


**CITY OF NEWPORT
CITY COUNCIL RULES OF PROCEDURE**


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PASSED AND ADOPTED this day 4th day of January, 2010.

By: 
Shirley Sands, Mayor

ATTEST:

By: 
Nickole Schutte, CMC, CPFA
Clerk/Treasurer

cc: Councilmembers
Department Heads

RESOLUTION NO. 10410

A RESOLUTION OF THE CITY OF NEWPORT, WASHINGTON
REPEALING ALL PRIOR RESOLUTIONS CONCERNING COUNCIL RULES
OF PROCEDURE AND ADOPTING UPDATED RULES OF PROCEDURE.

WHEREAS, the Council has deemed it appropriate and necessary from time to time to review and amend City Council Meeting Rules of Procedure and Conduct and whereas the Council deems it appropriate to again update its Rules of Procedure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT, WASHINGTON DOES HEREBY REPEAL ALL PRIOR RESOLUTIONS CONCERNING COUNCIL RULES OF PROCEDURE AND RESOLVE AS FOLLOWS:

1. AUTHORITY

1.1 State of Washington laws, RCW 35A.12.120 provides that the City Council may determine its own rules of conduct and the maintenance of order for Council meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by law or these rules.

2. GENERAL RULES

2.1 **CITY COUNCIL:** The Newport City Council shall consist of five (5) elected Councilmembers. Councilmember vacancies shall be filled in accordance with RCW 35A.12.050 and Chapter 42.12 RCW.

A. The Council for the City of Newport is elected by and represents, the citizens of the City of Newport. The interests of these citizens are best served by council members that are present in the City during non-working hours. To that end, it is the intent of the Council that all members shall reside within the City limits of Newport.

2.2 **MEETINGS TO BE PUBLIC:** All official meetings of the Council shall be open to the public with the exception of the executive sessions for certain limited topics as prescribed in State of Washington laws RCW 42.30.110 entitled "The Open Meetings Act."

2.3 **QUORUM:** Three Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business, (passage of certain business matters may require the affirmative vote of more than a quorum of the council, refer to Section 7.4 entitled Number of Votes Required.) If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

2.4 **COMPELLING ATTENDANCE:** The Council may adjourn from time to time to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law, Ordinances of the City or the Council Rules of Procedure.

- 2.5 **EXCUSED OR UNEXCUSED ATTENDANCE:** The intent of the Council is for all members to attend and participate at all regular or special council meetings. Council business is best conducted with a full council present, to efficiently and openly discuss and dispose of business matters affecting the City or citizens of Newport. Therefore the excused or unexcused attendance of the Council shall be monitored as follows:
- A. **NOTIFICATION OF ABSENCE:** Councilmember's shall notify the Mayor, another Councilmember, the City Administrator or City Clerk/Treasurer if they are unable to attend, or if they knowingly will be late to any council meeting.
 - B. **COUNCIL VOTE ON ABSENCE:** The Council will determine by a majority vote of the Councilmembers present, or at a later time if additional information is needed, whether the absence is excused or unexcused.
 - C. **COUNCIL REVIEW OF ATTENDANCE:** Any combination of six (6) excused or unexcused absences from regularly scheduled council meetings for twelve (12) consecutive months is cause for Council review of the member's intent to serve on the Council. Council review is for the purpose of determining if the council member intends to be in attendance on a regular basis.
 - D. Pursuant to RCW 35A.12.060, a Councilmember shall forfeit his/her office if he/she fails to attend three consecutive regular meetings of the council without being excused by the council.
- 2.6 **JOURNAL OF PROCEEDING (Minute Book):** An account of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council. The journal of proceedings shall be open to public inspection.
- 2.7 **RIGHT OF FLOOR:** Any member desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to one subject under consideration or to be considered.
- 2.8 **CITY ADMINISTRATOR:** The City Administrator shall attend all meetings of the Council, unless excused by the Mayor. He or she shall keep the Council fully advised as to the overall business of the City, make recommendations to the Council and may take part in discussion on all matters concerning the welfare of the City.
- 2.9 **CITY ATTORNEY:** The City Attorney shall attend all meetings of the Council, unless excused by the Mayor. Any member of the Council may, at any time during a regular or special meeting of the Council, call upon the City Attorney for a legal opinion to decide any question of law.
- 2.10 **CITY CLERK/TREASURER:** The City Clerk/Treasurer shall attend all meetings of the Council, unless excused by the Mayor. He or she shall be ex officio Clerk of the

Council and shall keep minutes of the meeting. The City Clerk/Treasurer shall keep the Council fully advised of the financial condition and needs of the City; make recommendations to the Council and may take part in discussion on all matters concerning the welfare of the City. In the absence of the City Clerk and/or designee, the Council shall elect from its members a Clerk Pro-tem.

2.11 OFFICERS AND EMPLOYEES TO ATTEND: All Council meetings shall be attended by department heads, officers and employees of the City when requested by the Mayor and City Administrator. All City employees are welcome to attend council meetings.

2.12 RULES OF ORDER: Robert's Rules of Order, as amended shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

3. TYPES OF MEETINGS

3.1 REGULAR COUNCIL MEETING: The Council shall meet on the first and third Mondays of each month at six (6:00) pm. The Council may cancel or reschedule regular meetings at a different date or time by a motion. The place of the meeting shall be the Council chambers in the City Hall, 200 S. Washington Avenue, Newport, and all regular and special meetings shall be public.

3.2 SPECIAL MEETINGS: Special meetings may be called by the Mayor or any three members of the Council by written notice delivered to each member of the council at least twenty-four (24) hours before the time specified for the proposed meeting. The City Clerk shall prepare written notice of the special meeting, specifying the time, place and agenda topic(s) and cause the written notice to be served upon each of the City Councilmembers at least twenty-four (24) hours before the time of meeting. The City Council may not make final disposition of any matter not set forth on the agenda for the special meeting. Additionally, the City Clerk shall attempt to notify each member of the Council in person, either by telephone or otherwise, of the special meeting. The City Clerk shall give at least twenty-four (24) hours advance notice of the special meeting to each local newspaper of general circulation and to each local radio and television station which has filed with the City a written request to be notified of special meetings. Notice of the meeting may be waived in writing by any Councilmember and is waived by his/her presence at the meeting.

Emergency meetings, are special meetings that may be called in less than 24 hours, and without notice required in this section, provided that, if time allows, two telephone attempts shall be made to notify the appropriate media on file of the emergency meeting. An emergency meeting shall deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements would make notice impractical and increase the likelihood of such injury or damage. The minutes will indicate the reason for the emergency.

3.3 **ADJOURNED SESSIONS:** Any session of the Council may be continued or adjourned from day-to-day, or for more than one, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

3.4 **WORK SHOPS:** The Council may meet informally to conduct scheduled or unscheduled work shops (open to the public) for the purpose of reviewing forthcoming programs, budgets, current programs or similar information from the City Administration, provided that all work shop discussions and conclusions thereon shall be informal. No action is permitted at workshop sessions.

Unscheduled work shop notifications to media and public shall be conducted in accordance with Section 3.2 above.

3.5 **EXECUTIVE SESSIONS:** Definition (as commonly understood): That portion of a meeting from which the media and public may be excluded. Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act, RCW 42.30.110 as amended.

3.6 **ATTENDANCE OF MEDIA AT COUNCIL MEETINGS:** All meetings of the City Council and its committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

4. PRESIDING OFFICER AND DUTIES:

4.1 **PRESIDING OFFICER:** The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and Mayor Pro-Tem, the Council shall elect a presiding officer.

The meetings of the Council shall be called to order by the presiding officer. In the absence of both the Mayor and Mayor Pro-Tem, the meeting shall be called to order by the City Clerk for the election of a temporary Presiding Officer.

4.2 **PRESERVATION OF ORDER:** The Presiding Officer shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.

4.3 **POINTS OF ORDER:** The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?"

4.4 **MOTIONS:** Motions shall be reduced to writing when required by the Presiding Officer, or any member of the Council.

All motions require a second before permitting discussion or any further action by the Council.

All Councilmember's shall be given an equal opportunity to participate and discuss a motion.

Time limits, when necessary, may be imposed by the Presiding Officer on all motions being discussed.

Motions to reconsider must be by a member who voted with the majority, and at the same or next succeeding meeting of the Council.

4.5 **QUESTIONS TO BE STATED:** The Presiding Officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, in the manner provided in Section 7 of these rules.

4.6 **SUBSTITUTION FOR MAYOR:** The Mayor may, at the Mayor's discretion, call any member to take the Chair, to allow the Mayor to address the Council, make a motion, or discuss any other matter at issue.

4.7 **PRESIDING OFFICER WHEN COUNCILMEMBER:** The Presiding Officer, when a Councilmember, may move second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of his/her acting as the Presiding Officer.

5. ORDER OF BUSINESS AND AGENDA:

5.1 **ORDER OF BUSINESS:** The business of all regular meetings of the Council will be as follows, unless the Council by a majority vote of the members present suspends the rules to change the order:

- 1) Call to Order
- 2) Roll Call
- 3) Pledge of Allegiance
- 4) Amendments to Agenda
- 5) Approval of Agenda
- 6) Amendments to Previous Council Meeting Minutes
- 7) Approval of Previous Council Meeting Minutes
- 8) Mayors Comments (Poll the audience for nature of business)
- 9) Councilmember's Comments
- 10) Petitions, applications, appeals and water shutoff dates
- 11) Public Hearings
- 12) Formal Bid Openings
- 13) Reports of Special Committees, i.e. Investment Committee (specify content and format)
- 14) Staff Reports (Department Heads)
- 15) Ordinances and Resolutions
- 16) Unfinished Business
- 17) New Business

- 18) Treasurer's Report and Payment of Bills (cut off date)
- 19) Audience Participation
- 20) Executive Session
- 21) Adjournment

5.2 **AGENDA:** It shall be the duty of the City Clerk/Treasurer to prepare an agenda and provide a copy to each Councilmember on Friday preceding the date of the regular Council meeting. All reports, ordinances, resolutions or other matters shall accompany the agenda.

Those Councilmember's and the public interested in introducing new agenda topics to be considered by the Council, shall be communicated to the City Clerk/Treasurer on or before 4:30 pm on the Wednesday proceeding the date of the regular Council meeting. The intent at this time is to ensure adequate notice of the agenda is available to the media and public.

5.3 **AUDIENCE PARTICIPATION:** When called upon by the Chair, citizens should come forward and stand facing the Council. All comments should be addressed to the entire Council. No questions shall be asked of the Council members, Appointed Officials or Department Heads directly. All questions must be addressed to the Chair. After the speaker's comments, the City Council will then determine disposition of the issue. It may be placed on the current or a future agenda, it may be assigned to the City Administrator or staff, or the Council may decide not to consider the matter.

The Council will not engage in public discussions or complaints about employees or other related employment or personnel matters. Citizens with complaints or questions will be encouraged by the Mayor to refer the matter to the City Administrator. The City Administrator will then review the matter with the appropriate Department Head and will either meet with the citizen or respond in writing.

5.4 **READING OF MINUTES:** Minutes of a Council Meeting may be approved by a majority vote of the members present. A reading of the minutes may be requested by *any* member of the Council prior to the vote of the Council.

6. **ORDINANCES-RESOLUTIONS:**

6.1 **FORM:** Ordinances and Resolutions shall be presented to the Council only in printed or typewritten form.

6.2 **RESOLUTIONS:** A resolution deals with matters of a special or temporary character. Resolutions shall be adopted by number and title, unless the Council shall include in the motion to adopt that the resolution be read in full.

6.3 **ORDINANCES:** An ordinance prescribes some permanent rule of conduct or government, by a legislative act, to continue in force until the ordinance is repealed. Ordinances prepared and submitted to the Council for adoption shall ensure compliance with any special requirement, i.e., public hearing, referendum etc. Unless otherwise

prescribed by law, or by a motion by the Council to suspend the rules, the procedure for ordinance adoption by the Council shall be as follows:

- 1) The Mayor or Presiding Officer shall read the Ordinance number and title.
- 2) The appropriate City Official(s) shall explain the ordinance and its effect.
- 3) The Council will discuss the Ordinance and allow citizen comment, if any.
- 4) A motion to adopt the ordinance must be made requiring a second.
- 5) The vote of the Council will be taken.

The ayes and noes shall be entered upon the official record of the Council.

7. VOTING

- 7.1 **COUNCILMEMBERS:** Each member present must vote on all questions put to the Council. Any Councilmember who responds "abstain" shall state their reason for abstention, being limited to a possible conflict of interest and the abstention shall be accepted or rejected by the Council. A rejected "abstention" shall be considered a "yes" (aye) vote.
- 7.2 **TIE VOTE:** In the event of a tie vote on any question or motion, the question or motion shall be considered lost, except when the Mayor is authorized to cast a tie breaking vote, refer to Section 7.3, entitled MAYOR.
- 7.3 **MAYOR:** The Mayor shall have a vote only in the case of a tie in the votes of the Council members with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.
- 7.4 **NUMBER OF VOTES REQUIRED:** Motions are the vehicle to initiate the passage of the following actions. The number of affirmative votes required for passage is described for general actions and specific actions:
 - 1) **ORDINANCES:** Shall require an affirmative vote of at least a majority of the whole membership of the Council – 3 votes.
 - 2) **FRANCHISE OR LICENSES:** The granting or revocation of a franchise or license shall require an affirmative vote of at least a majority of the whole membership of the Council – 3 votes.
 - 3) **RESOLUTION FOR THE PAYMENT OF MONEY:** Shall require an affirmative vote of at least a majority of the whole membership of the Council – 3 votes.
 - 4) **RESOLUTIONS:** Shall require the affirmative vote of a majority of the Council members voting on the issue.
 - 5) **BUDGET AMENDMENTS:** Shall require an affirmative vote of at least a majority of the whole membership of the Council plus one more vote – 4 votes.

- 6) **EMERGENCY APPROPRIATIONS:** Shall require the affirmative vote at least a majority of the whole membership of the Council plus one more vote – 4 votes.
- 7) **ALL OTHER MOTIONS OR PROPOSITIONS:** Shall require the affirmative vote of the majority of the Council voting on the issue.
- 8) **LEGAL PROCEEDINGS:** The Mayor may cause any legal proceeding to be instituted and prosecuted in the name of the City, subject to approval by majority vote of all members of the Council – 3 votes.
- 9) **VETOES:** A veto of an ordinance by the Mayor may be overridden by the vote of a majority of all Council members plus one more vote – 4 votes.

8. SUSPENSION AND AMENDMENT OF THE COUNCIL RULES OF PROCEDURE:

8.1 **SUSPENSION OF THE RULES:** Any provisions of these rules may be temporarily suspended by an affirmative vote of the majority of Council members voting on the suspension, provided that such suspension of the rules is not in conflict with State of Washington laws governing Optional Code Cities. The vote on any such suspension shall be taken by ayes and noes and entered upon the record.

8.2 **AMENDMENT OF THE RULES:** The Rules of Procedure may be amended, or new rules adopted by an affirmative vote of the majority of the whole membership of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.