



CITY OF FERNDALE, WASHINGTON CITY COUNCIL RULES OF PROCEDURE and ETHICS HANDBOOK



Ferndale City Council Rules of Procedure (Revised and Passed 01/16/2001 - Updated 03/4/2019)



CITY OF FERNDALE, WASHINGTON

CITY COUNCIL RULES OF PROCEDURE and ETHICS HANDBOOK

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The City of Ferndale operates as a non-charter code city with a Mayor-Council form of government, as outlined in RCW 35A.12. These rules of procedure set forth herein are adopted for the benefit of the members of the City Council to assist in the orderly conduct of Council business.

1. COUNCIL MEETINGS - TIMES AND LOCATIONS

All regular meetings of the City Council convening for the purpose of taking action upon city business shall be held on the first and third Mondays of each month at the City Hall Annex or other time or location as established by ordinance. Council meetings shall begin at 6 p.m. and adjourn no later than 9 p.m. No meeting shall be permitted to last beyond 9 p.m. without approval of a majority of the Councilmembers present. A new time limit must be established before taking a Council vote to extend the meeting. In the event a meeting has not been closed or continued by Council the items not acted on shall be deferred to the next regular meeting, unless the Council, by majority vote of members present, determines otherwise.

Council Committee meetings are considered regular meetings by the Ferndale City Council, and a quorum of members of the Council may from time to time be present at such meetings. However, while a Councilmember not appointed to a specific committee may be present for the purposes of discussion, at no time shall a Council majority take any final action at committee meetings. Should any final action be taken at a committee meeting, it shall be considered null and void.

Committee meeting absences are not subject to the provisions of RCW 35A.12.060 related to unexcused absences for regular meetings.

Committee members do not make final decisions on legislative issues, but only make recommendations to the full council.

In the event that a scheduled Council meeting falls on a legal holiday, the meeting shall be held at 6 p.m. on the first business day following the holiday.

The City Clerk's office shall notify the public of meeting cancellations pursuant to Chapter 42.30 RCW, the state's Open Public Meetings Act.

2. COUNCIL MEETINGS - OPEN TO THE PUBLIC - EXECUTIVE SESSIONS

All meetings of the City Council and of Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140. Executive Sessions are specifically exempted from the Open Public Meetings Act. Such meetings are closed except to the Council, Mayor, City Administrator and authorized staff members and consultants authorized by the Mayor or a majority of the Council. The public is restricted from attendance. Executive Sessions may be held during regular or special Council meetings. Executive Session subjects are limited to considering matters authorized by state law, as set forth in RCW 42.30.110 or RCW 42.30.140 or any other relevant chapter of the Revised Code of Washington.

Before convening an Executive Session, the Mayor shall announce the purpose of the meeting, the expected length of time of the meeting and the potential action by the Council when it reconvenes. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. At the end of that time, if the discussion has not concluded, the meeting shall by public announcement again be extended to a time certain.

Executive Sessions shall begin and end in accordance with state law.

Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Session to insure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington.

Pursuant to RCW 35A.12.120, providing for the City Council the ability to make its own rules, Councilmembers who have a conflict of interest or the appearance of a conflict of interest related to an Executive Session item must recuse themselves from the session and leave the room. A City Councilmember should use the officially adopted Ethics Handbook for Elected Officials or any other relevant City code, policy or state policy or statutory authority as guidance to assess a conflict of interest or any issue in which there may be the appearance of a conflict of interest. A Councilmember may participate in that portion of an executive session not related to the item in which they have a conflict of interest or the appearance of a conflict of interest.

Should the City Council deem that a member of the Council has a conflict of interest or the appearance of a conflict of interest and the member refuses to recuse themselves from the session, a majority of the Councilmembers present may vote to exclude that member from that specific portion of the session in which they have said conflict or the appearance of said conflict. The Councilmember who has made a motion to exclude a Councilmember from an executive session should clearly state the reason for the conflict of interest or the appearance of a conflict of interest.

3. SPECIAL COUNCIL MEETINGS

RCW 35A.12.110 and RCW 42.30 (Open Meetings Act) in part specifies public announcement and openness requirements concerning Council meetings. Therefore, the City Council requires that notification of Special meetings be made as follows: The Mayor or any four Councilmembers may call a Special meeting giving 24-hour notice. A meeting notification package that includes place, time, agenda and supporting materials to be discussed and/or acted upon by the Council shall be posted on the City's website and delivered by any reasonable means or method, including e-mail or telephone notification. Councilmembers shall provide the City Clerk with confirmation that they have received the meeting notification package through email receipt or verbal confirmation. Failure to obtain confirmation from all seven Councilmembers will not prevent Special meetings from being conducted; however, final decisions on issues should only be made or concluded at the special meeting if all seven Councilmembers confirm that they received the meeting notification, unless the 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. Reasonable means available to notify the public of a Special meeting will be used including daily newspapers, radio, Riverside Drive e-board, city website and social media.

4. STUDY SESSIONS- WORKSHOPS

Regular or Special Council meetings, or a portion thereof, may be designated as Study Sessions or Workshops by the Mayor. Study Sessions and Workshops need have no formal agenda and may be conducted informally. Study sessions and Workshops are subject to the regulations of the Open Public Meetings Act. The City Clerk shall record minutes of Study Sessions and Workshops. The minutes need only reflect the names of members and staff present and a brief

description of the topic. No motions shall be entertained or votes taken at a Study Session or Workshop. The purpose of Study Sessions is to allow Councilmembers to be made aware of impending business and to allow informal discussion of issues that might be acted on at a future meeting. The purpose of Workshops is to allow Councilmembers to do concentrated preliminary work with administration on single subject but time consuming complex matters (i.e., budget, complex legislation or reports, etc.).

5. PRESIDING OFFICER- MAYOR - MAYOR PRO TEMPORE

The Mayor shall act as the presiding officer at meetings of the Council and shall be recognized as the executive and administrative head of the City, as per RCW 35A.12.100. In the absence of the Mayor, the Mayor Pro Tempore shall act as the presiding officer at meetings of the Council. The Mayor Pro Tempore shall be elected by a majority vote of the Council from its own membership at the first meeting or a meeting soon thereafter after each general election and thereafter at such times as a vacancy occurs. The Mayor Pro Tempore shall hold office at the pleasure of the Council. In the absence of both the Mayor and the Mayor Pro Tempore, the Council shall appoint one of its members to act as the temporary presiding officer. Neither the appointment nor service of a member of the Council as Mayor Pro Tempore or temporary presiding officer shall abridge that individual's right to vote upon all questions coming before the Council.

In the event that the Mayor is incapacitated or the office shall become vacant RCW 35A.12.050 shall apply.

6. QUORUM

Per RCW 35A. 12.120, at all meetings of the Council, four Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of a majority (4 members) of the entire Council.

7. ATTENDANCE

A. REMOTE PARTICIPATION

A Councilmember may participate remotely in all or part of a Council meeting under limited circumstances, and if:

1. Reasonable notice is given
2. The Councilmember is unable to find a substitute (for Committee meetings only.)
2. All persons participating in the meeting are able to hear each other at the same time, such as the use of a speakerphone, Skype or other electronic or digital communication device.
3. The Councilmember participating remotely shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic to which the Councilmember is voting on. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Mayor/Council

B. EXCUSED ABSENCES

RCW 35 A. 12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor prior to the meeting. If the member is unable to contact the Mayor, the member

shall contact the City Administrator or the City Clerk who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for the absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of Councilmembers present, the member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

8. COUNCIL MEETING AGENDA

The City Clerk shall arrange a list of proposed matters according to the order of business and prepare a preliminary agenda. Proposed matters may be submitted by the Mayor, Councilmembers, Department Heads, and the City Administrator. A single Councilmember may submit a Committee agenda item to the City Administrator, Mayor or City Clerk. Items requiring Council action, other than emergency actions, which have not been previously reviewed by the appropriate Committee, must be approved by a majority of Councilmembers at the beginning of the meeting.

The preliminary agenda shall be completed by 3:00 p.m. on the Tuesday preceding the regular Council meeting in preparation for the Wednesday Committee meetings. Notice shall be furnished on the City website and the agenda distribution email list. Final agenda packets, complete with all necessary information for the Council, shall be available by 12 noon the Friday preceding a regular Council meeting. Should agenda items change after posting on the City website, updates will be made to the website duly noting the change. The Council is under no obligation to consider or act upon agenda items that are presented without necessary supporting information.

Full agenda packets will be available at www.cityofferndale.org.

9. CONSENT AGENDA

Council Committees may recommend that certain items that have been previously discussed by the Council that are so routine and non-controversial that passage without discussion is likely, be placed on the consent agenda. The proper Council motion on the consent agenda is as follows: "I move adoption of the consent agenda". This motion shall be non-debatable, and upon affirmative vote of four Councilmembers, will have the effect of moving to adopt all items on the consent agenda. Prior to the vote to approve the consent agenda, a Councilmember may request of the Mayor or presider of the meeting to remove an item. This is non-debatable. If any matter is withdrawn, the remainder of the consent agenda may be voted on. The Mayor shall place the withdrawn item for separate consideration at an appropriate place on the current agenda or move it to a future meeting.

10. CITY ADMINISTRATOR

The City Administrator or his/her designee shall attend all Council meetings, unless excused by the Mayor or the Council. The Administrator shall recommend measures for adoption; prepare and submit required reports; keep the Council and Mayor fully advised of the affairs of the City; and take part in Council discussions involving the welfare of the City, as stated and defined by the Ferndale Municipal Code.

11. CITY CLERK

The City Clerk or other Mayoral designee shall be the ex-officio Clerk of the Council and shall keep minutes as required by law, and shall perform such other and further duties in the meeting as may be required by the Council, Mayor, or City Administrator. The City Clerk shall keep minutes which identify the general discussion of the issue and complete detail of the official

action or consensus reached, if any. The Clerk shall digitally record the proceedings of all public hearings and regular and special meetings and workshops, and shall keep and make available an index to the contents of each recording. The recordings shall be under the protection of the City Clerk and shall be available on the City website.

12. DECORUM

The City Council will treat City staff and members of the public with a high level of professionalism and respect, and Councilmembers require City staff and members of the public to extend the same courtesy. (See Section 24) Differences of opinion, values, and perspectives are expected, and it is essential the atmosphere and tone of Council meetings be professional and respectful, to foster public trust, confidence, and participation by citizens.

Personal attacks, insults, interruptions, inflammatory language, and profanity are not permitted. Nor are remarks that disparage groups or individuals because of race, religion, sexual orientation, age, or gender.

Any member of the body may rise to a point of order if he or she feels this section is being violated. The chair can rule to uphold or decline the point of order, and the body, by a majority vote, may override the chair.

Councilmembers have the primary responsibility to assure that these guidelines are understood and followed, so that the public can have full confidence in the integrity of their local government. These guidelines are intended to be self-enforcing, thereby requiring an ongoing commitment by Councilmembers to faithfully honor the trust and dignity bestowed upon them as elected leaders and community role models.

13. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". Members of the Council shall be addressed as "Councilmember (surname)". Council shall endeavor to address staff in a formal manner, i.e. "Director (surname)" or "Mr./Mrs./Ms. (Surname)".

14. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the Council Chambers according to elected position number.

15. DUTIES OF THE PRESIDING OFFICER OF THE COUNCIL

It shall be the duty of the Mayor, Mayor Pro Tempore or the temporary Presiding Officer to:

- (a) Call the meeting to order and conduct a roll call of attendance.
- (b) Inform the Council of a member's absence, state the reason for the absence, and inquire if there is a motion to excuse the member.
- (c) Keep the meeting to its order of business.
- (d) State each motion and require a second to the motion. Put all motions to a vote and announce the outcome. Suggest but not make motions for adjournment.
- (e) Handle discussion in an orderly way.

(f) Give every Councilmember who wishes an opportunity to speak. No Councilmember may speak twice until every Councilmember who wishes to speak has spoken. The Chair shall attempt to give pro and con speakers alternating opportunities to speak when possible or practical.

(g) Permit audience participation at appropriate times.

(h) Keep all speakers to the rules and the questions.

(i) Appoint committees when authorized to do so.

The Mayor, Mayor Pro Tempore or temporary Presiding Officer shall have the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the rules of the Council.

16. COUNCIL RELATIONSHIP WITH MAYOR, ADMINISTRATION, AND STAFF

The Council as a whole exercises the policy and legislative functions of city government. The Mayor exercises the executive and administrative functions directly or through the City Administrator, as per RCW 35A.12.100. It is the Mayor's authority and responsibility to establish policies regarding the relationship and interactions between Council and Staff. Councilmembers should familiarize themselves with City documents online and when possible minimize requests from staff. Council shall not make information requests of staff outside the policies set forth by the Mayor.

Councilmembers should expect timely information from staff in matters related to their public duties; however, other than legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department or employee.

Concerns about the performance of any City employee, whether a personal concern or a citizen complaint, shall be directed privately to the Mayor and/or City Administrator. Alternatively, three Councilmembers may request an executive session to discuss the performance of an employee.

17. APPEARANCE OF FAIRNESS DOCTRINE - DEFINITION AND APPLICATION

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and in fact. The Appearance of Fairness Doctrine applies only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010.

Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember, a Councilmember's business

associate, or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember shall disclose such facts to the City Administrator who will seek the opinion of the City Attorney as to whether a potential violation exists. The City Administrator shall communicate such opinion to the Councilmember and to the Mayor.

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

The Mayor or two or more Councilmembers shall have authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Mayor or other Councilmembers shall give due regard to the opinion of the City Attorney.

Notwithstanding the request of the Mayor or other Councilmembers the Councilmember may participate in the proceeding.

Specific Statutory Provisions:

(a) Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning as per RCW 42.36.040, except that sitting Councilmembers shall not express their opinions on any such matter which may come before the Council.

(b) A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

(c) During the pendency of any quasi-judicial proceedings, no Councilmember may engage in ex parte (outside the hearing) communication with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember:

- (1) places on the record the substance of such oral or written

communications; and

(2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his/her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060

18. DISSENTS AND PROTESTS

Any Councilmember shall have the right to express dissent from or protest against any motion, ordinance or resolution of the Council and have the reason therefore entered in the minutes.

19. APPOINTMENTS OF BOARDS AND COMMISSIONS

Scheduled and end-of-term vacancies on Boards and Commissions shall be advertised for a period of two weeks via all relevant City communication channels, inviting application by residents no more than 60 days nor less than 45 days prior to the date upon which such vacancy is to be filled.

Unscheduled vacancies shall be filled as soon as practically possible after being advertised via all relevant City communication channels for at least two consecutive weeks. The Mayor shall bring at least one qualified candidate to the full Council for confirmation. Failing confirmation of the first candidate the Mayor may present additional candidates until such time as confirmation is forth coming. Should all qualified applicants fail confirmation, the Council may require that the vacancy be re-posted in the newspaper.

20. APPOINTMENTS OF DEPARTMENT HEADS AND SUPERVISORY PERSONNEL

All open positions shall be advertised in the official newspaper of the City and all relevant City communication channels for two consecutive weeks prior to the date upon which such position is to be filled. The mayor shall bring at least one qualified candidate to the full Council for confirmation by a majority of Councilmembers. All appointments will be selected following established laws, rules, and regulations relative to civil service and other lawful hiring practices.

21. INTERFERENCE - MAYOR - COUNCIL

The Separation of Powers Doctrine requires that the Mayor will not direct Councilmembers in the performance of their duties nor make assignment of tasks unless such tasks are specifically directed and identified by RCW. The Doctrine also requires that the Council and any committee thereof limit their correspondence with City Officials and Employees to activities of inquiry ensuring they do not direct work activities. If the inquiry from a Councilmember will cause extra effort or create substantial work, the inquiry shall be made in writing to the Mayor who will assign the inquiry appropriately. Removal of appointive and direct hire personnel is not within the authority of the Council. Both the Council and the Mayor have equal access to the contract attorney; however, reasonable efforts should first be made to resolve legal questions utilizing staff and/or services provided by organizations such as MRSC and AWC. Nothing herein shall be construed to prohibit the Council, while in Executive session, from fully and freely discussing with the Mayor and/or City Administrator anything pertaining to appointments and removals of City officers and employees. RCW 42.30.110(g).

22. RULES OF ORDER

Rules of order not specified by statute, ordinance or resolution shall be governed by Robert's Rules of Order. (newly revised 11th edition.) Any Councilmember or attending staff member may raise a point of order if he/she believes a procedural error has been made. The member states, "I rise to a point of order." The chair will ask the member to "State your point." The chair shall decide whether or not a procedural error was made; however, his/her decision may be appealed by Council.

23. MOTIONS

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

24. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted as follows: provided however, the Mayor may during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously.

- (a) Call to order
- (b) Pledge of allegiance
- (c) Roll call (see Section 7 for procedure to excuse absence)
- (d) Approval of agenda
- (e) Public Comment (items not on agenda)
- (f) Consent Agenda
- (g) Public Hearing (if applicable)
- (h) Items for Council consideration/action
- (i) Mayor Reports/Comments
- (j) Council Reports/Comments
- (k) Department Reports
- (l) Executive Session (as required) Note: Executive Session may be held at another point in the meeting as appropriate, per direction of Council or Mayor.

PUBLIC COMMENT

All public comments shall be made to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening or personally abusive while addressing the Council, shall be requested to leave the meeting by the chair. Councilmembers may override the chair's decision by a majority vote.

Any group of three (3) or more persons representing the same position on an issue shall designate a spokesperson who shall limit his/her comments to five (5) minutes. Each additional person representing the same position shall have a one (1) minute time limit.

PUBLIC COMMENT - ITEMS NOT ON AGENDA

All comments by the public shall be made from the speaker's rostrum, and any individual making comments shall first give their name and address for the record, and limit their remarks to three (3) minutes.

PUBLIC COMMENTS - AGENDA ITEMS

All comments by the public shall be made from the speaker's rostrum, and any individual making comments shall first give their name and address for the record, and limit their remarks to three (3) minutes. The procedure for Public comments regarding subjects on the current agenda shall be as follows;

- (a) Introduction of the subject by the Mayor
- (b) Presentation of staff reports or comments where applicable.
- (c) Comments from individuals initially requesting agenda item or those primarily impacted by the decision.
- (d) Council discussion.
- (e) Citizens' comments, directed to the Council, with no person commenting more than once without the full concurrence of the Council and then only after all others wishing to speak have had an opportunity to do so.
- (f) The comment period will be closed and additional comment will be accepted only as requested in the form of a question by a member of the Council or Mayor in order to clarify an issue. Rebuttal of additional comments accepted shall be allowed to insure all points of view are heard.
- (g) The Council will further discuss the agenda item, when applicable frame a motion for debate, and act upon the motion.

25. ACTIONS FOR PUBLIC HEARING

The procedures for a public hearing are as follows:

- (a) The City Clerk shall provide sign-up sheets in Council Chambers for those wishing to speak on an item scheduled for an official public hearing. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard.
- (b) The Mayor, subject to concurrence of the Council, may change the order of speakers to ensure testimony is heard in the most logical groupings, and otherwise organize and control presentations. Speakers shall be given three (3) minutes to speak at the hearing.

(c) The Mayor shall introduce the agenda item, open the public hearing, and announce the following Rules of Order, which will be attached to the back of the council agenda sheet:

1. Audience members who signed up prior to the beginning of our meeting will be called first to speak at this public hearing. If you were unable to sign up before the meeting, you will be given an opportunity to address the council once we've gotten through all the speakers listed on the hearing sheets.
2. Each speaker should state his or her name and address for the record and will be given three minutes to address the council.
3. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

(d) When the Council conducts a hearing to which the Appearance of Fairness Doctrine applies, the Mayor (or in case of a potential violation by that individual, the Mayor Pro Tempore) may ask if any Councilmember knows of any reason that would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. The form of the announcement is as follows: All Councilmembers should now give consideration as to whether they have: a demonstrated bias or prejudice for or against any party to the proceedings, a direct or indirect monetary interest in the outcome of the proceedings, pre-judgment of the issue prior to hearing the facts on the record, or ex parte contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time, so that the Mayor may inquire of Administration as to whether participation would result in a potential violation of the Appearance of Fairness Doctrine.

26. VOTING

The votes during all meetings of the Council shall be transacted as follows:

- (a) Voice vote is the preferred method for the majority of votes. Any Councilmember or Mayor may request a division of vote by a show of hands or a roll call vote. (RCW 35A.12.120.) The clerk shall record the "ayes" and "nays." The order of the roll call vote shall be determined by the City Clerk. Council may vote to suspend the rules and vote using another method provided it complies with the Open Public Meetings Act. (OPMA)
- (b) In case of a tie in votes on any proposal, the proposal shall be considered lost, unless the Mayor is authorized to break the tie. The Mayor is authorized to break a tie with respect to matters other than the passage of any ordinance, grant, revocation of a franchise or license, or any resolution for the payment of money. (RCW 35A.12.100)
- (c) Every member who was in the Council Chambers when the question was put forth shall give their vote unless the Council, for special reasons, shall excuse the member by motion, or unless the Councilmember is excused in accordance with Rule 17, Appearance of Fairness Doctrine. If a Councilmember is excused, he or she should leave the meeting until after the vote has been conducted
- (d) The passage of any ordinance, grant or revocation of franchise, or license, and any resolution

for the payment of money or approval of warrants shall require the affirmative vote of at least a majority of the whole membership of the Council. RCW 35A.12.120

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as a budget amendment, shall require the affirmative vote of at least a majority plus one of the whole membership of the Council

(f) The passage of any motion or resolution not subject to the provisions of RCW 35A.12.130, or the Ferndale Municipal Code, shall require the affirmative vote of at least a majority of the Councilmembers present and eligible to vote.

(g) If a member wishes to abstain he/she shall inform Council and the Mayor before the vote is called, stating the reason for the abstention. An "abstain" vote shall not be counted.

(h) 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 vote.

27. COUNCIL STANDING COMMITTEES

The procedures governing the appointment and operation of all Committees of the Council shall be as follows:

(a) It shall be the responsibility of the Council to appoint its own members to Council standing Committees at the first regular meeting of the Council in January following the election of Ferndale Councilmembers, or at a meeting soon thereafter, or otherwise as vacancies occur. Each Committee shall consist of three members, at least one of whom, when possible, shall be a re-appointment to the Committee on which he or she served during the previous biennium. Councilmembers shall state their preference for the Committees on which they wish to serve. No Councilmember may select a second Committee on which to serve until all Councilmembers have selected one Committee. In the event more Councilmembers state a preference for a Committee than there are vacancies, the appointment shall be made by drawing of lots. Every Councilmember shall serve on at least one Committee.

(b) Each Committee shall establish its own meeting times.

(c) Special Ad Hoc Committees for a particular purpose may be established and appointed by the Council or the Mayor, along with a clear task description and "sunset" provision.

(d) Committees shall make recommendations, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility, before action is taken by the Council.

28. ENACTED ORDINANCES- RESOLUTIONS- MOTIONS

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the city. Council action shall be taken by ordinance when required by law, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form

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

29. RESOLUTIONS

A Resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall, in all cases, be read prior to its passage; provided, should a Councilmember request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies may be obtained at city hall during regular business hours.

30. ORDINANCES

The procedures for ordinances are as follows:

(a) A proposed ordinance will be presented to the appropriate Committee and designated to either the consent agenda or the regular agenda by a majority vote of the Committee.

Ordinances for which a public hearing is required will automatically be placed on the regular agenda.

(b) Any ordinance repealing any portion of the Ferndale Municipal Code shall also repeal the respective portions of the underlying ordinance(s).

31. PERMISSION REQUIRED TO ADDRESS THE COUNCIL

Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Mayor during a meeting of the full Council. Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Committee Chairperson during a Council Committee meeting.

32. RECONSIDERATION

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

33. LEGISLATIVE PROCESS - AGENDA BILL PREPARATION

All items requiring Council action shall be accompanied by an Agenda Bill detailing background, Committee and staff review, and historical information regarding the issue. Such items shall be considered drafts prior to final passage.

34. COMPLAINTS AND SUGGESTIONS TO COUNCIL

When citizen complaints or suggestions are brought before the City Council not on an agenda, the Mayor shall determine whether the issue is legislative or administrative in nature and then:

(a) If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Mayor may refer the matter to a Committee, Administration, or the Council as a whole for study or recommendation.

(b) If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy, the complaint shall be reviewed by the Mayor. The City Council may request a written report to the Council when the complaint review is complete.

(c) The Mayor, or his/her designee, shall, in writing, by telephone, email, or in person, respond in a timely manner to citizen complaints and suggestions, regarding the disposition of the stated complaint or suggestion.

(d) Citizens bringing a complaint or suggestion to the City Council may leave their contact information with staff to enable staff to respond after further investigation of the situation. Councilmembers will be copied (BCC) on email correspondence with the complainant.

35. ADMINISTRATIVE COMPLAINTS MADE DIRECTLY TO INDIVIDUAL COUNCILMEMBERS

When administrative policy or administrative performance complaints about staff are made directly to individual Councilmembers, the Councilmember shall then refer the matter directly to the Mayor or City Administrator for review and/or action, whichever is appropriate. The individual Councilmember may request to be informed in writing of the action or response made to the complaint.

36. FILLING COUNCIL VACANCIES

If a vacancy occurs in the office of Councilmember, the Council will follow procedures as per RCW 42.12. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of vacancy, along with the procedure for applying. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council.

The application forms will be used in conjunction with an interview of each candidate to aid in the Council's selection of the new Councilmember.

If the vacancy occurs because of an election of a current Councilmember to another office, the current Council shall initiate a search process according to the above procedures, which the incoming Council may or may not use.

37. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPES, ARTIFICIAL ILLUMINATION

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Mayor and a majority of the Council.

38. AUDIO RECORDINGS OF MEETINGS

All regular meetings, Public Hearings and Quasi-judicial Proceedings, Workshops and Study Sessions of the City Council shall be recorded by the City Clerk on an audio recording device.

39. PAY PROCEDURES:

The City of Ferndale pays Councilmembers by direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations. Compensation shall be issued during the first pay period of each month, generally the fifth day of each month, during the elected official's term of office. If the regular payday occurs on a Saturday, Sunday, or a holiday, Councilmembers will be paid on the last working day before the regular payday.

40. COUNCIL COMPENSATION:

RCW 35A.12.070 governs the compensation and expense reimbursement of elected officials. Council is responsible for the setting of salaries for future councils and shall review such “from time to time.”

Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the Council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

41. WAIVER OF RULES

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of business. The rules of procedure do not grant to the public or third parties any rights or privileges other than those provided by RCW. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents or employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by majority vote, determine to temporarily waive any of the provisions herein.

42. AMENDMENT OF RULES

These rules may be amended, or new rules adopted, by a majority vote of the Council at a regularly scheduled meeting.