

CITY OF SNOHOMISH
Snohomish, Washington

RESOLUTION 1476

A RESOLUTION OF THE CITY OF SNOHOMISH ESTABLISHING PROCEDURES FOR THE CONDUCT OF BUSINESS AT COUNCIL MEETINGS AND REPEALING RESOLUTION 1436.

WHEREAS, RCW 35A.12.110 grants the City Council authority to establish rules of conduct for their meetings; and

WHEREAS, a comprehensive procedure for Council meetings will provide the most expedient means of conducting Council meetings; and

WHEREAS, pursuant to Resolution 1436, the City Council of the City of Snohomish established procedures for the conduct of business at Council meetings; and

WHEREAS, the City Council has studied and reviewed these procedures and determined that periodic review and updates to these procedures is appropriate; and

WHEREAS, the City Council decided that in order to keep these rules in the form of one consolidated document, Resolution 1436 should be repealed and replaced by this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SNOHOMISH AS FOLLOWS:

Section 1. Resolution 1436 is hereby repealed and replaced by the Snohomish City Council Rules and Procedures attached as "Exhibit A" to this resolution, which is hereby adopted and incorporated by this reference as though fully set forth herein.

Section 2. These rules shall be effective upon the date of adoption as set forth below.

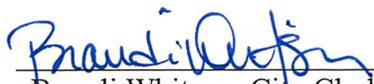
PASSED by the City Council and **APPROVED** by the Mayor this 17th day of September, 2024.

CITY OF SNOHOMISH

By 
Linda Redmon, Mayor

ATTEST:

APPROVED AS TO FORM:

By 
Brandi Whitson, City Clerk

By 
Emily Guildner, City Attorney

EXHIBIT A

City of Snohomish City Council Rules of Conduct and Procedures

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I. AUTHORITY

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act.

The City Council may, by a majority vote, determine to temporarily waive any of the provisions herein. If any section of these rules should conflict with RCW 35A.12 or others, said RCW shall preside.

II. COUNCIL ORGANIZATION

A. Swearing in of New Councilmembers. Newly elected Councilmembers shall be sworn in either (1) within the ten days preceding January 1st, or (2) at the last regularly scheduled meeting of the year as per RCW 29A.20.040. In the case of an appointment to fill a vacancy, the Councilmember shall be sworn in at the same meeting as the appointment or the next regular meeting, at the option of the new Councilmember.

B. Election of Council President/Mayor Pro Tem. The Council shall elect a Council President who shall serve as Mayor Pro Tem for a term of two years and organize itself at the first Council meeting during even-numbered years.

C. Duties of Officers

1. Presiding Officer. Whenever in these Rules the term "Presiding Officer" is used it shall mean the Mayor or in the absence of the Mayor, the Council President/Mayor Pro Tem or as otherwise provided for in Subsection 3 of this Section. It shall be the duty of the Presiding Officer to:

- a. Call the meeting to order.
- b. Keep the meeting to its order of business.
- c. Control discussion in an orderly manner by:
 - i. Giving every Councilmember who wishes an opportunity to speak when recognized by the Presiding Officer;
 - ii. Permitting public comments at the appropriate times; and
 - iii. Requiring all speakers to speak to the question and to observe the rules of order.
- d. Decide all questions of order, subject to the right of appeal to the Council by any member.
- e. In all other contested decisions arising from points of order, the Council shall be guided by *Robert's Rules of Order Newly Revised*, a copy of which is maintained in the office of the City Clerk.

2. Council President/Mayor Pro Tem. The Council President shall fulfill all of the responsibilities of the Mayor Pro Tem.

a. In the temporary absence of the Mayor, the Council President, as Mayor Pro Tem, shall perform the duties and responsibilities of the Mayor.

b. The Council President shall be authorized to perform additional duties such as acting as liaison between the Council (legislative branch) and the Mayor (executive branch), participate with the Mayor and City Administrator in planning upcoming Council meeting agendas, and assisting in the assignment of Councilmembers to subcommittees.

c. The Council may request the Council President to perform other responsibilities that are consistent with the administration of the legislative function of Council.

3. Succession

a. Presiding Officer. In the absence of both the Mayor and the Council President/Mayor Pro Tem, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.

b. Mayor. In the event the Mayor is unable to serve the remainder of their term, a new Mayor shall be elected as provided by law. Until a new Mayor is elected to fill the vacancy, the Council President/Mayor Pro Tem shall fulfill the duties of Mayor.

c. Council President/Mayor Pro Tem. In the event the Council President/Mayor Pro Tem is unable to serve the remainder of their term, a new Council President/Mayor Pro Tem shall be elected by the City Council at the next regular meeting.

D. Council Vacancy

1. Councilmember vacancies will be filled as outlined in RCW 42.12.070, from qualified applicants per RCW 35A.12.030. Council shall determine the process by which to fill the vacancy, such as by appointment or recruitment through an application process. If Council opts to recruit interested parties, the process to do so will be determined by the Mayor and/or their designee, and the Council President.

2. The Council may consider any candidate during a regular or special Council meeting, open to the public, and select which, if any, to invite to interview. If held, candidate interviews will be conducted during a regular or special meeting, in random order. Only one candidate shall be before Council at a time, with other candidates waiting outside the Council Chambers. Each Councilmember may pose a question to the candidate, who will be allowed a limited time to respond, typically two minutes. Questions are predetermined by Council prior to the interviews.

3. The Council may recess into Executive Session to discuss the qualifications of candidates. Nominations, voting and selection of a person(s) to interview or fill the vacancy will be conducted during an open public meeting.

III. COUNCIL MEETINGS

A. Open to the Public. All Council meetings shall comply with the requirements of the Open Public Meetings Act (OPMA, RCW 42.30). The City shall comply with the provisions of RCW 35A.12.160 regarding notice of public meetings.

With the exception of Closed Sessions that are exempt from the OPMA, and Executive Sessions under Section G below, all City Council meetings will be recorded, when feasible, and said recording will be available to the general public through the City's website, or upon request from the City Clerk's Office. Attendance at meetings, whether in person or remote, implies consent to being recorded via audio and video.

B. Meeting Place. Regular Council meetings will be held in the lower level of the Snohomish Carnegie, 105 Cedar Avenue, or another public meeting facility as advertised. Workshops and special meetings will usually be held at the same location, but may be held at other appropriate locations, with proper notice. Meetings may have a remote attendance option for the public, subject to the provisions of this Resolution.

C. Types of Meetings

1. Regular Meetings. The Council shall hold their regular meetings on the first and third Tuesdays of the month between 6:00 p.m. and 9:00 p.m. Should any Tuesday fall on a legal holiday, the meeting shall be held at the same hour and place if available on the next working day. Any change in location will be included in the regular publication notice of the meeting agenda.

2. Workshops. Workshop sessions may be scheduled as needed, following procedures established in Section 3 below. These meetings will be informal meetings for the purpose of more prolonged discussion of issues and topics selected by the Mayor or Council. Workshops may be held jointly with advisory Boards and Commissions to the Council. Workshops may also be called "Retreats," "Work Session," or other such title. Items may be listed on the agenda as "Topic," "Briefing," "Workshop," "Work Session" or other such descriptive heading.

3. Special Meetings. Special meetings may be called by the Mayor by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. Special meetings shall also be called by the Mayor upon the written request of any three members of the Council. The notice of such Special meetings shall state the subjects to be considered, and no subjects other than those specified in the notice shall be considered. Unless final action must be taken at a special meeting, Council will not take public comment during a special meeting.

4. Emergency Meetings. Emergency meetings may be called as outlined in the OPMA (RCW 42.30).

D. Agenda

1. Order of Business. No legislative item shall be voted upon which is not on the agenda as approved by the Council at the meeting. The order of business for each regular meeting shall be as follows:

Regular Session (6:00 p.m. - 9:00 p.m.)

Agenda Order	Section	Comment
1	Call to Order	Includes Roll Call and Pledge of Allegiance
2	Proclamations, Presentations and Recognitions	If needed
3	Public Comment	On any item not listed as Action Item or Public Hearing
4	Approve Agenda Contents/Order	
5	Consent Items	If needed; see Section III.D.3.
6	Public Hearings	If needed; see Section IV.
7	Action Items	If needed, for items requiring final Council action.
8	Discussion Items	If needed, for items/topics for which staff requests Council direction, or for which Council has requested additional information, such as from partner agencies.
9	Other Business/Information Items	
10	Councilmember Comments	
11	Council President's Comments	
12	Staff Briefings	If needed; staff reports and attachments will be shared for information purposes only. These items are not meant for discussion, nor is Council direction needed. Council is encouraged to contact staff directly if questions arise on items presented.
13	City Administrator's Comments	
14	Mayor's Comments	
15	Executive Session	If needed; see Section III.G.
16	Reconvene Regular Session	If no action is anticipated, Council may move to adjourn the meeting at the end of the Executive Session.
17	Adjourn	See Section III.F.

2. Non-Regular Meeting Order of Business. Meetings that fall under special meetings, workshops, retreats, or similar may follow a different order of business than set for regular meetings.

3. Consent Items. The Mayor or City Administrator in consultation with the Mayor, shall place matters under the Consent Items which: (a) have been previously discussed by the Council, (b) based on the information delivered to members of the Council by the administration, can be reviewed by a Councilmember without further explanation, (c) are so routine or technical in nature that passage is likely, or (d) are workshop or regular meeting minutes without changes. The motion to adopt Consent Items shall be non-debatable and have the effect of moving to adopt all items. Since adoption of any item under the Consent Items implies unanimous consent, any member of the Council shall have the right to remove any item. Therefore, under the item "Approve the Agenda Contents and Order", the Presiding Officer shall inquire if any Councilmembers wishes an item to be withdrawn from the Consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future Council meeting.

E. Voting. Each Councilmember shall vote on all questions put to the Council, unless a conflict of interest or an appearance of fairness question under state law is present. Unless a member of the Council states that they are abstaining, their silence shall be recorded as an affirmative vote.

1. Method. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice or via software designed specifically to assist conducting a Council meeting; except that at the request of any Councilmember, the Presiding Officer, or Clerk, a roll call vote shall be taken by the Clerk.

2. Tie Vote. The Mayor shall have a vote only in the case of a tie in the votes of the Councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. In case of a tie vote on any proposal that may not be broken by the mayoral vote, the proposal shall be considered lost.

3. Veto by Mayor. Pursuant to RCW 35A.12.100 the Mayor shall have the power to veto ordinances passed by the Council and submitted to them as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all Councilmembers plus one more vote.

F. Adjournment. Council meetings shall adjourn at or before 9:00 p.m.; except the time may be extended in increments until 10:00 p.m. upon approval of a formal motion(s). At 10:00 p.m. the meeting may be continued to a date and time certain upon approval of a formal motion. The date and time will be announced by the Presiding Officer at the meeting.

A meeting shall be deemed adjourned at the end of the agenda upon conclusion of business, by motion of Council, or when a lack of quorum is present. Unless otherwise specified by motion, a meeting is considered adjourned until the next regularly scheduled meeting.

G. Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for the purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session, the Presiding Officer shall announce the purpose of

the session, the anticipated time when the session will be concluded and shall state whether action by Council is expected following the Executive Session. Should the session require more time, a public announcement shall be made that the session is being extended.

1. Confidentiality. Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions unless otherwise agreed by a majority of Council. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure by State law.

2. Ex Parte Contact. If the Council, after Executive Session, has provided direction to City staff on proposed terms and conditions for City business, all contacts with any other party should be done by the designated City staff representative handling the issue. Councilmembers should obtain the permission of the Mayor prior to discussing the information with anyone other than other Councilmembers, the City Attorney, or City staff designated by the Mayor. Any Councilmember having any such contact or discussion needs to make full disclosure to the Mayor and/or Council in a timely manner.

H. Quorum. At all Council meetings, a majority of the Council (four members) shall constitute a quorum for the transaction of business, but a lesser number may recess or adjourn.

I. Attendance and Excused Absences. RCW 35A.12.060 provides that a Councilmember shall forfeit their office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor; or, if the Mayor is not available, the Council President/Mayor Pro Tem, City Administrator, or City Clerk, who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the City Clerk will make an appropriate notation in the minutes.

1. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council meetings. If the Clerk and the Deputy Clerk are absent from any Council meeting, then the Mayor shall appoint a member of the staff to act as Clerk for that meeting.

2. Officers or Employees. Any City officer or employee shall have the duty, when requested by the Council, to attend Council meetings and shall remain for such time as the Council may direct.

3. Remote Attendance. Councilmembers are encouraged to attend all meetings in-person. However, there may be situations from time to time where the Councilmember can attend meetings remotely in lieu of being absent altogether. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers, except for health and well-being reasons.

Remote attendance requires the ability for the remote participants and in-person attendees to adequately hear all discussion and comments. In the event a Councilmember has attempted remote participation and is unsuccessful in participating,

such attempt shall be an excused absence. Declaration of an emergency or other such action may preclude this section.

J. Councilmember Decorum

1. Forms of Address. The Mayor shall be addressed as "Mayor (surname)". Members of the Council shall be addressed as "Councilmember (surname)" or by the name requested by the Councilmember.

2. Council Protocol and Comments

a. No Councilmember comments are to be personal in nature or otherwise disruptive. All Councilmember comments are to be addressed to the Presiding Officer.

b. All Councilmember comments during meetings shall be germane to the business of the City and tempered to advance the debate.

c. Councilmember comments during meetings shall be concise and respectful of the time available to complete actions on the agenda and the desire to provide ample opportunities for members of the public and other Councilmembers to comment.

d. While in an open public meeting of the governing body, Councilmembers may not take action via electronic device, except through such device(s) as may be necessary for conducting the meeting, such as via Zoom or similar platform, or program designed specifically for the conducting of Council meetings where the outcome of the vote is visible to the audience or read aloud to the audience. "Action," as defined under RCW 42.30.020, 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.

3. Conflict of Interest. Apart from quasi-judicial public hearings, a Councilmember may be able to participate in or be asked to excuse themselves from legislative proceedings upon recommendation(s) of the City Attorney or as directed by state law.

4. Violations. City Councilmembers are responsible for complying with the guidelines contained in this policy. Violations could result in legal exposure to the Councilmember and the City and loss of privileges. Sanctions for violation of protocols as described in this section may include the following, although the Council may decide, based on the severity of the violation, to begin with steps other than the first step as listed here:

a. On the first violation, the Presiding Officer may issue a warning orally to the Councilmember who has violated these protocols.

b. On the second violation, the Presiding Officer, upon a motion being adopted by the City Council, may issue a written reprimand to the Councilmember who has violated these protocols.

c. On the third violation, the Presiding Officer, upon a motion being adopted by the City Council, may issue a formal resolution of censure to the Councilmember who has violated these protocols.

d. On the fourth violation, the Presiding Officer, upon a motion being adopted by the City Council, may remove the committee and liaison assignments of the Councilmember who has violated these protocols.

IV. PUBLIC HEARINGS

A. Order of Business. The standard order of business for public hearings that are not quasi-judicial in nature shall be as follows:

- a) Announce purpose and open public hearing
- b) Staff presentation
- c) Council's questions of staff
- d) Public testimony
- e) Close public testimony
- f) Council deliberation
- g) Close public hearing
- h) Council motion and action

B. Quasi-Judicial Hearings. A quasi-judicial action is an action of the Council which determines the legal rights, duties, or privileges of specific individuals or properties, such as rezones or plat approvals. The order of business for a quasi-judicial hearing shall be as follows:

- a) Appearance of Fairness Query
- b) Swearing in of all witnesses who intend to testify by the City Attorney
- c) Staff presentation
- d) Board or Commission recommendation
- e) Applicant's statement
- f) Council's questions of Staff, Commission, and Applicant
- g) Public testimony
- h) Rebuttal by Applicant
- i) Public testimony closed
- j) Council deliberation
- k) Council action

1. Appearance of Fairness. Whenever the Council is conducting a public hearing on a quasi-judicial matter that affects individuals or property rights, such hearings must not only be fair but must be free from even the appearance of unfairness. Therefore, in their consideration of such matters Councilmembers shall:

- a. Try to avoid any ex parte contact with the individual or property owner whose rights are under consideration.

b. Try to avoid any public or private statements in advance of the hearing that would suggest that the Councilmember has decided the issue before the hearing.

2. Ex Parte Communication. Consistent with RCW 42.36.060, if any Councilmember has had ex parte communications with opponents or proponents with respect to a quasi-judicial proposal, that Councilmember must disassociate themselves from the proceedings, unless:

a. That Councilmember places on the record the substance of any written or oral ex parte communications concerning of the action; and

b. The Presiding Officer makes a public announcement providing for an opportunity for any party to rebut the substance of the ex parte communication.

C. Conflict of Interest. In order to comply with appearance of fairness, and/or upon recommendation by the City Attorney, a Councilmember may be asked to disassociate themselves from participating in a public hearing by leaving the Council Chambers during Council consideration of a matter.

D. Public Testimony. Where a public hearing is scheduled (whether quasi-judicial or not), an opportunity to give public testimony during the hearing will be provided. Written testimony will be accepted, shared with Council, and included as part of the hearing record if received by the City Clerk's Office by 3 p.m. the day of the hearing, or as may otherwise be noticed.

Except for matters of procedure, public testimony shall not be given during the general public comment portion of the agenda and will be reserved for the time of the hearing. People wishing to comment but need accommodations to do so should contact the City Clerk's Office no later than three business days prior to the meeting to ensure accommodations are in place, to the best of the City's ability to provide.

1. Identification of Speakers. Those providing public testimony during a public hearing should identify themselves for the record as to name, address, and organization so they may be included as party of record.

2. Time Limitations. Testimony given at a public hearing shall be limited to three minutes per person unless determined otherwise by the Presiding Officer with the concurrence of Council. All individuals shall be allowed to speak uninterrupted provided the speaker respects the rules set by Council and the Presiding Officer. The Mayor or their designee shall be the timekeeper.

At a quasi-judicial hearing, the burden of proof generally lies with the applicant of the action before the Council. During the public testimony portion of the meeting, the applicant and the applicant's advisors will not be limited in presentation time and will have the opportunity for rebuttal to opposing testimony.

V. PUBLIC PARTICIPATION AT COUNCIL MEETINGS

A. Public Comment

1. General. Public comment will be allowed on Council Action Items, following staff presentations and Council questions, and prior to Council deliberations. Council may make additional adjustments to public comments as the need may arise, such as establishing sign-up procedures, limiting comments to in-person attendees or written comments only. Written comments will not be read aloud by staff at Council meetings but will be shared with the City Council if received by the City Clerk's Office before 3 p.m. the day of the meeting. People wishing to comment, but needing accommodations to do so, should contact the City Clerk's Office no later than three business days prior to the meeting to ensure accommodations are in place, to the best of the City's ability to provide.

2. Identification of Speakers. Those providing public comment may be asked to identify themselves for the record as to name and relationship to the City.

3. Time Limitations. For any portion of the meeting at which public comment is allowed, any person may speak for no more than three minutes, unless determined otherwise by the Presiding Officer with the concurrence of Council. All individuals shall be allowed to speak uninterrupted provided the speaker respects the rules set by Council and the Presiding Officer. The Mayor or their designee shall be the timekeeper. Speakers may not concede the remainder of their time to another party and may only speak once per item.

B. Public Decorum. Council meetings are a limited public forum. Public comments shall be directed to the Council and germane to the designated topic on the agenda. Comment periods shall be solely for members of the public to express their opinion on policy matters and not to engage in a question and answer dialogue with members of the Council or staff. During any public comment period, the commenter shall not make any personal attacks directed at other members of the public, staff, or the family members of elected officials, staff, or other members of the public. Comments may be stopped, either in-person or remotely, for vulgar, unruly, or threatening behavior.

1. Point of Order. A Councilmember or the Mayor may call for a point of order if a member of the public fails to adhere to proper decorum, clearly identifying the violation causing said point of order. The Presiding Officer shall rule on validity of Council points of order. The commenter shall be given one reminder per comment period that failure to abide by these rules will result in the forfeiting of the remaining time during that particular comment period. If the participant is commenting electronically, the Mayor may direct the Clerk to mute the participant.

2. Right to Eject. While the Council is in session, both the members and the public must preserve order and decorum, and shall neither, by conversation or otherwise, delay or interrupt the meeting or the peace of the Council, nor disrupt any member while speaking or refuse to obey the orders of the Presiding Officer, except as otherwise provided in these Rules. Any person who becomes boisterous, unruly, or who physically or verbally threatens any other person while addressing the Council or while attending a Council meeting shall be asked to leave by the Presiding Officer, and the Police Chief, or their designee, shall escort them from the Council Chambers. The Presiding Officer may also call for a recess so that measures may be taken to restore order.