

**LYNNWOOD
CITY COUNCIL
Special Work Session**

Date: Saturday, February 20, 2021

Time: 8:30 AM

**Place: This meeting will be held electronically via
Zoom. See the City of Lynnwood website for
details.**

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- | | | |
|----------|----------|----------------------------------|
| 8:30 AM | A | Call to order |
| 8:30 AM | B | Council Rules and Procedures |
| 10:00 AM | C | Visioning: Community |
| 11:30 AM | D | Break |
| 12:00 PM | E | Housing Discussion |
| 1:30 PM | F | Boards and Commissions (if time) |
| | | Adjourn |

Memorandums for Future Agenda Items:

Memorandums for Your Information:

Contact: Executive Office (425) 670-5001

CITY COUNCIL ITEM A

CITY OF LYNNWOOD City Council

TITLE: Call to order

DEPARTMENT CONTACT: Council President George Hurst

SUMMARY:

Opening remarks

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM B

CITY OF LYNNWOOD City Council

TITLE: Council Rules and Procedures

DEPARTMENT CONTACT: Council Vice President Jim Smith

DOCUMENT ATTACHMENTS

| Description: | Type: |
|---|-----------------|
| Council rules Appendices | Backup Material |
| Proposed edits for Gender, etc. | Backup Material |



RESOLUTION NO. 2015-04

**A RESOLUTION OF THE CITY OF LYNNWOOD, WASHINGTON,
RELATING TO THE COUNCIL RULES OF PROCEDURE; AMENDING
RESOLUTION NO. 2008-11, RESOLUTION NO. 2011-16,
RESOLUTION NO. 2012-01, AND RESOLUTION NO. 2012-05.**

WHEREAS, RCW 35A.12.120 authorizes the City Council to adopt rules of procedure, to establish an order of business and to provide for its organization and operation; and

WHEREAS, the City Council determined that adoption of procedures and an order of business for Council meetings would expedite the conduct of Council and City business; and

WHEREAS, in Resolutions No. 2008-11, Resolution No. 2011-16, Resolution No. 2012-01, and Resolution No. 2012-05, the City Council adopted rules of procedure for the conduct of the Council's meetings; and

WHEREAS, in 2014, the City Council discussed amendments to the Council Rules of Procedure at a number of Council meetings; and

WHEREAS, the City Council has determined that amending the Council Rules as stated in this Resolution will enable the Council to accomplish the City's business in a more effective and efficient manner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD RESOLVES AS FOLLOWS:

Section 1. Resolution No. 2008-11, as amended by Resolution No. 2011-16, Resolution No. 2012-01, and Resolution No. 2012-05, relating to Rules of Procedure of the City Council of the City of Lynnwood, is amended to read as follows:

**CITY OF LYNNWOOD
COUNCIL RULES OF PROCEDURE**

**Adopted by Resolution No. 2008-11, as amended by Resolution No. 2011-16,
Resolution No. 2012-01, Resolution No. 2012-05, and Resolution No. 2015-04.**

Section 1.

- A. Rules -- Adopted. The City Council adopts as the governing rules of procedure and order of business of the City Council of the City of Lynnwood the rules set forth herein.
- B. Rules -- Application. These rules apply to and shall govern all meetings of the City Council, regardless of how styled; provided, however, that quasi-judicial proceedings of the Council shall be governed by rules and procedures established by Resolution No. 96-7 (See Appendix A).

Section 2. Rules of Procedure of the City Council of the City of Lynnwood.

Part I: General provisions

Rule 1. General Rules of Procedure:

- A. All meetings of the City Council shall be conducted according to the most current edition of Robert's Rules of Order Newly Revised; provided that Robert's Rules shall be superseded to the extent they conflict with state law, local ordinances or resolutions, or these rules. The suspension of any special rule set forth herein as permitted by Robert's Rules shall not be considered a conflict with these rules.
- B. The City Attorney shall serve as parliamentarian and shall advise the Presiding Officer regarding questions concerning procedures and application of Robert's Rules and these rules.
- C. All questions of order shall be decided by the Presiding Officer of the Council with the right of appeal to the Council by any member. Any decisions made by the Presiding Officer may be overruled by a majority vote of the Council.

Rule 2. Meeting Location & Time:

The City Council shall meet as provided in Chapter 2.04 LMC (See Appendix B). Currently, Council meetings are held every Monday at 7:00 P.M., unless rescheduled or cancelled by Council action.

Rule 3. Meetings Open to the Public:

All meetings of the City Council shall be open to the public, except for executive sessions authorized by Chapter 42.30 RCW (See Appendix C).

Rule 4. Election of Officers:

- A. The Council shall elect a Council President to serve at the pleasure of the Council,¹ who shall serve as Mayor Pro-Tem in the absence of the Mayor. The duties and responsibilities of the Council President shall be determined by the Council (See Appendix D). Currently the Council President is elected at the first Business Meeting of each new calendar year for a term of one year.
- B. The Council shall elect a Council Vice-President to serve at the pleasure of the Council, who shall serve as Mayor Pro-Tem in the absence of the Mayor and the Council President. The Council Vice-President shall perform such other duties as the Council President may direct. Currently the Council Vice President is elected at the first Business Meeting of each new calendar year for a term of one year.

Rule 5. Presiding Officer:

- A. All meetings of the City Council shall be presided over by the Mayor or, in the Mayor's absence, by the Mayor Pro-tem. If neither the Mayor nor the Mayor Pro-tem is present at a meeting, the Vice President of the Council shall serve as presiding officer. Service as Presiding Officer shall not abridge a councilmember's right to vote upon all questions coming before the Council.
- B. The Presiding Officer shall conduct meetings of the Council in accordance with the law, Robert's Rules, and these rules. The Presiding Officer shall state all questions coming before the Council and announce the decision of the Council on all subjects.
- C. The Presiding Officer shall confine debate to the question under discussion, preserve order and decorum and prevent personal attacks or attacks upon a member's motives.

Rule 6. Quorum:

The presence of a majority of the full Council shall constitute a quorum for the purpose of transacting business.

¹ LMC 2.11.010 provides

Biennially at the first meeting of a new Council, or periodically, the members thereof by majority vote may designate one of their number as Council President for such period as the Council may specify. (Ord. 2298, 2000)

LMC 2.11.020 provides:

The Council President shall hold office at the pleasure of the Council, and in the case of the absence or temporary disability of the Mayor, perform the duties of Mayor as Mayor Pro Tempore, except she/he shall not have power to appoint or remove any officer, or to veto any acts of the City Council. (Ord. 2298, 2000)

Rule 7. Special Council Meetings - Call & Notice - Limitation:

The Mayor, or any four (4) members of the Council, may call for a special meeting by providing written notice specifying the subject of the meeting to each Councilmember and the Mayor at least twenty-four (24) hours before the time specified for the proposed meeting, except as otherwise provided by law. At a special meeting final action may be taken only on matters set out in the notice calling the meeting and on no other matters.

Rule 8. Council Meetings - Business & Work Session:

Regular business and work session meetings of the Council shall be held as provided in LMC 2.04.030 (See Appendix B). The third Wednesday work sessions shall be the preferred meeting time for presentations to the Council by individuals, agencies or groups that are not affiliated with the City.

Rule 9. Council Meetings - Agendas & Order of Business:

A. The Council President and Vice President, in consultation with the Mayor and his or her designee, shall set the agenda for all Council meetings, provided the Council may amend the agenda in accordance with Robert's Rules, state law, and City ordinances and resolutions.

B. The order of business for a regular business meeting shall be as follows:

10. Call to Order and Flag Salute

The Mayor shall call the meeting to order and then rotate the flag salute among the Councilmembers unless an individual has been invited to lead the flag salute by the Mayor.

20. Roll Call

30. Approval of Minutes

Minutes shall record what actually occurred at a meeting. Minutes may be amended only to conform them to what actually occurred. Minutes shall not include remarks made by individual councilmembers or written statements submitted by councilmembers during the Council Comment period (Item 60).

The minutes of the meeting shall include but not be limited to the following:

- The place of the meeting;

- The time the meeting started and ended;
- Which councilmembers were present;
- The fact a quorum was present;
- Text of all main motions taken up by the council and their disposition (passed, failed, postponed, etc);
- If amendments were made, the final version of the motion as amended;
- Expressions of support for, dissent from or protest against any ordinance or resolution of the council, and the reasons given, by any councilmember.
- Any points of order that were made and their resolution; and
- If the council went into executive session, the time of entering, the topic of discussion as provided, any time extensions, and the time of leaving such session.

Details of amendments to motions and voting results on them shall not be included in the minutes. Withdrawn motions will ordinarily also not be included in the minutes.

Amendments to the minutes necessary to correct errors of fact may be made when approved by majority vote of the councilmembers present. The amendments are noted in the minutes of the meeting being corrected. The minutes of the meeting at which corrections are made shall state merely that, "the minutes were approved as corrected."

A councilmember's absence from a meeting does not prevent the member from participating in the correction or approval of the minutes for that meeting.

40. Messages and Papers from the Mayor

The Mayor may bring forward any matters deemed necessary to share with the Council and/or public. The Mayor may report on topics of interest to the Council as a whole, and may include a calendar of events, upcoming or on-going programs or projects, and other reports of a general nature. The Mayor's comments shall be limited to two (2) minutes, unless approval for more time is granted in advance by the Council President.

50. Citizen Comments and Communications

- A. The Presiding Officer shall announce that all persons who wish to be heard shall be heard, on any topic pertaining to the city. When

appropriate, the Presiding Officer may request a deferral of public comment on a topic on the agenda to the time Council takes up the matter.

- B. The Presiding Officer shall remind all citizens of: (1) the requirement that each speaker state their name, address (unless excused) and the subject matter of their comments before speaking; and (2) that all statements and testimony are being recorded.
- C. In all cases, citizens "signing-in" will be recognized first, and then those who seek recognition from the audience will be recognized.
- D. An individual citizen's comments shall be limited to three (3) minutes, with no exceptions. A person providing comments as a spokesperson for a group of citizens in the audience shall be limited to five (5) minutes, with no exceptions. The Council Assistant shall monitor the comment time and use a bell or other device to communicate when the allotted time has been completed.
- E. All remarks by citizens shall be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, who becomes boisterous, threatening, or personally abusive, or otherwise disrupts the conduct of the meeting while addressing the Council may be requested by the Presiding Officer to leave the meeting.
- F. If a citizen makes a specific request for Council action, the Presiding Officer shall inform the citizen that he or she must secure the support of a Councilmember to serve as a sponsor for the proposed legislation or other Council action. The sponsoring Councilmember must secure the support of a second Councilmember before the item can be scheduled for a work session.
- G. Information will be available to the public at each meeting summarizing these rules of procedure, including those concerning public hearings.

60. Council Comments and Announcements

Council comments provide an opportunity for Councilmembers to report on significant activities since the last regular meeting, to inquire on

matters of general business, or to initiate investigation or action on a matter of concern. A Councilmember's comments shall be limited to two (2) minutes, unless approval for more time is granted in advance by the Council President. Any request to the Administration that will require substantial staff work or additional expense needs the support of no less than three Councilmembers.

70. Presentations and Proclamations

A proclamation by the Mayor and/or Council is defined as an official declaration recognizing or promoting city-wide or special activities in the City. Presentations are to include awards, plaques, certificates, grants, recognition or other items or things, given to the public, to staff, to the Council, to Councilmembers, or the "city" as a whole. Presentations and proclamations shall be limited to five (5) minutes each, with a maximum of two (2) presentations and proclamations per business meeting.

80. Written Communications and Petitions

The Mayor shall ask whether any written communications or petitions have been received by the city staff or any Councilmember or whether any person wishes to present written communications or petitions.

90. Business Items and Other Matters:

90.1 Unanimous Consent Agenda:

- A. The Council President, in consultation with the Mayor and other Councilmembers, shall place on the Unanimous Consent Agenda matters that:
 - 1. Have been previously discussed by the Council; or
 - 2. Have been the subject of a memo previously included in the council packet which does not need further explanation; or
 - 3. Are routine in nature and adoption is likely; or
 - 4. Have been scheduled by the Council.
- B. Items on the Unanimous Consent Agenda shall be adopted by a non-debatable motion. Before requesting a motion to adopt the Unanimous Consent Agenda the

Councilmember reading the Unanimous Consent Agenda shall ask if any Councilmember wishes to have an item removed from the agenda.

- C. Items removed by request shall be considered immediately after the Consent Agenda, as modified, is approved, before the next agenda item is considered. A Councilmember may request the item be heard later on the agenda by presenting specific reasons for the request and identifying where and when on the agenda the item should be considered.
- D. The Councilmember making the motion to adopt the Unanimous Consent Agenda shall read each matter on the agenda. After the motion is made, the Presiding Officer shall ask for unanimous consent to adopt the agenda as read, and
 - 1. If no objection is made, the Presiding Officer shall state, in substance, that the Unanimous Consent Agenda is adopted.
 - 2. If an objection is made, the Presiding Officer shall ask the member making the objection to identify the objectionable item(s) and each item shall be removed from the motion and placed immediately after the adoption of the Consent Agenda or later on the agenda under "100 New Business."
 - 3. The Presiding Officer shall identify the items removed from the Unanimous Consent Agenda, and then ask if there is objection to adoption of the amended Unanimous Consent Agenda. This process shall be repeated until there is no objection or until no items remain on the Unanimous Consent Agenda.

90.2 Public Hearings & Quasi Judicial Proceeding

- A. Resolution 96-7 shall govern the conduct of public meetings and quasi judicial proceedings (See Appendix A).
- B. The Presiding Officer shall announce the procedures and sequence of steps of a public hearing or a quasi judicial hearing at the beginning of each hearing.

90.3 Other Business Items

A sponsor or spokesperson shall be recognized to initiate discussion of a business item.

100. New Business

A. Any Councilmember may, as provided in Rule 15 D, propose additional item(s) of new business. If the item of new business is to be considered, the Council President, in consultation with the Mayor and other Councilmembers, shall schedule the new business matter for consideration at a work session, unless a majority schedules the matter otherwise. (The Council may consider and take immediate action on an item of new business proposed by a Councilmember.

B. Any item of New Business not acted upon shall be held over to the next business meeting as or, if time is not available, re-scheduled by the Council President, in consultation with the Mayor and other Councilmembers.

110. Adjournment

- C. The foregoing order of business is a guideline and shall not limit the authority of the Council to change the order or manner in which the Council may elect to proceed with its business.
- D. Recess: A meeting may be interrupted by the Presiding Officer or a majority of the Council for a recess for a stated period of time for any reason; provided that each meeting shall have at least one recess of 10 minutes near or after 8:30 p.m. A reminder of this provision shall be stated on each meeting agenda.
- E. Work Session Agenda: Each work session agenda shall contain three parts: (1) a main section listing the items for discussion; (2) a section listing memorandums for action at the next regular business meeting; and (3) a section listing informational memorandums (FYI) to the Council.

Rule 10. Guidelines for the Purposes and Uses of Work Sessions & Workshops

- A. The purpose of work sessions is for Councilmembers to discuss impending business, forthcoming programs or projects, or to receive information, and to allow informal discussions of items that might be acted upon.

- B. A work session may be conducted in the form of a workshop to allow Councilmembers to do concentrated preliminary work on a single subject which may be time consuming or complex, and allow informal discussion.
- C. The Administration may request and the Council may provide direction to staff at Council meetings or task group meetings. Councilmembers may adopt a scheduling motion, indicate a consensus, or give an expression of guidance or direction on any matter so long as such action does not give or imply final action on such matter. A Councilmember's support or opposition to the action shall not be construed as limiting that member's full and complete consideration and vote on the matter, if and when, it comes before the City Council for "final action."
- D. Under no circumstances shall any "final action" (as defined in Chapter 42.30 RCW) be taken at any work session or work shop; provided, that the Council may take action authorized by LMC 2.04.040 (See Appendix B).

Part II: Legislative Process, Debate, Decorum, Duties & Privileges of Members

Rule 11. Forms of Address:

The Mayor shall be addressed as "Mayor (surname)", "Your Honor" or "Mayor." The Council President, when acting for the Mayor, shall be addressed as "Council President (surname)." Members of the Council shall be addressed as "Councilmember (surname)."

Rule 12. Proposed Drafts - Ordinances, Resolutions and Motions:

Ordinances, resolutions, and motions, may be proposed by the Administration or by Councilmembers. Such ordinances, resolutions, and motions may identify the originator(s) or sponsor(s) of the proposal. Ordinances shall be assigned a number upon a motion for final adoption.

Rule 13. Journal of Proceedings, Sponsors, Dissents & Protects:

- A. The Finance Director as City Clerk shall keep a correct journal of all proceedings. At the request of any Councilmember a roll call vote shall be taken on any question and entered in the journal. The journal shall show the maker and the second of each motion.
- B. Any Councilmember shall have the right to express support for, dissent from, or protest against, any ordinance or resolution of the Council and have the reason(s) therefore entered in the minutes. The member may prepare a brief written statement consistent with oral comments made during the council meeting and have them attached to proposed official meeting minutes.

Rule 14. Debate & Decorum:

- A. Order: No member shall speak more than once until all members seeking recognition have spoken.
- B. Recognition to Speak: All persons wanting to speak to the Council, including Councilmembers, shall not address the Council until they have first been recognized to speak by the Presiding Officer.
- C. Questioning. Any member of the Council shall have the right to ask questions of any individual or staff member on matters germane to the issue before the Council.
- D. Decorum. Members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and demeanor. Councilmembers shall not engage in contemptuous or disorderly behavior, discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other councilmember or any member of the staff or public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the Presiding Officer, to the question or matter under discussion.
- E. Information Requests. A Councilmember may seek clarification or additional information before voting on an issue. If a request would delay consideration of the matter to another date, approval of the majority of the Councilmembers present is required.
- F. Transgression. The Council has power under state law to impose punishment on its members for violation of state law or Council rules: provided that the Council cannot remove a Councilmember from office. Consequences may include a verbal admonition, written reprimand, censure, removal from the meeting at which the conduct is occurring, removal of the Councilmember from Council committee chair positions or committee membership, or removal from intergovernmental duties or assignments, based on the affirmative vote or a majority of the Council. Removal for such behavior in the Council's presence shall require the affirmative vote of a majority of the Council, specifying in the order of removal the cause thereof.
- G. Challenge to Ruling. Any member of the Council shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the Councilmembers present shall govern.

Rule 15. Motions:

- A. A motion that does not receive a second dies; provided that nominations, withdrawal of an un-amended motion, or a request for a roll call vote do not need a second.
- B. After a motion and second are made, the Presiding Officer shall identify the maker of the motion and the member who seconded the motion and state the motion before the Council.
- C. The maker of the motion shall be recognized to speak first in the discussion of the motion and be entitled to speak last to close debate,
- D. New motions proposing projects expected to involve significant Council or staff time shall be presented only during the New Business section of regularly scheduled business meetings or at a work session. The sponsor shall have two minutes to persuade at least two additional Councilmembers to proceed; otherwise, no action shall be taken. If the proposal is approved, the Councilmember making the proposal shall submit to the Council President a **written description** of the proposal within 15 days of the proposal being approved or as otherwise determined by the Council President. After the written description of the proposal has been submitted to the Council President, an approved item shall be scheduled for discussion at a work session by the Council President, who shall make every effort to schedule the item within 45 days.

Rule 16. Voting: Votes during a regular council business meeting shall be held as follows:

- A. Votes shall initially be by voice vote, except that votes on any motion to approve an ordinance shall be by roll call. If the Presiding Officer is in doubt, the Presiding Officer may call for a show of hands. Any Councilmember may supersede a voice vote by requesting a roll call vote.
- B. The order of a roll call vote shall be rotated alphabetically by last name after each roll call vote.
- C. Each member present must vote on all questions put to the Council except as to matters in which such Councilmember has a prohibited personal financial interest, or is otherwise precluded by law. A Councilmember who is silent or "abstains" from voting shall be counted as a "nay" vote, unless that Councilmember is excused from voting.
- D. Councilmembers excused from voting on a question must leave the room before any hearings or discussion. (Only Councilmembers excused from voting on a question by their fellow members may leave the room and then return to

participate in further council action and not have their absence counted as "nay" vote.

- E. In case of a tie vote, the Mayor may choose to: (1) cast a vote, "yea" or "nay"; or (2) not vote; provided, however, the Mayor shall not cast a vote if the matter to be decided involves:
1. Adoption of any ordinance; or
 2. A resolution to spend money; or
 3. The granting or revocation of a franchise or a license; or
 4. Any motion for approval of vouchers, payments, claims or payroll.

Rule 17. Task Groups and Committee of the Whole:

A. Task Groups:

1. The Council President, in consultation with the Council, may appoint an ad hoc task group as may be appropriate, to consider any matter that requires special study before the matter is reviewed by the Council. All appointments shall occur at a Council meeting. The Administration may request the creation of a task group.
2. Each task group shall have a chairperson and at least two other members, who shall be appointed by the Council President after consultation with the Council. Each task group shall have an assigned task and date for delivery of a written report to Council.
3. Authority and Responsibility of Task Group Chair: Each task group chair shall:
 - a. Schedule, set the agenda, determine a location and make other necessary arrangement for task group meetings.
 - b. Preside over the meeting and business of the task group.
 - c. Write up a report or explanation to accompany any action or recommendation of the task group and include both majority and minority reports.
 - d. Be the designated "manager" for each task group business item that comes before the full City Council, which includes "presenting the issue" to the Council in coordination with staff or other Councilmembers.
 - e. Advise, consult and cooperate with the Council President on scheduling meetings and action within the task group.

4. Under no circumstances shall any "final action" (as defined in Chapter 42.30 RCW) be taken at any task group meeting.
5. Consideration by City Council - Council President Authority: The Council President, in consultation with the Mayor and other Councilmembers, may schedule for "discussion purposes only" any item under consideration by task group at any regular full council meeting.
6. Consideration by City Council - Council Authority. A task group may be relieved of its responsibility by the Council. Thereafter, the Council may conduct deliberation, consideration, and take "final action" thereon, or otherwise make an appropriate disposition thereof.

Rule 18. Finance Committee:

- A. A Standing Finance Committee ("the Committee") of the Lynnwood City Council is hereby established and created. The Committee shall operate according to the following rules and procedures, and have the following rights and responsibilities:

Membership.

1. The Committee shall consist of three Councilmembers appointed by the Council President in consultation with the members of the City Council.
2. The appointments shall be made at the first business meeting of every even numbered year and shall be for a term of two years provided that appointments may be made for a shorter term in order to fill a vacancy.
3. The members of the Committee shall at least annually at their first meeting of the year select a chair who shall be one of the three Committee members.

Meetings.

1. The Committee shall meet in regular session at least monthly. Once membership is established at the start of the year, the members of the Committee shall prepare and present an ordinance or resolution to the Council establishing the dates and times of the Committee's monthly meetings for the year.
2. Additional meetings may be scheduled by majority vote of the Committee members at a regular Committee meeting or by passage of a scheduling motion at a business or work session of the City Council.
3. The meetings shall be presided over by the Committee chair and operate according to all Council rules governing work sessions and work committees unless otherwise noted in this resolution. In the absence of the Committee chair, the Committee shall choose a presiding officer from the remaining members.
4. All meetings shall be open to the public.

Area of Responsibility.

1. The Committee is charged with the responsibility to review and report its recommendations on the biennial budget and mid-biennial budget amendments, and to this end may hold public hearings.
2. The Committee shall receive monthly financial reports from the Administration and shall work with the Administration as to the content and presentation format of those reports to the Council.
3. The Committee shall be responsible for creating and submitting the Legislative Department Budget to the Council for their review and adoption, and also responsible for monitoring and reporting to the Council on the implementation of that budget on a periodic basis.
4. The Committee shall incorporate and execute all the duties and responsibilities of the City of Lynnwood's Audit and Insurance Committee pursuant to any requirements of state law or the Lynnwood Municipal Code.
5. The Committee shall also consider and report on such other financial matters as may from time to time be referred to it by a majority of the Council present.

Rule 19. Reconsideration:

- A. Motions to reconsider any action must be made (1) by a member who voted with the prevailing position and (2) at the next succeeding regular business meeting of the Council, as defined by LMC 2.04.010 (See Appendix B). Before a vote may be taken on the reconsideration motion, the sponsor and maker of the motion shall state specifically the reasons for requiring reconsideration and shall also state specifically the portions or parts of the matter sought to be reconsidered. Upon passage of a motion for reconsideration, the subject matter is returned to the table anew for any action the Council deems advisable, provided that any deliberation shall occur at the business meeting following passage of the reconsideration motion, unless a majority of the Council schedules the reconsidered matter otherwise.
- B. No motion to reconsider an adopted quasi-judicial written decision shall be allowed after the close of the meeting at which the written findings and conclusions were adopted.

Rule 20. Audio and Video Recordings of Meetings:

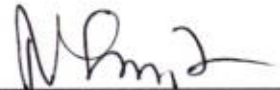
All regular business meeting shall be recorded by audio and video devices. Regular work sessions shall be recorded by audio devices. Special business meetings and special work sessions may be recorded by audio and/or video devices, as scheduled by the Council President, or a majority of the Council.

Rule 21. Other General Provisions:

- A. All proposals submitted to the Council shall have line numbers and page numbers printed on them, and if the proposal involves amending the existing language of another document, then the "strike through" and "underline" amendatory format shall be used for words being removed, or added, respectively.
- B. Except for good cause, **staff shall not distribute handouts of written materials at a council meeting at which they are to be considered.** Handouts from persons testifying at hearings or public meetings, or staff information provided in response to matters raised at a public hearing or public meeting, shall be accepted in accordance with rules applicable to those proceedings.
- C. Filling Council Vacancies: See Appendix E.

PASSED by the City Council this 19th day of April, 2015.

APPROVED:



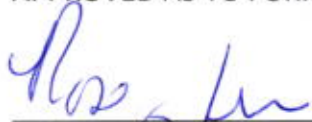
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Art Ceniza, Interim Finance Director
And City Clerk

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

Appendix A

PROCEDURES FOR QUASI-JUDICIAL AND PUBLIC HEARINGS
(Res. No. 96-7)

CITY OF LYNNWOOD

RESOLUTION NO. 96-7

A RESOLUTION ESTABLISHING QUASI-JUDICIAL HEARING PROCEDURES.

WHEREAS, the City Council determines that it is appropriate to establish procedures for quasi-judicial public hearings:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES RESOLVE AS FOLLOWS:

THE PROCEDURES FOR QUASI-JUDICIAL PUBLIC HEARINGS ARE AS FOLLOWS:

1. SPEAKER SIGN-IN:

- A. Prior to the start of a public hearing the Chair may request that all persons wishing to be heard sign in on a sign-up sheet, giving their name and optionally indicating whether they wish to speak as a proponent, opponent, or from a neutral position.
- B. Any person who does not sign in shall speak after all those who signed in have given their testimony.
- C. The Chair may establish time limits and otherwise control presentations. (Suggested time limit is three minutes per speaker or five minutes when presenting the official position of an organization or group.)
- D. The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

2. CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

- A. At 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. The Mayor shall state if there is any conflict of interest or appearance of fairness doctrine concern which could prohibit the Mayor from participating in the public hearing.
- B. A Councilmember or the Mayor who has stepped down shall not participate in the Council decision nor vote on the matter. The

Councilmember or the Mayor shall leave the Council Chambers while the matter is under consideration.

C. During the pendency of any quasi-judicial proceeding, neither a Councilmember nor the Mayor may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceedings unless that Councilmember or Mayor:

- (1) Places on the record the substance of any written or oral ex parte communications concerning the decision of action; and
- (2) Provides that a public announcement of both the content of the communication, and of the parties' rights to rebut the substance of the communication, shall be made at each hearing where action is considered or taken on the subject to which the communication related.

This prohibition does not preclude a Councilmember from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the official record when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060.)

3. THE PUBLIC HEARING PROCESS

The following process shall serve as a guide for quasi-judicial public hearings (e.g., rezones, plats, planned unit developments) and other public hearings as applicable. The process may be implemented through a written brochure, and any announcement may be combined and done one time only if the agenda contains more than one public hearing. Any portion of the hearing may be abbreviated by the Chair, subject to appeal to a majority of the Council.

I. Opening, Hearing Rules, Appearance of Fairness/Conflict of Interest Issues

A. The Chair announces:

- (1) *The public hearing for _____ is now open.*
- (2) *The public hearing must be fair in three respects: form, substance, and appearance.*

OPTION A [SHORT FORM]

- (3a) *Therefore, I would like to ask, and this applies to the Chair, does anyone have an Appearance of Fairness or Conflict of Interest issue?*

OPTION B [LONG FORM]

(3b) *Therefore, I would like to ask, and this applies to the Chair:*

Does anyone have an interest in this property or issue?

Does anyone stand to gain or lose any financial benefit as a result of the outcome of this hearing?

Can you hear and consider this in a fair and objective manner?

Has anyone received any received any information or engaged in communication outside this hearing with opponents or proponents on the issue to be heard? If so, that person must place on record the substance of any information or any such communication so that other interested parties may have the right at this hearing to rebut the substance of the information or communication.

[END OF OPTION]

(4) *I would like to ask if there is anyone in the audience who objects to my participation or any Councilmember's participation in these proceedings?*

(5) *The purpose of this hearing is for the Council to hear and consider the pertinent facts and take action relating to the _____.*

Everyone present will be given an opportunity to be heard. An official recording of what is said is being made. Therefore, when you address the Council, begin by stating your name and address. Speak slowly and clearly. Only one person will speak at a time. This is the time for presentation of testimony. No debate is allowed.

(6) *The order of speaking will be:*

staff presentation;

then comment from the proponents;

then comment from those who are neutral;

then comment from opponents;

then comment from any others who wish to speak;

then any comment from proponents in rebuttal;

then response from staff;

then questions and responses from the Council.

II. Staff Presentation

B. The Chair then announces:

Before hearing from the audience, I am going to introduce _____ who will make the staff presentation.

III. Public Testimony and Comment

- C. The Chair then asks the Finance Director, and audience:

Are there any written materials that have been submitted, or that anyone wishes to submit without speaking? [If so, they are read by the Finance Director and placed in the record.]

- D. The Chair then announces:

I will call upon proponents to speak.

- E. Proponents speak.

- F. The Chair calls for additional proponents, neutrals, and those who have not indicated a position:

Is there anyone else who favors the item, or is neutral, who wishes to speak?

- G. The Chair then announces:

At this time I will call upon opponents to speak.

- H. Opponents speak.

- I. The Chair calls for additional opponents, and any others:

Are there any other opponents, or anyone else who has not spoken, who wishes to speak?

- J. The Chair announces:

I will call for proponents to speak in rebuttal. Any proponent speaking in rebuttal shall not introduce new material.

If the proponent does, the opponents shall be allowed to rebut the new material.

IV. Questions and Answers

- K. The Chair then announces:

Does staff wish to respond to any subjects raised by any speaker?

- L. The Chair then announces:

At this time, any Councilmember may ask any questions of any speaker or staff.

M. The Chair then announces:

Does anyone in the audience have any comments solely to clarify any item raised by a Councilmember's questions? Please, no new issues can be presented, and please do not repeat your or any other person's previous testimony. Your comments should be limited to clarifying any item raised by a Councilmember or staff.

V. Council Discussion

N. The Chair then announces:

There being no further testimony, I will close the public testimony portion of the public hearing. It is now in order for the Council to discuss matters and for a Councilmember to make a motion to (1) take action; (2) re-open the public testimony portion of the hearing; or (3) postpone the matter.

No additional testimony from the audience is allowed. If anyone from the audience is asked for a comment at this time, then an opportunity should be provided for anyone else to speak, but limited to the subject of the specific question or comment.

VI. Council Actions

(1) Motion to Take Action

O. Any motion shall be in the form of an affirmative motion. Following the motion and its second, any further discussion occurs among Councilmembers and staff, including any revised recommendations.

P. The Chair inquires if there are any final comments by staff.

Q. The Chair inquires of the Councilmembers whether there is any further discussion and if they are ready for the question, and if so, a vote is taken.

R. If necessary, the Chair directs staff to prepare findings consistent with the action.

(2) Motion to Re-Open the Public Testimony Portion of the Hearing

S. At any time after the public testimony of the hearing is closed (Paragraph N), and before a vote on the question the Chair may suggest or any Councilmember may move to re-open the public testimony portion of the hearing for either:

unlimited additional testimony (*I move to re-open the hearing at this time for additional testimony*).

If this motion is approved, the process starts over again at paragraph D, with proponents, opponents, etc., allowed to speak.

OR

limited additional testimony (e.g., *I move to re-open for the limited purpose of asking questions to the audience [OR receiving testimony] on the subject of _____*).

If this motion is approved, the Chair calls upon proponents, opponents, and others wishing to speak only regarding the matter which is the subject of the motion.

(3) Motion to Continue

U(1) Motion to Continue AFTER public testimony portion of hearing is closed:

At any time before a vote on the question, and after the public testimony portion of the public hearing is closed, the Chair may suggest or a Councilmember may move to continue the public hearing to a specific date and time; and either:

- (a) Re-open the public testimony portion of the hearing for either limited or unlimited additional testimony (*I move to continue the public hearing to [date/time], and to re-open the public hearing for [EITHER unlimited OR limited - if limited, state limitations] additional testimony at that time*)

OR

- (b) Leave the public testimony portion of the hearing closed (*I move to continue the public hearing to [date/time], but leave the public hearing closed to any additional public testimony*)

If the motion to continue is approved, the Chair announces to the audience: *The public hearing has been continued to [date/time] and additional testimony will [will not] be taken at that time.*

U(2) Motion to continue BEFORE public testimony portion of the hearing is closed:

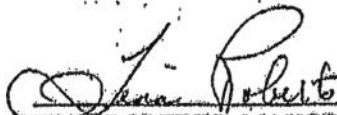
At any time before a vote on the question, the Chair may suggest, or any Councilmember may move to continue the public hearing to a specific date and time. (*I move to continue the public hearing to [date/time].*)

If this motion to continue is approved, Chair announces to the audience:

The public hearing has been continued to [date/time] and public testimony will continue at that time.

ADOPTED by the City Council of the City of Lynnwood, Washington at its regular meeting held the 8th day of April, 1996.

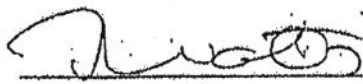
SIGNED AND APPROVED by the Mayor and Finance Director of the City of Lynnwood, Washington, this 9th day of April, 1996.


TINA ROBERTS, MAYOR

ATTEST:


Interim Finance Director

APPROVED AS TO FORM:


JOHN P. WATTS, City Attorney

PUBLISHED:

Appendix B

Chapter 2.04

COUNCIL MEETINGS – ELECTED
OFFICIALS*

Sections:

- 2.04.010 Time and place of regular business meetings.
- 2.04.020 Effect of holiday falling on meeting day.
- 2.04.030 Time and place of work sessions.
- 2.04.040 Purpose of work sessions.
- 2.04.050 Journal of proceedings.
- 2.04.060 Qualifications to hold city elective office.
- 2.04.070 Qualifications in addition to state law.
- 2.04.080 Position created – Administrative assistant.
- 2.04.090 Compensation.
- 2.04.100 Exclusion from general salary ordinance and exceptions.
- 2.04.110 Duties.
- 2.04.120 Supervision.
- 2.04.130 Confidentiality.

*For statutory requirements, see RCW 35.24.180.

2.04.010 Time and place of regular business meetings.

A. Beginning September 1, 2002, the city council shall meet on the second and fourth Monday of each month for regular business meetings at 7:00 p.m. and continuing until adjournment no later than 10:00 p.m. unless the meeting is extended by a majority vote of the council.

B. Meetings will be held in the council chambers at the Civic Center of the city of Lynnwood, located at 19100 44th Avenue West, or at such other places, dates, and time as the city council shall direct at the previous regular business meeting, or regular work session, or as provided according to law.

C. The city council may by resolution adopt rules to provide procedures for adjournments as needed. (Ord. 2420 § 1, 2002; Ord. 2090 § 1, 1996; Ord. 1622 § 1, 1988; Ord. 1503 § 1, 1986; Ord. 1476 § 1, 1985; Ord. 201 § 1, 1964)

2.04.020 Effect of holiday falling on meeting day.

In the event that a Monday shall fall on a legal holiday, then in such event, the official meeting night of the city council shall be the Tuesday night following such Monday holiday. (Ord. 1503 § 5, 1986; Ord. 1476 § 5, 1985; Ord. 201 § 2, 1964)

2.04.030 Time and place of work sessions.

A. The city council shall meet on the first, third, and fifth Mondays and the third Wednesday of each month for work sessions at 7:00 p.m. and continuing until adjournment at 10:00 p.m. To continue past this time of adjournment, a majority of councilmembers present must concur.

B. Meetings will be held in the council chambers at the Civic Center of the city of Lynnwood, located at 19100 44th Avenue West, or at such other places, dates, and time as the city council shall direct at the previous regular business meeting, or regular work session, or as provided according to law.

C. The city council may by resolution adopt rules to provide procedures for adjournment as needed. (Ord. 2815 § 1, 2010; Ord. 2090 § 2, 1996; Ord. 1622 § 2, 1988; Ord. 1503 § 2, 1986)

2.04.040 Purpose of work sessions.

The work session shall be for the purpose of reviewing and discussing matters coming before the council at their regular business meetings and, except for final action on matters, the council may take all actions it deems necessary and appropriate, including but not limited to, scheduling of:

- A. Regular and special meetings;
- B. Public meetings and hearings;
- C. Items for future regular or special meeting agendas. (Ord. 2090 § 3, 1996; Ord. 1503 § 3, 1986)

2.04.050 Journal of proceedings.

The requirement of RCW 35A.12.120, "A journal of all proceedings shall be kept, which shall be a public record," shall be satisfied for a work session by a record of the roll call for attendance and a listing of the items to be reviewed. (Ord. 1503 § 4, 1986)

2.04.060 Qualifications to hold city elective office.

No elective officer or councilmember of the city of Lynnwood shall hold any other office, federal, state, county or municipal, except in the National Guard or any branch of the United States military or as a notary public; provided, this chapter shall not prohibit any Lynnwood elective officer or councilmember from holding a position on any municipal or quasi-municipal agency as part of that office holder's duties and responsibilities to the Lynnwood office so held. (Ord. 1623 § 1, 1988)

2.04.070

2.04.070 Qualifications in addition to state law.*

Those qualifications to hold an elective office in the city set forth in LMC 2.04.060 are in addition to and not in contravention of those qualifications set forth in state law. (Ord. 1623 § 2, 1988)

*For statutory requirements, see RCW 35A.12.030.

2.04.080 Position created – Administrative assistant.

The position of administrative assistant to the city council is hereby created and established. (Ord. 2608 § 1, 2006)

2.04.090 Compensation.

The administrative assistant to the city council shall receive compensation in such amounts as the city council may establish from time to time by ordinance; provided, however, the administrative assistant to the city council shall receive:

A. Annual cost of living adjustments (COLA) at the same time and at the same rate such adjustments are given to other unrepresented employees of the city of Lynnwood; and

B. Benefits in the same manner and to the same extent as regular part-time employees of the city of Lynnwood receive according to Chapter 2.49 LMC and as that chapter may be revised hereafter. (Ord. 2667 § 1, 2007; Ord. 2608 § 1, 2006)

2.04.100 Exclusion from general salary ordinance and exceptions.

The position of city council administrative assistant is excluded from salary, wages; and other provisions of Chapter 2.48 LMC, except: LMC 2.48.020, Definitions; LMC 2.48.112, Retiree health savings plan; LMC 2.48.130, Exclusions and deductions; and LMC 2.48.210, Deferred compensation, may apply to this position as provided from time to time by separate ordinance. (Ord. 2608 § 1, 2006)

2.04.110 Duties.

The duties of the administrative assistant to the city council shall include administrative and secretarial support for city council members, coordination of office functions, serve as liaison between city administrators, council members and staff, and such other duties that may be prescribed by the job description and memorandum of understanding between the mayor and city council. (Ord. 2608 § 1, 2006)

2.04.120 Supervision.

Subject to the mayor's authority to manage, discipline, and discharge all city employees, the administrative assistant to the city council shall report to and receive direction from the president of the city council. (Ord. 2608 § 1, 2006)

2.04.130 Confidentiality.

Subject to the public disclosure laws of the state of Washington, the administrative services provided by the administrative assistant to the city council shall be considered confidential unless and until such confidentiality is waived by the affected council member, the president of the city council, or by authorized publication in a public forum. (Ord. 2608 § 1, 2006)

Appendix C

Chapter 42.30 RCW OPEN PUBLIC MEETINGS ACT

RCW Sections

- 42.30.010 Legislative declaration.
- 42.30.020 Definitions.
- 42.30.030 Meetings declared open and public.
- 42.30.040 Conditions to attendance not to be required.
- 42.30.050 Interruptions -- Procedure.
- 42.30.060 Ordinances, rules, resolutions, regulations, etc., adopted at public meetings -- Notice -- Secret voting prohibited.
- 42.30.070 Times and places for meetings -- Emergencies -- Exception.
- 42.30.075 Schedule of regular meetings -- Publication in state register -- Notice of change -- "Regular" meetings defined.
- 42.30.077 Agendas of regular meetings -- Online availability.
- 42.30.080 Special meetings.
- 42.30.090 Adjournments.
- 42.30.100 Continuances.
- 42.30.110 Executive sessions.
- 42.30.120 Violations -- Personal liability -- Civil penalty -- Attorneys' fees and costs.
- 42.30.130 Violations -- Mandamus or injunction.
- 42.30.140 Chapter controlling -- Application.
- 42.30.200 Governing body of recognized student association at college or university -- Chapter applicability to.
- 42.30.205 Training.
- 42.30.210 Assistance by attorney general.
- 42.30.900 Short title.
- 42.30.910 Construction -- 1971 ex.s. c 250.
- 42.30.920 Severability -- 1971 ex.s. c 250.

Notes:

Drug reimbursement policy recommendations: RCW 74.09.653.

42.30.010

Legislative declaration.

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

[1971 ex.s. c 250 § 1.]

Notes:

Reviser's note: Throughout this chapter, the phrases "this act" and "this 1971 amendatory act" have been changed to "this chapter." "This act" [1971 ex.s. c 250] consists of this chapter, the amendment to RCW 34.04.025, and the repeal of RCW 42.32.010 and 42.32.020.

42.30.020

Definitions.

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

(d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

[1985 c 366 § 1; 1983 c 155 § 1; 1982 1st ex.s. c 43 § 10; 1971 ex.s. c 250 § 2.]

Notes:

Severability -- Savings -- 1982 1st ex.s. c 43: See notes following RCW 43.52.374.

42.30.030**Meetings declared open and public.**

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

[1971 ex.s. c 250 § 3.]

42.30.040**Conditions to attendance not to be required.**

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

[2012 c 117 § 124; 1971 ex.s. c 250 § 4.]

42.30.050**Interruptions — Procedure.**

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

[1971 ex.s. c 250 § 5.]

42.30.060**Ordinances, rules, resolutions, regulations, etc., adopted at public meetings — Notice — Secret voting prohibited.**

(1) No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this.

chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

(2) No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.

[1989 c 42 § 1; 1971 ex.s. c 250 § 6.]

42.30.070

Times and places for meetings — Emergencies — Exception.

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

[1983 c 155 § 2; 1973 c 66 § 1; 1971 ex.s. c 250 § 7.]

42.30.075

Schedule of regular meetings — Publication in state register — Notice of change — "Regular" meetings defined.

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

[1977 ex.s. c 240 § 12.]

Notes:

Effective date -- Severability -- 1977 ex.s. c 240: See RCW 34.08.905 and 34.08.910.

Public meeting notices in state register: RCW 34.08.020.

42.30.077**Agendas of regular meetings — Online availability.**

Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than twenty-four hours in advance of the published start time of the meeting. An agency subject to provisions of this section is not required to post an agenda if it does not have a web site or if it employs fewer than ten full-time equivalent employees. Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. Nothing in this section modifies notice requirements or shall be construed as establishing that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall not provide a basis for awarding attorney fees under RCW 42.30.120 or commencing an action for mandamus or injunction under RCW 42.30.130.

[2014 c 61 § 2.]

Notes:

Intent -- Finding -- 2014 c 61: "The legislature intends to promote transparency in government and strengthen the Washington's open public meetings act. The legislature finds that it is in the best interest of citizens for public agencies with governing bodies to post meeting agendas on web sites before meetings. Full public review and inspection of meeting agendas will promote a greater exchange of information so the public can provide meaningful input related to government decisions." [2014 c 61 § 1.]

42.30.080**Special meetings.**

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's web site. An agency is not required to post a special meeting notice on its web site if it (i) does not have a web site; (ii) employs fewer than ten full-time equivalent employees;

or (iii) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.

Such notice must be delivered or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

[2012 c 188 § 1; 2005 c 273 § 1; 1971 ex.s. c 250 § 8.]

42.30.090

Adjournments.

The governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

[2012 c 117 § 125; 1971 ex.s. c 250 § 9.]

42.30.100

Continuances.

Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in RCW 42.30.090 for the adjournment of meetings.

[1971 ex.s. c 250 § 10.]

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:

- (i) 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;
- (ii) 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

(iii) 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;

(n) To consider in the case of a health sciences and services 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.

[2014 c 174 § 4; 2011 1st sp.s. c 14 § 14; 2010 1st sp.s. c 33 § 5; 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:

Intent -- 2014 c 174: See note following RCW 43.333.011.

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.

42.30.120

Violations — Personal liability — Civil penalty — Attorneys' fees and costs.

(1) Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(2) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorneys' fees, incurred in connection with such legal action. Pursuant to RCW 4.84.185, any public agency who prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

[2012 c 117 § 126; 1985 c 69 § 1; 1973 c 66 § 3; 1971 ex.s. c 250 § 12.]

42.30.130

Violations — Mandamus or Injunction.

Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body.

[1971 ex.s. c 250 § 13.]

42.30.140

Chapter controlling — Application.

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional

negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

[1990 c 98 § 1; 1989 c 175 § 94; 1973 c 66 § 4; 1971 ex.s. c 250 § 14.]

Notes:

Effective date -- 1989 c 175: See note following RCW 34.05.010.

Drug reimbursement policy recommendations: RCW 74.09.653.

Mediation testimony competency: RCW 5.60.070 and 5.60.072.

42.30.200

Governing body of recognized student association at college or university — Chapter applicability to.

The multimember student board which is the governing body of the recognized student association at a given campus of a public institution of higher education is hereby declared to be subject to the provisions of the open public meetings act as contained in this chapter, as now or hereafter amended. For the purposes of this section, "recognized student association" shall mean any body at any of the state's colleges and universities which selects officers through a process approved by the student body and which represents the interests of students. Any such body so selected shall be recognized by and registered with the respective boards of trustees and regents of the state's colleges and universities: PROVIDED, That there be no more than one such association representing undergraduate students, no more than one such association representing graduate students, and no more than one such association representing each group of professional students so recognized and registered at any of the state's colleges or universities.

[1980 c 49 § 1.]

42.30.205

Training.

(1) Every member of the governing body of a public agency must complete training on the requirements of this chapter no later than ninety days after the date the member either:

(a) Takes the oath of office, if the member is required to take an oath of office to assume his or her duties as a public official; or

(b) Otherwise assumes his or her duties as a public official.

(2) In addition to the training required under subsection (1) of this section, every member of the governing body of a public agency must complete training at intervals of no more than four years as long as the individual is a member of the governing body or public agency.

(3) Training may be completed remotely with technology including but not limited to internet-based training.

[2014 c 66 § 2.]

Notes:

Findings -- Short title -- Effective date -- 2014 c 66: See notes following RCW 42.56.150.

42.30.210

Assistance by attorney general.

The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter.

[2001 c 216 § 2.]

42.30.900

Short title.

This chapter may be cited as the "Open Public Meetings Act of 1971".

[1971 ex.s. c 250 § 16.]

42.30.910

Construction — 1971 ex.s. c 250.

The purposes of this chapter are hereby declared remedial and shall be liberally construed.

[1971 ex.s. c 250 § 18.]

42.30.920

Severability — 1971 ex.s. c 250.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 250 § 19.]

Appendix D

Responsibilities of Council President

In January of each calendar year, the Council elects one of its members to serve as the Council President for the current year. A Vice President is also selected. Both serve at the Council's discretion.

Overview of Responsibilities:

- Drafts the meeting dates' calendar for the current year.
- Maintains a 90-day Council work calendar (sample attached).
- Determines Business Meeting Agenda in consultation with Administration (sample attached)
- Appoints Council liaisons to various boards and commissions
- Coordinates retreats and special meetings for Council
- Writes correspondence on behalf of the Council
- Serves as primary spokesperson for communication with Mayor's office
- Acts as Mayor Pro-Tem In absence of Mayor at business meetings and work sessions
- Forms Task Groups for specific projects
- Provides updates to Council on issues of concern
- Represents Council at various public functions
- Sees that the Council abides by its own rules ☺
- Supervises the Council Assistant

Appendix "E"

CITY OF LYNNWOOD

RESOLUTION NO. 2010-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING A PROCEDURE FOR FILLING VACANCIES ON THE CITY COUNCIL.

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and

WHEREAS, the City Council desires to adopt a procedure for filling vacancies in the City Council;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES RESOLVE AS FOLLOWS:

Section 1. Vacancy on the City Council. A vacant City Council position shall be filled by the remaining members of the City Council in accordance with the procedures established in this Resolution. Nominations, voting, selection, and appointment of a person to fill the vacant City Council position shall occur in a meeting open to the public.

Section 2. Application. Any person interested in applying for a position on the City Council shall submit an application in the form attached hereto.

Section 3. Notice. Whenever council position is vacant, the City Council shall direct the City's Director of Administrative Services to distribute and publish a notice of the vacancy and the deadline for applying for the position. The notice of the vacancy and the deadline for applying for the City Council position shall be published in a newspaper of general circulation in the City and on the City's web site.

Section 4. Application Review. After the deadline for submission of applications has passed, the City Clerk shall distribute a copy of each application to each City Councilmember who shall evaluate such applications and give them weight according to the Councilmember's judgment. The Council President shall place the matter on work session schedule for an executive session wherein Councilmember's shall inform each other of their initial evaluations and otherwise discuss candidates qualifications. Thereafter, in open meeting the Council shall determine which applicants will be interviewed and direct the Council President to schedule interviews.

Section 5. Interview – Limitation. In the case of more than eight (8) applicants, only eight (8) shall be interviewed. The order of interviews and times shall be determined by lottery drawing by the Council. All interviews shall occur at a regular or special council meeting open to the public. At the conclusion of interviews or any set of interviews or at any other meeting, the Council may recess to executive session to evaluate candidates.

Section 6. Interview – Duration. Each interview will be limited to 30 minutes total.

6.1 Each applicant will be asked to make a three-minute introductory presentation.

6.2 Each Council Member will have the opportunity to ask one question relevant to the position (one minute to articulate the question).

6.3 Each applicant will have up to three minutes to answer each question.

6.4 Each applicant will be allowed a two minute closing statement.

Section 7. Preliminary Vote. After all applicants have been interviewed; each Council Member will receive a paper ballot with the Council Member's name on it along with the names of all applicants. The Council will then conduct a weighted "preliminary" vote allowing each Council Member to write three names on his or her ballot; the first preference getting three points, the second preference getting two points, and the third preference getting one point.

Section 8. Recording Vote - Finalists. The Mayor shall read aloud the name of the Council Member and the "weighted" votes for each. All of the points for each candidate shall be tallied and the three candidates receiving the most votes shall be finalists. In case of a tie vote for third spot, the finalist list would be expanded to four.

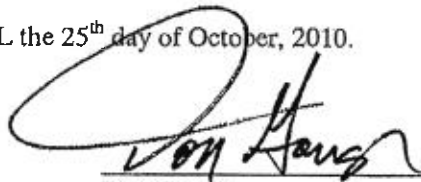
Section 9. Background Check. The names of the three or four finalists shall be submitted to the Police Department for a final background check.

Section 10. Final Vote. Upon completion of the background checks, each Council Member shall then be allowed to cast a final vote for one of the finalists at a Regular or Special Business Meeting. In the event any finalist receives four or more votes, the Mayor will then entertain a motion to affirm the appointment of that applicant to the vacant position.

Section 11. Oath of Office. Following the final vote, the newly affirmed appointment shall be sworn into office by the municipal judge either immediately or at the next regularly scheduled council meeting.


Section 12. Notice to Applicants. The City Council shall direct the Director of Administrative Services to notify each applicant of the City Council's decision.

PASSED BY THE CITY COUNCIL the 25th day of October, 2010.



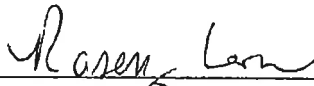
Don Gough
Mayor

ATTEST/AUTHENTICATE:



Pat Dugan
Interim Finance Director

APPROVED AS TO FORM:



Rosemary Lagon
City Attorney

PASSED BY THE CITY COUNCIL: 10/25/2010
RESOLUTION NUMBER: 2010-13

CITY OF LYNNWOOD

COUNCIL RULES OF PROCEDURE

Adopted by Resolution No. 2008-11, as amended by Resolution No. 2011-16, Resolution No. 2012-01, Resolution No. 2012-05, Resolution No. 2015-04, Resolution No. 2016-16 and Resolution No. 2020-07.

Section 1.

- A. Rules -- Adopted. The City Council adopts as the governing rules of procedure and order of business of the City Council of the City of Lynnwood the rules set forth herein.
- B. Rules -- Application. These rules apply to and shall govern all meetings of the City Council, regardless of how styled; provided, however, that quasi-judicial proceedings of the Council shall be governed by rules and procedures established by Resolution No. 96-7 (See Appendix A).

Section 2. Rules of Procedure of the City Council of the City of Lynnwood.

Part I: General provisions

Rule 1. General Rules of Procedure:

- A. All meetings of the City Council shall be conducted according to the most current edition of Robert's Rules of Order Newly Revised; provided that Robert's Rules shall be superseded to the extent they conflict with state law, local ordinances or resolutions, or these rules. The suspension of any special rule set forth herein as permitted by Robert's Rules shall not be considered a conflict with these rules.
- B. The City Attorney shall serve as parliamentarian and shall advise the Presiding Officer regarding questions concerning procedures and application of Robert's Rules and these rules.
- C. All questions of order shall be decided by the Presiding Officer of the Council with the right of appeal to the Council by any member. Any decisions made by the Presiding Officer may be overruled by a majority vote of the Council.

Rule 2. Meeting Location & Time: Repealed.

Rule 3. Meetings Open to the Public:

1 All meetings of the City Council shall be open to the public, except for executive sessions
2 authorized by Chapter 42.30 RCW (See Appendix C).
3

4 **Rule 4. Election of Officers:**
5

6 A. The Council shall elect a Council President to serve at the pleasure of the
7 Council,¹ who shall serve as Mayor Pro-Tem in the absence of the Mayor. The
8 duties and responsibilities of the Council President shall be determined by the
9 Council (See Appendix D). Currently the Council President is elected at the first
10 Business Meeting of each new calendar year for a term of one year.
11

12 B. The Council shall elect a Council Vice-President to serve at the pleasure of the
13 Council, who shall serve as Mayor Pro-Tem in the absence of the Mayor and the
14 Council President. The Council Vice-President shall perform such other duties as
15 the Council President may direct. Currently the Council Vice President is elected
16 at the first Business Meeting of each new calendar year for a term of one year.
17

18 **Rule 5. Presiding Officer:**
19

20 A. All meetings of the City Council shall be presided over by the Mayor or, in the
21 Mayor's absence, by the Mayor Pro-tem. If neither the Mayor nor the Mayor Pro-
22 tem is present at a meeting, the Vice President of the Council shall serve as
23 presiding officer. Service as Presiding Officer shall not abridge a
24 councilmember's right to vote upon all questions coming before the Council.
25

26 B. The Presiding Officer shall conduct meetings of the Council in accordance with
27 the law, Robert's Rules, and these rules. The Presiding Officer shall state all
28 questions coming before the Council and announce the decision of the Council on
29 all subjects.
30

31 C. The Presiding Officer shall confine debate to the question under discussion,
32 preserve order and decorum and prevent personal attacks or attacks upon a
33 member's motives.
34

35 **Rule 6. Quorum:**
36

37 The presence of a majority of the full Council shall constitute a quorum for the purpose
38 of transacting business.
39

¹ LMC 2.11.010 provides

Biennially at the first meeting of a new Council, or periodically, the members thereof by majority vote may designate one of their number as Council President for such period as the Council may specify. (Ord. 2298, 2000)

LMC 2.11.020 provides:

The Council President shall hold office at the pleasure of the Council, and in the case of the absence or temporary disability of the Mayor, perform the duties of Mayor as Mayor Pro Tempore, except she/he shall not have power to appoint or remove any officer, or to veto any acts of the City Council. (Ord. 2298, 2000)

1 **Rule 7. Special Council Meetings - Call & Notice - Limitation:**

2
3 The Mayor, or any four (4) members of the Council, may call for a special meeting by
4 providing written notice specifying the subject of the meeting to each Councilmember
5 and the Mayor at least twenty-four (24) hours before the time specified for the proposed
6 meeting, except as otherwise provided by law. At a special meeting final action may be
7 taken only on matters set out in the notice calling the meeting and on no other matters.
8

9 **Rule 8. Council Meetings - Business & Work Session:**

10
11 Regular business and work session meetings of the Council shall be held as provided in
12 LMC 2.04.030 (See Appendix B). The third Wednesday work sessions shall be the
13 preferred meeting time for presentations to the Council by individuals, agencies or groups
14 that are not affiliated with the City.
15

16 **Rule 9. Council Meetings - Agendas & Order of Business:**

17
18 A. The Council President and Vice President, in consultation with the Mayor and the
19 Mayor's ~~his or her~~ designee, shall set the agenda for all Council meetings,
20 provided the Council may amend the agenda in accordance with Robert's Rules,
21 state law, and City ordinances and resolutions.
22

23 B. The order of business for a regular business meeting shall be as follows:
24

25 **10. Call to Order and Flag Salute**

26
27 The Mayor shall call the meeting to order and then rotate the flag salute
28 among the Councilmembers unless an individual has been invited to lead
29 the flag salute by the Mayor.
30

31 **20. Roll Call**

32
33 **30. Approval of Minutes**

34
35 Minutes shall record what actually occurred at a meeting. Minutes may be
36 amended only to conform them to what actually occurred. Minutes shall
37 not include remarks made by individual councilmembers or written
38 statements submitted by councilmembers during the Council Comment
39 period (Item 80).
40

41 The minutes of the meeting shall include but not be limited to the
42 following:

- 43 • The place of the meeting;
- 44 • The time the meeting started and ended;
- 45 • Which councilmembers were present;
- 46 • The fact a quorum was present;

- Text of all main motions taken up by the council and their disposition (passed, failed, postponed, etc);
- If amendments were made, the final version of the motion as amended;
- Expressions of support for, dissent from or protest against any ordinance or resolution of the council, and the reasons given, by any councilmember.
- Any points of order that were made and their resolution; and
- If the council went into executive session, the time of entering, the topic of discussion as provided, any time extensions, and the time of leaving such session.

Details of amendments to motions and voting results on them shall not be included in the minutes. Withdrawn motions will ordinarily also not be included in the minutes.

Amendments to the minutes necessary to correct errors of fact may be made when approved by majority vote of the councilmembers present. The amendments are noted in the minutes of the meeting being corrected. The minutes of the meeting at which corrections are made shall state merely that, "the minutes were approved as corrected."

A councilmember's absence from a meeting does not prevent the member from participating in the correction or approval of the minutes for that meeting.

40. Messages and Papers from the Mayor

The Mayor may bring forward any matters deemed necessary to share with the Council and/or public. The Mayor may report on topics of interest to the Council as a whole, and may include a calendar of events, upcoming or on-going programs or projects, and other reports of a general nature. The Mayor's comments shall be limited to two (2) minutes, unless approval for more time is granted in advance by the Council President.

50. Public Comments and Communications

A. The Presiding Officer shall announce that all persons who wish to be heard shall be heard, on any topic pertaining to the city. When appropriate, the Presiding Officer may request a deferral of public comment on a topic on the agenda to the time Council takes up the matter.

B. The Presiding Officer shall remind all persons of: (1) the requirement that each speaker state their name, zip code **(unless excused)** and the subject matter of their comments before

1 speaking; and (2) that all statements and testimony are being
2 recorded.

3
4 C. In all cases, persons "signing-in" will be recognized first, and then
5 those who seek recognition from the audience will be recognized.

6
7 D. An individual person's comments shall be limited to three (3)
8 minutes, with no exceptions. A person providing comments as a
9 spokesperson for a group in the audience shall be limited to five
10 (5) minutes, with no exceptions. The Council Assistant shall
11 monitor the comment time and use a bell or other device to
12 communicate when the allotted time has been completed.

13
14 E. All remarks shall be addressed to the Council as a whole. Any
15 person making personal, impertinent, or slanderous remarks, who
16 becomes boisterous, threatening, or personally abusive, or
17 otherwise disrupts the conduct of the meeting while addressing the
18 Council may be requested by the Presiding Officer to leave the
19 meeting.

20
21 F. If a speaker makes a specific request for Council action, the
22 Presiding Officer shall inform the citizen person that ~~he or she~~ they
23 must secure the support of a Councilmember to serve as a sponsor
24 for the proposed legislation or other Council action. The
25 sponsoring Councilmember must secure the support of a second
26 Councilmember before the item can be scheduled for a work
27 session.

28
29 G. Information will be available to the public at each meeting
30 summarizing these rules of procedure, including those concerning
31 public hearings.

32 33 **60. Presentations and Proclamations**

34
35 A proclamation by the Mayor and/or Council is defined as an official
36 declaration recognizing or promoting city-wide or special activities in the
37 City. Presentations are to include awards, plaques, certificates, grants,
38 recognition or other items or things, given to the public, to staff, to the
39 Council, to Councilmembers, or the "city" as a whole. The number of
40 presentations and proclamations will be at the discretion of Council
41 leadership, based on the anticipated workload for each meeting. The
42 presentations and proclamations will be limited to a reasonable time frame
43 (approximately five (5) minutes each), with a maximum of six (6)
44 presentations and proclamations per business meeting.

45 46 **70. Written Communications and Petitions**

1
2 The Mayor shall ask whether any written communications or petitions
3 have been received by the city staff or any Councilmember or whether any
4 person wishes to present written communications or petitions.
5

6 **80. Council Comments and Announcements**
7

8 Council comments provide an opportunity for Councilmembers to report
9 on significant activities since the last regular meeting, to inquire on
10 matters of general business, or to initiate investigation or action on a
11 matter of concern. A Councilmember's comments shall be limited to two
12 (2) minutes, unless approval for more time is granted in advance by the
13 Council President. Any request to the Administration that will require
14 substantial staff work or additional expense needs the support of no less
15 than three Councilmembers.
16

17 **90. Business Items and Other Matters:**
18

19 **90.1 Unanimous Consent Agenda:**
20

21 A. The Council President, in consultation with the Mayor and
22 other Councilmembers, shall place on the Unanimous
23 Consent Agenda matters that:
24

- 25 1. Have been previously discussed by the Council; or
- 26
- 27 2. Have been the subject of a memo previously included
28 in the council packet which does not need further
29 explanation; or
- 30
- 31 3. Are routine in nature and adoption is likely; or
- 32
- 33 4. Have been scheduled by the Council.
34

35 B. Items on the Unanimous Consent Agenda shall be adopted
36 by a non-debatable motion. Before requesting a motion to
37 adopt the Unanimous Consent Agenda the Councilmember
38 reading the Unanimous Consent Agenda shall ask if any
39 Councilmember wishes to have an item removed from the
40 agenda.
41

42 C. Items removed by request shall be considered immediately
43 after the Consent Agenda, as modified, is approved, before
44 the next agenda item is considered. A Councilmember
45 may request the item be heard later on the agenda by
46 presenting specific reasons for the request and identifying

1 where and when on the agenda the item should be
2 considered.

3
4 D. The Councilmember making the motion to adopt the
5 Unanimous Consent Agenda shall read each matter on the
6 agenda. After the motion is made, the Presiding Officer
7 shall ask for unanimous consent to adopt the agenda as
8 read, and
9

10 1. If no objection is made, the Presiding Officer shall
11 state, in substance, that the Unanimous Consent Agenda
12 is adopted.
13

14 2. If an objection is made, the Presiding Officer shall ask
15 the member making the objection to identify the
16 objectionable item(s) and each item shall be removed
17 from the motion and placed immediately after the
18 adoption of the Consent Agenda or later on the agenda
19 under "100 New Business."
20

21 3. The Presiding Officer shall identify the items removed
22 from the Unanimous Consent Agenda, and then ask if
23 there is objection to adoption of the amended
24 Unanimous Consent Agenda. This process shall be
25 repeated until there is no objection or until no items
26 remain on the Unanimous Consent Agenda.
27

28 **90.2 Public Hearings & Quasi Judicial Proceeding**

29
30 A. Resolution 96-7 shall govern the conduct of public
31 meetings and quasi judicial proceedings (See Appendix A).
32

33 B. The Presiding Officer shall announce the procedures and
34 sequence of steps of a public hearing or a quasi judicial
35 hearing at the beginning of each hearing.
36

37 **90.3 Other Business Items**

38
39 A sponsor or spokesperson shall be recognized to initiate
40 discussion of a business item.
41

42 **100. New Business**

43
44 A. Any Councilmember may, as provided in Rule 15 D, propose
45 additional item(s) of new business. If the item of new business is to be
46 considered, the Council President, in consultation with the Mayor and

1 other Councilmembers, shall schedule the new business matter for
2 consideration at a work session, unless a majority schedules the matter
3 otherwise. (The Council may consider and take immediate action on an
4 item of new business proposed by a Councilmember.
5

6 B. Any item of New Business not acted upon shall be held over to the
7 next business meeting as or, if time is not available, re-scheduled by the
8 Council President, in consultation with the Mayor and other
9 Councilmembers.
10

11 **110. Adjournment**

12
13

- 14 C. The foregoing order of business is a guideline and shall not limit the authority of
15 the Council to change the order or manner in which the Council may elect to
16 proceed with its business.
17
- 18 D. Recess: A meeting may be interrupted by the Presiding Officer or a majority of
19 the Council for a recess for a stated period of time for any reason; provided that
20 each meeting shall have at least one recess of 10 minutes near or after 8:30 p.m.
21 A reminder of this provision shall be stated on each meeting agenda.
22
- 23 E. Work Session Agenda: Each work session agenda shall contain three parts: (1) a
24 main section listing the items for discussion; (2) a section listing memorandums
25 for action at the next regular business meeting; and (3) a section listing
26 informational memorandums (FYI) to the Council.
27
28

29 **Rule 10. Guidelines for the Purposes and Uses of Work Sessions & Workshops**

30

- 31 A. The purpose of work sessions is for Councilmembers to discuss impending
32 business, forthcoming programs or projects, or to receive information, and to
33 allow informal discussions of items that might be acted upon.
34
- 35 B. A work session may be conducted in the form of a workshop to allow
36 Councilmembers to do concentrated preliminary work on a single subject which
37 may be time consuming or complex, and allow informal discussion.
38
- 39 C. The Administration may request and the Council may provide direction to staff at
40 Council meetings or task group meetings. Councilmembers may adopt a
41 scheduling motion, indicate a consensus, or give an expression of guidance or
42 direction on any matter so long as such action does not give or imply final action
43 on such matter. A Councilmember's support or opposition to the action shall not
44 be construed as limiting that member's full and complete consideration and vote
45 on the matter, if and when, it comes before the City Council for "final action."
46

- 1 D. Under no circumstances shall any "final action" (as defined in Chapter 42.30
2 RCW) be taken at any work session or work shop; provided, that the Council may
3 take action authorized by LMC 2.04.040 (See Appendix B).
4
5

6 **Part II: Legislative Process, Debate, Decorum, Duties & Privileges of Members**

7

8 **Rule 11. Forms of Address:**

9

10 The Mayor shall be addressed as "Mayor (surname)", "Your Honor" or "Mayor." The
11 Council President, when acting for the Mayor, shall be addressed as "Council President
12 (surname)." Members of the Council shall be addressed as "Councilmember (surname)."
13

14 **Rule 12. Proposed Drafts - Ordinances, Resolutions and Motions:**

15

16 Ordinances, resolutions, and motions, may be proposed by the Administration or by
17 Councilmembers. Such ordinances, resolutions, and motions may identify the
18 originator(s) or sponsor(s) of the proposal. Ordinances shall be assigned a number upon
19 a motion for final adoption.
20

21 **Rule 13. Journal of Proceedings, Sponsors, Dissents & Protects:**

22

- 23 A. **The Finance Director as City Clerk** shall keep a correct journal of all proceedings.
24 At the request of any Councilmember a roll call vote shall be taken on any
25 question and entered in the journal. The journal shall show the maker and the
26 second of each motion.
27
28 B. Any Councilmember shall have the right to express support for, dissent from, or
29 protest against, any ordinance or resolution of the Council and have the reason(s)
30 therefore entered in the minutes. The member may prepare a brief written
31 statement consistent with oral comments made during the council meeting and
32 have them attached to proposed official meeting minutes.
33

34 **Rule 14. Debate & Decorum:**

35

- 36 A. Order. No member shall speak more than once until all members seeking
37 recognition have spoken.
38
39 B. Recognition to Speak. All persons wanting to speak to the Council,
40 including Councilmembers, shall not address the Council until they have
41 first been recognized to speak by the Presiding Officer.
42
43 C. Questioning. Any member of the Council shall have the right to ask
44 questions of any individual or staff member on matters germane to the
45 issue before the Council.
46

- 1 D. Decorum. Members of the Council, in the discussion, comments, or debate
2 of any matter or issue, shall be courteous in their language and demeanor.
3 Councilmembers shall not engage in contemptuous or disorderly behavior,
4 discuss or comment on personalities, or indulge in derogatory remarks or
5 insinuations in respect to any other councilmember or any member of the
6 staff or public, but shall at all times confine their remarks to those facts
7 which are germane and relevant, as determined by the Presiding Officer,
8 to the question or matter under discussion.
9
- 10 E. Information Requests. A Councilmember may seek clarification or
11 additional information before voting on an issue. If a request would delay
12 consideration of the matter to another date, approval of the majority of the
13 Councilmembers present is required.
14
- 15 F. Transgression. The Council has power under state law to impose
16 punishment on its members for violation of state law or Council rules:
17 provided that the Council cannot remove a Councilmember from office.
18 Consequences may include a verbal admonition, written reprimand,
19 censure, removal from the meeting at which the conduct is occurring,
20 removal of the Councilmember from Council committee chair positions or
21 committee membership, or removal from intergovernmental duties or
22 assignments, based on the affirmative vote or a majority of the Council.
23 Removal for such behavior in the Council's presence shall require the
24 affirmative vote of a majority of the Council, specifying in the order of
25 removal the cause thereof.
26
- 27 G. Challenge to Ruling. Any member of the Council shall have the right to
28 challenge any action or ruling of the Presiding Officer, or member, as the
29 case may be, in which case the decision of the majority of the
30 Councilmembers present shall govern.
31

32 **Rule 15. Motions:**
33

- 34 A. A motion that does not receive a second dies; provided that nominations,
35 withdrawal of an unamended motion, or a request for a roll call vote do
36 not need a second.
37
- 38 B. After a motion and second are made, the Presiding Officer shall identify
39 the maker of the motion and the member who seconded the motion and
40 state the motion before the Council.
41
- 42 C. The maker of the motion shall be recognized to speak first in the
43 discussion of the motion and be entitled to speak last to close debate,
44
- 45 D. New motions proposing projects expected to involve significant Council
46 or staff time shall be presented only during the New Business section of

1 regularly scheduled business meetings or at a work session. The sponsor
2 shall have two minutes to persuade at least two additional
3 Councilmembers to proceed; otherwise, no action shall be taken. If the
4 proposal is approved, the Councilmember making the proposal shall
5 submit to the Council President a **written description** of the proposal
6 within 15 days of the proposal being approved or as otherwise determined
7 by the Council President. After the written description of the proposal has
8 been submitted to the Council President, an approved item shall be
9 scheduled for discussion at a work session by the Council President, who
10 shall make every effort to schedule the item within 45 days.
11

12 **Rule 16. Voting:** Votes during a regular council business meeting shall be held as follows:
13

- 14 A. Votes shall initially be by voice vote, except that votes on any motion to
15 approve an ordinance shall be by roll call. If the Presiding Officer is in
16 doubt, the Presiding Officer may call for a show of hands. Any
17 Councilmember may supersede a voice vote by requesting a roll call vote.
18
- 19 B. The order of a roll call vote shall be rotated alphabetically by last name
20 after each roll call vote.
21
- 22 C. Each member present must vote on all questions put to the Council except
23 as to matters in which such Councilmember has a prohibited personal
24 financial interest, or is otherwise precluded by law. A Councilmember
25 who is silent or “abstains” from voting shall be counted as a “nay” vote,
26 unless that Councilmember is excused from voting.
27
- 28 D. Councilmembers excused from voting on a question must leave the room
29 before any hearings or discussion. (Only Councilmembers excused from
30 voting on a question by their fellow members may leave the room and
31 then return to participate in further council action and not have their
32 absence counted as “nay” vote.
33
- 34 E. In case of a tie vote, the Mayor may choose to: (1) cast a vote, “yea” or
35 “nay”; or (2) not vote; provided, however, the Mayor shall not cast a vote
36 if the matter to be decided involves:
37
- 38 1. Adoption of any ordinance; or
 - 39 2. A resolution to spend money; or
 - 40 3. The granting or revocation of a franchise or a license; or
 - 41 4. Any motion for approval of vouchers, payments, claims or payroll.
42

43 **Rule 17. Task Groups and Committee of the Whole:**
44

- 45 A. Task Groups:
46

1. The Council President, in consultation with the Council, may appoint an ad hoc task group as may be appropriate, to consider any matter that requires special study before the matter is reviewed by the Council. All appointments shall occur at a Council meeting. The Administration may request the creation of a task group.
2. Each task group shall have a chairperson and at least two other members, who shall be appointed by the Council President after consultation with the Council. Each task group shall have an assigned task and date for delivery of a written report to Council.
3. Authority and Responsibility of Task Group Chair: Each task group chair shall:
 - a. Schedule, set the agenda, determine a location and make other necessary arrangement for task group meetings.
 - b. Preside over the meeting and business of the task group.
 - c. Write up a report or explanation to accompany any action or recommendation of the task group and include both majority and minority reports.
 - d. Be the designated "manager" for each task group business item that comes before the full City Council, which includes "presenting the issue" to the Council in coordination with staff or other Councilmembers.
 - e. Advise, consult and cooperate with the Council President on scheduling meetings and action within the task group.
4. Under no circumstances shall any "final action" (as defined in Chapter 42.30 RCW) be taken at any task group meeting.
5. Consideration by City Council - Council President Authority: The Council President, in consultation with the Mayor and other Councilmembers, may schedule for "discussion purposes only" any item under consideration by task group at any regular full council meeting.
6. Consideration by City Council - Council Authority: A task group may be relieved of its responsibility by the Council. Thereafter, the Council may conduct deliberation, consideration, and take "final action" thereon, or otherwise make an appropriate disposition thereof.

Rule 18. Finance Committee:

- A. A Standing Finance Committee ("the Committee") of the Lynnwood City Council is hereby established and created. The Committee shall operate according to the following rules and procedures, and have the following rights and responsibilities:

1
2 Membership.

- 3 1. The Committee shall consist of three Councilmembers appointed by the
4 Council President in consultation with the members of the City Council.
5 2. The appointments shall be made at the first business meeting of every even
6 numbered year and shall be for a term of two years provided that
7 appointments may be made for a shorter term in order to fill a vacancy.
8 3. The members of the Committee shall at least annually at their first meeting of
9 the year select a chair who shall be one of the three Committee members.

10
11 Meetings.

- 12 1. The Committee shall meet in regular session at least monthly. Once
13 membership is established at the start of the year, the members of the
14 Committee shall prepare and present an ordinance or resolution to the Council
15 establishing the dates and times of the Committee's monthly meetings for the
16 year.
17 2. Additional meetings may be scheduled by majority vote of the Committee
18 members at a regular Committee meeting or by passage of a scheduling
19 motion at a business or work session of the City Council.
20 3. The meetings shall be presided over by the Committee chair and operate
21 according to all Council rules governing work sessions and work committees
22 unless otherwise noted in this resolution. In the absence of the Committee
23 chair, the Committee shall choose a presiding officer from the remaining
24 members.
25 4. All meetings shall be open to the public.

26
27 Area of Responsibility.

- 28 1. The Committee is charged with the responsibility to review and report its
29 recommendations on the biennial budget and mid-biennial budget
30 amendments, and to this end may hold public hearings.
31 2. The Committee shall receive monthly financial reports from the
32 Administration and shall work with the Administration as to the content and
33 presentation format of those reports to the Council.
34 3. The Committee shall be responsible for creating and submitting the
35 Legislative Department Budget to the Council for their review and adoption,
36 and also responsible for monitoring and reporting to the Council on the
37 implementation of that budget on a periodic basis.
38 4. The Committee shall incorporate and execute all the duties and
39 responsibilities of the City of Lynnwood's Audit and Insurance Committee
40 pursuant to any requirements of state law or the Lynnwood Municipal Code.
41 5. The Committee shall also consider and report on such other financial matters
42 as may from time to time be referred to it by a majority of the Council present.

43 **Rule 19. Reconsideration:**
44

- 45 A. Motions to reconsider any action must be made (1) by a member who voted with
46 the prevailing position and (2) at the next succeeding regular business meeting of

1 the Council, as defined by LMC 2.04.010 (See Appendix B). Before a vote may
2 be taken on the reconsideration motion, the sponsor and maker of the motion shall
3 state specifically the reasons for requiring reconsideration and shall also state
4 specifically the portions or parts of the matter sought to be reconsidered. Upon
5 passage of a motion for reconsideration, the subject matter is returned to the table
6 anew for any action the Council deems advisable, provided that any deliberation
7 shall occur at the business meeting following passage of the reconsideration
8 motion, unless a majority of the Council schedules the reconsidered matter
9 otherwise.

- 10
11 B. No motion to reconsider an adopted quasi-judicial written decision shall be
12 allowed after the close of the meeting at which the written findings and
13 conclusions were adopted.
14

15 **Rule 20. Audio and Video Recordings of Meetings:**
16

17 All regular meetings shall be recorded video devices. Regular work sessions shall be
18 recorded by audio devices. Special business meetings and special work sessions shall be
19 recorded by audio and/or video devices, as scheduled by the Council President, or a
20 majority of the Council. Recordings should be made available to the public for review on
21 demand for at least the previous two years.
22

23 **Rule 21. Other General Provisions:**
24

- 25 A. All proposals submitted to the Council shall have line numbers and page
26 numbers printed on them, and if the proposal involves amending the existing
27 language of another document, then the "strike through" and "underline"
28 amendatory format shall be used for words being removed, or added,
29 respectively.
30
31 B. Except for good cause, **staff shall not distribute handouts of written materials**
32 **at a council meeting at which they are to be considered.** Handouts from
33 persons testifying at hearings or public meetings, or staff information provided in
34 response to matters raised at a public hearing or public meeting, shall be accepted
35 in accordance with rules applicable to those proceedings.
36
37 C. Filling Council Vacancies: See Appendix E.
38

CITY COUNCIL ITEM C

CITY OF LYNNWOOD City Council

TITLE: Visioning: Community

DEPARTMENT CONTACT: Council President George Hurst

SUMMARY:

Discussion on Community Engagement and what happens after pandemic

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM D

CITY OF LYNNWOOD City Council

TITLE: Break

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM E

CITY OF LYNNWOOD City Council

TITLE: Housing Discussion

DEPARTMENT CONTACT: Council President George Hurst

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM F

CITY OF LYNNWOOD City Council

TITLE: Boards and Commissions (if time)

DEPARTMENT CONTACT: Council Vice President Jim Smit

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available