

**RULES OF PROCEDURE**  
OF THE  
**YAKIMA CITY COUNCIL**



Amended 4-7-2020

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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 will also address how the Council may conduct deliberations outside of meetings in compliance with the Open Public Meetings Act.

These Rules of Procedure are intended to serve as a summary guide to the conduct of Council business. 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 are based on elements of Roberts Rules of Order Newly Revised, and *Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments*. Some provisions reflect the preference of the Council concerning how its business is conducted.

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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, including the Mayor, 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**, [emphasis mine] 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.

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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**, [emphasis mine] 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 at the pleasure of and under the authority of the City Manager.

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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. **[Like now!]**

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**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. ~~The selection and voting will be done according to Open Public Meeting rules. The chairman shall have the title of Mayor during the biennium for which chosen.~~

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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, ~~but may delegate this authority to an unbiased Parliamentarian.~~

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3. The Mayor or any other member of the Council acting as Chair may call another 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:

o 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.

o announce the business before the Council in the order in which it is to be acted upon.



o receive and submit in the proper manner all motions and propositions presented by the members of the council.

o put to vote all questions which are properly moved, or which necessarily arise in the course of proceedings, and to announce the result thereof.

o 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. [Consider adding that that Council Members disputing a point of order may also ask advice from the Legal Department or a qualified Parliamentarian.]

The Mayor shall be recognized as the head of the City for all ceremonial purposes and by the Governor for purposes of military law. Unless under military law or declared emergency, the Mayor is empowered to act only by direction of the City Council, and all documents will be signed "Under Authority of the Yakima City Council". When the Mayor has executive authority under military law or declared emergency, the Mayor is empowered to act only on public safety actions related to that emergency.

o 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.

(g) In accordance with our City Charter, the Mayor has no executive authority. All appointments to represent the City of Yakima and the Yakima City Council to outside groups are full Council decisions. There will be an exception when state statute requires representation from the Mayor.

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#### 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. [The Assistant Mayor has no privilege in authority or information access.]

#### 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.

### 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. Members are automatically excused from voting if they declare a conflict of interest.

2. Attendance by speakerphone or video [We now have a call-in/hybrid system that works pretty well, though it would be better if there was a function to request recognition from the chair. Obligations for employment, childcare and travel fall unequally on Council members. It would be desirable to have a system that recognizes and accommodates forced absences without entirely excusing members from meeting attendance. I think that Randy could rewrite this section. It's a long section; maybe doesn't have to be so wordy.]

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

Attendance via speakerphone or video should be the rare exception, not the rule.

Council members may attend regular meetings, special meetings, study sessions, or executive sessions by speakerphone or video. Attendance by speakerphone or video at those types of Council meetings is limited to two times per year total per Council member. Only two Council members at one time may attend any of those meetings telephonically or by video. Attendance by speakerphone or video by a Council member at both a business meeting and an executive session, if any, at the same Council meeting is counted as one participation by attendance by speakerphone or video.

In addition to the above limits, a Council member also may attend Council committee meetings by speakerphone or video. Attendance at committee meetings by speakerphone or video is limited to two times per year per Council member. Only one Council member may attend a committee meeting by speakerphone or video at one time.

The following rules on attendance by speakerphone or video apply to quasijudicial hearings and public hearings:

- i. Speakerphone or video attendance of a Council member on a quasi-judicial matter at a Council meeting is not allowed.
- ii. Attendance by speakerphone or video is only allowed for other public hearings where maps, display boards, PowerPoint presentations, or similar graphic presentations are being utilized if the Council member participating by speakerphone or video clearly can see the documents through full visual capability.

(b) Quorum

A Council member who is connected remotely to the telephone line in the meeting place or by video 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 via speakerphone or video:
  - 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.
- ii. When the Council meeting begins or when the particular agenda item is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:
  - A. Let the record reflect that Council Member \_\_\_\_\_ is attending by speakerphone [or video] for [the entire meeting] or [Agenda Item No. \_\_\_\_\_, relating to \_\_\_\_\_].
  - B. Council Member \_\_\_\_\_, can you hear me? [There must then be a clearly audible response in the affirmative.]
  - C. Let the record reflect that Council Member \_\_\_\_\_, who is attending by speakerphone [or video], can be heard by all present in Council chambers.
- iii. Upon conclusion of the meeting or the particular agenda item, the Mayor (or presiding officer, if the Mayor is not physically present) should state:
  - A. Council Member \_\_\_\_\_, [the meeting is adjourned] or [discussion on Agenda Item No. \_\_\_\_\_ has concluded]. Thank for your attendance via speakerphone [or video]. The telephone connection will now be terminated. [Connection should be terminated at this time.]
  - B. [If the Council Member ends his or her participation before the conclusion of the Council meeting] Let the record reflect Council Member \_\_\_\_\_'s attendance via speakerphone [or video] has been terminated. [Next on the agenda is...]

(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.

(e) Notification

If a Council Member wishes to attend a Council meeting or Council committee meeting by speakerphone or video 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 via speakerphone. The City Clerk or designee shall immediately advise the presiding officer and the City Manager of the proposed telephonic participation. To attend a Council meeting or committee meeting by telephone, 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

Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for her/his inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager, who shall convey the message to the Mayor. A motion to excuse a Council member may be made retroactively at the next meeting. Explanation for the excuse should be recorded on the meeting minutes.

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 31<sup>st</sup> 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 1<sup>st</sup> 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**  
[There should be some rules here for IT security and IT assistance. This should be included in new Council member orientation]

- (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** [Perhaps there should be a subsection on contact with the City Manager?]

- (a) The Council, Council members, Council committees, and Council committee members shall not 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 (RCW 35A.13.120)
- (c) The requirements of this section shall 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 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. Informal communication between the Council and its members can help promote better understanding of City policy, functions, and problems.

City staff members feel that contact from Council members presumes inappropriate authority, they shall pass that information and authority for resolution to an appropriate supervisor.

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(d)

The powers and duties of the City Manager are specified in the City Charter. The City Council has an advise and consent function. "NO CAUSE" removal of a department head with award of severance pay requires Council approval. Council Members' access to information from city staff will be fair and equitable. Similarly, criteria for prohibited orders to city staff by Council members will be fair and equitable.

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7. Council contacts with others [Note that these are rules for communication outside of meetings. We also need a section for deliberations between Council members outside of meetings.]

- (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. [There has been some controversy over what boards and meetings are personal representation and discretion rather than City representation. That can be formalized.]
- (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. A letter may be written if it is clearly that it is not an official stance of the Council.
- (e) As a matter of prudence, any communication by an individual Council member regarding City business is considered a public record and subject to disclosure.
- (f) In accordance with a policy adopted by the City Council, the Council will consider and process requests for letters of support submitted by non-profit organizations regarding prospective and/or existing programs, services, plans, proposals, applications, etc. utilizing the procedure outlined in the policy, which includes initial review and recommendation by the Council Partnerships Committee and eventual consideration and action by the full Council. [This is formalized in new "Section P", which could be renumbered and slotted in here or kept as a separate section.]
- (g) In accordance with a policy adopted by the City Council, the Council may consider 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. [I did not even know that we had

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this section! Obviously it completely broke down over the "no income tax" referendum. Not a good topic for rules breakdown. BAD!

#### 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 [Committees are suspended. Because they are discretionary, this does not need to be struck out. But it does highlight how crippled and vulnerable our deliberations have become without 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.

### **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 shall convene at 5:30 p.m. [Incorporate some flexibility?]

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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 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 shall 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 an emergency exists*** ~~[Emphasis mine; the "no income tax" referendum was explicitly against the rules.]~~ and that immediate action must be taken by the City Council to address the emergency.

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(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*** ~~[not action; emphasis mine]~~, 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.

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(c) In accordance with the City Charter, 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 ***in accordance with the restrictions of*** 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

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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. [As a courtesy to staff and the public, it should be announced if all other business has been completed with only a motion to adjourn anticipated.]

- 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.
- iii. Confidentiality also includes information provided to Council members outside of executive sessions when the narrow criteria for exemption from disclosure under the Code of Ethics for Municipal Officers (RCW 42.524) and/or the Public Records Act (RCW 42.565) is met.

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(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*).
- iv. 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 [no paragraph here]

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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:

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- 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.12.1606 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 at the ***end*** of the regular meeting. ***I'm not sure that this is needed.***

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(d) If the Council, in Executive Session, has given direction to the City Manager for ***negotiation, then*** all contact with the other party shall be done by the City Manager or other City staff member so designated by the City Manager.

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(e) ***Pre-scheduled Executive Sessions should be posted on the public agenda and documentation shall be provided to Council members in a confidential format no less than 24 hours prior to the scheduled session.***

5. Quorum

Four members of the Council shall constitute a quorum 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.

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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

Council members will not use electronic devices for the purposes of sending or receiving messages during the course of a Council meeting.

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**Deleted:** 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 avoid using 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. If Council members do use electronic devices during a meeting for a purpose relevant to City business, such messages must be archived in accordance with direction provided by the Washington State Attorney General.

**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 ~~[This doesn't seem to fit in this section.]~~

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 ~~[Perhaps the relevant section of the parliamentary procedure manuel can be incorporated by reference.]~~

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1. Form of motion

~~Brief or boilerplate~~ motions may be made orally and noted by the City Clerk. ~~It is much preferred that action motions be submitted in writing. This can be done by email before the meeting or on the triplicate form during the meeting.~~

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2. Motion to be restated

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

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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 nondebateable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.

14. Council consensus

When the Council concurs or agrees with an item that does not require a formal motion, the Chair will summarize the Council's consensus (meaning general agreement by all Council members) at the conclusion of the discussion. If any Council member objects, a formal vote will be taken on the motion.

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## **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.

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** [Perhaps the relevant section of the parliamentary procedure manuel can be incorporated by reference.]

### **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.

#### **H. PROCEDURE - VOTING**

##### **1. Roll call on final passage**

The vote upon the final passage of all ordinances and resolutions shall be by ayes and nos 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.

##### **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 [Consider flexible wording here.]**

Community members are invited to address items listed on the meeting agenda and/or within the City's purview. A guideline of three (3) minutes per speaker is in place in order to allow as much opportunity as possible for audience participation. The time allowed for all speakers may be extended or reduced at the discretion of the Chair and/or the consensus or vote of the Council.

#### **J. PROCEDURE - ADOPTION OF ORDINANCES, RESOLUTIONS AND MOTIONS [We have had some episodes where we seem to be amending, advising, and approving all at the same time and that's no good.]**

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##### **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 [This is a mess. This is a judicial procedure and should meet those standards.]**

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 36.18.138, 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 OF RULES**

These rules of the Council shall not be suspended without the vote of a majority of all of the members of the Council. [This should require a super-majority or unanimous vote.]

**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. [Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments. Also referenced?]

**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. Procedures for Workflow, Documentation, and Archiving**

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**1. "Letters of Support"**

This is an amendment to Yakima City Council procedures, intended 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. Routine business**

City Councilmembers and the City Manager may request to have the subject placed on the agenda of the next business meeting for discussion. If addition to the agenda is approved, the full letter and all supporting documents must be given to the City Clerk on or before the Tuesday prior to the next business meeting. This allows inclusion of the letter and documents in the agenda packet for the next business meeting.

If the city staff anticipates that the requested support will be controversial or otherwise problematic, staff documents should also be prepared and in the agenda packet.

Note that this procedure makes it impossible to approve an item in less than two weeks.

(b) Expedited action

If there is an urgent need for expedited approval, it is the responsibility of the local group to provide justification for urgent action which includes:

- i. Documentation of the deadline, and when that deadline was announced
- ii. A full "Letter of Support", or a draft with a request for editing from City staff
- iii. A specific reference as to how the project furthers established City priorities
- iv. This list is not exhaustive and more details may be requested

(c.) 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.

## Addendum to Council Rules of Procedure

### COUNCIL APPROVED POLICIES

#### 1. POLICY FOR APPOINTMENTS TO BOARD, COMMITTEE AND COMMISSION VACANCIES (APPROVED BY COUNCIL ON 9/27/16)

- a) 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. If the incumbent would like to continue serving, they will need to reapply for the position.
- b) 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.).
- c) 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 [No longer exists.] 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.
- d) The Council Nominating Committee then evaluates each application, reviews backgrounds and references, and may interview applicants. Whether interviews are conducted is dependent on a variety of factors, including the number of applications, the qualifications of applicants, and the requirements of the board, committee, or commission for which applications have been received. The Council Nominating Committee then makes recommendations regarding filling board, committee, or commission vacancies, which are presented at the next Council business meeting for consideration and action. [We should note here that the Nominating changes quarterly by random rotation. Do we want to make the rotation non-random?]

**Deleted:** Council Nominating (Partnership) Committee.

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#### 2. INTERPRETER AT COUNCIL BUSINESS MEETINGS POLICY (APPROVED BY COUNCIL ON 6/7/16)

A credentialed English-to-Spanish interpreter will be available at Council business meetings. 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

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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.

**3. COUNCIL MEMBERS VOTING ON BOARDS THAT RECEIVE FUNDING FROM THE CITY (APPROVED 2-17-16 STUDY SESSION)**

Motion approved that Council members not be voting members on any board that receives funding from the City, with the exception of those otherwise authorized [by law - not sure that this is the word you want.]

**4. POLICY FOR OPENING INVOCATIONS BEFORE MEETINGS OF THE CITY COUNCIL (APPROVED BY COUNCIL 2/15/11)**

A resolution was adopted outlining a policy regarding invocations at Council meetings (R-2011-33). [It would be reasonable to include this policy; I think that there is some boilerplate language.]

**5. ADOPTION OF SPECIFIED PROVISIONS OF THE YAKIMA ADMINISTRATIVE CODE THAT SHALL APPLY TO CITY COUNCIL MEMBERS (APPROVED BY COUNCIL-4-7-2020)**

The City Council approved the following City Administrative Policies to be 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*

- 1-300 City-owned Wireless Devices
- 1-400 City-owned Technology Resources
- 1-550 Electronic Communications Process at Employee Departure
- 1-1400 Public Records Disclosure
- 1-1500 Receiving Gifts and Discounts
- 1-1550 Records Management Policy
- 3-400 Procurement Cards

