

**CITY OF MONROE
RESOLUTION NO. 2022-019**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONROE, WASHINGTON, AMENDING THE MONROE
CITY COUNCIL RULES OF PROCEDURE

WHEREAS, the most recent full version of the Council Rules of Procedure was adopted by Resolution 004/2015; and

WHEREAS, the Council Rules of Procedure Section 14A was amended by motion on March 26, 2019; and

WHEREAS, the Council Rules of Procedure Section 12 and Section 13 were amended, and section numbering for sections 13 through 18 were updated by motion on August 4, 2020; and

WHEREAS, City Council wishes to amend its Rules of Procedure to conform to current practice as well as new state and local laws, add a process for filling Council seat vacancies, rearrange sections, and other minor modifications for ease of reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:


Section 1. The Monroe City Council Rules of Procedure are hereby amended to provide in their entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Copies of these Rules of Procedure shall be maintained by the City Clerk in a publicly accessible manner and shall be made available to members of the public at their request.

Section 3. Effective Date. This resolution shall take effect January 1, 2023.


ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 13th day of December, 2022.

CITY OF MONROE, WASHINGTON


Geoffrey Thomas (Dec 14, 2022 06:06 HST)

Geoffrey Thomas, Mayor

ATTEST:


Jodi Wycoff (Dec 14, 2022 08:09 PST)

Jodi Wycoff, City Clerk

EXHIBIT A

MONROE CITY COUNCIL RULES OF PROCEDURE

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SECTION 1. AUTHORITY; EFFECT; WAIVER

- 1.1 The Monroe City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended, or new procedures are adopted in the manner provided by these rules.
- 1.2 Any provision of these rules not governed by state law or ordinance may be temporarily waived or suspended by a majority vote of the Council, except as otherwise specified in these rules or required by law. Any formal action of the City Council in violation or disregard of these rules shall be deemed as an implied waiver thereof.
- 1.3 These rules may be amended, or new rules adopted, by a majority vote of the Council.
- 1.4 These rules are for the sole convenience of the City Council and may only be enforced by Councilmembers. Nothing in these rules shall be construed as creating any enforceable right, entitlement, or cause of action in or for any other party.
- 1.5 If any sentence, clause, or provision of these rules irreconcilably conflicts with an applicable provision of state or federal law or is otherwise invalidated by a court of competent jurisdiction, the offending sentence, clause, or provision of these rules shall be severable from the remainder.
- 1.6 Any reference to a particular executive official (e.g., City Clerk, City Administrator, etc.) shall be construed as including that individual's designee unless otherwise specifically indicated.

SECTION 2. FORM OF GOVERNMENT

- 2.1 The City of Monroe is organized as a municipality under the Revised Code of Washington (RCW) as a Non-Charter, Code City, Mayor/Council form of government. As such, roles and responsibilities of the Mayor and Council are defined in the RCW. The enumeration of powers in Section 2.2. and Section 2.3, respectively, is intended to be exemplary only and is not intended to limit or expand the powers granted to the Mayor and the City Council by state law and/or the Monroe Municipal Code (MMC). The statutory citations set forth in Section 2.2. and Section 2.3 are likewise nonexclusive and shall not be deemed to limit the exercise of any other state law authority.
- 2.2 RCW 35A.11.020 lists the specific powers vested in the City Council. The following is a summary list of City Council powers:
 - Define the functions of officers and employees.
 - Define the powers and duties of officers and employees.
 - Fix compensation of officers and employees.
 - Fix working conditions of officers and employees.
 - Maintain civil service or merit employment system.
 - Maintain retirement and pensions systems.
 - Adopt and enforce ordinances regulating local affairs and municipal affairs.
 - Impose fines and penalties for violation of city ordinances.
 - Exercise all powers possible for a city or town to exercise under the Constitution so long as the power is not specifically denied to code cities by law.

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- Regulate the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, all public real property, all waterways, and all structures and any other improvement or use of real or personal property.
- Engage in collective bargaining.
- Render local social, recreational, educational, and corporate services.
- Operate and supply utilities.
- Impose taxes if not prohibited by other state law.
- Approve claims against the City (RCW 35A.31.030).
- Approve interlocal agreements.
- Accept gifts and grants for any public purposes (RCW 35A11.040).
- To cause the City to participate in economic opportunity programs (RCW 35A.11.060).

2.3 The duties of the Mayor, who is the Chief Executive Officer of the City, are primarily listed in Sections 35A.12.090 and 35A.12.100 of the RCW. The following is a summary list of the duties of the Mayor:

- To oversee the departments and the employees.
- To appoint and remove a chief administrative officer or assistant administrative officer.
- To see that laws and ordinances are enforced.
- To provide general supervision of the administration of city government and city interests.
- To approve the official faithful performance bonds for officers and employees.
- To approve payment and performance bonds of City contractors.
- To enforce contracts.
- To initiate legal proceedings, subject to approval by majority vote of the Council.
- To preside over all meetings of the Council, when present, but to 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.
- To report to the Council on financial and other needs of the City.
- To make recommendations for Council consideration and action.
- To prepare a proposed budget.
- To veto ordinances, subject to an override by a majority plus one vote of the Council.
- To perform as ceremonial head of the City.

2.4 Council compensation shall be established by the Monroe Salary Commission as set forth in Monroe Municipal Code Chapter 4.70.

2.5 Council may have a School District Student Representative position appointed to serve per Resolution No. 2012/023.

SECTION 3. RESPECTING ROLES AND RESPONSIBILITIES

- 3.1 The City Council and the Mayor shall continue to demonstrate their mutual respect of each other's respective roles and responsibilities. The Mayor acknowledges the Council as the policy making body for the City and the Council acknowledges the Mayor as the City's Chief Administrative Officer, responsible for implementing Council's policies.
- 3.2 The Mayor shall refer policy questions to the City Council and shall endeavor to, fully and completely, implement Council's policy decisions and legislative directives.
- 3.3 Except to the extent consistent with applicable state law, local ordinance, policy, and these rules, (i) Councilmembers shall not attempt to influence staff in the selection, or direction of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits, and (ii) the Council shall not attempt to change or interfere with the operating rules and practices of any City department. Provided, that nothing herein shall be construed as prohibiting Councilmembers from discussing policy issues, requesting information from, or asking questions of the Mayor or City Administrator.

SECTION 4. REPRESENTING THE POSITION OF THE CITY

- 4.1 If a Councilmember or the Mayor appears on behalf of the City before another Governmental Agency, a community organization, or the media for the purpose of commenting on an issue, the majority position of the Council, if known, is to be stated. Personal opinions and comments which differ from the Council majority may be expressed if it is clearly stated the comments do not reflect the majority Council position.
- 4.2 A Councilmember's concurrence shall be obtained before a second party shares that Councilmember's view or position with the media, another governmental agency, or a community organization.
- 4.3 Letters, written statements, newspaper guest opinions, etc., which state a Council opinion shall be submitted to the full Council for review, comment, and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council. In such cases, digital signatures will be used unless wet signatures are specifically required or requested.

SECTION 5. CONFIDENTIALITY

- 5.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive and closed sessions to ensure that the City's position is not compromised. Confidentially also includes information provided to Councilmembers outside of executive and closed sessions when the information is considered to be exempt from disclosure under exemptions set forth in the RCW.
- 5.2 If the Council, in executive or closed session, has discussed proposed terms and conditions for any type of issue, all subsequent action related to such issue shall be done by the designated City staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the Mayor, the City Attorney, or staff designated by the City Administrator, Councilmembers should review such potential discussion with the City Administrator or City Attorney. Any Councilmember having such contact or discussion is to make a full disclosure to the Mayor or City Council in a timely manner.

SECTION 6. COUNCIL MEETINGS

The Monroe City Council may hold one of two types¹ of official meetings when a quorum of its members is present. "Quorum" is defined as at least four members of the City Council. Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each Councilmember and the number of years served on City Council. If two Councilmembers started the same year, the order of seat selection shall be determined by a traditional tie breaker, such as a coin toss.

- 6.1 **REGULAR MEETINGS:** Regular meetings of the Monroe City Council will be held the first four Tuesdays of each month at the Council Chambers in City Hall.² It is the general policy of the city that, whenever feasible, virtual attendance at meetings of the city council shall be available via telephonic and/or other electronic methods, the connection information for which shall be provided to the public at the time of publication of the meeting agenda or as otherwise required by law. Council reserves the right, as deemed necessary, to cancel, adjourn, or continue any regular meeting in accordance with state law.
- A. Regular meetings will begin at 7:00 p.m. and will be scheduled to end at 10:00 p.m.; provided that meetings may be extended by majority vote of the Council.
 - B. The second and fourth Tuesdays of each month shall be deemed to be a "Business Meeting." Business Meetings will be formal meetings for the purpose of all action items; to include, and not be limited to, all public hearings, resolutions, ordinances, and minute orders for the approval of such items as appointment confirmations, contracts, interlocal agreements, grants, etc.
 - C. The first and third Tuesdays of each month shall be deemed to be a "Study Session." Study Sessions will be informal meetings for the purpose of reviewing forthcoming programs or projects or receiving similar information. No final decisions/actions can be made during a study session, provided that the Council may waive its rules in order to take final action at a Study Session. Unless waived, final action on study session items will be scheduled for a forthcoming regular business or special Council meeting.
 - D. Without prejudice to section 6.1(D), the City Council may change a Study Session to a Business Meeting. This action may take place during a meeting prior to the changed meeting or as the first item on the agenda for the meeting that is to be changed.
 - E. Separate from public hearings and the designated Public Comments portion of each Regular Meeting, participation in City Council discussions is limited to Councilmembers and those invited to speak by the Council or the Mayor, with Council consent.
- 6.2 **SPECIAL MEETINGS:** A special meeting is defined as any Council meeting other than a regular meeting, which has been called for the purpose of conducting official action. Written notice shall be given to the members of the Council and the media at least 24 hours in advance, except that no notice shall be required if the meeting is necessary to address an emergency as contemplated in RCW 42.30.070 or 42.30.080. A Special Council meeting may be called by the Mayor, or by a majority of the City Council.

¹ RCW provides for only two types of meetings, "regular" and "special."

² MMC 2.04.010: Provides for day and time of meetings. Also provides for study sessions.

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- 6.3 All official meetings, minutes, and records of the Council shall be open to the public with the exception of executive sessions and closed sessions and except as provided by law.
- 6.4 All public meetings of the City Council shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.
- 6.5 The City Council may choose to hold official City Council meetings in the community, or as joint meetings with other agencies, or in other cities, provided that appropriate notice of such meeting is given in accordance with state law. Council cannot take final action on a resolution or ordinance at a meeting outside City limits. RCW 35A.12.110.
- 6.6 Pursuant to RCW 42.30.070, whenever a regularly stated meeting of the council falls on a holiday, such regular meeting shall be held on the next business day. Notwithstanding the foregoing, whenever a regularly stated meeting of the council falls on a holiday or a holiday eve, the council may, by motion and majority vote and by providing notice as required by law, change that particular date to another suitable date, which changed date shall then become a special meeting date of the council. A special meeting may be called by the Mayor on a holiday if such meeting is necessary to conduct emergent business.
- 6.7 The City Clerk will keep an account of all proceedings of the Council in accordance with statutory requirements and a summary of proceedings will be entered into a minute book constituting the official record of the Council. The official Council record shall be available for public review on the City's website, or at City Hall during City Hall's regular business hours.
- 6.8 Sign-up sheets for comments from the audience will be available at each Council meeting for the use of those wishing to address the Council. When a public hearing is scheduled at a meeting, sign-up sheets will be available for those wishing to testify during the public hearing.

SECTION 7. REMOTE ATTENDANCE

City Councilmembers are encouraged to attend all meetings in-person; however, members may, from time to time, attend meetings remotely. In those circumstances, the following section outlines the rules of procedure for remote attendance.

- 7.1 During periods of a declared emergency, fully remote meetings are allowed where the Mayor, Councilmembers, staff, and the public can attend via telephonic or other electronic means that allows real-time verbal communication without being in the same physical location. Any such fully remote meeting shall comply with the requirements of Chapter 42.30 RCW, as applicable.
- 7.2 During nonemergent periods, a physically present quorum of Councilmembers is not required in order to conduct a meeting, if a quorum of Councilmembers is obtained through either physical presence at the meeting and/or through telephonic or other electronic means that allows real-time verbal communication without being in the same physical location. Any such remote participation shall comply with the requirements of Chapter 42.30 RCW, as applicable.
 - A. The provisions of this Section 7.2(A) apply to circumstances that are not covered by Section 7.1 (emergency periods).
 1. To the extent consistent with applicable state law, Councilmembers may attend and participate in a Council meeting remotely ("Remote Participation") utilizing a City approved virtual platform. Any Councilmember intending to utilize Remote Participation for a meeting shall reasonably endeavor to provide at least two (2) hours advanced written

notice of such intent to the Mayor, City Administrator, or City Clerk. The use of virtual platform equipment shall allow members of the public to be present at the meeting, allow the City Clerk to observe all activity, allow the recording system to capture, in open session, all activity and discussion, and allow the Councilmembers and the public to adequately hear the discussion, comments, and any voting by the Councilmember attending through Remote Participation.

2. The following virtual platforms are hereby approved for Remote Participation:
 - a. Microsoft Teams;
 - b. Zoom; and
 - c. Any other virtual platform satisfying the requirements of this Section 7.2(A).
3. It is the policy of the City to reasonably attempt, in good faith, to accommodate and facilitate Remote Participation by Councilmembers in accordance with this Section 7.2(A). Notwithstanding the foregoing, however, any Councilmember using Remote Participation shall bear the exclusive risk that the virtual platform being used to effectuate the Remote Participation may malfunction or otherwise fail to operate properly in a manner than effectively prevents the Councilmember's attendance and participation at the meeting. Except to the extent necessary to ensure a quorum, no such malfunction or operational failure shall require the adjournment, continuation or cancelation of any Council meeting, or the postponement of any Council vote; provided, that the City Council may in its sole discretion vote to adjourn, continue or cancel a meeting, or postpone a Council vote, as deemed appropriate to respond to a malfunction or operational failure of the virtual platform.
4. After the City Clerk has called the roll at a meeting, the Presiding Officer shall indicate any Councilmember attending remotely. If joining after roll call, the Presiding Officer shall note the time the Councilmember joined and, if before adjournment, when the Councilmember left the meeting. The minutes will reflect both the remote attendance and times of attendance, if applicable.
5. Remote Attendance Requirements:
 - a. Remote attendance shall be through an application satisfying the requirements of Section 7.2(A).
 - b. The Presiding Officer, Councilmembers, and presenting staff shall strive to keep their videos on at all times when participating in the meeting.
 - c. While not speaking, remote attendees shall keep their microphone muted in order to reduce outside distractions and maintain order.
 - d. Remote attendees must be able to hear public comment or testimony, presentations, discussions, and votes in real time.
 - e. Remote attendees must be able to ask for and receive recognition when they wish to speak.
 - f. The Presiding Officer, Councilmembers and applicable staff may attend an executive session or closed session remotely if: (i) the conditions in this Section 7.2(A) are met, and (ii) the remote attendee preserves the confidentiality of the executive session or

closed session by ensuring that the communications during such sessions are not visible or audible to any other person at the remote attendee's physical location.

SECTION 8. PRESIDING OFFICER

- 8.1 The Presiding Officer at all meetings shall be the Mayor and in the absence of the Mayor, the Mayor Pro-Tempore (Pro-Tem) shall act in that capacity. If both the Mayor and the Mayor Pro Tem are absent, Councilmembers present shall appoint one of their members to serve as Presiding Officer until the return of the Mayor or Mayor Pro-Tem.
- 8.2 The Presiding Officer shall:
 - A. Preserve order and decorum in the Council Chambers.
 - B. Observe and enforce all policies and procedures adopted by Council.
 - C. Recognize Councilmembers requesting the floor. The Presiding Officer will strive to recognize members in order of their request for recognition and is encouraged to prioritize recognizing members who have not spoken on a specific item over those who have spoken to the item already at that meeting.
- 8.3 When a Councilmember serves as Presiding Officer, the Councilmember shall have only those rights and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

SECTION 9. ORDER OF REGULAR COUNCIL BUSINESS MEETING AGENDA

Except for unforeseen matters reasonably requiring immediate or short-term attention, every effort will be made to provide meeting materials to the Council a minimum of twenty-four hours in advance.

The Mayor, City Council, or City Administrator may add items to an agenda and Council may take action on items not listed on the agenda to the extent allowed by state law. (Pursuant to Section 16.1, an addition by City Council must be at the request of at least two Councilmembers.)

The following is the usual order of the agenda for the Monroe City Council's regular business meeting; however, the order may be changed by the Mayor or Council. Changes to the order may also be made by the City Administrator, which shall be deemed approved unless a majority of Councilmembers object:

- 9.1 **CALL TO ORDER**: The Presiding Officer calls the meeting to order.
- 9.2 **ROLL CALL**: The City Clerk shall call the roll, and the Presiding Officer shall indicate any Councilmember who is not in attendance and ask for any objections to excusing the absence. If no objections are raised, the Presiding Officer shall announce that the absence is excused. If an objection is raised, City Council shall deliberate and may vote to excuse absent Councilmembers.
 - A. With as much notice as possible, Councilmembers are to inform the Mayor, the City Administrator, or the City Clerk if they are unable to attend any Council meeting or if they knowingly will be late to any meeting.
 - B. Pursuant to RCW 35A.12.060, a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

9.3 PLEDGE OF ALLEGIANCE Effort will be made to rotate who will lead the Pledge of Allegiance. On occasion, the Presiding Officer may request that a member of the audience lead the Pledge.

9.4 PUBLIC COMMENTS:³ This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe, except any quasi-judicial matter subject to a public hearing that is either currently pending before the City Council or that may, under the City's procedural regulations, ultimately come before the Council. Members of the public wanting to voice concerns about quasi-judicial matters must do so during and in accordance with the public hearing process. Council usually does not take action on matters brought up during public comments and may, if appropriate, schedule the matter for a subsequent meeting. Before making comments, the speaker is encouraged to state for the official record their name and area of residence and name of organization they are representing if making comments on behalf of that organization. Three minutes will be allowed per speaker when addressing Council.

- A. Public comments can also be submitted in writing to the City Clerk and can be sent via email or delivered to City Hall. Written comments received from members of the public will not be read into the record by City Officials or staff but rather filed as part of the record and forwarded to the Mayor, Councilmembers, and City Administrator. Provided, written comments may be read into the record by the author or the author's designee. It is encouraged that the author, for the official record, include their name, area of residence, and meeting date on the document. The deadline for submitting written comments to the City Clerk is 4:00 p.m. Pacific Time on the day of the meeting.

9.5 ANNOUNCEMENTS/PRESENTATIONS This time is set aside for topics that do not fall under other types of standing headings. An example of the items that would be under this heading include, but are not limited to, proclamations, previously arranged presentations from outside organizations, audit entrance/exit conferences, annual reports, etc.

See Section 18 regarding conduct during presentations.

9.6 PUBLIC HEARINGS: There are two types of public hearings that may come before City Council, quasi-judicial hearings and legislative hearings.

Quasi-judicial actions are those actions which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Legislative actions include, without limitation, actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance

Specific procedures for each type of hearing are outlined in the following sections.

9.6.1 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES

- A. SPEAKER SIGN-IN: Prior to the start of a public hearing the Presiding Officer may require that all persons wishing to be heard sign in with the City Clerk, giving their name and whether they wish to speak as a proponent, opponent or other member of the public. For purposes of this section:

1. A "Proponent" means a person, firm, or organization speaking in favor of a proposal on which a public hearing is being held. The term "proponent" includes, but is not limited

³ See Section 18, Presentations to Council.

to, the applicant when a development permit or approval is the subject of the public hearing; and

2. An "opponent" means a person, firm or organization speaking against a proposal on which a public hearing is being held. The term "opponent" includes, but is not limited to, a person, organization or association opposing a permit or approval application when a development or use proposal is the subject of the public hearing; and
3. "Other members of the public" means those persons, firms, or organization wishing to speak concerning a proposal on which a public hearing is being held and who do not meet the definition of proponent or opponent. The term "other members of the public" includes, but is not limited to, persons and government agencies who desire to comment on a proposal but who are not speaking in favor of or against the proposal on which the public hearing is being held.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Presiding Officer, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control the duration and format of any presentations.

B. CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

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

C. THE PUBLIC HEARING PROCESS

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

1. The Presiding Officer introduces the agenda item, opens the public hearing and announces the following rules of order:
 - a. All comments by proponents, opponents or other members of the public shall be made from the podium unless the speaker is participating remotely; any individuals making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made.
 - b. Anyone making "out of order" comments that disrupt the meeting shall be subject to removal from the meeting.
 - c. There will be no demonstrations or interruptions during or at the conclusion of a speaker's comments or presentation.

- d. These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, as applicable, and to ensure that no individual is embarrassed by exercising his/her right of free speech and participation.
2. The Presiding Officer calls upon City staff to describe the matter under consideration.
3. The Presiding Officer calls upon proponents, opponents, and all other members of the public who wish to speak regarding the matter under consideration.
4. The Presiding Officer inquires as to whether any Councilmember has questions to ask the proponents, opponents, other members of the public, or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
5. The Presiding Officer continues the public hearing to a time specific or closes the public hearing.
6. The Councilmembers will then proceed to deliberate and, as applicable, vote on the underlying proposal.
7. The Mayor will then direct staff and/or the City Attorney to prepare written findings and conclusions reflecting the Council's vote for formal adoption by the Council.

9.6.2 LEGISLATIVE PUBLIC HEARING PROCEDURES

- A. SPEAKER SIGN-IN: Prior to the start of a public hearing the Presiding Officer may require that all persons wishing to be heard sign in with the Clerk, giving their name.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Presiding Officer, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations.

- B. THE PUBLIC HEARING PROCESS

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

1. The Presiding Officer introduces the agenda item, opens the public hearing and announces the following rules of order:
 - a. All speaker comments shall be made from the podium unless the speaker is participating remotely; any individuals making comments shall be requested to first give their name.
 - b. Anyone making "out of order" comments that disrupt the meeting shall be subject to removal from the meeting.
 - c. There will be no demonstrations or interruptions during or at the conclusion of any person's comments or presentation.
 - d. These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising his/her right of free speech and participation.
2. The Presiding Officer calls upon City staff to describe the matter under consideration.
3. The Presiding Officer calls upon all members of the public who wish to speak regarding the matter under consideration.

4. The Presiding Officer inquires as to whether any Councilmember has questions to ask the staff or other speaker. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
5. The Presiding Officer continues the public hearing to a time specific or closes the public hearing.
6. The Councilmembers will then proceed to deliberate and, as applicable, vote on the underlying proposal.

9.7 CONSENT AGENDA:⁴

- A. When the City Administrator determines that any item of business requires action by the Council but is of a routine and noncontroversial nature, such item may be presented at a regular business meeting of the council as part of a Consent Agenda.
- B. The Consent Agenda shall be introduced by a motion "To approve the Consent Agenda" and shall be considered by the Council as a single item.
- C. There shall be no debate or discussion by any member of the Council regarding any item on the Consent Agenda, beyond asking questions for simple clarification.
- D. On objection by any member of the council to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be made at any time prior to the taking of a vote on the motion to approve the Consent Agenda. All such items shall be considered individually, immediately following the Consent Agenda.
- E. Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.
- F. Consent Agenda items may include; but, shall not be limited by this reference: approval of all Council minutes, final approval of leases and contracts, final acceptance of grants, deeds or easements, setting dates for public hearings, approval of change orders, acknowledging receipt of claims for damages against the City, approval of claims or vouchers, passage of resolutions and/or ordinances requiring no further public hearing and which the Council has given directions to prepare, any matter for which the Council has already conducted a first reading at a prior meeting, and any other such routine items as the City Administrator may deem appropriate to be placed upon such a Consent Agenda.

9.8 FINAL ACTION: Discussions and deliberations on items listed in this section have been completed and/or it is anticipated Council is prepared to take an official final action. In general, but not in all cases, items are reviewed during "New Business" or "Unfinished Business" in a prior meeting before being placed under "Final Action." Final Action items may include; but, shall not be limited by this reference: confirmation of staff appointments, confirmation of board, commission, or committee member appointments, final reading of ordinances, and approval of resolutions, contracts and contract amendments.

9.9 UNFINISHED BUSINESS: Unfinished Business consists of subjects that have previously been introduced to or considered by the Council but have not been finalized. Typically, items in this section require additional discussion and final approval/adoption may be taken during this portion

⁴ Section 9.7, *Consent Agenda* is copied from Resolution 96/16, *Adopting a Consent Agenda*, December 11, 1996.

of the meeting. First readings of ordinances may be placed as Unfinished Business, if the subject had been introduced to Council at a previous meeting.

- 9.10 **NEW BUSINESS**: New Business consists of subjects which have not previously been considered by the full Council and/or which may require discussion and action. The first reading of proposed ordinances may occur at this time. Official final action may also be taken on items under “New Business.”
- 9.11 **COUNCILMEMBER REPORTS**: Councilmembers report on Council committee meetings, other regional meetings, and activities in which they have participated. Councilmembers may also introduce items that they would like Council to consider by either remanding to a committee or adding to an upcoming agenda.
- 9.12 **MUNICIPAL COURT UPDATE**. Periodic oral or written report given by the Municipal Court on issues of interest to the Council that does not require official action that night.
- 9.13 **STAFF/DEPARTMENT REPORTS**. Oral or written reports are given by staff on issues of interest to the Council that does not require official action that night.
- 9.14 **MAYOR/ADMINISTRATIVE STAFF REPORTS**: Reports by the Mayor and City Administrator, if any, are made to the Council on issues of interest to the Council that do not require official action. The draft agendas for the next two Council meetings are presented at this time, as well.
- 9.15 **EXECUTIVE SESSIONS AND CLOSED SESSIONS**: Executive Sessions may be held during any regular or special meetings. Executive Session subjects are limited to considering matters relating to real property acquisition and sale, public bid contract performance, complaints against public officers and employees, personnel issues, actual or potential litigation, and other matters authorized by RCW Chapter 42.30.
 - A. Before convening an Executive Session, the Presiding Officer, shall announce the purpose of, and the anticipated amount of time needed for, the session. The session may be extended by announcement of the Presiding Officer or designee to the City Clerk, who shall relay the information to the audience. At the conclusion of the Executive Session, the open session of the public meeting will reconvene.
 - B. Closed Sessions may be held during, or after adjournment of any regular or special meetings or may be held as separate meetings. Closed Session subjects are limited to those authorized by RCW 42.30.140.
 1. If conducted during a regular or special meeting, Closed Sessions are treated the same as Executive Sessions as related to extension announcements.
- 9.16 **ADJOURNMENT**: The Presiding Officer shall state that there is no further business and ask for any objections to adjourning the meeting. If no objection is stated, the Presiding Officer shall adjourn the meeting. Alternatively, Council may make a motion, second and vote to adjourn, after which the Presiding Officer adjourns the meeting.

SECTION 10. ORDER OF REGULAR COUNCIL STUDY SESSION MEETING AGENDA

The Mayor, City Council, or City Administrator may add items to an agenda and Council may take action on items not listed on the agenda. (Pursuant to Section 16.1, an addition by City Council must be at the request of at least two Councilmembers.)

10.1 The following is the usual order of the agenda for the Monroe City Council's regular study session meeting; however, the order may be changed by the Mayor or Council. Changes to the order may also be made by the City Administrator, which shall be deemed approved unless a majority of Councilmembers object.

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Public Comments
- E. Announcements/Presentations
- F. Councilmember Reports
- G. Mayor/Administrative Staff Reports
- H. Discussion Items (see description in 10.2)
- I. Executive/Closed Sessions (if needed)
- J. Adjournment

10.2 DISCUSSION ITEMS: Items in this section include a variety of topics that may or may not require additional review or action by Council at future meetings. Examples include, but are not limited to, reports or updates on projects or programs, review of policies and procedures, review and discussion of long-range priorities and plans, and budget development and amendments. Council may provide direction by consensus on discussion items to the Mayor. The Mayor may request a motion from the Council, when necessary, to determine direction.

SECTION 11. COUNCIL DISCUSSION

It is the policy of the Monroe City Council that Councilmembers shall, to extent necessary and appropriate for effective, efficient, and courteous discourse:

- Speak one time to an issue taking care not to reiterate previous comments or arguments;
- Rebut opposing arguments only once;
- Speak only twice on the same subject without permission of the Presiding Officer;
- Speak one at a time – do not interrupt another speaker;
- Wait for presentations to conclude before offering comments and asking questions; and
- Speak to the merits of an issue and avoid references to personalities.

SECTION 12. TYPES OF COUNCIL ACTION

The City Council may take action only during an official Council meeting by adopting a minute order, a resolution, or an ordinance. These actions are listed in order of complexity and formality – a minute order is easier to issue and change than a resolution or an ordinance.

12.1 Minute Orders. A minute order is a simple motion by Council, an action that does not require any further documentation (ordinance or resolution) to implement that is recorded in the official record. A minute order may adopt proclamations of recognition, signify Council's acknowledgement or recognition of staff action, or serve as a marker in the official record documenting Council's

deliberations or conclusions for items such as contracts, appointment confirmations, grant acceptance, etc. A minute order may be adopted by a majority of those present at a meeting.

- 12.2 Resolutions. An action of the City Council in which Council resolves to direct certain types of action. A resolution usually deals with matters of a special or temporary character and generally speaking, is simply an expression of the opinion or mind of the official body concerning some particular item of business or matter of administration coming within its official cognizance. A resolution may be changed by a subsequent resolution. A resolution may be adopted by a majority of those present at a meeting.
- 12.3 Ordinances. Ordinances are official acts of the legislative body enacting local law and must receive a minimum of four affirmative votes (see section 14). They are the most permanent and binding form of Council actions and may be amended or repealed only by a subsequent ordinance. All ordinances shall be read two times before adoption unless the Council waives a second reading. Where no express waiver is made, adoption of an ordinance on first reading shall be deemed to waive the second reading by implication.
- A. Ordinances normally become effective five days after publication in the city's official newspaper, unless a specific effective date is otherwise listed within the ordinance and/or prescribed by state law. If an ordinance is subject to Referendum process, there is a thirty-day waiting period. If legally sufficient petitions are filed, the ordinance may be rescinded or subject to a public vote.
- B. The Mayor holds the exclusive power to review and veto Council's ordinances.⁵ Ordinances vetoed by the Mayor will be reconsidered by Council in accordance with state law. Five affirmative votes, not including recusals or abstentions, must be cast by Councilmembers to override the Mayor's veto.

SECTION 13. MOTIONS

- 13.1 Motions shall be clear and concise and shall not include arguments for the motion within the motion. If a motion does not receive a second it dies.
- A. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 13.2 After a motion and a second, the presiding officer shall restate the motion, state the names of the Councilmembers making the motion and second, and Council will be given the opportunity to debate prior to the vote. No further comments from the audience, without Council request or permission, may be heard once a motion and second is on the floor.
- 13.3 A motion may be withdrawn or modified by the maker of the motion, at any time prior to the motion being restated by the Presiding Officer, without the consent of Council. Once restated, a motion may be withdrawn or modified by the maker only through a request for permission to withdraw or modify and granted by the Council.
- 13.4 A motion to "lay on the table" (to set the pending matter aside in order to address an item of immediate urgency or an item which needs to be addressed prior to the pending matter) requires a second and is not debatable. Any member may make a motion to "take from the table" any time during the same meeting, or the next regular meeting, as long as no question is pending. Such an

⁵ RCW 35A.12.130 allows Mayor 10 days from date of passage to veto.

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item requires a second and a majority vote of those present. If the item is not taken from the table by the end of the next regular meeting, it shall be considered expired.

- 13.5 A motion to “postpone to a certain time” requires a second, is debatable, is amendable, and may be reconsidered only at the same meeting. The question being postponed must be considered at that later time.
- 13.6 A motion to “call for the question” shall close debate on the main motion and is non-debatable. This motion must receive a second and fails without a two-thirds vote of those present. (If 7 Councilmembers are present, then 5 must vote in the affirmative to meet this 2/3 requirement.) Debate is reopened if the motion fails.
- 13.7 A motion to “amend” is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, or substituting.
 - A. The motion maker, the Presiding Officer, or the City Clerk, should repeat the amended motion prior to voting.
- 13.8 The City Clerk shall take a roll call vote, if requested by the Presiding Officer, a Councilmember, or when required by law.
- 13.9 A motion to “reconsider” may be made during the same meeting in which a question has been decided, by any Councilmember who voted in the majority on the question. Such motion requires a second and a majority vote of those present.
- 13.10 A motion to “rescind” or “amend something previously adopted⁶” at a previous meeting requires a second, is debatable, is amendable, and requires a majority vote with previous notice, and a two-thirds vote without previous notice.
- 13.11 The City Attorney, or City Clerk in absence of the City Attorney, shall decide all questions of interpretations of these policies and procedures and all other questions of a parliamentary nature, which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by ROBERT’S RULES OF ORDER, THE MODERN EDITION. In the event of a conflict, these policies and procedures shall prevail.
- 13.12 Unless otherwise expressly stated, any motion authorizing the Mayor to sign a document on behalf of the City, shall be construed as including the authority for the Mayor Pro Tem to affix their signature on said document in the absence of the Mayor.
- 13.13 Unless otherwise expressly stated, a motion to approve a contract or contract amendment shall be construed as including the authority for the Mayor or their designee to negotiate and/or make minor substantive revisions to the form of the contract presented to the City Council, and to negotiate and/or make minor non-substantive revisions to correct errors in formatting, syntax, spelling, punctuation, cross-citation, and similar matters, to the extent deemed necessary and appropriate.
- 13.14 Unless otherwise expressly stated, a motion to approve an ordinance or resolution shall be construed as including the authority for the City Clerk to make non-substantive revisions to correct errors in formatting, syntax, spelling, punctuation, cross-citation, and similar matters, to the extent deemed necessary and appropriate.

⁶ NOTE: A “motion to amend something previously adopted” is not necessary for the City Council to amend previously adopted ordinances, resolutions, plans, policies and similar legislative enactments that have already taken effect.

SECTION 14. VOTING

- 14.1 At the conclusion of any vote, the Presiding Officer shall inform the Council of the results of the vote. A motion that receives a tie vote is deemed to have failed, unless the Mayor chooses to break the tie by casting a vote for those items that the Mayor is allowed to break the tie vote of those present.
- 14.2 Councilmembers are expected to vote on all items except those for which they have been disqualified from participation pursuant to Section 14.3. Any Councilmember who abstains from voting without being so disqualified may express their intent to abstain during deliberation and shall state "I abstain" during the vote. An abstention will not count as a vote in the affirmative or in the negative on the question; and will be noted in the minutes accordingly. If a Councilmember remains silent during a vote, it is presumed that they are voting with the majority and shall be counted as such.
- 14.3 No Councilmember shall vote on any question put to the Council regarding matters in which they have been disqualified for a conflict of interest or under the appearances of fairness doctrine as defined by applicable state law. Such members shall disqualify themselves prior to any discussions of the matter and shall leave the Council Chambers, or disconnect from the meeting if such Councilmembers are attending through Remotely Participation, if considered necessary by the City Attorney. When disqualification of a member or members under the appearance of fairness doctrine would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any member who had been disqualified may subsequently participate as authorized by RCW 42.36.090.
- 14.4 In accordance with the RCW, the Mayor does not participate in Council votes, unless it becomes necessary to break a tie vote. The Mayor shall have a vote only in the case of a tie vote 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.
- 14.5 A tie vote, (3-3, 2-2) on an Ordinance or matter requiring four affirmative votes for passage, shall not be final action of the matter voted upon, but shall be deemed to have postponed the matter until the next regular meeting at which all seven Councilmembers are present. Staff will ensure that the Ordinance or matter is scheduled for an appropriate agenda.
- 14.6 A non-tie vote (3-2, 2-3, 3-1, 1-3) which fails for a lack of four affirmative votes, if the matter requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. However, any Councilmember may move to reconsider the matter at the same meeting if all seven Councilmembers are present; or two Councilmembers may request to bring the item back for action at a future meeting.

SECTION 15. COUNCIL MEETING STAFFING

- 15.1 The City Administrator shall attend all meetings of the City Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and may take part in discussions of the Council; however, shall have no vote.
- 15.2 The City Attorney, or designee, shall attend all business meetings of the Council unless excused by the Mayor or the City Administrator and shall, upon request, give a legal opinion, either written or oral, on legal questions and matters. The City Attorney, or City Clerk in the absence of the City Attorney, shall act as the Council's parliamentarian. The City Attorney shall refrain from providing personal opinions or recommendations unless specifically requested.

- 15.3 The City Clerk shall attend all regular meetings of the City Council, keep the official records and minutes, and perform such other duties as may be needed for the orderly conduct of the meeting. The City Clerk shall attend other meetings when requested by the Mayor, the City Administrator, or City Council.

SECTION 16. AGENDA PREPARATION⁷

- 16.1 The City Administrator, or designee, with the approval of the Mayor, will prepare an agenda for each Council meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. An item may be placed on the agenda by the Mayor, the City Administrator, a Department Head, with the concurrence of the City Administrator, or at the request of at least two Councilmembers. During the meeting subject to the agenda, Councilmembers may, by majority vote, modify the agenda, including additions and deletions, to the extent authorized by law.
- 16.2 The City Administrator, Presiding Officer, or designee shall present the preliminary agenda for the next two meetings during Mayor/Administrator reports.
- 16.3 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time. However, legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items that have been scheduled for convenience rather than for statutory or other legal reasons.
- 16.4 Public hearings will be scheduled as needed. The City will endeavor to schedule sufficient time between public hearings and other items so the public is not kept unduly waiting and so the Council will have sufficient time to hear testimony and to deliberate matters among themselves.
- 16.5 To the extent possible, agenda items continued from one meeting will have preference on the next agenda.
- 16.6 The City Administrator shall attempt to have the meeting agenda finalized by 12:00 p.m. on the Friday prior to the Council meeting. The foregoing is without prejudice to the City's requirement pursuant to RCW 42.30.077 to make the agenda of each regular meeting available online no later than 24 hours in advance of the published start time of the meeting. The agenda and available documents will be made available to Councilmembers, the media and the public on the City website. Hard copies of the meeting agenda are available at City Hall upon request.

SECTION 17. COUNCIL LEGISLATIVE COMMITTEES

- 17.1 Purpose. The purpose of a council legislative committee is to formulate policy recommendations and gather policy information for the City Council in order to provide for more efficient and effective use of City Council meeting time. Committees will address issues assigned to them by the City Council.
- 17.2 The committees are not intended to oversee or interfere with the administration or operations of any City department.
- 17.3 Staffing. Administrative support to, and attendance of, committees is provided at the discretion of the Mayor. The Mayor or City Administrator may participate as an ex-officio member of each

⁷ The City Administrator establishes guidelines and deadlines for submitting items to administer this process.

committee. Meeting agendas, if any, committee minutes, and committee reports may be prepared by staff if directed by the Mayor and requested by the committee.⁸

17.4 Committees Established. A council legislative committee shall consist of up to three Councilmembers with two making a quorum. Legislative committees have the following functions:

- A. Transportation/Planning, Parks & Recreation, and Public Works (P3) Committee. The primary purpose of the P3 committee is to review and advise upon matters of policy assigned by the City Council involving the physical and economic development of the City as well as matters involving planning for transportation systems and facilities, including City infrastructure, water and sewer utilities, parks and recreation, and property management, sales, and acquisitions.
- B. Public Safety Committee. The primary purpose of the Public Safety Committee is to review and advise upon matters of policy assigned by the City Council involving public health, welfare, and safety; including issues related to police, emergency management, public defense and prosecution, municipal court, nuisance abatement, and code enforcement issues.
- C. Finance and Human Resources Committee. The primary purpose of the Finance and Human Resources Committee is to review and advise upon on matters of policy assigned by the City Council involving city financial affairs, including budget development goals and major financial policies such as reserves and fund balance levels, grants and Interlocal Agreements, personnel matters (e.g. union negotiations, employee benefits), and approval of warrants.
- D. Legislative Affairs Committee: The primary purpose of the Legislative Affairs Committee is to review and advise upon legislative matters at county, state, and federal levels of interest to the City Council; and City Council policies and procedures.

17.5 Performance of Tasks. The committees created in this section shall perform such tasks in line with the subjects described in Section 17.4, or as may be referred to them by the Council. Committee functions are to be flexibly applied and issues such as committee workload and member expertise may be as important as, or more important than, committee function in assigning tasks to committees. The committees shall not preclude the Council or the Mayor, with Council consensus, from creating any other temporary ad hoc or other committee with similar functions.

17.6 Ad Hoc Committees

- A. The City Council or Mayor, with Council consensus, may establish such temporary Ad Hoc Committees at any time as may be appropriate to consider special matters that do not readily fit an established legislative committee or that require special approach or emphasis.
- B. Ad Hoc Committees shall consist of not more than three Councilmembers each. The Council, or Mayor, with Council consensus, will decide which Councilmember(s) will serve on Ad Hoc Committees.
- C. The Chair of each Ad Hoc Committee will be determined by the attending Councilmembers during the first meeting of each committee.
- D. All other provisions in this Section 17 shall apply to Ad Hoc Committees.

⁸ Minutes required, see Sec. 17.8.

- 17.7 Meetings. Unless a change is requested by committee members, the regular meeting dates are established when the full Council approves the annual meeting schedule.
- A. All committee meetings are open to the public as required by the Open Public Meeting Act, Chapter 42.30 RCW
 - B. The following is the usual order of the agenda for the Monroe City Council’s legislative committee meetings; however, the order may be changed by the Chair or committee members. Changes to the order may also be made by the City Administrator, which shall be deemed approved unless a majority of committee members object.
 - 1. Call to Order
 - 2. Roll Call
 - 3. Approval of Minutes
 - 4. New Business
 - 5. Unfinished Business
 - 6. Discussion Items
 - 7. Good of the Order (see description in 17.7(C) below)
 - 8. Adjournment
 - C. GOOD OF THE ORDER: Items in this section are items that may or may not be listed on the agenda and are of general information related to topics reviewed by the committee.
- 17.8 Committee Minutes and Reports. Committee minutes shall be written, including time, date, and location of meeting, attendance, topics discussed, and any reports to Council. Committee reports given during regular Council meetings should be very brief, giving subject matter and date(s) during which subject was discussed. Reminders of upcoming Committee meeting dates may be given, however, are not considered “reports”.
- 17.9 Assignment of Members - Chairperson. Councilmembers shall be assigned to a committee as determined by the City Council annually in January. A chairperson for each committee shall be selected by the committee members to preside over committee meetings.

SECTION 18. PRESENTATIONS TO COUNCIL

- 18.1 Remarks made to Council should address the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, disruptive, or personally abusive such as to disrupt the meeting may be requested to leave the meeting.
- 18.2 The Presiding Officer has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disruptive conduct, and to enforce the rules of the Council. The Presiding Officer may command assistance of any peace officer to enforce all lawful orders of the Presiding Officer to restore order at any meeting.
- 18.3 Members of the public wishing to address complaints, concerns or questions to the City Council are encouraged to first contact the City Administrator or can, however, contact the City Council directly. If the issue is not resolved at the staff level, the City Administrator may place the matter on a meeting agenda with the appropriate background information.

SECTION 19. APPEALS BEFORE COUNCIL

19.1 Purpose; Scope. The purpose of this Section 19 is to establish rules governing certain administrative appeals before the City Council. The provisions of this section apply exclusively to appeals for which: (i) the City Council has been designated as the appellate venue by ordinance, and (ii) the specific procedures for which are not set forth in the Monroe Municipal Code (MMC) or other ordinance. Without limitation of the foregoing, the following procedures shall expressly not apply to appeals within the scope of Chapter 22.84 MMC.

19.2 Construction. The provisions of this Section 19 are intended to supplement, and not contradict or supersede, the applicable provisions of the MMC and other City ordinances. To the extent that the provisions of this Section 19 are inconsistent with any applicable provision of the MMC or other ordinance, the MMC or ordinance provision shall control.

19.3 Commencing an appeal.

- A. Who may appeal. Standing to file an administrative appeal to the City Council shall be limited to those parties authorized by ordinance.
- B. Form of appeal. Except as otherwise provided by ordinance, an appeal shall be submitted to the City Clerk's Office in writing and shall set forth:
 - 1. Facts demonstrating that the person is adversely affected by the challenged administrative decision; and
 - 2. A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the challenged administrative decision fails to satisfy the applicable decision criteria; and
 - 3. The specific relief requested.
- C. Time to Appeal. Except as otherwise provided by ordinance, the written appeal must be received by the Monroe City Clerk's Office no later than 5:00 p.m. on the fourteenth day following the issuance date of the decision being appealed.

19.4 Appeal Proceeding Before Council.

- A. Scheduling/Notice. Following receipt of a written appeal, staff shall schedule the appeal hearing to occur before the City Council at a meeting within 30 days as an action item under New Business and shall provide written notice to the parties to the appeal. Provided that the parties have provided an email address and that email notice is consistent with the relevant Monroe Municipal Code provisions, if any, "written notice" can be transmitted via email.
- B. Types of Appeals. Any appeal from an administrative decision for which there has already been an open-record hearing or similar evidentiary proceeding as part of the underlying administrative process shall be a closed-record appeal. All other appeals shall be open-record appeals.
- C. Submission of Written Materials.
 - 1. For open-record appeals, all evidence, written statements, and identification of witnesses to be called at the hearing (if appropriate) from the parties to the appeal shall be submitted to the City Clerk's Office seven (7) business days prior to the scheduled appeal hearing.

2. For closed-record appeals, staff shall provide the City Council with a copy of the administrative record underlying the challenged decision seven (7) business days prior to the hearing date. Any written statements from the parties shall be submitted to the City Clerk's Office seven (7) business days prior to the hearing date. No information, evidence, or facts shall be cited to or considered by the City Council unless the same is contained within the administrative record.

19.5 Conduct of the appeal proceeding.

- A. Who may participate: Only the appellant, the owner(s) of property subject to the underlying application or decision (if different from the appellant), and the respondent (typically City staff), or the representatives of these parties, may participate in the appeal hearing. Provided, that properly identified witnesses may testify in open-record appeal hearings.
- B. Issues. The City Council shall limit its consideration to those alleged errors clearly identified in the appellant's original written appeal.
- C. Appeal proceeding sequence of events.
 1. The Presiding Officer will introduce the matter being heard, review the applicable rules of procedure, and address the appearances of fairness doctrine.
 2. Appellant Testimony. The appellant shall be given 15 minutes to present oral argument to the City Council. For open-record appeals, any presentation of witnesses shall occur within this timeframe. (New information, evidence or facts is only allowed for open-record appeals).
 3. Respondent Testimony. The respondent shall be given 15 minutes to present oral argument to the City Council. (New information, evidence or facts is only allowed for open record appeals).
 4. Rebuttal testimony. Appellant shall be given 5 minutes for rebuttal.
 5. Questions from the hearing body. The City Council may ask clarifying questions of the parties at the close of testimony.

19.6 City Council Decision on Appeal.

- A. Standards. The City Council may grant the appeal, grant the appeal with modifications, or deny the appeal. The Council's review shall be de novo, and no presumption of validity shall attach to the challenged administrative decision.
- B. Conditions. The City Council may impose reasonable conditions as part of the granting of an appeal or granting of an appeal with modification to reasonably ensure conformance with the criteria under which the application was made.
- C. Findings. The City Council shall adopt written findings and conclusions which support its decision on the appeal. The City Council shall reasonably endeavor to adopt such findings and conclusions within fourteen (14) business days of the appeal hearing. The City Council's written findings and conclusions shall serve as the City's final, appealable decision with respect to the matter at issue.
- D. Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote unless a different vote requirement is established by ordinance or law. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

SECTION 20. CLOSED RECORD PROCEEDINGS

- 20.1 Applicability. The procedures set forth in this section shall govern quasi-judicial land use proceedings for which: (i) the city council is designated as the final decision-maker, and (ii) the hearing examiner has conducted an open-record pre-decisional hearing and has forwarded a report and recommendation for approval or denial to the City Council. Without limitation of the foregoing, these procedures are inapplicable to appeals. These procedures are supplementary, and subordinate, to any applicable procedures set forth in the Monroe Municipal Code.
- 20.2 Transmittal of Hearing Examiner Recommendation. The community development department shall forward a copy of the hearing examiner's report and recommendation to the City Council at least seven (7) days prior to the date of the closed-record proceeding.
- 20.3 Access to Administrative Record. The community development department shall provide the City Council with a physical copy of, or electronic link to, the administrative record created before the hearing examiner. All Councilmembers shall reasonably familiarize themselves with the content of the administrative record prior to the closed-record proceeding.
- 20.4 City Council Review. Following appearance of fairness disclosures as appropriate, the City Council shall consider the hearing examiner's report and recommendation based exclusively upon the administrative record created before the hearing examiner. No additional argument, testimony or evidence shall be accepted from any party. Provided, that new evidence directly related to, and/or necessitated by, appearance of fairness matters shall be admissible to the extent allowed by law.
- 20.5 Decision. At the conclusion of the City Council's deliberations, the City Council shall vote and shall thereafter issue a final written decision approving or denying the proposal(s). The City Council may adopt the hearing examiner's findings and/or enter its own findings in support of Council's decision.
- 20.6 Judicial Appeal. Unless otherwise provided by law, the City Council's decision shall serve as the final decision of the City and shall be appealable to the Snohomish County Superior Court in accordance with the standards and procedures set forth in Chapter 36.70C RCW.

SECTION 21. WRITTEN CORRESPONDENCE WITH THE COUNCIL

- 21.1 Access to the City Council by written correspondence is a significant right of all members of the general public, including, in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Monroe residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential.
- 21.2 See Section 9.4(A) "Public Comments" for information related to written communication submitted as a public comment for a Council meeting.
- 21.3 One concern is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

- 21.4 The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section.
- A. Correspondence of an Information Only nature which is not directly related to a business item currently pending before the Council – correspondence which is purely of an informational nature and does not require a response or action and Routine Requests. Items of a routine nature (minor complaints, routine requests, referrals, etc.) will be transmitted to the Councilmembers either by e-mail, a hard copy in their City mailbox, or a hard copy distributed at the Council meeting.
 - B. Correspondence directly related to a business item currently pending before the Council - shall be reviewed for potential inclusion of the agenda packet as backup information similar to other agenda items.
 - C. Correspondence Directly Relating to Pending Quasi-Judicial Hearing Matters – Copies of such correspondence shall not then be included within the agenda materials, but rather shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing course. PROVIDED, that such materials shall not be circulated to Councilmembers where the pending quasi-judicial matter is a closed record proceeding.

SECTION 22. FILLING OF COUNCIL VACANCIES

- 22.1 Council vacancies shall be governed by the applicable provisions of state law, including without limitation Chapter 42.12 RCW and RCW 35A.12.050. A council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth RCW 35A.12.050, RCW 42.12.010 and/or other applicable state law. The Councilmember vacating their position shall not participate in the appointment process for their successor on the Council.
- 22.2 As a matter of Council policy, the appointment process and vote shall be scheduled as the final item of business at the meeting where action is to be taken on the filling of City Council vacancies.
- 22.3 Appointment Process
- A. The City will advertise the position for a minimum of 21 days.
 - B. Staff receives and distributes applications to City Councilmembers after closing date (staff verifies that each applicant is qualified under applicable state law).
 - C. If there are three (3) or fewer candidates, skip to step E. If more than three (3) candidates apply, the field of candidates is narrowed to three (3) in the following manner:
 - 1. In a Council Meeting, Council may go into executive session to discuss the qualifications of each candidate.
 - 2. When the open session of the Council Meeting resumes, a vote by matrix is conducted in open session.
 - 3. Each Councilmember receives one vote per candidate.

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4. Candidates with the top three (3) quantities of tallied votes will be selected for subsequent interviews.
 5. Ties will be determined by a subsequent runoff vote, preferably conducted during the same meeting, until three candidates remain.
- D. Staff notifies all candidates of status.
- E. Remaining candidates attend a Council Meeting to be publicly interviewed in the following manner:
1. Each Councilmember will be allowed to ask one question during the public interviews. Each Councilmember will submit their question by email to the City Clerk at least one week prior the Council Meeting when interviews are scheduled. The City Clerk will forward the questions to the Mayor who will review those questions for duplication.
 2. During a Council Meeting, Councilmembers will ask their respective questions while other candidates are asked to stay outside the room during individual interviews.
 3. After the interview, the candidate may make a 2-minute closing statement.
 4. After interviews are completed, Council may go into executive session to discuss the qualifications of each candidate.
 5. When the Council Meeting resumes, a vote by matrix is conducted in open session.
 6. Each Councilmember receives one vote per candidate.
 7. Ties will be determined by one or more subsequent runoff votes, preferably conducted during the same meeting, until one candidate remains.
- F. Councilmember to fill position is named and may be sworn-in at that time.

MONROE CITY COUNCIL RULES OF PROCEDURE

Revision History:

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Amended February 3, 2015 by Resolution 004/2015

Amended March 26, 2019 to create Public Safety Committee – approved by motion/vote

Amended August 4, 2020 to create a City Council Closed Record Proceeding and other minor revisions – approved by motion/vote

Amended December 13, 2022 by Resolution 2022-019









RES 2022-019 Amending Council RofP

Final Audit Report

2022-12-14

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