

RESOLUTION 2012 - 45



**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
AND ADOPTING SUNNYSIDE CITY COUNCIL
RULES OF PROCEDURE, AND SUPERSEDING AND REPLACING
PREVIOUS RULES OF PROCEDURE**

WHEREAS, the City Council of the City of Sunnyside has previously adopted rules of procedure as set forth in the "Sunnyside City Council Rules of Procedure," originally adopted pursuant to Resolution 2001-39 and subsequently amended pursuant to Resolution Nos. 2002-69, 2004-11, 2004-12, 2004-39, 2006-21, and 2006-32; 2008-57, and 2010-47;

WHEREAS, the City Council of the City of Sunnyside, having received and reviewed proposed amendments introduced at a prior meeting of the City Council on June 11, 2012 pursuant to applicable rule 10.2; and

WHEREAS, the City Council finds and determines that approval of such amendments and adoption of such Rules of Procedure, as amended, is in the best interests of residents of the City of Sunnyside, and will promote efficient operations of the City Council, and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

SECTION 1. That the "Sunnyside City Council Rules of Procedure," as amended, which document is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved.

SECTION 2. This Resolution and the rules of procedure adopted herein replace and supersede previous editions of the Rules of Procedure and all previous enacting Resolutions as referenced in the preamble above.

SECTION 3. This Resolution shall be effective upon passage, approval and signatures hereon as required by law.

PASSED this 25th day of June, 2012.



MIKE FARMER, MAYOR

ATTEST:



DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS HARPER & PLANT, LLP
Attorneys for the City of Sunnyside

Sunnyside City Council Rules of Procedure

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1. AUTHORITY:

1.1 Sunnyside Municipal Code. The Sunnyside Municipal Code (SMC 2.08.060) provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

2. GENERAL RULES:

2.1 Meetings to be Public. All official meetings of the Council shall be open to the public with the exception of the executive sessions for certain limited topics, as defined in Section 3.5. The journal of proceedings (minute book) shall be open to public inspection.

2.2 Quorum. Four Council members shall be in attendance to constitute a quorum and be necessary for the transaction of business, including participation in, and conducting of, scheduled regular meetings, workshop meetings and special meetings. If a quorum is not present, those in attendance will be named, and the meeting promptly adjourned.

2.3 Attendance, Excused Absences. RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Chair prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the City Clerk, who shall convey the message to the Chair. Upon request of the member, the Chair shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. In the event a Councilmember fails to attend three (3) consecutive regular meetings without being excused by the Council, the Council, in accordance with RCW 35A.12.060 shall declare the seat forfeited and vacant at the next regular meeting.

2.4 Journal of Proceedings. An account of all proceedings of the Council, except for proceedings in executive session or matters exempt from the Open Public Meetings Act, shall be kept and maintained by the City Clerk (RCW 35A.39.010).

2.5 Ordinances - Confined to one Subject; Exceptions. No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.

2.6 Right of Floor. Any member desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to one subject under consideration or to be considered.

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2.7 City Manager. The City Manager shall attend all meetings of the Council, unless advance notice has been provided to the Chair. He shall keep the Council fully advised as to the financial condition and needs of the City. He may make recommendations to the Council and may take part in discussion on all matters concerning the welfare of the City. He shall have a seat, but no vote, in the meetings of the City Council.

2.8 City Attorney. The City Attorney shall only attend meetings of the Council if requested by the City Manager. Any member of the Council may, at any time during a regular or special meeting of the Council, call upon the City Attorney, if in attendance, for an oral or written opinion to decide any question of law but not to decide upon any parliamentary rules.

2.9 City Clerk. The City Clerk, or such other person as the City Manager may designate, shall keep minutes of the meeting and perform such other duties in the meeting as may be directed.

2.10 Rules of Order. *"Robert's Rules of Order – the Modern Edition"* shall govern the deliberations of the City Council, except as they may be in conflict with the following specific rules:

Motion to be Stated by Chair - Withdrawal. When a motion is made and seconded, it shall be stated by the chair before debate. Any member may demand that it be put in writing. A motion may not be withdrawn by the mover without the consent of member seconding it, and the approval of the council;

Motion Out of Order. The presiding officer may at any time by concurrence of members present, permit a member to introduce an ordinance, resolution, or motion out of the regular order;

Motion to Adjourn. When not in order, not debatable, a motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion,
- (b) When made as an interruption of a member while speaking,
- (c) When the previous question has been ordered,
- (d) While a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

Notwithstanding the above, the Chair may adjourn any meeting by declaration in the event of emergency.

Amend to Strike Out and Insert. On an amendment to "strike out and insert" the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

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Reconsideration. After the decision on any question any member who voted with the prevailing side may move a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

2.11 Budget Policies:

- The City will offer quality service programs that are effective. If expenditure reductions become necessary as a result of changing economic conditions or revenue shortfalls, options will be presented to the Council to either make cuts to services or across the board reductions and cuts.
- Unpredictable revenues (either sources of revenue that are unpredictable, or levels of known revenue sources above which there is the potential to fluctuate unpredictably) should be used for one-time capital needs, not operating needs.
- Funding for programs should be limited to the extent that they can reasonably be funded over the near- to long-term using the current revenue stream.
- Resources (fund balances) greater than budget estimates in any fund shall be considered "one-time" resources and shall not be used to fund ongoing services.
- City Council identified goals will be established annually, based on the available one-time resources of the City. The annual operating budget should allocate resources to accomplish these goals.
- **Balanced Budget:** Current revenues will be sufficient to support current expenditures. Revenue estimates will be realistic and one-time revenues or debt financing will not be used for current operating expenses.
- Fiscal reserves will be maintained according to the reserve policy established by Council to protect against the need to reduce service levels, raise taxes, or fees due to temporary revenue shortfalls or unprecedented one-time expenditures.
- The City's water, sewer, storm water, and transportation infrastructure constitute the City's largest physical asset. These assets will be managed in a manner that provides an effective level of service, in a manner that seeks to provide the lowest possible long-term cost for doing so.
- **Investments that delay future cost increases:** When practical, resources should be allocated for preventative investments that avoid larger future capital and/or operating costs.

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- Investments that forestall adding permanent staff: Recognizing that personnel costs continue to increase faster than revenues, methods to increase efficiency and effectiveness of services through technology improvements should receive priority for funding if they forestall the need to add permanent staff.
- The City will seek to provide services that benefit the general public using general revenues (local taxes, ongoing intergovernmental revenue). Services that provide greater benefit to individuals or groups, but not as much to the general public, will be identified for cost recovery through user fees on a sliding percentage scale based on the level of public benefit.
- Enterprise funds (water, sewer, storm water, garbage, ambulance funds) will be funded entirely using a user fee rate structure that covers the true cost of operation, including operation, maintenance, periodic capital replacement, debt service requirements and other costs deemed necessary.
- Overhead and Full Cost Allocation: Department budgets should be prepared in a manner that reflects the true and full cost of providing services.
- Opportunities to diversify revenue sources will be sought to decrease the dependence upon any single revenue source as a general revenue source.
- Debt will be used sparingly within the limits and capacity authorized by law and voter approval.
- Cash will be managed in a manner that balances the City's need for liquidity and return, based on the investment vehicles adopted by Council policy. No City cash will be invested in derivative or speculative risks.
- Operating Accountability: The City shall review expenditures and revenues periodically, and decide on actions to bring the budget into balance, if necessary.
- Capital Asset Replacement and Inventory: The City shall assess the condition and anticipated replacement needs of all major capital assets, and include them in capital improvement budgets as needed.
- Long-term projections: The City shall include in the budget a forward-looking examination of revenues and expenditures based on historical trends and anticipated major events to allow the greatest amount of time to adjust revenues and/or expenditures to accomplish balance.

(Adopted pursuant to Resolution No. 2008-46, August 25, 2008; amended pursuant to Resolution No. 2009-83, October 12, 2009)

3. **TYPES OF MEETINGS:** All meetings of the Council are held in accordance with the provisions of the Washington State Open Public Meetings Act RCW 42.30 and Title 2.08 of the Sunnyside Municipal Code.

3.1 Regular Council Meeting. Regular Council meetings shall be held in accordance with SMC 2.08. Regular Council meetings shall not exceed three (3) hours in length unless a majority of the Council, by motion duly approved, consents to exceed such limit. Any matter on the agenda not considered due to lack of time shall be placed on the agenda for the next regular Council meeting, or any special meeting called for such purpose. The City Council may cancel or reschedule regular meetings at a different date or time by a motion. The place of the meeting shall be the Council chambers in the Sunnyside Law & Justice Center or at such other location designated by Council, and all regular and special meetings shall be public.

3.2 Special Meetings. Special meetings shall be called in accordance with SMC 2.08 and RCW 42.30.080.

3.3 Adjourned Sessions. Adjournments are defined by RCW 42.30.090. Any session of the Council may be continued or adjourned from day-to-day, or for more than one day, but no adjournment shall be for a longer period than the next regular meeting thereafter.

3.4 Workshops Meetings. Workshop meetings shall be held in accordance with SMC 2.08. The Council may meet informally in workshops to review forthcoming programs of the City, review budget information, receive progress reports on current programs or projects, or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal.

3.5 Executive Sessions. Executive sessions shall be held in accordance with RCW 42.30.110.

3.6 Attendance of Media at Council Meetings. All official meetings of the City Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings (RCW 42.30.050).

4. **DUTIES OF THE CHAIR:**

4.1 Chair. The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a member to preside as Chair.

4.2 Call to Order. The meetings of the Council shall be called to order by the Mayor or, in his absence, by the Mayor Pro Tem. In the absence of both the Mayor

and the Mayor Pro Tem, the meeting shall be called by to order by the City Clerk for the election of a temporary Chair. The roll shall then be called by the City Clerk, who shall enter in the minutes of the meeting the names of the members present.

4.3 Preservation of Order. The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.

4.4 Points of Order. The Chair shall determine all points of order, subject to the right of any member to appeal to the Council.

4.5 Questions to be Stated. The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member.

4.6 Presiding Officer – Powers. The presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Council member by reason of his/her acting as the presiding officer.

5. ORDER OF BUSINESS AND AGENDA:

5.1 Order of Business. The business of all regular meetings of the Council shall be transacted in the following order, unless the Council, by a majority vote of the members present, suspends the rules and changes the order.

- (1) Call to Order - Roll Call
- (2) Invocation
- (3) Pledge of Allegiance
- (4) Unscheduled Appearances by Citizens Regarding Agenda Items (Time limit three minutes per person per Rule 8.)
- (5) Consent Agenda
- (6) Active Agenda (Old/New)
- (7) Items from Council Members
- (8) Items from City Manager
- (9) Executive Session
- (10) Adjournment

5.2 Invocation. Each regular meeting of the City Council shall be opened with an invocation by a member of the Sunnyside Ministerial Association or as scheduled by the Mayor. In the event that a Ministerial Association representative or other scheduled minister cannot attend the meeting, the Invocation shall be omitted.

The Consent Agenda may contain items which are of a routine and non-controversial nature which may include, but are not limited to, the following: communications, memos and reports for information of Council, resolutions, agreements, petitions, minutes of commissions and boards, applications, approval of

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accounts, which may be accepted by consent of the Council by a single vote without reading, unless the Council, by motion duly approved, requests such reading, or pertinent portion thereof. Minutes of the preceding meeting, and bills tendered for payments shall not be read in detail at each meeting prior to approval, unless the Council, by motion duly approved, should request such reading, or pertinent portion thereof. In such instances the request shall be granted. Any item on the consent agenda may be removed and considered separately as an agenda item at the request of any Councilmember.

5.3 Agenda. Except as otherwise authorized by the Mayor, all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council shall be delivered to the City Manager whereupon he shall arrange a list of such matters according to the order of business. The City Clerk shall publish the agenda on the City's website prior to the meeting and under normal circumstances on the Thursday preceding regular meetings. The City Clerk shall also provide a summary of the agenda to the City's official newspaper and other media of record prior to each regular, workshop, and special Council meeting.

5.4 Items from Council Members. The agenda shall provide a time when the Mayor or any Councilmember may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda.

5.5 Election of Mayor. The Mayor shall be elected by the Council by the following procedure: The Mayor shall open by requesting nominations from Council members for the position of Mayor. All Council members are eligible for nomination. When nominations are closed, the Mayor shall call for the vote upon each nominee. If more than one vote is required, all names shall remain on the ballot. Voting shall continue until one Councilmember receives a majority of the votes cast by Council members present.

Immediately after the election, the new Mayor shall take the chair, and announce that the next item of business is the election of a Mayor Pro Tem. The same procedure will be followed as for the election of a Mayor.

6. ORDINANCES, RESOLUTIONS AND MOTIONS:

6.1 Form. Ordinances and resolutions shall be presented to the Council only in printed or typewritten form. Motions may be made in any appropriate form, including spoken or written form.

6.2 Recording of Votes. The votes for and against shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Council.

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6.3 Tie Vote. In the event of a tie in votes on any motion, the motion shall be considered defeated.

6.4 Numbering Ordinances and Resolutions. A number shall be assigned to each ordinance or resolution by the City Clerk.

6.5 Ordinance Passage Procedure. When passed by the Council, an ordinance shall be signed by the presiding officer and be attested by the City Clerk; and it shall be immediately filed and thereafter preserved in the office of the City Clerk. If the presiding officer fails for ten (10) days to sign the ordinance, it shall become valid without his/her signature. (RCW 35A.39.010)

6.6 Ordinances - When Effective. No ordinance shall take effect until three days after the date of its publication unless otherwise provided by statute, except an ordinance passed by a majority plus one of the whole membership of the Council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money. The City Clerk will normally publish a summary of all ordinances unless otherwise directed by the City Council or Manager or unless publication of the entire ordinance or portion thereof is required by law.

6.7 Requests for Ordinances or Legal Opinions. The City Council may request the City Manager to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next scheduled council meeting, provided the ordinance can be drafted and distributed to members of the Council. The City Council may request written legal opinions, relating to City business, from the City Attorney.

7. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS:

7.1 Citizen Committees, Boards and Commissions. The Council may create committees, boards, and commissions to advise in the conduct of the operation of the city government with such duties as the Council may specify not inconsistent with the Sunnyside Municipal Code and laws of the State of Washington.

7.2 Membership and Selections. Membership and selection of members shall be as provided by the Council if not specified by the Sunnyside Municipal Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager except as otherwise specified by the Sunnyside Municipal Code and laws of the State of Washington.

7.3 Removal of Members of Boards and Commissions. The Council may remove any member of any board or commission which it has created by a vote of at

least a majority of the Council upon compliance with any applicable laws of the State of Washington or ordinances of the City of Sunnyside.

8. CITIZENS' RIGHTS:

8.1 Addressing the Council:

8.1.1 Individual Agenda Items. The Council does not normally take public comment on individual agenda items that are not set for public hearing. These items are related to decisions that must be made in public but do not require public input. Any citizen wishing to address the council on any such item must make such request by filling out the available form prior to the Council meeting. The Mayor will decide whether to allow input at the meeting.

8.1.2 Public Hearings. Citizens may address the Council at the appropriate time during Public Hearings by approaching the podium and being recognized by the Mayor. Citizens must identify themselves and their city of residence. The Mayor may limit the time allowed to speak to three minutes or other duration due to time constraints. Normally citizens will have only one opportunity to address the council during a public hearing.

8.1.3 Unscheduled Appearances by Citizens. Citizens may address the Council during the "Unscheduled Appearances by Citizens" item on any issues provided the questions/comments are limited to three minutes or other duration due to time constraints. Issues will either be referred to staff or the Council may schedule the item for a future Council agenda.

8.2 Manner of Addressing the Council - Time Limit. Each person addressing the Council shall step up to the microphone, give his/her name and city of residence in an audible tone of voice for the record and, unless a different time is granted by the Chair due to time constraints, shall limit their address to three minutes. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Council members, except through the presiding officer. The Council will then determine the disposition of the issue (placed on present agenda, referred to City Manager, placed on other agendas, or no action taken).

8.3 Personal and Slanderous Remarks. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Council during that Council meeting.

8.4 Reading of Protests. Interested persons, or their authorized representatives, may address the Council for the reading of protest, petitions, or communications relating to any matter over which the Council has control, when the item is under

consideration by the Council, if a majority of the Council present agrees to let them be heard.

8.5 Mayor May Appoint Committee or Refer Citizens' Complaints. The Mayor may appoint a committee of three members of the City Council to hear citizens' complaints, refer the matter for review by the City Manager, or may refer citizens' complaints to an executive session of the City Council, whenever the subject would be appropriate.

8.6 Written Communications. Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council had control at any time by direct mail or by addressing the City Clerk and copies will be distributed to the Council members.

9. COUNCIL ACTIVITIES:

9.1 Holding Office Positions in Outside Organizations. Council Members who seek appointment or run for office in regional, state, national or international organizations where the possibility exists that they may be required to attend meetings outside our local area at City expense, shall obtain council approval prior to accepting an appointment or seeking office in the outside organization.

9.2 Travel Policy – Conferences and Meetings.

9.2.1 Conferences. Any Council Member who attends a Council-approved state conference to which all Council Members are invited may be reimbursed for travel expenses in accordance with the City's Travel Policy, subject to availability of budgeted funds. Appropriation of funds in the annual budget line item for Council travel and training for such conference shall constitute Council approval of such conference.

9.2.2 Meetings. Any Council Member who attends any meeting of an outside organization as set forth in Rule 9.1 above for which prior Council approval has been given may be reimbursed for travel expenses in accordance with the City's Travel Policy, subject to availability of budgeted funds.

9.3 Legislative Testimony. If any Council Member speaks at another meeting to provide legislative testimony, he or she will first advise the body receiving such testimony that he or she is speaking as an individual and not as a representative of the City of Sunnyside, unless the City Council has previously acted on the issue in its official capacity and the speaking Council Member states and communicates such official City Council action.

9.4 Use of City Letterhead and Logo. Letters and written correspondence directed by the City Council, and written correspondence necessary or appropriate to conduct

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or facilitate City business, shall be upon City letterhead bearing the logo of the City of Sunnyside. Letters and correspondence from the City Council shall be signed by the Mayor, or, in the Mayor's absence, by the Mayor Pro Tem, who shall execute such correspondence for and on behalf of the City and City Council. Use of the City's letterhead or logo by individual Council Members shall not be allowed.

9.5 Council – City Manager Communication. As a Council-Manager form of government, the Council recognizes the role of the City Manager in administering the business of the City and supervising its employees. The Council and the City Manager also recognize the importance of communication between them to assure that administration and management proceeds openly and efficiently. To this end, the City Council enjoys an ability to communicate directly with staff for the purpose of inquiry, but shall deal with the administrative service solely through the City Manager (RCW 35A.13.120).

10. SUSPENSION AND AMENDMENT OF THESE RULES:

10.1 Suspension of Rules. Any provision of these rules not governed by the Sunnyside Municipal Code or state law may be temporarily suspended by a vote of a majority plus one of the Council members then in attendance. The vote on any such suspension shall be taken by ayes and noes and entered upon the record.

10.2 Amendment of Rules. These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.