POULSBO DISTRIBUTION SCHEDULE

RESOLUTION NO. 2011-04

SUBJECT: Amending Council Rules of Procedure

CONFORM AS TO DATES & SIGNATURES

(X) Filed with the City Clerk: 03/29/2011
(X) Passed by the City Council: 04/06/2011
(X) Signature of Mayor
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April 15, 2011
Date

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RESOLUTION 2011-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, APPROVING AN AMENDMENT OF THE POULSBO CITY COUNCIL RULES OF PROCEDURE TO AMENDING CERTAIN SECTIONS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council of the City of Poulsbo has adopted Rules of Procedure pursuant to Resolution No. 95-02 and will amend from time to time; and

WHEREAS, the City Council wishes to amend those rules to reflect the changes to Section 4.1 Order of Business; now therefore

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The Council Rules of Procedure are hereby amended by the replacement of Section 4.1 as shown on Exhibit A – Council Rules of Procedures with noted revisions.

Section 2. This section shall become effective upon the date of passage of this Resolution.

RESOLVED this 6th day of April, 2011.

APPROVED:

MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:

CITY CLERK, JILL A. BOLTZ CMC

FILED WITH THE CITY CLERK: 03/29/2011
PASSED BY THE CITY COUNCIL: 04/06/2011
RESOLUTION NO. 2011-04

Exhibit "A"
Resolution No. 2011-04

POULSBO CITY COUNCIL

RULES OF PROCEDURE

Adopted by: Resolution Number 95-02, February 1, 1995
(including amendments as listed)

AMENDMENTS

Resolution Number	Date
95-08	April 26, 1995
95-10	July 5, 1995
98-07	October 7, 1998
99-03	June 2, 1999
2000-02	February 16, 2000
2000-08	June 7, 2000
2001-14	July 11, 2001
2003-10	October 8, 2003
2005-11	October 5, 2005
2008-04	March 12, 2008
2010-06	March 10, 2010
2011-04	April 6, 2011

RULES OF PROCEDURE

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POULSBO CITY COUNCIL
RULES OF PROCEDURE

1. GENERAL RULES

1.1 MEETINGS TO BE PUBLIC: All official meetings of the Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). The journal of proceedings (minute book) shall be open to public inspection.

1.2 QUORUM: Four Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 ATTENDANCE, EXCUSED ABSENCES: RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall either: (1) contact the Chair prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the City Clerk or Deputy City Clerk, who shall convey the message to the Chair. The Chair shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Recorder will make an appropriate notation in the minutes. If the motion is not passed, the Recorder will note in the minutes that the absence is unexcused; or (2) the member shall contact the Chair, City Clerk or Deputy City Clerk and state the date and the reason for the absence. The City Clerk or Deputy City Clerk will route a notice explaining the absence to all other Councilmembers for approval. (Rev. Res. 99-03)

1.4 JOURNAL OF PROCEEDINGS: A journal 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.

1.5 RIGHT OF FLOOR: Any councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.

1.6 **RULES OF ORDER**: Robert's Rules of Order Newly Revised shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.

1.7 **COUNCIL LETTER WRITING**: Any time Councilmembers write individual letters or contact the news media, they shall include a disclaimer that they are speaking only for themselves and not speaking for any other member or the Council as a whole. (Rev. Res. 99-03, Res. 2000-02)

1.8 **VIOLATION OF CITY ORDINANCES**: Members concerned with a violation of a city ordinance shall contact the Mayor or appropriate department head and explain the violation and its location. Members shall not act as an enforcement agent. (Rev.: Res. 99-03)

1.9 **RULES OF PROCEDURE REVIEW**: The City Clerk will schedule a workshop to review Council's Rules of Procedure during January of every even-numbered year or at such time deemed necessary. (Rev.: Res. 99-03; Res. 2010-06)

2. TYPES OF MEETINGS

2.1 **REGULAR COUNCIL MEETINGS**: The Council shall meet on the first three Wednesdays of each month at 7:00 PM. When a Council meeting falls on a holiday, the Council may determine an alternate day for the meeting or cancel the meeting. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at city hall, unless specified otherwise by a majority vote of the Council. All regular and special meetings shall be public pursuant to the RCW Chapter 42.30 and the Open Public Meetings Act. (Rev: Res. 99-03; Res. 2010-06)

2.2 **SPECIAL MEETINGS**: Special meetings may be called by the Mayor or any four (4) members of the Council. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the Clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered. The Council may not make final disposition on any matter not mentioned in the notice. (Rev.: Res. 95-10)

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

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

2.4 **STUDY SESSIONS AND WORKSHOPS**: The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three or more members of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the Council.

2.5 **EXECUTIVE SESSIONS**: Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act (RCW 42.30.110 – Attached as Exhibit "A"). Among the topics that may be discussed are: (1) personnel matters; (2) consideration of acquisition of property for public purposes or sale of city-owned property; and (3) potential or pending litigation in which the city has an interest, as long as legal counsel is present in person or by phone as provided in the Revised Code of Washington. The Council must keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. The Council may hold an executive session during a regular or special meeting. Before convening in executive session the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair. (Rev: Res. 99-03, Res. 2008-04)

2.6 **ATTENDANCE OF MEDIA AT COUNCIL MEETINGS**: All official meetings of the 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 meetings.

3. CHAIR AND DUTIES

3.1 **CHAIR**: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Alternate Deputy Mayor shall preside. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, the Council shall elect a Chair.

3.2 **CALL TO ORDER**: The meetings of the Council shall be called to order by the Mayor or, in his/her absence, by the Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, the meeting shall be called to order by the Alternate Deputy Mayor. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, the meeting shall be called to order by the City Clerk or Clerk's designee for the election of a temporary Chair. (Rev: Res. 99-03)

3.3 **PRESERVATION OF ORDER**: The Chair shall preserve order and decorum, prevent attacks on personalities or character of members' and confine members in debate to the question under discussion (Rev: Res 2010-06).

3.4 **POINTS OF ORDER**: The Chair 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 Chair be sustained?"

3.5 **QUESTIONS TO BE STATED**: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon all questions.

3.6 **SUBSTITUTION FOR CHAIR**: The Chair may call the Deputy Mayor to temporarily chair the meeting. In the absence of both the Mayor and Deputy Mayor, the Alternate Deputy may temporarily chair the meeting. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, any other member (Presiding Officer) may be called to temporarily chair the meeting. (Rev: Res. 2008-04)

3.7 **PRESIDING OFFICER - POWERS**: The Presiding Officer 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 acting as the Presiding Officer.

4. ORDER OF BUSINESS AND AGENDA

4.1 **ORDER OF BUSINESS**: The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

(1) Call to Order
(2) Pledge of Allegiance
(3) Comments from Citizens (limited to a total of 15 minutes)
(4) Mayor's Reports and Council Comments
(5) Agenda Review
(6) Consent Agenda
(7) Business Agenda (Committee Reports will be given during agenda item)
(8) Council Committee Reports (limited to a total of 5 minutes per Committee)
(9) Department Head Comments
(10) Continued Comments From Citizens
(11) Mayor and Councilmember Comments/Board/Commission Reports
(12) Adjournment

The Consent Agenda may contain items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, claims, budget amendments, and any item previously approved by Council with a unanimous vote and which is being submitted to Council for final approval. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember or any person attending a Council meeting. (Rev: Res. 99-03, Res. 2003-10, Res. 2005-11, Res. 2008-04, Res. 2010-06)

4.2 **COUNCIL AGENDA**: Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare).

4.3 **MAYOR AND COUNCILMEMBER COMMENTS AND CONCERNS**: The agenda shall provide a time when the Mayor ("Mayor's Reports") or any Councilmember ("Comments From Councilmembers") may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent Council meeting, except that immediate action may be taken upon a vote of a majority of all members of the Council. There shall be no lectures, speeches or grandstanding.

5. CONSENSUS AND MOTIONS

5.1 **CONSENSUS VOTES**: When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken. The Chair will state the action or opinion and each Councilmember will state his/her name and vote by saying "aye" or "nay."

5.2 **MOTIONS**: No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Recorder before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

5.3 **VOTES ON MOTIONS**: Each member present shall vote on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearance of fairness doctrine, or in which he or she has been granted leave to abstain by the City Council in advance and for a stated reason. Such member shall disqualify himself or herself prior to any discussion of the matter and shall leave the Council Chambers. When disqualification of a member or members results or would result in the inability of the Council at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent or who had been disqualified under the appearance of fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate. (Rev: Res. 2010-06)

5.4 **FAILURE TO VOTE ON A MOTION**: Any Councilmember present who fails to vote without a valid disqualification or without having otherwise received the Council's permission to abstain shall be declared to have voted in the affirmative on the question (Rev: Res. 2010-06).

5.5 **MOTIONS TO RECONSIDER:** A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting, provided that the time for a motion to reconsider any matter governed by PMC 18.91.150 shall be as set forth in that section. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted. (Rev.: Res. 95-08, Res. 98-07)

6. PUBLIC HEARING PROCEDURES

6.1 SPEAKER SIGN-IN: Prior to the start of a public hearing the Chair may require that all persons wishing to be heard sign in with the Recorder, giving their name and whether they wish to speak as a proponent, opponent or other member of the public.

A "Proponent" a person, firm, or organization speaking in favor of a proposal on which a public hearing is being held. The term "proponent" includes, but is not limited to, the permit applicant when a development permit is the subject of the public hearing; and

An "opponent," a person, firm or organization speaking against a proposal on which a public hearing is being held. The term "opponent" includes, but is not limited to, a person, organization or association opposing a permit application when a development permit is the subject of the public hearing; and "Other members of the public," are those persons, firms, or organization wishing to speak concerning a proposal on which a public hearing is being held and who do not met the definition of proponent or opponent. The term "other members of the public" includes, but is not limited to, persons and government agencies who desire to comment on a proposal but who are not speaking in favor of or against the proposal on which the public hearing is being held. (Rev: Res. 2008-04)

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations. (Suggested time limits are five minutes per individual speaker or ten minutes for the proponent, opponent, or when presenting the official position of an organization or group.) (Rev. Res. 2000-02)

6.2 CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

Prior to the start of a public hearing the Chair will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the public hearing process. A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a

hearing in which the Councilmember has a direct financial or other personal interest.

6.3 THE PUBLIC HEARING PROCESS

Public hearings will begin according to the established agenda (or as soon thereafter as possible).

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order:

(1) All comments by proponents, opponents or other members of the public (as defined in Section 6.1) shall be made from the podium; any individuals making comments shall first give their name. This is required because an official recorded transcript of the public hearing is being made.

(2) No comments shall be made from any other location. Anyone making "out of order" comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the Recorder.

(3) There will be no demonstrations during or at the conclusion of anyone's presentation.

(4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising his/her right of free speech.

The Chair calls upon city staff to describe the matter under consideration.

The Chair calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration.

The Chair inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

The Chair continues the public hearing to a time specific or closes the public hearing. (Rev.: Res. 99-03)

7. DUTIES AND PRIVILEGES OF CITIZENS

7.1 MEETING PARTICIPATION: Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers.

7.2 COMMENTS FROM CITIZENS: Under agenda item "Comments From Citizens" citizens may address any item they wish to discuss with the Mayor and Council. They shall first obtain recognition by the Chair, state their name and the subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Chair or Council may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting. (Rev.: Res. 99-03)

Citizen/group presentations scheduled on the agenda to address the Council will be requested to step to the podium, give their name for the record. Presentations should be prearranged through the Mayor's Office and be limited to the time allotted, not to exceed twenty (20) minutes, with ten (10) minutes allowed for a question/answer period after the presentation. (Rev. Res. 2000-08, Res. 2010-06)

7.4 MANNER OF ADDRESSING THE COUNCIL - TIME LIMIT: Each person addressing the Council shall step up to the podium, give his/her name in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit his/her remarks to three (3) minutes. Agenda item "Comments From Citizens" shall be limited to a total of 15 minutes and agenda item "Continued Comments From Citizens" shall be limited to the time available at the end of the regular Council meeting, unless additional time or less time is agreed upon by the Council (dependent upon the length of the Council agenda). All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Chair, members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through

the Chair. The Council will then determine the disposition of the issue (information only, place on present agenda, workshop, a future agenda, assign to staff, assign to Council Committee or do not consider).

7.5 **PERSONAL AND SLANDEROUS REMARKS**: Any person making personal, impolite, disrespectful or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the Council during that Council meeting by the Chair or Presiding Officer (Rev: 2010-06).

7.6 **WRITTEN COMMUNICATIONS**: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the city's business or over which the Council had control at any time. The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Council members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.7 **COMMENTS IN VIOLATION OF THE APPEARANCE OF FAIRNESS DOCTRINE**: The Chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

7.8 **"OUT OF ORDER" COMMENTS**: Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Council Chambers.

These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. FILLING COUNCIL VACANCIES AND SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR

8.1 **NOTICE OF VACANCY**: If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12. In order to fill the vacancy with the most qualified person available until an election is held, the Council will

widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position. (Rev.: Res. 99-03)

8.2 **APPLICATION PROCEDURE**: The Council will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

8.3 **INTERVIEW PROCESS**: All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names; in order to make the interviews fair, applicants will be asked to remain outside the Council Chambers while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The Councilmembers will ask the same questions of each candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

8.4 **SELECTION OF COUNCILMEMBER**: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

8.5 **SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR**: Pursuant to RCW 35A.12.065 "Biennially at the first meeting or a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability." (Rev: Res. 2008-04, Res. 2010-06)

9. FILLING VACANCY IN THE OFFICE OF THE MAYOR

9.1 **VACANCY:** If a vacancy occurs, the Council will follow the procedures outlined in RCW 42.12. (Rev.: Res. 99-03)

9.2 **SELECTION OF MAYOR**: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting. (Rev.: Res. 99-03)

10. RULES OF CONDUCT (added by Res. 2001-14)

PREAMBLE: Each Councilmember is elected by and answers to the citizens of Poulsbo. Our oath of office pledges that each of us will uphold the laws of the City of Poulsbo, the State of Washington, and the provisions of the constitution of the State and the United States. We have pledged ourselves to avoid conflicts of interest, the appearance of unfairness and to abide by other statutory directives.

These Rules of Conduct and standards of behavior have been adopted to guide us in instances where the law does not. They are based on common sense and courtesy, and may be enforced by the City Council through a motion of censure in accordance with the procedures as established by Robert's Rules of Order.

10.1 **RESPECT:** The citizens have elected each of us and by displaying respect and courtesy to our fellow Councilmembers, we honor the citizens' choice. We pledge that we will accord each Councilmember, the Mayor and staff the respect which their positions accord. We will extend this same respect to members of the public and to others who testify before us, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.

10.2 **LISTEN:** We will listen to each other, to the staff and to the public. We will listen with an open mind. We will allow each speaker an equal opportunity to be heard within the time limits established by the Chair, so long as that individual adheres to our standards of conduct.

10.3 **FAIR DEBATE:** Each Councilmember will be permitted an opportunity to speak. As Councilmembers, we will allow our fellow Councilmembers to finish their thoughts. We will adhere to the City Council's adopted Rules of Procedure. Each Councilmember will await recognition by the Chair before speaking.

10.4 **DISCLOSURE, AVOIDING THE APPEARANCE OF IMPROPRIETY**: While state statutory provisions regarding the Appearance of Fairness Doctrine govern our conduct in quasi judicial matters, Councilmembers will also attempt to avoid even the appearance of impropriety in all of our actions. When we are aware of an issue that might reasonably be perceived as a conflict, and even if we are in doubt as to its relevance, we will reveal that issue for the record. We pledge that we will step down when required

by the Appearance of Fairness Doctrine, that is, when an objective person at a Council meeting would have reasonable cause to believe that we could not fairly participate.

10.5 **MAINTAIN OUR LEGISLATIVE FOCUS**: We pledge to respect the administrative function of the Mayor and staff. We will do so, however, without suspending our critical faculty and the legislative oversight which we have been elected to exercise.

10.6 **MAJORITY AND MINORITY RIGHTS**: As we determine where the best interests and welfare of our citizens lie, we will always attempt to balance the wishes of the majority with the rights of the minority.

10.7 **OPEN PROCESS**: We will carry on our debates in public based upon information in the record. In addition to honoring the requirements of the Open Public Meetings Act, we will endeavor to carry on all of our business in open public session based on information in the public record and equally accessible to all citizens.

10.8 **HONOR CONFIDENCES**: To the extent required by law, we will honor the confidences to which we are privy due to our role as Councilmembers. In addition to any statutory requirement, we will avoid the release of any information that would give any person a competitive or unfair advantage and will endeavor to make sure that public information is equally and readily accessible to all members of the public and not just to specific constituencies.

11. SUSPENSION AND AMENDMENT OF THESE RULES

11.1 **SUSPENSION OF THESE RULES**: Any provision of these rules not governed by the Poulsbo Municipal Code may be temporarily suspended by a vote of a majority of the Council. (Rev.: Res. 99-03)

11.2 **AMENDMENT OF THESE RULES**: These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting. (Rev.: Res. 99-03)

COUNCIL RULES OF PROCEDURE – EXHIBIT "A"
RCW 42.30.110
Executive sessions.

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(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;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(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), 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;

(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;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

[2005 c 424 § 13; 2003 c 277 § 1; 2001 c 216 § 1; 1989 c 238 § 2; 1987 c 389 § 3; 1986 c 276 § 8; 1985 c 366 § 2; 1983 c 155 § 3; 1979 c 42 § 1; 1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

Notes:

Captions not law -- Liberal construction -- Severability -- Effective dates -- 2005 c 424: See RCW 43.350.900 through 43.350.903.

Severability -- Effective date -- 1987 c 389: See notes following RCW 41.06.070.

Severability -- 1986 c 276: See RCW 53.31.901.