

SPOKANE CITY COUNCIL

RULES OF PROCEDURE

TABLE OF CONTENTS

	Page
RULE 1 - GENERAL PRINCIPLES	1
Rule 1.1 PURPOSE	1
Rule 1.2 DUTY OF MUTUAL RESPECT	1
Rule 1.3 DUTY OF ETHICAL CONDUCT	1
Rule 1.4 <i>ROBERT'S RULES OF ORDER</i>	2
Rule 1.5 AMENDMENT	3
 RULE 2 - MEETINGS	 3
Rule 2.1 PLACE AND TIME OF MEETINGS	3
Rule 2.2 OPEN FORUM	4
Rule 2.3 ADJOURNED MEETINGS	4
Rule 2.4 SPECIAL MEETINGS	5
Rule 2.5 STUDY SESSIONS	5
Rule 2.6 QUORUM	6
 RULE 3 - AGENDA	 6
Rule 3.1 FUNCTIONS OF AGENDA	6
Rule 3.2 INTRODUCTION OF ITEMS	6
Rule 3.3 AGENDA DATA	6
Rule 3.4 AGENDA DEADLINES	7
Rule 3.5 DISTRIBUTION OF AGENDA AND PACKET	7
 RULE 4 TIME AND NOTICE	 8
Rule 4.1 NOTICE BY AGENDA	8
Rule 4.2 SPECIAL MEETINGS	8
 RULE 5 CONDUCT OF MEETINGS	 8
Rule 5.1 THE CHAIR	8
Rule 5.2 ORDER OF BUSINESS	9
Rule 5.3 SPEAKING DURING COUNCIL MEETING	11
Rule 5.4 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS - TIME LIMITS	12
Rule 5.5 VOTING	14
Rule 5.6 SUSPENSION OF RULES	15
Rule 5.7 RECONSIDERATION	15
Rule 5.8 PARTICIPATION BY TELEPHONIC COMMUNICATION	15

RULE 6	ADJUDICATIVE APPEALS AND HEARINGS	15
RULE 7	ORDINANCES AND FORMAL RESOLUTIONS	18
Rule 7.1	FILING	18
Rule 7.2	AMENDMENT	19
Rule 7.3	SUBJECT MATTER	19
RULE 8	PROCESSING ORDINANCES	19
Rule 8.1	PUBLICATION, SIGNATURE AND RECORDING	19
Rule 8.2	VETO	20
RULE 9	COMMITTEES	20
Rule 9.1	STANDING COMMITTEES	20
Rule 9.2	AD HOC COMMITTEES	22
Rule 9.3	REFERRAL	22
Rule 9.4	REPORT	22
Rule 9.5	INTER-GOVERNMENTAL COMMITTEES AND BOARDS	23
Rule 9.6	STANDING COMMITTEE MEETINGS	23
RULE 10	MISCELLANEOUS	23
Rule 10.1	COUNCIL POSITION VACANCY	23

RULE 1 - GENERAL PRINCIPLES

Rule 1.1 PURPOSE

It is the purpose of the City Council of the City of Spokane in adopting these rules to provide a method for the conduct of its affairs. It is not intended that these rules confer upon any person who is not a member of the Council any right to a particular procedure or affect the validity or legality of any Council action.

Rule 1.2 DUTY OF MUTUAL RESPECT

It is the constant duty of each council member to maintain respect for each other, the City staff and the public. Likewise, the Council shall require corresponding respectful behavior from all persons who attend a meeting.

Rule 1.3 DUTY OF ETHICAL CONDUCT

1.3.1 Every council member must uphold the constitution, laws, and regulations of the State of Washington and the Charter and ordinances of the City.

1.3.2 No council member may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of his or her public duties. No council member in his or her official capacity may participate in a transaction involving the City with a party in which the council member, or a family member, owns a beneficial interest.

1.3.3

A) No council member may accept employment or engage in any business or professional activity that the council member might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of the council member's official position.

B) No council member may disclose confidential information gained by reason of his or her official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another.

- C) No council member may disclose confidential information to any person not entitled or authorized to receive the information.
- D) "Confidential information" means
- 1) specific information, rather than generalized knowledge, received by a council member as a result of his or her position that is not available to the general public on request; or
 - 2) information furnished to a council member under circumstances as to suggest the information is confidential, including when the provider of the information identifies the information as confidential; or
 - 3) information made confidential by law, including specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy; or
 - 4) other information made confidential by the Public Records Act (Chapter 42.56 RCW) or the Open Public Meetings Act (Chapter 42.30 RCW).

1.3.4 No council member may use or authorize the use of facilities of the City, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. All actions of a council member shall comply with RCW 42.17.130.

Rule 1.4 ROBERT'S RULES OF ORDER

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to *Robert's Rules of Order, Newly Revised*. A summary of the primary parliamentary procedures from the Robert's Rules of Order utilized by the City Council is included with these rules as Attachment No. 1. This attachment may be expended or updated without further Council action only if the changes are consistent with Robert's Rules of Order.

Rule 1.5 AMENDMENT

These rules may be amended by resolution of the City Council.

RULE 2 - MEETINGS

Rule 2.1 PLACE AND TIME OF MEETINGS

2.1.1 As provided in Spokane Municipal Code Section 2.01.010, the regular meeting of the City Council is at 3:30 p.m. every Monday in the Council Chambers, Lower Level of City Hall. If a Monday is a City holiday, that week's regular meeting is held on the next day that is not a holiday if a quorum is available.

2.1.2 The 3:30 p.m. Council session is a briefing session for the purposes of receiving staff reports on matters of interest, committee reports, background information from staff regarding matters on the advance agenda for the next week's meeting and for that day's agenda, making any adjustments to the agenda and agreeing as to any issues of procedure for that day's meeting. **Once the advance agenda has been reviewed, the City Council shall approve the agenda by motion.**

2.1.3 At the conclusion of the briefing session, there is an administrative session during which action will be taken on the items on the consent agenda. **At the request of any council member, an item on the consent agenda will be carried over to the legislative session.**

2.1.4 At the conclusion of the administrative session, or at other time properly announced, the City Council may adjourn into executive session consistent with the Open Public Meeting Act, Chapter 42.30 RCW. The Chair shall declare, before the Council convenes in executive session, the subject matter of the executive session with as much particularity as will not frustrate the purpose of the executive session. The Council determines which persons shall attend each particular executive session.

2.1.5 The 6:00 p.m. Council session is the legislative session for the purpose of taking public testimony, discussing and taking action on those items which were placed on that agenda or transferred from the administrative agenda, and for holding the open forum.

Rule 2.2 OPEN FORUM

2.2.1 When all the matters on the agenda have been acted on, unless it is 10:00 p.m. or later, an allotment of meeting time, not to exceed one hour, will be devoted to public comment by citizens of the City. If no one has signed up to speak at the open forum session, it will be dispensed with.

2.2.2 At the beginning of the open forum session a designated staff member will collect the sign-up sheet upon which citizens have indicated their desire to speak at the open forum session and deliver them to the Chair so that the Chair can begin the determination of how the time of the open forum is to be allocated. In his or her discretion, the Chair will determine the order of the speakers and will impose on each speaker such time limit as may be appropriate to allocate the one-hour maximum time. **Each speaker may be limited to three minutes.**

2.2.3 Because taking action on any matter brought up during the open forum session would violate these rules relative to advance notice to and participation by the public, no action, other than a consensus to bring the matter up as a future agenda item, will be taken during the open forum.

2.2.4 The open forum is a limited public forum and all matters discussed shall relate to affairs of the City. No person may use the open forum to speak on such matters and in such a manner as to violate the laws governing the conduct of municipal affairs. **No person shall be permitted to speak on matters related to the current or advance agendas, potential or pending hearing items, or ballot propositions for a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not make personal comment or verbal insults about any individual.**

Rule 2.3 ADJOURNED MEETINGS

2.3.1 At the conclusion of the open forum, unless there is further business before the Council, the Chair shall adjourn the meeting until the next regularly scheduled council meeting.

2.3.2 Any meeting may be adjourned to a place and time set by motion. Unless otherwise specified in the motion, the meeting will be adjourned to the place and time fixed for the next regular meeting. If a regular meeting be adjourned to a place and time specified, that adjourned meeting is a regular meeting.

2.3.3 If at the time fixed for the beginning of any meeting, or at any time in the course of a meeting, less than a quorum be present, the Council President, or in the President's absence any member, or if there be no council members present then the City Clerk, shall declare the meeting adjourned to the next regular meeting.

2.3.4 In the event a meeting is adjourned prior to the completion of the City Council's agenda, all matters on the agenda not disposed of shall be continued to the adjourned meeting. The City Clerk or other person designated by the Clerk shall post a written notice of adjournment conspicuously on or near the main door of the place of any meeting which has been adjourned. The notice shall be posted as soon as possible after the adjournment and shall state the fact of adjournment and the place and time to which the meeting was adjourned.

2.3.5 At 11:00 p.m. or at any time thereafter, it shall be in order for any member to move, or for the Chair to declare, based on the opinion that the business at hand cannot be concluded within a reasonable time, that a regular meeting be adjourned.

Rule 2.4 SPECIAL MEETINGS

A special meeting may be called by the Council President or by any four council members. The Council may by motion during any meeting call a special meeting.

Rule 2.5 STUDY SESSIONS

The Council may schedule study sessions for such purposes as receiving background information as to staff matters, briefing from staff and discussion among council members as to issues of concern. Such meetings are to be in a workshop format, with no public hearing, and the Council shall make no disposition of any item at a study session. A quorum of the Council is not necessary in order to proceed with a study session.

Rule 2.6 QUORUM

A quorum is four or more council members present and qualified to act, unless a particular action requires the affirmative vote of more than four. The quorum for the adoption of an ordinance making an emergency expenditure as provided in RCW 35.33.081 and .091, adoption of an ordinance effective immediately under subsection 19(a)1 of the Charter, and override of a veto as provided in subsection 16(b) is five.

RULE 3 - AGENDA

Rule 3.1 FUNCTIONS OF AGENDA

The agenda serves to introduce items to the Council, to establish the order of business and to give notice to the public. The notice of a special meeting is the agenda for such meeting.

Rule 3.2 INTRODUCTION OF ITEMS

3.2.1 Items may be placed on a regular meeting agenda by the Council President, any council member and by such administrative officers as the Mayor may authorize. Agenda items related to activities of a board or commission or a city council standing committee may be placed on the agenda either by the city administration, by the Council President, by any council member with approval of the Council President or by motion of the City Council. A council member may not utilize administrative staff, other than of the City Council or legal department, for the preparation of an item for the agenda without direction from the Council President or the Mayor.

3.2.2 The agenda for every regular meeting is prepared by the office of the City Clerk in the manner and format prescribed by the City Council. The Mayor determines for each kind of item which administrative officials need to sign off on the agenda sheet indicating it, and any accompanying packet material, is complete and ready for Council consideration.

Rule 3.3 AGENDA DATA

3.3.1 An item is submitted for the agenda in the form of an agenda sheet presented to the City Clerk. The agenda sheet shall have such form and content as approved by the City Council.

3.3.2 The wording for the agenda and the agenda sheet is to be furnished by the person submitting the item. The City Clerk may edit agenda items for grammatical and procedural errors.

3.3.3 Each council member is responsible to obtain and be familiar with all agenda data.

Rule 3.4 AGENDA DEADLINES

3.4.1 The deadline for submitting an advance agenda item is 5:00 p.m. on each Wednesday. Subsequent to the advance agenda deadline, a member of management staff designated by the Mayor meets with the Council President and the City Clerk to review the advance agenda.

3.4.2 The deadline for adding current agenda items is 5:00 p.m. each Tuesday or, in a week when the meeting is on a day other than Monday, by noon of the day following the meeting. The final agenda reflects changes and additions made to the advance agenda at the briefing session. The City Clerk, upon approval by the Council President, may temporarily adjust agenda deadlines under special circumstances, such as short work weeks due to holidays.

3.4.3 Claims and other items calling for the payment of money where delay might subject the City to interest or delinquent penalty may be added to the current agenda.

Rule 3.5 DISTRIBUTION OF AGENDA AND PACKET

3.5.1 The City Clerk is responsible for making sufficient copies of the agenda and agenda packets available to be picked up and distributed.

3.5.2 The agenda for each regular meeting shall be printed and available to be picked up and distributed in such number as the Mayor may prescribe, in preliminary form by 5 p.m. on the second Friday preceding the meeting, and in final form by noon on the Thursday immediately preceding the meeting.

3.5.3 The Office of Neighborhood Services shall provide the agenda to each Neighborhood Council. The City Clerk's Office shall provide the agenda to each City fire station and library and shall post the agenda on the City's website.

RULE 4 - TIME AND NOTICE

Rule 4.1 NOTICE BY AGENDA

Except as provided below, the agenda is the only required notice.

Rule 4.2 SPECIAL MEETINGS

Notice of every special meeting shall be given in writing to every council member, to the Mayor, to the City Attorney, and to all parties who have on file with the City Clerk a request for such notices. The notice shall be delivered personally, electronically, by mail, by facsimile or otherwise, so as to be received at least 24 hours before the meeting or as otherwise provided for in RCW 42.30.080. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice. Notices of special meetings are prepared by the City Council Office staff and issued by the City Clerk's Office.

RULE 5 - CONDUCT OF MEETINGS

Rule 5.1 THE CHAIR

5.1.1 The Council President, or in his or her absence or incapacity that council member elected by the Council to serve as Council President pro tem pursuant to SMC 3.01.120 A, each of whom is "the Chair," shall preside over meetings of the Council and cause the business of the Council to be transacted in accordance with these rules. The presiding officer may yield the Chair to a member of the Council's choice to conduct a portion of a meeting.

5.1.2 The Chair shall determine all questions of procedure, subject to appeal, but shall liberally grant leave to the Mayor, or a designated representative of the Mayor, City Attorney and parliamentarian, if any, to speak to the question. A ruling of the Chair can be appealed, before the ruling is acted on, by announcing an appeal and by a second. The Chair shall then state the question in terms of upholding the ruling and may state his or her reasons for the ruling. Then the member appealing has the floor to open debate on the appeal.

5.1.3 The Chair may not make a motion. The Chair may second a motion if there is no other second and only for the purpose of discussion. The chair may vote as any other council member.

5.1.4 The Chair has authority to recess, subject to appeal, any meeting when noise, disturbance, indecorum, or other circumstances warrant a recess to enable the Council to conduct its meeting in an appropriate manner. The Chair may direct any person disrupting a meeting to be removed from the chambers or to otherwise eliminate a source of disruption.

5.1.5 The Chair has the authority to recess a meeting upon the request of any council member. Recognizing that fatigue, discomfort and tedium detract from the quality of participation in deliberative process on the part of all participants, the Chair is encouraged to call or grant requests for recesses at such frequency as dictated by the time of day, temperature and other factors.

Rule 5.2 ORDER OF BUSINESS

5.2.1 Briefing Session.

The ordinary order of business at a briefing session is:

- A) roll call,
- B) Council or staff reports of matters of interest,
- C) background information from staff regarding matters on the advance agenda,
- D) discussion of and any adjustments to the advance agenda for the following week's meeting;
- E) any new background for items on the current agenda,
- F) discussion of and any adjustments to the current agenda.

5.2.2 Administrative Session.

The ordinary order of business at an administrative session is:

- A) reading of consent agenda items by the Clerk;
- B) action on the items on the consent agenda.

5.2.3 Executive Session.

The business of an executive session is determined case by case within the restrictions of the Open Public Meetings Act and other provisions of state law.

5.2.4 Legislative Session.

The ordinary order of business at a legislative session is:

- A) Pledge of Allegiance, words of inspiration, special introductions;
- B) roll call to establish the presence of a quorum;
- C) announcement of adjustments to the agenda;
- D) Council appointments and approval of Mayoral appointments;
- E) City Administrator's report;
- F) Council and Committee reports.
- G) reading of each agenda item by the Clerk;
- H) report by staff and questions to staff;
- I) motion and second (except for a hearing in which case the motion is made at the close of the hearing);
- J) comment from citizens;
- K) deliberation by Council, and such further dialogue with staff and citizens as Council may desire;
- L) vote;
- M) open forum.

5.2.5 Items shall be acted upon in the order in which they appear on the agenda, provided items may be taken out of order, combined, or separated by majority vote of the Council. Items on the agenda may be grouped under various headings or sections and entire sections may be read and acted upon at one time unless the Council decides otherwise.

5.2.6 All City Council appointments or Mayoral appointments requiring City Council approval shall be announced and voted upon by motion during the legislative session with the following exception. Approval of appointments of department heads, the City Clerk and the City Attorney pursuant to Section 24 of the City Charter shall be by resolution.

Rule 5.3 SPEAKING DURING COUNCIL MEETING

5.3.1 Members of the public may address the Council regarding items on the Council’s legislative agenda, special consideration items, hearing items and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public’s right to speak during the open forum.

5.3.2 No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide his or her address as a condition of recognition. In order for a council member to be recognized by the Chair for the purpose of obtaining the floor, the council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.

5.3.3 Each person speaking at the public microphone shall verbally identify him(her)self by name and, if appropriate, representative capacity.

5.3.4 Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.

5.3.5 In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, such as demonstrations, banners, applause and the like will be permitted.

5.3.6 A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

5.3.7 When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.

5.3.8 When any person, including members of the public, City staff and others are addressing the Council, council members shall observe the same decorum and process, as the rules require among the members *inter se*. That is, a council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted

the floor by the Council President. All persons and/or council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in Robert's Rules of Order shall extend to all speakers before the City Council. The council president pro-tem shall be charged with the task of assisting the council president to insure that all individuals desiring to speak, be they members of the public, staff or council members, shall be identified and provided the opportunity to speak.

Rule 5.4 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS - TIME LIMITS

5.4.1 The City Council shall take public testimony on all matters included on its legislative agenda. There shall be no public testimony on matters on the Council's administrative consent agenda or in regards to procedural, parliamentary or administrative matters of the Council. There also shall be no public testimony regarding amendments to legislative agenda items. Public testimony shall be limited to the final council action.

Public testimony shall be limited to three minutes per speaker unless, at his or her discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will need to be allocated per speaker in order to accommodate all of the speakers. The Chair may allow additional time if the speaker is asked to respond to questions from the Council. At the Chair's discretion, several speakers may allot their time to one speaker who shall speak on behalf of the other individuals for a period of time determined by the Chair.

For legislative or hearing items that may affect an identifiable individual, association or group, the following procedure may be implemented.

A) Following an assessment by the Chair of factors such as complexity of issue, apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:

1) There shall be up to 15 minutes for staff, board, or commission presentation of background information, if any.

2) The designated representative of the proponents of the issue shall speak first and may include within his or her presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to 30 minutes shall be granted for the proponents' presentation. If there be more than one designated representative, they shall allocate the 30 minutes between or among themselves.

3) Three minutes shall be granted for any other person not associated with the designated representative who wishes to speak on behalf of the proponents' position.

4) The designated representative, if any, of the opponents of the issue shall speak following the presentation of all of the proponents and may include within his or her presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same time allotted as provided for the proponents.

5) Three minutes shall be granted for any other person not associated with the designated representative who wishes to speak on behalf of the opponents' position.

6) Up to ten minutes of rebuttal time shall be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.

B) In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three minutes to present his/her position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.

C) In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.

D) The time taken for staff or council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.

Rule 5.5 VOTING

5.5.1 Except where a majority plus one vote is required (e.g. Charter Sec. 19, RCW 35.33.081), and unless otherwise provided herein, all motions, except a motion to adjourn (which passes by a majority of votes cast), to carry must receive at least four affirmative votes.

5.5.2 If a motion receives a majority of favorable votes, but less than four, and if further voting cannot produce four votes for any motion, either:

A) the matter will be continued or

B) if it appears that because of disqualification or other reason the Council will not obtain four votes for any motion to dispose of the matter, it shall be declared that no action was taken and the status quo shall prevail.

5.5.3 A tie vote, having failed to obtain the necessary votes, is final and defeats the matter upon which the vote is cast.

5.5.4 The Chair has full voting power as any other council member.

5.5.5 The votes on any ordinance or formal resolution shall be individually taken and recorded. As to any other matter voting shall be by voice vote unless any member requests, prior to action on the next item of business, a different method. Unless the Council shall order otherwise, the alternative to voice vote shall be the electronic system currently in use.

5.5.6 In all cases of voting by other than voice vote, the City Clerk shall record the names of those voting on each side of the question and of those abstaining. In cases of voice vote, it shall be sufficient for the Chair to announce, and the record to reflect, whether the motion carried or failed. Regardless of method of voting, each council member shall have the right, before the next matter is considered, to explain the reasons for his or her vote and such a request shall be regarded as a matter of privilege.

5.5.7 A Councilperson may only abstain from voting when he or she has a direct personal or pecuniary interest not common to other

members of the Council, which is fully expressed to all other members of the Council during the Council meeting.

Rule 5.6 SUSPENSION OF RULES

These rules may be temporarily suspended for a particular matter by five votes.

Rule 5.7 RECONSIDERATION

A council member may move reconsideration of an item voted on during an administrative session at that day's legislative session or at the next briefing session. All legislative decisions of the City Council regarding ordinances, resolutions and hearing items are final. When permissible, a council member may re-submit a subsequent ordinance or resolution to repeal or modify a prior city council action.

Rule 5.8 PARTICIPATION BY TELEPHONIC COMMUNICATION

A Councilperson may participate telephonically in all or part of a Council Meeting if: 1) prior approval is given by the Council President for good cause, whose approval shall not be unreasonably withheld, 2) all persons participating in the meeting are able to hear each other at the same time, such as by the use of speaker phone and 3) the Councilperson participating telephonically 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 Councilperson 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 Council President.

RULE 6 - ADJUDICATIVE APPEALS AND HEARINGS

Adjudicative hearings are quasi-judicial hearings involving named parties. Testimony during adjudicative hearings is limited to the parties involved in the hearing. Public testimony is not accepted in adjudicative hearings. Where procedures for appeals and hearings have been established by ordinance, the Council shall follow those procedures. If a conflict exists between the ordinance and council rules, the ordinance shall

prevail. When there are no established procedures for an adjudicative appeal or hearing, the Council shall implement the following procedure.

6.1 No person shall be allowed to discuss any matter pending hearing with any member or members of the Council except in the Council Chambers in the regular course of a Council meeting. Each council member shall vigorously strive to avoid any outside communication from anyone in any form concerning a matter pending hearing or decision. If an outside contact cannot be avoided, the council member shall immediately make a note of the contact and shall at the beginning of the Council's hearing on the matter announce the fact of the contact, the identity of the person, and the substance of the communication. If the communication be in written form, the council member shall as soon as possible file it with the City Clerk.

6.2 When the Council's discussion and vote on a hearing item is at a meeting other than the hearing, it shall be the obligation of every council member participating in the action to be familiar with the facts in order to reach an informed, independent judgment. When a member discussing or voting on a matter was not present at the hearing, that member will have familiarized him(her)self with the hearing item based upon any audio or video recording of the hearing and all documents contained in the record. A council member shall not be briefed by anyone except in an open meeting.

6.3 A council member shall disqualify him(her)self from participating in a hearing whenever bias, interest or other influences will prevent or appear to prevent him or her from exercising fair-minded, independent judgment on the facts and established policy. Disqualifying influences include prejudgment of the issues that cannot be swayed by the facts in evidence, a partiality or personal bias for or against a party, and a personal pecuniary interest in the subject matter. Examples of disqualifying bias include a close personal, family or business relationship with a party, ownership of property the value of which might be affected by the decision, and a business or personal financial situation that might be affected by the decision.

6.4 Should a council member be aware of circumstances which might appear to disqualify him or her, he or she can either disqualify him(her)self or explain the circumstances before the hearing and

let the rest of the Council, by majority vote, decide whether he or she participate. Should the Council be aware of circumstances which might appear to disqualify a member, the Council, may, by majority vote, disqualify the member. The Council's discussion concerning disqualification of a member may occur in executive session. A disqualified member shall be absent from the dais during the hearing and during the discussion and voting.

6.5 In all adjudicatory appeals and hearings, council members are acting in their quasi-judicial capacity and shall comply with all applicable provisions of state laws including the appearance of fairness doctrine in Chapter 42.36 RCW and the code of ethics for municipal officers in contract interests in RCW 42.23.

6.6 Adjudicatory Appeal Hearing Procedures:

At the hearing on the appeal, the following rules apply:

- A. Oral argument on appeal is limited to parties of record.
- B. Oral argument on appeal is limited to thirty minutes per side. If there is more than one appellant or more than one person wishing to present oral argument on appeal, the total time allowed to all such persons is thirty minutes. Any time reserved for rebuttal or surrebuttal is deducted from the time allowed for opening argument. Time taken to respond to questions from the city council is not deducted from the time allowed for argument.
- C. Argument is presented first by the appellant in support of the appeal followed by the respondent in opposition to the appeal.
- D. No new evidence may be presented during oral argument. Matters found by the hearing officer or body to be facts in the record are presumed to be true and accurate. Oral argument is limited to stating why the record does or does not support the decision.
- E. The city council may not consider any new facts or evidence on appeal. The city council's review of appeals is limited to the record prepared by the hearing officer or body, including the verbatim transcript of the hearing, the written appeal, memoranda submitted and, if permitted, oral arguments

presented in accordance with the requirements of this section. Closed record appeals before the city council must be concluded within ninety days of the date the appeal is filed unless all parties agree to a longer period.

F. Supplemental Documents.

- 1) The parties to the appeal may file memoranda regarding the appeal. Such memoranda must be filed by the agenda deadline for the meeting preceding the meeting set for consideration of the appeal.
- 2) Any replies to the memoranda must be filed by the agenda deadline for the meeting set for consideration of the appeal.
- 3) The city clerk distributes such memoranda and responsive documents to all parties to the appeal, the city council, the city attorney, the planning director and the hearing examiner.
- 4) Neither memoranda nor responses may contain any new facts or evidence or discuss matters outside the record. They are limited to stating why the record does or does not support the decision.

6.7 The City Council may supplement these rules in a case-by-case situation in order to provide due process to all participants in a hearing.

RULE 7 - ORDINANCES AND FORMAL RESOLUTIONS

Rule 7.1 FILING

7.1.1 Unless impractical in a given case, ordinances and formal resolutions shall be filed with the Clerk by the advance agenda deadline and copies included in the Council's packet by the second Friday preceding the meeting for which the ordinance is on the agenda. In any event, an ordinance or formal resolution must have been filed with the Clerk prior to the meeting of which it is an agenda item. No ordinance or formal resolution, except emergency measures, shall be passed until it has been on file with the Clerk for at least three business days, including the day of the Council meeting.

7.1.2 If an ordinance or formal resolution has not been on file with the Clerk for at least three business days, its reading shall be a reading in full. If an ordinance or formal resolution has been so pre-filed, it shall be sufficient reading to read its title or a summary.

Rule 7.2 AMENDMENT

7.2.1 Amendment of the wording of an ordinance or formal resolution on file does not require repetition of all filing and reading procedures. The Council may elect to defer final action until the amendatory language has been embodied in the document and the document resubmitted, or to pass or adopt the measure as amended in which case the City Attorney shall be responsible for redrafting or changing the document for record purposes.

7.2.2 A revised version of an ordinance or formal resolution may be substituted for the one in the packet between readings or between meetings when the differences between the two versions are minor. When a substituted ordinance or formal resolution makes a significant change from the earlier version, it is to be processed as an original item. That is, a substituted ordinance will be given first reading and carried over and a substituted resolution will be deferred or the Council may take action to amend and substitute the revised version for the version previously filed.

7.2.3 The deletion of an emergency clause converts the ordinance to a regular ordinance which requires a second reading at a subsequent meeting. The addition of an emergency clause requires the ordinance to be deferred to allow public hearing.

Rule 7.3 SUBJECT MATTER

The Council shall not consider or pass any ordinance or resolution the subject matter of which is not directly related to local affairs or municipal business.

RULE 8 - PROCESSING ORDINANCES

Rule 8.1 PUBLICATION, SIGNATURE AND RECORDING

8.1.1 An ordinance passed by the City Council shall, within five

days thereafter, be presented to the Mayor.

8.1.2 An ordinance

- A) making the annual tax levy,
- B) adopting the original annual budget,
- C) making appropriations,
- D) implementing a local improvement district or

confirming the assessments therefore,

- E) which is an emergency budget ordinance,
- F) which is an emergency ordinance, or
- G) which has been approved by the electors by

referendum or initiative shall become effective immediately upon passage.

8.1.3 Ordinances signed by the Mayor, and the approved parts of ordinances that have been partially vetoed, will thereupon be filed with the Clerk for recording and publication if not already published.

8.1.4 Ordinances not signed by the Mayor after ten days will be filed with the Clerk for signature, recording and publication as necessary.

Rule 8.2 VETO

If within ten days of presentment the Mayor vetoes an ordinance or part of an ordinance and signs a veto message, the ordinance or part thereof, along with the veto message, is returned to the City Council, which shall provide a copy to the City Clerk. If requested by the Council President or any council member, the City Clerk shall schedule the matter for the next available agenda. If, within thirty days of the Mayor's veto or partial veto, the ordinance receives at least five votes for passage, it shall thereupon take effect. It will be signed by the Council President, or two council members, and filed with the City Clerk for publication and recording.

RULE 9 - COMMITTEES

Rule 9.1 STANDING COMMITTEES

There shall be five standing committees: the Public Safety Committee, the Finance Committee, the Public Works Committee, the Neighborhood Committee and the Planning/Community and Economic

Development Committee. Committee membership shall be comprised of a minimum of three council members, one representing each of the three council districts, and additional members as desired. Standing committees with more than three members shall be noticed as meetings of the council where no legislative action shall occur. The Council President shall chair a maximum of two standing committees to be determined by the Council President. All other committees shall select by majority vote the chair for each committee. No council member shall chair more than two standing committees at one time.

The Council shall confirm the members of standing committees at the second meeting in January of each year or as soon thereafter as possible.

A) The Public Safety Committee, upon the request of the City Council or Mayor shall review, consider and make recommendations to the City Council on issues related to the public health, safety and welfare of the citizens of Spokane specifically including, but not limited to, considering and reviewing programs, plans and other non-personnel activities involving the police and fire departments and other public safety activities of the City of Spokane, and making recommendations where appropriate.

Pursuant to SMC 4.32.110, the Public Safety Committee shall be the liaison between the City Council and the Office of Police Ombudsman and shall receive monthly reports from the Office of Police Ombudsman.

B) The Finance Committee is charged with the responsibility to review and report its recommendations on the annual budget and to this end may hold public hearings. The committee shall also consider and report on such other financial matters as may from time to time be referred to it by the Council.

The Finance Committee shall meet not less than quarterly for the purposes of fulfilling its obligations.

C) The Public Works Committee reviews subjects of a public works nature.

D) The Neighborhood Committee shall act as liaison between the City Council and the various neighborhood organizations.

E) The Planning/Community and Economic Development Committee shall review, consider and make recommendations to the City Council on issues relating to planning, community and economic development including land use planning and programs and policies to improve community and economic development.

Rule 9.2 AD HOC COMMITTEES

Ad Hoc committees with specified functions may be established for a designated term by motion of the Council. Unless already determined by the Council, such matters as appointment process, the qualification for membership, the number of members and time for report of a committee shall be determined by the committee.

Rule 9.3 REFERRAL

By declaration of the Chair (subject to appeal) or by motion of the Council, a matter before the Council may be referred to a committee, except that no committee shall investigate the facts of, nor shall any member or members of the Council take independent action on, any pending or contemplated adjudicative matters.

Rule 9.4 REPORT

9.4.1 A committee shall advise the Council that it is ready to report by making such announcement at a briefing session, at which time the Council may decide on what agenda the matter shall be placed, or by filing the report with the Clerk for placement on an agenda in coordination with the Council President and Mayor as any other agenda item.

9.4.2 A report of a committee recommending that the Council take specific action shall be in writing and, except in emergencies, in the manner of a formal resolution. Such pre-filing may substitute for full reading. Any committee member disagreeing with any part of the committee's report shall be given the opportunity to express his or her disagreement, orally or in writing, prior to Council action on the matter. If it be moved and seconded that the minority report be adopted, that motion shall be voted on before a motion to adopt the committee report.

Rule 9.5 INTER-GOVERNMENTAL COMMITTEES AND BOARDS

Unless governed by other regulations, statutes or ordinances, appointment of council members to inter-governmental committees or boards shall be made by the majority of the City Council. All appointments shall be made consistent with the government documents creating the inter-governmental committee. The council president shall be the city council’s designated appointee to the Airport Board unless the council president declines the appointment or five council members select a council person other than the council president.

Rule 9.6 STANDING COMMITTEE MEETINGS

One of the functions of standing committee meetings is to provide the city administration and city staff an opportunity to update members of the committee regarding department programs, plans and other administrative activities and future city council administrative and legislative agenda items. All standing committee meetings shall be open to the public except when the committee adjourns into executive session. No public testimony will be taken during standing committee meetings.

Only members of the standing committee shall be permitted to deliberate and vote on matters before the committee. Discussions during standing committee meetings shall be limited to standing committee members, appropriate city staff and other individuals recognized by the chair of the committee. While other council members may attend and speak during standing committee meetings, only those members of the committee shall be permitted to engage in deliberation and voting.

Upon motion of the City Council, a standing committee meeting may be conducted as a meeting of the full City Council, in which case, a special meeting notice shall be issued and the meeting shall be conducted in a study session format.

RULE 10 - MISCELLANEOUS

Rule 10.1 COUNCIL POSITION VACANCY

10.1.1 Upon a vacancy of a City Council position, the Council President must announce the vacancy within seven (7) days of the

vacancy occurring and call for interested parties to submit their applications for consideration by a deadline agreed to by the Council.

Upon the close of the deadline, each member of the Council shall review the applications, interview on an individual basis whichever applicant they desire to interview and select those individuals who they believe should be interviewed by the entire City Council.

10.1.2 The Council, by motion, shall establish a committee to compile the council member's list of candidates to be interviewed. The committee shall submit to the Council the compiled list of candidates to be interviewed by the entire City Council.

10.1.3 The Council shall conduct interviews of each individual candidate selected for interviews. The interviews shall be open to the public.

10.1.4 Upon completion of the interviews, the Council, pursuant to RCW 42.30.110 (1)(h), may go into executive session to evaluate the qualifications of each candidate.

The Council shall take final action appointing a candidate to fill the vacancy during an open public meeting.

10.1.5 Provisions regarding the selection of a candidate for a City Council vacancy not set forth by these rules shall be determined by the City Council upon a motion during an open public meeting.

10.1.6 The selection procedure set forth above shall apply if the vacancy occurs in a council position other than that of council president. In the event the council president position becomes vacant, the City Council may elect to appoint one of the existing councilpersons to fill the position of council president without following the selection procedure set forth above. If, upon a motion of the City Council, the City Council decides to consider someone other than an existing councilperson to fill the vacant position of council president, the City Council shall follow the selection procedure set forth above.

Adopted October 1, 2001 (Resolution No. 01 - 84)
Amended March 11, 2002 (Resolution No. 02 - 27)
Amended September 3, 2002 (Resolution No. 02 - 83)
Amended March 29, 2004 (Resolution No. 04 - 27)
Amended December 19, 2005 (Resolution No. 05 - 0148)
Amended October 26, 2009 (Resolution No. 09 - 0078)

Attachment No. 1

Robert's Rules of Order

The following section summarizes important points from Robert's Rules of Order.

- All City Councilpersons have equal rights. Each speaker must be recognized by the Council President prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments.
- Only one person may speak at any given time. When a motion is on the floor, the mover of a motion speaks first, so that the City Council understands the basic premise of the motion. The mover is also the last to speak, so that the City Council has an opportunity to consider rebuttals to any arguments opposing the motion.
- Only one subject may be before the City Council at one time. Each item to be considered is proposed as a motion which requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the City Council by restating the motion.
- Each item presented for consideration is entitled to a full and free debate. Each person speaks once, until everyone else has had an opportunity to speak.
- "Negative" motions are generally not permitted. To dispose of an agenda item, the motion should be phrased as a positive action to take, and then, if the City Council desires not to take this action, the motion should be voted down.
- The rights of the minority must be protected, but the will of the majority must prevail. Persons who do not share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the City Council will or will not do.

Motions

Action items are brought before the City Council by motions, a formal procedure for taking actions. To make a motion, a councilmember must first be recognized by the Council President. After the councilmember has made a motion and after the motion is seconded, the Council President must then restate it or rule it out of order, then call for discussion.

Robert's Rules of Order provides for four general types of motions:

Main Motions:

The most important are main motions, which bring before the City Council, for its action, an agenda item. Main motions cannot be made when any other motions are before the City Council.

Subsidiary Motions:

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

- **Tabling.** Used to temporarily postpone discussion until the City Council decides by majority vote to resume discussion. By adopting the motion to "table," a majority has the power to halt consideration of the question immediately without debate. A motion to table requires a second, is non-debatable, and is not subject to amendments.
- **Previous Question or Close Debate.** Used to bring the City Council to an immediate vote. It closes debate and stops further amendments. The majority of the City Council decides when enough discussion has occurred, not the Council President. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority, i.e. five votes.
- **Limit/Extend Debate.** May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.

- **Postpone to a Definite Time.** Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.
- **Refer to Committee.** Directs that a committee will study the matter and report back.
- **Amendment.** Used to "fine tune" a motion to make it more acceptable to the City Council. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. A motion to amend requires a second, is debatable, and requires a majority vote.
- **Postpone Indefinitely.** This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

Incidental Motions:

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

- **Point of Order.** To bring to the City Council's attention that the rules are being violated. A City Councilperson does not need to be recognized prior to making a point of order. This is not really a motion, but requires the Council President to make a ruling as to whether or not immediate consideration is proper.
- **Appeal from the Decision of the Chair.** The City Council can overrule the Council President on any procedural decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the Council President immediately states the question, "Shall the decision of the chair stand as the judgment of the council?" If there is a tie vote, the chair's decision is upheld. The motion is not debatable when it applies to a matter of improper use of authority or when it is made while there is a

- **Request to Withdraw a Motion.** A request to withdraw a motion requires majority approval and cannot be withdrawn by its mover.
- **Suspension of the Rules.** When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a vote of five members of the City Council.
- **Reconsider.** A motion for reconsideration is available when the City Council needs to discuss further a motion that has already been defeated at the same meeting. A majority of the council must approve taking additional time to debate the motion again. The motion can be made only by a person who voted on the prevailing side earlier on the question.

Other Motions:

- **Point of Privilege.** A Councilperson may assert a point of privilege when there is a matter that concerns the welfare of the City Council. A point of privilege can be raised even when another person is speaking. A point of privilege does not require a second, is not debatable, and no vote is required.