

**CITY OF MAPLE VALLEY, WASHINGTON**

**RESOLUTION NO. R-13-934**

**A RESOLUTION OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING RESOLUTION R-07-532, RULES OF PROCEDURE FOR THE CITY COUNCIL, REFLECTING THE ELIMINATION OF RULES GOVERNING REGULAR STUDY SESSIONS FROM THE RULES OF PROCEDURE**

WHEREAS, RCW 35A.11.020 gives the City Council of each code city the power to organize and regulate its internal affairs within the provisions of Title 35A RCW; and

WHEREAS, the City Council of the City of Maple Valley (hereinafter referred to as “City Council”) by way of its passage of Resolution No. R-97-12, adopted Rules of Procedure which were adopted for the sole benefit of the councilmembers to assist in the orderly conduct of Council business; and

WHEREAS, Resolution R-97-12 and its amending Resolutions were repealed in 2007 and the Council adopted new Rules of Procedure through Resolution R-07-532 (hereinafter referred to as “Rules of Procedure”); and

WHEREAS, the Rules of Procedure have been amended by way of Resolutions R-07-547, R-08-574, R-09-718, R-10-747, R-10-786, R-11-818, R-11-825, R-12-863, and R-12-871; and

WHEREAS, Rules of Procedure Section 8: Council Meeting Order of Business establishes the order of business for both Regular Business Meetings and Regular Study Sessions; and

WHEREAS, the City Council by way of the adoption of Ordinance 0-13-539 shall hold two Regular Business meetings per month, on the second and fourth Mondays each month, eliminating the Regular Study Session which is held the first Monday of every month; and

WHEREAS, the City Council desires to amend Section 8: Council Order of Business of the Rules of Procedure to reflect the elimination of the rules governing Regular Study Sessions from the Rules of Procedure;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AS FOLLOWS:**

Section 1. Amendment. The City Council Rules of Procedure, Section 8, are hereby amended as follows :

A. Order of Business for Regular Business Meetings. The customary order of business for each Regular Business Meeting shall be as follows:

Regular Business Meeting (7:00 p.m.)

1. Call to Order
2. Flag Salute, Roll Call
3. Public Comments
4. Board, Commission, Committee Reports
5. Approval of the Agenda
6. Consent Calendar
7. Public Hearings
8. Continued Business
9. Ordinances, Resolutions, and Motions
10. New Business
11. Report of the City Manager
12. Council Reports/For the Good of the Order
13. Public Comment (Updated 2010)
14. Announcement of Next Meeting
15. Executive Session
16. Adjournment

B. Order of Business for Special Meetings. The order of business for each Special Meetings shall be called pursuant to RCW 42.30.080. The business to be transacted at a Special Meeting must be properly noticed in a Notice of Special Meeting, and final disposition shall not be taken on any other matter by the City Council. The typical agenda will be as follows:

Special Meeting

1. Call to Order
2. Public Comment
3. Special Action Items
4. Public Hearing
5. Upcoming Agenda Items
6. City Manager's Report
7. For the Good of the Order
8. Public Comment
9. Executive Session
10. Adjournment

C. Council Agenda. Council shall not vote on legislative items that are not on the agenda unless emergency action is necessary.

D. Consent Calendar.

- (1) The City Manager in consultation with the Chair shall place matters on the Consent Calendar which: (a) have been previously discussed by the Council; or (b) based on the information provided to Councilmembers by staff, can be reviewed by a Councilmember without further explanation; or (c) are so routine or technical in nature that passage is likely.
- (2) The motion to adopt the Consent Calendar shall be non-debatable and have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. If any matter is withdrawn, the Chair shall place the item at an appropriate place on the agenda for deliberation at the current or future Council Meeting.

E. Public Comment.

- (1) Oral and Written Comments. The Council will take public comment at the Regular Business Meeting(s) and Special Meeting(s). The Council will take public comment for no more than three minutes, or no more than five minutes when presenting the official position of a recognized organization. If a person appearing before the Council has more than one matter to bring up before the Council, that person, after speaking for his/her allocated three or five minutes, may be given an opportunity to bring up other matters after other speakers have been given the opportunity to address the Council. The Chair shall ask the rest of the Councilmembers if they have any questions before the commentator leaves the podium.

After a citizen (or group of citizens) has provided public comment, the Chair will respond to the citizen or group with one of the following actions:

- (a) The commentator will be thanked for their input if it is a comment only.
- (b) Staff will be directed to follow up if an administrative answer or resolution of a problem is required.
- (c) The commentator will be requested to provide more information in writing to the City Clerk if further information is needed to clarify or formalize a request. This information will be distributed to the Council before the next Regular Business Meeting or Special Meeting.
- (d) The item will be referred by the Chair to the City Manager for scheduling on a future Regular Business Meeting Agenda or Special Meeting.
- (e) The item will be placed on that night's agenda if it is an emergency or is driven by an imminent due date.

The decision as to which alternative to use will be at the discretion of the Chair. The Chair will verbalize a reason for his/her choice. After the Chair's decision, any Councilmember may make a motion to select one of the other alternatives. If the motion is seconded, it will be discussed and voted upon. Should the motion fail, the Chair may use the previously chosen alternative or may select a different one, again providing a verbal reason.

- (f) Addressing the Council. During a Council Meeting, no person shall be allowed to address the Council while it is in session without the recognition of the Chair.
- (2) Identification of Speakers. Persons offering public comment shall identify themselves for the record as to name, address, and organization, if applicable.
- (3) Instructions for Speakers at Public Comment. An instruction notice for speakers is included in the Regular Business Meeting and Special Meeting that will be available at the meeting. Speakers will be advised by the Chair that their comments are being recorded.

#### F. Public Testimony

- (1) Rules for Public Testimony during Public Hearings. The following rules shall be observed during any Public Hearing:
  - (a) If the hearing is a quasi-judicial hearing, each speaker will be required to testify under oath. There is no requirement for an oath for a legislative public hearing. Individuals will be allowed three minutes to speak (or five minutes when presenting the official position of a recognized organization), and each organization shall have only one five minute presentation. If a speaker purports to speak for an organization, club, or others so as to lead the Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
  - (b) The Clerk, or his/her designee, shall be the timekeeper. All public hearings are recorded.
  - (c) Public Hearings shall begin according to the established agenda. The Chair shall declare the public hearing open, and ask for the City staff presentation. Following questions of staff by the Council, the applicant or petitioner shall be given ten (10) minutes to present the issue. Following the presentation of the applicant or petitioner, the designated person representing an opposing view shall be allowed to speak to the issue for ten minutes. Any interested person may then be heard for three minutes each. All speakers should sign up on the Public Hearing Roster provided by the City Clerk.

The Chair shall recognize staff comments and questions from the Council, if any, at the conclusion of each speaker's remarks. After all interested members of the public and staff have had an opportunity to speak, the applicant shall be given up to three minutes to respond to or rebut information presented by the opponent(s), other speakers, or staff. This opportunity for rebuttal shall not be used to present new information or to address subjects other than issues raised by the opponent(s) and the other speakers or staff. After all interested persons have had a fair opportunity to speak, the Chair shall declare the public hearing closed. The Council may, however, decide to allow the record to remain open for purposes of written materials to be presented to the Council for a period of time declared by the Council. This shall be decided by the Council and requires a majority vote. Once the public hearing is closed, no person may introduce new substantive information without the Council reopening the public hearing. The Council may alter the time limits of speakers upon a vote prior to the opening of the hearing.

(d) Addressing the Council. During a Council Meeting, including during a public hearing, no person shall be allowed to address the Council while it is in session without the recognition of the Chair.

(2) Rules for Quasi-judicial Hearings. All quasi-judicial proceedings shall be recorded. The following additional rules shall be observed during any quasi-judicial public hearing:

According to the established agenda, the Chair shall declare the public hearing open. The City Attorney shall ask each Councilmember to reveal ex parte oral or written communications that occurred prior to the hearing, and will ask each Councilmember to disclose any potential appearance of fairness issues. Councilmembers shall disclose any ex parte communications or conflicts of interest that could lead to a challenge. After all disclosures are made, the Chair will ask if any person in the audience wishes to make an appearance of fairness challenge to any Councilmember, or to rebut the statement of any Councilmember.

If so, the member of the audience will come forward to the lectern and make his/her challenge. The person offering the challenge will be asked to identify him/herself, and state his/her address. After all challenges have been made, the Chair may ask the City Attorney to advise the Council if any Councilmember should be disqualified from participating in the hearing. This may be done in public or Executive Session. Any Councilmember so disqualified shall leave the room and not return until after the conclusion of the quasi-judicial matter. After any disqualified

Councilmember leaves, the quasi-judicial hearing shall proceed under the same rules as provided above for Public Testimony in F.1.

- (a) Addressing the Council. During a Council Meeting, including during a public hearing, no person shall be allowed to address the Council while it is in session without the recognition of the Chair.

G. Agenda Preparation.

- (1) The Clerk, under direction of the City Manager, will prepare a preliminary agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The preliminary agenda is subject to review by the Chair.
- (2) An item for a Regular Business Council Meeting or a Special Meeting may be placed on the preliminary agenda by a majority vote or consensus of the Council, by the Mayor, or Deputy Mayor in the absence of the Mayor, or the City Manager.
- (3) An item may be placed on the preliminary agenda for a Regular Business Council Meeting after the preliminary agenda is finalized only if a Councilmember or the City Manager explains the necessity for placing the item on the agenda and receives a majority vote of the Council to do so.
- (4) Legally required advertised public hearings will have a higher priority over other agenda items scheduled for convenience rather than for statutory or other reasons.
- (5) Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- (6) It is the intent of the City Council that Council procedures be periodically reviewed as needed.

Section 2. Effective Date. The changes to the Rules of Procedure established through this resolution shall be effective upon adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 9<sup>TH</sup> DAY OF SEPTEMBER, 2013.

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William T. Allison, Mayor

**ATTEST:**

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Shaunna Lee-Rice, City Clerk

Approved as to form:

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Patricia Taraday, City Attorney