordinance/resolution title

When an ordinance or resolution is to be considered by the Council, prior to any discussion or debate, the title of the ordinance or resolution to be considered will be read aloud by the City Clerk.

E. PROCEDURE - MOTIONS

1. Form of motion

Every motion, except motions to adjourn, postpone or commit, shall be reduced to writing if the Chair or any member of the Council requests it, but otherwise motions may be made orally and shall be noted by the City Clerk. It is preferred that non-routine motions be submitted in writing to the City Clerk prior to the meeting if possible.

2. Motion to be restated

When a motion is made, it shall be restated by the Chair or City Clerk before debate begins.

3. Second required

A second to any motion of the Council shall be required.

4. Withdrawing a motion

After a motion is stated by the Chair or read by the City Clerk, it shall be deemed in the possession of the Council, but may be withdrawn at any time before division or amendment by the unanimous consent of the Council.

5. Motions in order during debate

When a question is under debate, no motion shall be received except:

- (a) To fix the time to adjourn.
- (b) To adjourn.
- (c) To refer an item to a committee.
- (d) To lay on the table.
- (e) To postpone to a day certain.
- (f) To postpone indefinitely.
- (g) To amend.
- (h) To recess.

6. Motion to adjourn always in order - Exceptions

A motion to adjourn shall always be in order except when the Council is voting and except when a previous motion to adjourn having been defeated, and no intervening business has been transacted. However, this rule shall not authorize any member to move an adjournment when another member has the floor.

7. Motion to table temporary only

The passage of a motion to lay on the table shall have only the effect of disposing of the matter temporarily in order to address a matter of emergent importance, and the tabled matter may be taken from the table at any time by order of the Council. If a tabled matter is not taken from the table at the same meeting in which it was tabled or the next meeting following the meeting at which it was tabled, it "falls to the floor", as per Robert's Rules of Order.

8. Motions to postpone or refer

No motion to postpone to a day certain or indefinitely, or to refer to a committee, being decided in the negative, shall again be allowed on the same day and at the same state of a proposition.

9. Motions must be germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted as an amendment.

10. Motions to refer or postpone preclude amendments

A motion to refer an item to a committee, until it is decided, shall preclude all amendments and debate on the main question, and a motion to postpone indefinitely or to a day certain, until it is decided, shall preclude all amendments on the main question.

11. Questions not debatable

Motions to adjourn to take a recess, to lay on the table, or to take from the table shall be decided without debate and all incidental questions of order arising after any such motion is made, and pending decision thereon, shall be decided whether on appeal or otherwise without debate.

12. Division of question

If a question or proposition submitted to the Council contains several points, any member may have the same divided and each point considered separately.

13. Call for the question (Previous Question motion)

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

14. Vote

The procedural motions enumerated herein shall be decided by a majority vote of the Council Members present at the meeting, unless otherwise indicated.

F. PROCEDURE - RECONSIDERATION

1. Who may move to reconsider

After the question has been decided, any Council member who voted with the prevailing side may move for a reconsideration of the original motion. The motion for reconsideration must be made at the same meeting or before the end of the next regular meeting. Only a Council member who voted on the prevailing side of the original motion can move for reconsideration. If a motion to reconsider is passed, then debate resumes on the original motion.

2. When a motion to reconsider is not allowed

If a motion has been adopted and any part of the motion's provisions have been executed, a motion for reconsideration is not allowed.

3. Alternatives to a motion for reconsideration

A reconsideration motion should not be confused with the reintroduction of an item previously decided by the Council. A reconsideration motion is appropriate in only limited circumstances and, thus, should be used rarely.

Any item previously decided by the Council can ordinarily be reintroduced by any Council member at a future meeting. A motion to reintroduce an item previously decided by the Council requires a second and a positive vote by a majority of the Council in order to be added to a future Council meeting agenda.

G. PROCEDURE - DEBATE

1. Substitute motions

All so-called substitute motions and resolutions (except such matter as may be reported by a committee to which a proposition has been referred) shall be considered as amendments only, and shall be subject to the rules relating thereto.

2. Amendments must be germane

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance.

3. Tabling amendment - Not to prejudice motion

An amendment may be laid on the table without prejudice to the main motion or question. When an amendment proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure.

4. Order of action

If any amendment is offered, the question shall be first upon the amendment.

5. Order of discussion/debate

After the title of an ordinance or resolution has been read (see Section D – 3 herein), the Chair will request a staff report(s), if necessary, be given. Following the staff report(s), the Chair will entertain a motion to adopt or deny the ordinance or resolution. If the motion receives a second, the Chair or City Clerk will restate the motion, and the Chair will then invite discussion by the Council. The maker of the motion will be given the choice to speak first. The member who seconded the motion will be given the choice to speak next. Each Council member will then be allowed to speak once before any other Council member may speak for a second time. At such time as is reasonable, or when a “call for the question” motion is made, seconded, and approved, the Chair will close discussion/debate and the original motion will be voted on in accordance with Section H herein.

6. Informal Discussion

Subject to the Chair’s discretion, informal discussion may occur when no motion is pending. Such informal discussion shall be limited, subject to the discretion of the Chair.

7. Courtesy

Members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and shall not engage in contemptuous or disorderly behavior, or discuss or comment on personalities, or indulge in derogatory remarks or in situations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.

H. PROCEDURE - VOTING

1. Roll call on final passage

(a) The vote upon the final passage of all ordinances and resolutions shall be by ayes and nays given by members of the Council individually on roll call. The names of the members on such roll call shall be called alphabetically and rotated after each vote. On other questions the vote shall be taken orally in the manner hereinafter provided, PROVIDED that a roll call shall be ordered on the vote on any other question when demanded by any member of the Council. Votes taken on roll call shall be recorded by the City Clerk and reported to the Chair, who shall announce the result. In recording votes on roll call, the City Clerk shall record and report those absent or not voting.

(b) In circumstances where the Mayor believes that there is consensus on a matter not requiring a formal motion and vote where yeas and nays shall be called and recorded, they may ask if there is consensus or if there are any persons opposed to

passage of the motion. Silence of a Council member during a consensus vote shall be recorded as a vote with the prevailing side, except when a Council member abstains. Any Council member may demand a roll call vote rather than a determination by consensus. The majority of votes should be taken by roll call.

2. Voting or changing vote after decision announced

When a vote is taken on roll call on any question, no Council member shall be permitted to vote or to change her/his vote after the decision is announced by the Chair.

3. Changing vote before decision is announced

On any such vote, any member may change his/her vote before the decision of the question has been announced by the Chair.

4. Council members required to vote - Late voting

Every member of the Council shall, when a question is put or when his/her name is called, vote unless a member shall, for a special reason, be excused as hereinbefore provided, or unless she/he has a direct personal or financial interest in the event of such question.

5. Putting the question - Division

Except as hereinbefore provided, the Chair shall put questions in this form:

"Those who are in favor (as the question may be) say 'Aye'.
After the affirmative vote is expressed he/she shall say,
"Those who are opposed, say 'No',"

If she/he doubts the result of the oral vote, or if a division be called for by any member of the Council, the Council shall divide. In such division those in the affirmative shall vote first and afterward those in the negative.

I. PROCEDURE - ORDER OF BUSINESS

1. Roll call - Minutes of previous meeting

(a) At all meetings before proceeding to business, the roll of the Council members shall be called and the names of those present and those absent shall be entered into the record.

(b) Minutes of meetings must be approved by a majority of the Council.

2. Agenda for meetings

As provided for in the City Charter and in accordance with RCW 35.18.060 (5), the City Manager shall prepare a written agenda for each meeting of the Council as far in advance thereof as possible and shall provide such agenda to each member of the Council prior to the commencement of the meeting.

3. Special order of business

The Council may at any time on motion supported by a majority vote of the members of the Council proceed out of order to any item of business.

4. Public comment

Community members are invited to address items listed on the meeting agenda and/or within the City's purview. A guideline of two and one-half (2 ½) minutes per speaker is in place in order to allow as much opportunity as possible for audience participation. Comments will be taken in a priority order 1) City residents appearing in-person, 2) Yakima County residents appearing in-person and 3) all others appearing in-person and remote attendees. The total time allowed for public comment is limited to thirty-five (35) minutes at regular meetings. The time allowed for all speakers may be extended or reduced at the discretion of the Chair and/or the majority vote of the Council. Members of the public may be asked to document their assertions of fact by Council members.

5. Decorum during public comment.

All persons providing public comment, and members of the audience, shall maintain order and decorum during the public comment period. If any person in the council chambers threatens another person, becomes aggressive, moves towards the Council members from the podium or audience seating, or otherwise is seen as disruptive, the presiding officer may ask that the person exhibiting these behaviors be removed from the Council chambers by the Chief of Police or such member or members of the Police Department attending the meeting. If a meeting is interrupted so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals interrupting the meeting, the meeting may be adjourned.

6. Recess

The presiding officer has the authority to recess, subject to appeal, any meeting when noise, disturbance, indecorum, or other circumstances warrant a recess to enable the Council to conduct its meeting in an appropriate manner. The presiding officer also has the authority to recess a meeting upon the request of any Council member. Recognizing that fatigue, discomfort, and tedium detract from the quality of participation in a deliberative process on the part of all participants, the presiding officer is encouraged to call or grant requests for recesses as needed and at such frequency as dictated by the time of day, temperature, and other factors.

7. Procedures for large public audiences

When it is anticipated that there will be a large public audience, the City Manager has the authority to move the council meeting to a location that can better accommodate the audience. Council may, at the beginning of such meeting, amend the Council rules of procedure to accommodate the large audience as it sees fit. Amendments for the particular meeting could include, but are not limited to, changing the time per speaker during public comment or changing the total time allotted for public comment.

J. PROCEDURE - ADOPTION OF ORDINANCES, RESOLUTIONS AND MOTIONS

1. Introduction and form - Working copies

Every ordinance and resolution proposed shall be introduced in writing in form for final passage. The Council at any time may require the City Manager, with the assistance of the Legal Department or other City staff, to prepare working copies of proposed ordinances or resolutions showing what changes, if any, will be accomplished in existing ordinances or resolutions.

2. Passage on first reading

All resolutions and motions and all ordinances, except those appropriating funds, may be passed upon first reading, and shall take effect as provided by applicable law and the City Charter.

3. Hearings

In all cases provided by applicable law and in such other cases as the City Council by resolution may determine, hearings shall be had upon proposed ordinances upon the giving of proper notice and all persons interested therein shall be given an opportunity to be heard.

4. Ordinances and resolutions adopted - Signing, deposit and publication

Upon final passage, every ordinance and resolution shall be signed by the Mayor or his/her designee and attested by the City Clerk under the seal of the City of Yakima and shall thereupon be deposited in the office of the City Clerk. The City Clerk shall thereupon cause the title of all ordinances to be forthwith published in the manner required by applicable law.

K. REMEDIES FOR VIOLATIONS BY COUNCIL MEMBERS OF COUNCIL RULES OF PROCEDURE, COUNCIL CODE OF ETHICS, COUNCIL PRINCIPLES OF CONDUCT, ADOPTED ADMINISTRATIVE POLICIES OR OTHER APPLICABLE LAWS AND/OR REGULATIONS

1. Purpose

The behavior and actions of individual Council members can affect, both positively and negatively, the perception of the entire Council and public confidence in the Council and the City. Therefore, each Council member has a vested interest in promoting the ethical and professional conduct of his/her fellow Council members.

In order to foster an environment of ethical and professional conduct by all Council members, the Council has adopted the following process to be implemented in the event a Council member(s) is alleged to have violated the Council Rules of Procedure, the Council Code of Ethics, the Council Principles of Conduct, adopted Administrative Policies or other applicable laws and/or regulations.

2. Process

Step 1: Any Council member may submit a written complaint to the Mayor alleging a fellow Council member(s) has violated the Council Rules of Procedure, the Council Code of Ethics, the Council Principles of Conduct, adopted Administrative Policies or other applicable laws and/or regulations.

Step 2: As soon as practicable after a complaint has been submitted, an Executive Session of the Council will be called to discuss the alleged violation(s). However, the Council member alleged to have committed a violation(s) may insist any discussion of the alleged violation(s) against her/him take place in a meeting of the Council open to the public, in which case the discussion shall take place in an open public meeting of the Council. During such discussion, the Council member(s) alleged to have committed a violation(s) shall be provided an opportunity to refute, disprove, or otherwise contradict the allegation(s).

Step 3: Following a discussion by the Council of the alleged violation(s), the Council may:

- (a) Take no further action.
- (b) In an open public session of the Council, by a **majority-plus-one vote** of the Council, issue a verbal **Reprimand** of the Council member(s) found to have committed a violation(s). A verbal **Reprimand** declares the conduct of a Council member(s) to be unacceptable but not of such severity as to warrant a Public Censure. Issuance of the verbal **Reprimand** shall include a description of the violation(s) and any evidence to support the determination by a **majority-plus-one** of the Council that a violation(s) occurred. Following the issuance of the verbal **Reprimand**, the Council member(s) found to have committed a violation(s) shall be provided an opportunity to refute, disprove, or otherwise contradict the determination by a **majority-plus-one** of the Council that a violation(s) occurred.
- (c) If a **majority-plus-one** of the Council determines the severity of the violation(s) committed by a Council member(s) is of such magnitude, **OR** that the Council member(s) who was previously issued a verbal Reprimand commits subsequent violations, the Council may, in an open public session of the Council:
 - i. By way of a formal resolution adopted by a **majority-plus-one vote** of the Council, issue a **Public Censure** of the Council member(s) found to have committed a severe or subsequent violation(s). A **Public Censure** declares that a Council member(s) has committed a violation(s) that requires admonishment greater than that provided for in a verbal Reprimand but does not require additional measures be taken. The **Public Censure** resolution shall include a description of the violation(s) and any evidence to support the determination by a **majority-plus-one** of the Council that a severe violation(s) has or additional violations have occurred. Following the adoption of the **Public Censure** resolution, the Council member(s) found to have committed a violation(s) shall be provided an opportunity to refute, disprove, or otherwise contradict the determination by a **majority-plus-one** of the Council that a violation(s) occurred.

- ii. By way of a formal resolution adopted by a **majority-plus-one vote** of the Council, **Remove** the Council member(s) found to have committed a severe or subsequent violation(s) from his/her Council Committee assignments for a period of time deemed appropriate by a **majority-plus-one vote** of the Council. The **Removal** resolution shall include a description of the violation(s) and any evidence to support the determination by a **majority-plus-one** of the Council that a severe violation(s) has or additional violations have occurred. Following adoption of the **Removal** resolution, the Council member(s) found to have committed a violation(s) shall be provided an opportunity to refute, disprove, or otherwise contradict the determination by a **majority-plus-one** of the Council that a violation(s) occurred.
- iii. By way of a formal resolution adopted by a **majority-plus-one vote** of the Council, **Remove** the Council member(s) found to have committed a severe or subsequent violation(s) from her/his Council Committee assignments **AND** non-City board, committee, or commission assignments for a period of time deemed appropriate by a **majority-plus-one vote** of the Council. The **Removal** resolution shall include a description of the violation(s) and any evidence to support the determination by a **majority-plus-one** of the Council that a severe violation(s) has or additional violations have occurred. Following adoption of the **Removal** resolution, the Council member(s) found to have committed a violation(s) shall be provided an opportunity to refute, disprove, or otherwise contradict the determination by a **majority-plus-one** of the Council that a violation(s) occurred.

NOTE: The application of one of the remedies described above shall not preclude the application of other or all of the remedies described above. Furthermore, certain violations committed by a Council member(s) may be subject to prosecution or other legal action pursuant to Washington State law.

City of Yakima Resolution R-1990-D-5820, as well as RCW 35.21.205, RCW 36.16.138, and RCW 48.62, establish parameters under which City elected and appointed officials, City employees, City board and commission members, City police reserve officers, commissioned and non-commissioned City police officers, City police explorers, and some City volunteers may be defended and indemnified by the City, "...against all actions, claims, or other proceedings threatened or instigated against them and which arise from the performance, purported performance, or failure of performance of their duties for or employment with the City; and the City shall hold them harmless from all expenses and liability connected with the defense or settlement of such claims and from liability for any monetary fine or judgment in any such action or proceeding."

Furthermore, as stated in City of Yakima Resolution R-1990-D-5820, Section 2 B, "...the defense, indemnification, or hold harmless provisions of this resolution shall be afforded only those persons who exercised good faith in their performance, purported performance, or failure of performance of their duties for or employment with the City on which the action, claim or proceeding is based, and who were not acting clearly outside of the scope of their authority as City officers, employees, police volunteers, or members of City boards or commissions; and no civil or criminal fine shall be paid for any person who knew, or should have known with the exercise of reasonable care, that the conduct or failure to act, on which the fine is based, was

unlawful. The determination of whether an employee or police volunteer was acting in good faith within the scope of employment or duties, and without knowledge or discoverable knowledge of the unlawfulness of the person's conduct, shall be made by the City Manager; and that determination as to elected City officers and all members of City boards and commissions shall be made by the City Council."

L. PROCEDURE – SUSPENSION OR WAIVER OF RULES

No rule of the Council shall be suspended or waived without the vote of a majority of all of the members of the Council present at the meeting. No action taken by a Council member or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall be invalid, or be deemed a violation of the oath of office, misfeasance or malfeasance. These rules do not grant rights or privileges to members of the public or third parties.

M. PROCEDURE - ROBERT'S RULES OF ORDER

The rules of parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the Council in all matters of procedure not specifically provided for herein and to which they are applicable.

N. AMENDMENT

These rules or procedures may be amended at any meeting of the Council held after the proposal to amend the rules has been properly noticed, upon a two-thirds vote of all of the members of the Council.

O. RECORDING OF RULES

These rules and all subsequent amendments thereto shall be recorded and kept by the City Clerk and each member of the Council shall be furnished with a copy thereof in form convenient for reference.

P. RULE CONFLICTS

In the event of any conflict or inconsistency between applicable rules, the order of precedence to determine the governing rule shall be: (1) the Charter; (2) City Ordinances; (3) these Rules; and (4) Robert's Rules of Order.

Q. EXTERNAL ACTIONS OF THE COUNCIL AND REPRESENTATION ON EXTERNAL BOARDS, COMMITTEES AND COMMISSIONS

1. Mayoral Authority

In accordance with the City Charter, the Mayor has no executive authority. All appointments to represent the City of Yakima and the Yakima City Council to outside groups will be made by the full Council. There will be an exception when state statute, law or the group's bylaws or other authoritative documents, requires representation from the Mayor.

2. Letters of Support

The City Council wishes to create an orderly process by which local groups can request that the City Council provide a "letter of support" for a project or action. Such letters are usually requested to document Council support of an "ask" to an outside agency, often an application for project funding.

(a) Matters where the City's position is known

On matters where it is understood and known the City's position of support for a project or issue, the City Manager or Mayor may sign and approve a Letter of Support for a project, grant, or other purpose. If the City's position is unknown, or the matter is believed by the City Manager to be controversial, the City Manager may choose to bring the proposed Letter of Support to the City Council for decision.

(b) Routine business

City Council members may request to have a request for a letter of support placed on the agenda of the next business meeting for discussion during the Other Business section of a regular council meeting. If the addition to the agenda is approved, the entity requesting the letter of support shall provide a copy of the proposed letter and supporting documents to the City Clerk on or before the Tuesday prior to the business meeting where the Council will evaluate the request. Supporting documents should include a summary of the project and its impact on the City, as well as financing information if the request is for a letter of support for funding. This allows inclusion of the letter and documents in the agenda packet for the next business meeting and a substantive discussion on the topic by the Council. If the City Manager deems it appropriate, staff will also provide a staff report on the request. A representative from the requesting party shall be present at the meeting where the Council will discuss the request.

(c) Expedited action

If there is an urgent need for expedited approval, it is the responsibility of the requesting party to provide justification for urgent action with their request. Such justification should include:

- i. Documentation of the deadline, and when that deadline was announced;
- ii. A copy of the letter of support sought to be signed by Council in word format to allow for editing by City staff;
- iii. An explanation as to how the project furthers established City priorities; and
- iv. Any other information requested by the City.

(d) Letters of Support approved by vote of the Council are to be signed, "on behalf of (or under the authority of) the Yakima City Council", and can be signed by any or all Council Members.

3. Council member participation on external boards, committees or commissions

- (a) Council members shall not be appointed to or serve as voting members on any board that receives funding from the City, with the exception of those otherwise authorized by law.¹
- (b) At the beginning of each year after a Council election, the City Manager shall prepare a document indicating all the current boards, committees and commissions on which City Council members are asked to serve and/or participate. An agenda item will be placed on a regular city council meeting agenda to discuss the committees and make appointments to committees. All appointments to committees, unless otherwise dictated by law or contract, shall be done by the Council.
- (c) Council members may be asked to serve and/or participate on Inter-Governmental committees and boards. Appointment to Inter-Governmental committees and/or boards shall be made consistent with the governmental documents creating said committee or board. If the governmental documents do not specify how Council members are to be appointed, then the City Council should appoint members as outlined in Section 3(b) above.
- (d) If a Council member is appointed as an ex-officio board member for a non-profit entity, that member shall not become an officer of the board during the ex-officio assignment.

R. Policy for Appointments of Residents to City Board, Committee and Commission Vacancies.

- 1. In regard to an incumbent member of a board, committee, or commission whose term of office is scheduled to expire within three months or less, the City Clerk's office will notify the Council of the upcoming term expirations and advertise the opening.
- 2. When vacancies occur and there are no applications on file, the City Clerk, in conjunction with the Communications and Public Affairs Director, will notify the Council of the vacancy and will advertise any vacancies on boards, committees, and commissions across the City's multiple communications platforms (City website, Facebook page, Twitter feed, news releases, YCTV and Y-PAC infographics, video bulletin boards, etc.).
- 3. As applications are received, the City Clerk forwards them to the chair of (or the staff liaison to) the board, committee or commission with an opening(s). A recommendation(s) regarding the applicant(s) may be offered to the Council Nominating (Partnership) Committee by the chair of the board, committee, or commission for which applications are received. The applications, any chair recommendations, and the function and responsibilities of the board, committee, or commission for which applications are received are then provided to the Council Nominating (Partnership) Committee. If an applicant is currently serving on another City board, commission, or committee, the Council Nominating (Partnership) Committee will not consider her/his application for a different body.

¹ Policy approved on February 17, 2016.

4. The Council Nominating (Partnership) Committee then evaluates each application, reviews backgrounds and references, and, if two or more applications are received, will interview all of the applicants. A staff liaison will be present at the interviews and be available to answer any questions the Nominating Committee may have. The Council Nominating (Partnership) Committee then makes recommendations regarding filling board, committee, or commission vacancies, which are presented at the next Council business meeting for consideration and action.