



# CITY OF TOPPENISH

21 West First Avenue  
Toppenish, WA 98948

*“Where the West Still Lives”*

## ***Governance Manual***

**Adopted by Resolution  
A Comprehensive Collection of  
Rules and Procedures**

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## **INTRODUCTION**

This Manual is designed to provide guidance for the City Council and is not intended to be an amendment or substitute for any state statutes, city ordinances, court decisions, or other authority. The rules and policies in this manual do not constitute land use regulations, official controls, public hearing rules or other substantive rules binding upon or to be used or relied upon by members of the public, and do not amend statutory or other regulatory requirements.

Violation of some of the rules and policies in this Manual may result in invalidation of action taken by the City Council, disqualification of a Councilmember or a person to serve as a Councilmember, or monetary penalties (e.g. failure to give proper notice of a special meeting pursuant to RCW 35A.12.110; failure to be a registered voter or a resident of the City pursuant to RCW 35A.12.030; monetary civil penalty for violation of Open Public Meetings Act pursuant to RCW 42.30.120).

The Manual will be reviewed annually and at times amended to recognize additional topics or for clarification as the need arises.

## EXECUTIVE SUMMARY

**FOUNDATION:** The City of Toppenish incorporated April 28, 1907 and is a code city operating under a Council-Manager plan of government as outlined in Chapter 35A RCW Municipal Code for Council-Manager plan of government. Under this form of government, there are two branches of government: legislative and administrative.

**PURPOSE OF CITY GOVERNMENT:** The general purpose of local government is to promote the social, economic, environmental and cultural well-being of the community, to ensure that resources are used efficiently and effectively, to ensure transparency and accountability in decision-making, and to provide the prudent use and stewardship of local community resources. These statements should be considered the lens through which this Manual is intended and through which the actions of the City Council and staff are viewed. The City recognizes that individual rights are critically important in our society, and the City is committed not to infringe upon those rights whenever possible. Good governance should reflect the will of the citizenry and can only occur as a result of an open public process: “All political power is inherent in the people, and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights.” (Washington State Constitution Article I, Section 1)

**OBLIGATIONS:** The City acknowledges the importance of complying with the Open Public Meetings Act and the Public Records Act: “The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” RCW 42.30.010 and 42.56.030.

RCW 42.30.010 Open Public Meetings Act: “The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.” Unless as part of an executive session, Councilmembers shall not meet as a quorum of four or more in a non-public meeting. A quorum of four or more Councilmembers shall also not meet as part of a web conference dealing with City business, nor a conference call, serial communication, social media or even a “straw poll” in executive session. The Open Public Meetings Act does not prohibit a quorum or more of Councilmembers meeting at social gatherings or events provided City issues are not discussed. If Councilmembers are involved in a violation of the Open Public Meetings Act, and are aware that their actions violate the Act, they may be personally liable. If the violation is not intentional, the City may still be liable for attorney’s fees. However, elected officials’ right to speak freely and gather publicly is protected by the First Amendment of the U.S. Constitution.

RCW 42.56.030 Public Records Act: “This chapter shall be liberally construed, and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.”

**PRIORITIES:** Priorities are \_\_\_\_\_  
\_\_\_\_\_. Additional information on priorities and Council goals can be found in each year’s budget.

**BRANCHES OF CITY GOVERNMENT:** The Council is the legislative branch of the City government. Council appoints a city manager who manages the day to day operations. “The City Manager shall be responsible to the Council for the proper administration of all affairs of the code city.” RCW 35A.13.010.

**A. Legislative Branch: City Council.**

The City Council consists of seven elected officials, each elected to staggered four-year terms. Individual Councilmembers do not have governing power as individuals, but only when meeting as a Council when a quorum (four or more) are present. Council represents the City residents and business owners of the City of Toppenish, and is the law-making, policy-making, and budget and spending approval authority of the City government. Council hires, directs, guides and evaluates the performance of the City Manager. The City Manager shall be appointed for an indefinite term and may be removed by a majority vote of the Council (RCW 35A.13.130), or as otherwise agreed to by contract. For functions of the Mayor and Mayor Pro Tem, see Chapter 1(A)(3).

Some of the duties, responsibilities, and limitations of **each** Councilmember:

- a. As a representative of City residents, brings the experience, concerns and knowledge of a typical City resident to City government.
- b. As an elected representative, pays attention to the needs, wants and concerns of all City residents and businesses.
- c. Receives feedback and ideas from residents and businesses and shares with City Manager.
- d. Study information related to the government and administration of the City, including internal and external written information and information received from City employees.
- e. Develop a collegial relationship with City employees but avoid giving directives or saying anything that could be taken as an attempt to influence the conduct of the employee's job.
- f. Give feedback and ideas regarding City government and administration to the City Manager.
- g. Represent the City, at appointed local, regional and state committees and all Council meetings, special and regular.
- h. When acting in the capacity of Councilmember outside of Council meetings, communicate that any personal opinion is the opinion of the individual Councilmember and not that of the collective Council, unless pre-authorized to speak, as Council does not want the public to assume that any individual personal opinion represents that of the entire Council. Councilmember's freedom of speech is protected by the U.S. and Washington State Constitutions. Provided there is no quorum, Councilmembers may work together on City Council-related projects and discuss City business in non-public meetings. No permission is needed, nor is notice required to be given for such gathering.
- i. Call a Special Meeting of the City Council. Pursuant to RCW 35A.12.110, "Special meetings may be called by the Mayor or any three members of the Council by written notice delivered to each member of the council at least twenty-four hours before the time specified for the proposed meetings." However, if there is no quorum at a meeting, there is no meeting. Notice of Special Meetings should be distributed via the City Clerk.

**B. Administrative Branch: The City Manager and City Staff.**

The City Manager is the City's chief executive officer and head of the administrative branch. The City Manager appointed by the City Council, reports directly to the City Council. All staff work under the direction of the City Manager, who is directed by the City Council. The City Manager is directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments."

This summary is not intended as a substitute for the material contained throughout the entire Governance Manual. Although this summary is provided as a quick and concise overview of the Governance Manual, reading of the entire manual is strongly encouraged. The Table of Contents, as well as the Index is intended to be beneficial in locating desired topics of discussion.

## **CHAPTER 1**

### **Council Meetings**

#### **A. General**

##### **1. Council Meetings - Time and Location**

Regular meetings of the City Council shall be held at Toppenish City Hall Council Chambers on the 2nd and 4th Mondays of each month beginning at 7:00 p.m., in addition a Study Session is held the 1st Monday of each month beginning at 5:00 p.m. Pursuant to RCW 42.30.070: "If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day." As noted, in such case, the meeting held on the next business day after a holiday would also be a regular meeting, as opposed to a special meeting. The Council always has the option of cancelling such meeting.

##### **2. Council Meetings - Open to the Public**

All meetings of the City Council and of committees thereof shall be open to the public except as provided for in RCW 42.30.110<sup>1</sup> (Executive Sessions), or RCW 42.30.140<sup>2</sup> (Open Public Meetings Act).

##### **3. Presiding Officer**

The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties unless specifically set forth herein. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Mayor Pro Tem, an acting Mayor Pro Tem selected by majority vote of the remaining members of the Council, shall act as Mayor during the continuance of the absences [RCW 35A.13.035<sup>3</sup>]. The Mayor, Mayor Pro Tem (in the Mayor's absence) or Acting Mayor Pro Tem are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

#### **B. Meetings**

##### **1. Regular Meetings**

###### **a. Formal Format**

1. Normally held 2nd and 4th Mondays of each month at 7:00 p.m. The City Clerk, under the direction of the City Manager, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. On or before close of business on a Friday preceding a Monday Council meeting, or at the close of business at least 24 hours preceding a special Council meeting, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, appropriate staff, and the media who have filed a notification request.
2. Requests for presentations from outside entities or individuals to be placed on a future agenda, will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk 10 working days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting,

the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, must be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting.

3. Forms of Address. The Mayor shall be addressed as “Mayor (surname).” The Mayor Pro Tem shall be addressed as “Mayor Pro Tem (surname).” Members of the Council shall be addressed as “Councilmember (surname).”
4. Order of Business. The business of all regular formal meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the “amended agenda.”
  - a. *Call to Order by the Presiding Officer*
  - b. *Pledge of Allegiance*
  - c. *Roll Call*
  - d. *Introduction of Special Guests, Presentations and Proclamations.*
  - e. *Public Comments.*
    - 1) An opportunity for public comments on subjects not on the agenda for action. Speakers must state their name and address for the public record when they come to the podium. Speakers are limited to three minutes each; however, members of the public shall be prohibited from allocating any of their own speaking time, to other members of the public. This time is an opportunity to hear from various members of the public in a limited public forum only, and not an opportunity for extended comments or dialogue. Council will not engage in discussion. Although the City Council desires to allow the opportunity for public comment, the business of the City must proceed in an orderly, timely manner. At any time, the Presiding Officer, in the Presiding Officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption or undue delay of other necessary business.
      - a. Procedure for all public comments:
        1. Verbal: Comments shall only be made from the podium. The person will state their name and address for the public record. No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting. The public shall be reminded that this is not an opportunity for dialogue or questions and answers, but public comment. When appropriate, staff shall research issues and report back to those making the comment as well as to Council. Public comments are opportunities for speakers to briefly address Council, and those speaking are to address members of Council and not the audience. In order to prevent disruption of the Council meeting, members of the public are asked to refrain from distributing materials to the audience, since Council meetings are not a public forum to address the audience. Since this is an opportunity for public comment, in the interest of time and keeping in mind all documents submitted during Council meetings become the property of the City, graphs, charts, posterboards, PowerPoint presentations, or other display materials are not permitted, although written comments and written materials including photographs and petitions may be submitted to Council via the City Clerk.
          - a. Demonstration, applause or other audience participation before, during or after is not permitted.
          - b. Any ruling by the Presiding Officer relative to these subsections on public comments may be overruled by a vote of a majority of Councilmembers present.



c. Council shall not permit public comments if they relate to any matter upon which a quasi-judicial hearing has been required, scheduled, or held.

f. *Proclamation*

g. *Public Hearings*

h. *Consent Agenda*

1. Items which may be placed on the Consent Agenda are those which: (1) have been previously discussed by the Council; (2) can be reviewed by a Councilmember without further explanation; (3) are so routine, technical or non-substantive in nature that passage without discussion is likely; or (4) otherwise deemed in the best interest of the City.

2. The proper Council motion on the Consent Agenda is: "I move to approve the Consent Agenda." This motion has the effect of moving to approve all items on the Consent Agenda.

i. *Old Business* [includes matters that were pending when a previous meeting adjourned, or matters specifically postponed to the present meeting]

j. *New Business* [Action items are designated as New Business]

Any member of the public who wishes to verbally address the Council on an action item on the current agenda, shall proceed to the podium during the public comment period.

k. *Councilmember Reports*. Council or government-related activities (e.g. synopsis of City committees, City commissions, City task force or other related City related board meetings). These verbal reports are intended to be brief. City work-related reports are intended to inform the Council of pertinent policy issues or events stemming from their representation on a City regional board, City committee, City task force or City commissions, whether as a formal or informal member.

l. *City Manager Reports*

m. *Executive Session*

n. *Adjournment*

**b. Study Session Format**

1. Normally held the 1st Monday of each month at 5:00 p.m. The purpose of the study session format is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. Action items may be included on a study session agenda, although there likely will be times when due to deadlines or other pressing or time sensitive issues, action items must be included. Study sessions shall be in a less formal setting than regular formal meetings. Council may be seated other than at the dais, but shall not discourage public observation. There shall be no public comment at study sessions although the Council may request staff or other participation in the same manner as a regular formal Council meeting. The City Clerk, under the direction of the City Manager, shall arrange a Council study session agenda for the meeting. A copy of the agenda and accompanying background materials shall be prepared for Councilmembers, the City Manager, appropriate staff and the press, by close of business on the Friday before the meeting. Councilmembers shall receive their Council packet via their City email address.

2. Action Items. Although action items may occasionally be included on a study session agenda, it is the preference of Council to keep those instances to a minimum. Because a study session is a recognized meeting according to the "Open Public Meetings Act," it is permissible for Council to take final action during these meetings.

3. Presiding Officer's Role. The role of the Presiding Officer is to facilitate free flowing discussion without the necessity of each Councilmember being recognized by the Presiding Officer. The Presiding Officer retains the option of assuming the function of the discussion leader at any time in order to maintain decorum and ensure all Councilmembers have the opportunity to be heard, and to keep the discussion properly focused.

4. Outside Requests. Outside requests to be included on a Council agenda will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 working days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager, who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, shall be submitted to the City Clerk at least 10 working days prior to the appropriate Council meeting.
5. Order of Business. The business of all study session meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."
  - a. Call to Order
  - b. Roll Call. The City Clerk shall conduct a roll call of Councilmembers.
  - c. Presenter's Role. During the Council study session, the presenter should introduce the subject and give background information, identify the discussion goal, act as facilitator to keep the discussion focused toward the goal, and alert the Presiding Officer when it is appropriate, to schedule the topic for a motion or official direction of the Council.
  - d. Adjourn. No Study Session should be permitted to continue beyond approximately 6:00 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be established before taking a Council vote to extend the meeting.

**c. Executive Sessions**

1. Executive sessions shall be held pursuant to the Open Public Meetings Act, 42.30 RCW. Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall announce the purpose for adjourning into executive session; when the executive session will be concluded; and the likelihood of Council taking action at the close of the executive session and return to open session.
  - a. At the close of the executive session and upon Council's return to chambers, the Presiding Officer declares Council out of executive session, and asks for the appropriate motion (i.e. an action motion or a motion to adjourn).
  - b. To protect the best interests of the City, Councilmembers shall keep confidential all verbal and written information provided during executive sessions. The City Manager shall collect all hand written notes and printed materials from Council. Confidentiality also includes information provided to Councilmembers outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW 42.52<sup>4</sup>) and/or the Public Records Act (RCW 42.56<sup>5</sup>).
2. RCW 42.30.110 explains the purpose for holding an executive session, some of which include:
  - a. RCW 42.30.110(1)(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price (*pending land acquisition*).
  - b. RCW 42.30.110(1)(g). To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4) (*labor negotiations*), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency

shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public. [Note: stating that an executive session is to discuss a “personnel matter” is not sufficient because only certain types of personnel matters are appropriate for discussion in an executive session.] (*review qualifications of a public employee*)

- c. RCW 42.30.110(1)(h). To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public (*review qualifications of an elected official*).
- d. RCW 42.30.110(1)(i). To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency *litigation or potential litigation* to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. For purposes of this subsection (1)(i), "potential/pending litigation" means matters protected by Rules of Professional Conduct (RPC) 1.6 or RCW 5.60.060(2)(a) concerning:
  - (1) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
  - (2) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
  - (3) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

- 3. Council may adjourn into executive session even if it is not listed on the meeting agenda. There is a requirement in RCW 35A.12.160<sup>6</sup> that the public be made aware of the preliminary agendas of meetings in advance of the meeting, but that does not mean that an item that arises after the agenda has been posted cannot be discussed at the meeting, even in executive session. Since final action on the matter would not be taken at the executive session, it would not violate any provision in state law to hold an executive session at a regular Council meeting even if the executive session was not listed on the agenda. [MRSC Index-General Government-Executive sessions.] Although amending the agenda is not required in order to adjourn into executive session, it is a good practice for the Mayor to announce at the beginning of the meeting, that Council will be adjourning into an executive session at the end of the regular meeting.
- 4. Attendance at Executive Sessions. The City Attorney shall attend executive sessions which address litigation or potential litigation. The question of who may attend an executive session other than the Council, is determined by the City Manager.

## 2. Special Meetings

- a. Meetings set at days, times, and places other than the 2nd and 4th Mondays of each month at 7:00 p.m., and the 1st Monday of each month at 5:00 p.m. in the Toppenish City Council Chambers shall be deemed “special meetings,” such as joint meetings with other jurisdictions or entities (Board of County Commissioners, Planning Commissioners), and Council workshops or retreats.
- b. A special meeting may be called by the City Manager in concurrence with the Mayor or any three members of the Council. (RCW 35A.13.170<sup>7</sup>, RCW 35A.12.110<sup>8</sup>). Written notice of the special meeting shall be prepared by the City Clerk. The notice shall contain information about the

meeting, including date, time, place, and business to be transacted and shall be posted on the City's website and displayed at the main entrance of the meeting location (RCW 42.30.080<sup>9</sup>). The notice shall be delivered to each member of Council at least 24 hours before the time specified for the proposed meeting (RCW 35A.12.110<sup>10</sup>). The noticing regarding such decision to hold a special meeting (made by the Mayor or any three Councilmembers), shall be handled by the City Clerk's Office through the City Manager.

- c. The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080<sup>11</sup>, that is: (a) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, (b) As to any member who was actually present at the meeting at the time it convenes, and (c) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.
- d. Agendas shall be drafted in a form submitted by the City Clerk, approved by the City Manager, and distributed in a manner similar to agendas for formal and study session meetings. The processes and rules for agenda content apply to regular formal, study session format, as well as special meetings.
- e. Special meeting agendas may include action and non-action items. Once the Special Meeting Agenda has been published and distributed, the agenda may be amended provided the amended agenda is distributed to Councilmembers and to the media, and posted on the City's website and at the meeting doorway, at least 24 hours in advance of the special meeting. Final disposition shall not be taken on any other matter at such meeting, which means that the governing body may address other matters not identified in the special meeting notice or agenda, provided 'final disposition' regarding such matters is not taken (RCW 42.30.080(3)<sup>12</sup>) Council may not pass a franchise ordinance at a special meeting [RCW 35A.47.040].

**3. Emergency Meetings:** Emergency Council meetings may be called by the City Manager in concurrence with the Mayor or any two Councilmembers, consistent with the provisions of 42.30 RCW. Meeting time, location and notice requirements do not apply to emergency meetings called for emergency matters as permitted by RCW 42.30.070, 42.30.080, and 42.14.075:

"If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirement of this chapter shall be suspended during such emergency." [RCW 42.30.070]

"The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage." [RCW 42.30.080(4)]

"Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at a regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency." [RCW 42.14.075]

**4. Cancellation of Meetings:** State law does not require any specific procedure for canceling an upcoming meeting, however, notice of the cancellation to the public, Councilmembers, and staff should be given by the City Clerk in a similar manner that notice is given for a special meeting. The decision to cancel a meeting will be made by the City Council. In case of an inclement weather emergency, the City Manager or the Mayor may cancel the meeting. The noticing of such decisions will be handled by the City Clerk through the City Manager.

## **C. Meeting Rules and Procedures**

### **1. Council Rules of Order**

The City Clerk shall serve as the official parliamentarian for all Council meetings and shall keep a copy of the most current “*Robert’s Rules of Order*” (RONR) in Council Chambers during Council meetings.

### **2. Quorum**

At all regular and special meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors pursuant to RCW 42.30.090<sup>13</sup>. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170<sup>14</sup>, 35A.12.120<sup>15</sup>)

### **3. Seating Arrangement**

Councilmembers shall occupy the respective seats in the Council Chamber as selected by seniority for a two-year term in January of an even year.

### **4. Attendance**

- a. Unexcused Absences: A Councilmember’s responsibility to attend Council meetings should not be taken lightly, nor should a decision to remove a Councilmember for missing meetings. Pursuant to RCW 35A.12.060<sup>16</sup> “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.”
- b. Excused Absences: Members of Council may be excused from meetings with prior notification to the City Clerk, or City Manager by 3:30 p.m. the day of the meeting, and by stating the reason for the inability to attend. Acceptable excuses for missing meetings may include work commitments, death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, family or personal emergency, or unusual or unforeseen circumstances. Following or prior to roll call, the Presiding Officer shall inform the Council of the member’s absence and inquire if there is a motion to excuse the member. The motion shall be nondebateable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk shall make an appropriate notation in the minutes.

### **5. Respect and Decorum**

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall preserve order and decorum and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any Councilmember while speaking. Councilmembers and the public shall comply with the directives of the Presiding Officer. Any Councilmember making disruptive, disparaging or impertinent remarks, or unreasonably disturbing the business of the Council shall be asked to cease such disruption. Any other person attending a Council meeting who disrupts the meeting in such a fashion that the Council is impaired in its ability to attend to the business of the City, may be asked to leave, or be removed from the meeting. At any time during any Council meeting, any Councilmember may object to personal affront or other inappropriate comments, by calling for a “point of order.” After the Councilmember is recognized by the Presiding Officer and the Councilmember explains their point

concerning respect and decorum, or lack thereof, the Presiding Officer shall rule on the remark. If the person making the remark is a Councilmember, the Presiding Officer may ask the Councilmember to cease. If the person making the remark is a member of the public, the Presiding Officer shall determine if the remark is actually disruptive, and whether the remark has impaired the ability of the Council to attend to the business of the City. If so, the Presiding Officer shall seek the removal of that person from the meeting. Continued disruptions may result in a recess or adjournment as set forth in #9 below.

#### **6. Dissents and Protests**

Any Councilmember shall have the right to express dissent from or protest verbally against any motion, ordinance or resolution of the Council and have the reason therefore entered in the minutes.

#### **7. Councilmember Meeting Participation by Telephone/Video Conference**

Telephone/video conference participation by Councilmembers may be allowed provided that a quorum of Councilmembers shall be physically present for the Council meeting in question, and provided technical availability and compatibility of electronic equipment enables the conferencing Councilmember(s) to hear the proceedings, be heard by those present, and participate in Council discussion. More than one Councilmember may request participation via telephone for the same meeting, provided that those Councilmembers would be able to be reached at the same phone number, as the Council Chamber's current system can only accommodate the use of one telephone number per meeting.

- a. Requests to use telephone/video conference participation shall be approved by the Council by motion. Such participating Councilmember(s) shall be present and counted. So as not to disrupt the Council meeting, adequate notice shall be given to allow appropriate setup in time for the beginning of the meeting.
- b. Telephone/video conference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings, and the requesting Councilmember(s) shall declare that (s)he has reviewed the associated material (if any) provided for those hearings and/or proceedings prior to the time the vote will be taken by Council.

#### **8. Internet Use, Texting During Meetings**

Use of the City's network systems implies Council is aware of and understands that the system is provided to assist in the performance of their roles as Councilmembers, and as such, Councilmembers are obligated to use, conserve and protect electronic information and information technology resources and to preserve and enhance the integrity of those resources which belong to the residents of Toppenish.

- a. Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the resident in person to address their concerns. Likewise, Councilmembers shall avoid browsing the Internet of non-City business during Council meetings in order that Council's full attention can be given to the topic at hand.
- b. Information technology resources are provided for the purpose of conducting official City business. The use of any of the City's information technology resources for campaign or political use is prohibited unless it has been determined by the City Attorney, Washington State Attorney General, or Washington Public Disclosure Commission, that such use is not a violation of RCW 42.17A.555<sup>17</sup> or is otherwise authorized by law.
- c. Confidential material shall not be sent via email.
- d. All letters, memoranda, and interactive computer communication (email) involving Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, with specific exceptions stated in the Public Records Act (RCW 42.56) are public records. Copies of such letters, memoranda and interactive computer communication shall not be provided to the public or news media without filing a public record request with the City Clerk. With this in mind, texting concerning City business is strongly discouraged.

- e. Email communications that are intended to be distributed among all Councilmembers, whether concurrently or serially, shall be considered in light of the Open Public Meetings Act. If the intended purpose of an email is to have a discussion that should be held at an open meeting, the electronic discussion should not occur, and Council discussion should wait until everyone has had ample opportunity to view the message before including such topic(s) on an upcoming agenda.

**9. Adjournment Due to Emergency or Disruption**

In the event of an emergency such as a fire or other natural or catastrophic disaster, threatened violence, or inability to regain or retain good order, the Presiding Officer shall forthwith declare a recess, adjourn, or continue the meeting, and the City Council as well as everyone in the room shall immediately leave the meeting room. The Presiding Officer may reconvene the meeting when it has been determined by the appropriate safety officials that it is safe to do so.

**10. Permission Required to Address the Council**

Persons other than Councilmembers and staff shall be permitted to address the Council upon recognition and/or introduction by the Presiding Officer or City Manager.

**11. Approaching the Dais by Members of the Public**

Once a Council meeting has been called to order, members of the public are prohibited from stepping between the speaker's podium and the dais, without verbal invitation by the City Council. If residents wish Council to receive materials, those materials should be handed to the City Clerk prior to the meeting or during the public comment section of the agenda; and the Clerk will distribute the materials to members of Council. Council reserves the right to invite anyone forward to the podium to be addressed by Council.

**12. Photographs, Motion Pictures or Videos Requiring Artificial Illumination – Prior Permission Required**

No overhead projection, photographs, motion pictures, or videos that require the use of floodlights, or similar artificial illumination shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

**13. Placing Items on an Agenda:**

- a. New Item Council Business: At the appropriate time during a Council meeting (such as Council Comments), a Councilmember may request to have items placed on a future agenda. Each request shall be treated separately. The City Manager is most familiar with staff's workload and shall determine when the item can be prepared and brought forward to Council. The following process shall be used to propose an item for a future Council Study Session meeting:
  - 1. New Item.
  - 2. At the end of the City Manager's Report, the City Manager will ask Council if there is anything for discussion at a future Council Study Session meeting.
  - 3. A Councilmember may propose an item and give a brief explanatory background of the issue and its importance to the City.
  - 4. Councilmembers may ask clarifying questions.
  - 5. By a show of hands, a consensus of four or more Councilmembers may move the item forward to a future agenda.
- b. Except for routine items such as those found on most Consent Agendas, requests for items to come before Council shall be routed through the City Manager or come directly from the City Manager as part of the normal course of business.

**14. Staff Presentations, Motions and Discussion**

- a. Order of Procedure:
  - 1. Staff makes their presentation

2. Member of Council makes a motion by stating: “**I move . . .**”  
     After the motion is seconded  
     Mayor asks Council if there are any questions for staff
  3. The Mayor opens the floor to Council for discussion. The maker of the motion normally begins the discussion. The discussion must have bearing on whether the pending motion should be adopted (RRONR §43); and can be prefaced by a few words of explanation but must not become a speech (RRONR §4). All Council remarks should be addressed through the Mayor.
  4. When discussion has ended, the Mayor re-states the motion or asks the Clerk to re-state the motion. Once the motion is re-stated, the Mayor calls for the vote, which is normally taken by voice. The Mayor or the Clerk then states whether the motion passed or failed.
- b. In General:
1. Except in rare circumstances, Council motions shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent “approval by default” of a failed negative motion.
  2. Agenda items scheduled for Council action shall require a motion and second by Councilmembers before discussion can begin. If a motion fails, the agenda item shall be considered concluded.
  3. Councilmembers should direct questions to the City Manager or the designated presenter.
  4. Main motions are made when no other motion is pending (see chart below). They are debatable and subject to amendment. Since seconding a motion means “let’s discuss it,” if there is no second the motion does not progress.
  5. The maker of a motion withdraws their motion with the approval of the majority of Councilmembers (see notes below table below). The person making the motion is entitled to speak first to the motion. A maker of the motion may vote against the motion but cannot speak against their own motion.
  6. No one should be permitted to speak twice to the same issue until everyone else wishing to speak has spoken. All remarks shall be directed to the Presiding Officer and shall be courteous in language and deportment (*Robert’s Rules of Order Newly Revised*, Article VII, Section 43, Decorum in Debate), keeping in mind it is not the Councilmember, but the measure that is the subject of debate.
  7. When an amended motion is on the floor, the vote is taken on whether to adopt the amendment. If adopted, the next vote is on the fully amended motion.
  8. Motions should be reserved for items marked on the agenda for action, so as to avoid any surprises for Council, staff and the public.



### Parliamentary Procedure at a Glance

Roberts Rules of Order §	IF YOU WANT TO	YOU SAY	INTERRUPT	NEED 2 <sup>ND</sup>	Can be Debated	Can be Amended	VOTE
12	Modify wording of motion	I move to amend the motion by . . .	No	Yes	Yes	Yes**	Majority
14	Postpone to a certain time	Ex: I move to postpone the motion to the next Council meeting.	No	Yes	Yes	Yes	Majority
16	Close debate	I move the previous question, or I call for the question ***	No	Yes	No	No	Majority *
17	To Table a motion	I move to lay on the table, the motion to	No	Yes	No	No	Majority
20	Take break	I move to recess for . .	No	Yes	No	Yes	Majority
21	Adjourn meeting	I move to adjourn	No	Yes	No	No	Majority
23	Object to procedure or personal affront	Point of Order	Yes	No	No	No	Chair decision
34	Take matter from table	I move to take from the table the motion to	No	Yes	No	No	Majority
35	Reconsider something already disposed of	I move we reconsider action on . . .	No	Yes	Yes	Yes	Majority

It should be noted that **the purpose of tabling a motion** is not to simply postpone an issue or a vote. If the intended purpose is to postpone, then the motion to postpone should be used. If more information is needed or desired in order to make the most informed vote possible, then an option would be for the maker of the motion to simply withdraw the motion. The consent of the seconder is not needed to withdraw a motion; however, withdrawal of a motion should be done with the approval of a majority of Councilmembers present [Mayor, I request permission to withdraw my motion. The Mayor asks if there is any objection, and if none, the motion is withdrawn. If there is objection, the Mayor will call for a vote.] While a motion is still on the table, no other motion on the same subject is in order. The motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen. The motion to “Lay on the Table” is out of order if the evident intent is to kill or avoid dealing with a measure. (*Robert’s Rules of Order Newly Revised, 10<sup>th</sup> Edition*)

\*(*Robert’s Rules of Order Newly Revised* states 2/3 vote required. Council direction is to base vote on majority except on matters where 2/3 (or majority plus one) is required by state statute.

\*\* If the main motion to amend can be amended.

\*\*\*Call for the Question: if it is felt that debate on a motion on the floor has continued longer than warranted, a member of Council may "call for the question." The "call for the question" is a motion to end debate and vote immediately. If this "call for the question" motion is passed by a majority vote, then the vote must be taken on the original debated motion on the floor.

## **15. Voting**

- a. The votes during all meetings of the Council shall be transacted as follows:
  1. The Presiding Officer shall first call for a vote from those in favor of the motion, followed by a call for those opposed to the motion, and afterwards shall state whether the motion passed or failed. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice or a show of hands. At the request of any Councilmember or the City Clerk, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.
  2. Unless otherwise provided by statute, ordinance, or resolution, in case of a tie vote on a motion, the motion shall be considered lost.
  3. Every member who was present when the question was called, shall give his/her vote.
  4. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council (RCW 35A.12.120<sup>18</sup>). Except as provided in "5" below, all other motions or resolutions shall require an affirmative vote of at least a majority of the quorum present.
  5. Majority Plus One: The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090<sup>19</sup>), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190<sup>20</sup>).

## **16. Recusal From Discussion and Consideration.**

Situations may arise when a Councilmember should consider whether to recuse themselves from the consideration and decision-making on a particular item. These situations can arise in various ways, including having an interest in a contract being considered by the City, or when a Councilmember has a bias in some fashion regarding an issue before the Council. The overarching goal of the conflict of interest laws is to prevent municipal officers from engaging in self-dealing. *Seattle v. State*, 100 Wn.2d 232, 246 (1983). [Self-dealing is defined as a situation in which a fiduciary act in his own best interest in a transaction rather than in the best interest of his clients. A fiduciary is legally obligated to act in the best interest of his clients. A fiduciary is a person to whom property or power is entrusted for the benefit of another.]

- a. *Prohibited acts.* There are some conflicts which cannot be waived, and some actions in which Councilmembers shall not engage. RCW 42.23.070 prohibits municipal officers from:
  1. Using "his or her position to secure special privileges or exemptions for himself, herself, or others."
  2. Directly or indirectly giving or receiving or agreeing to receive "any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law."
  3. Accepting employment or engaging in business or professional activity that "the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position."
  4. Disclosing confidential information "gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit."
- b. *Conflict of interest – contracts.* In contractual matters, Councilmembers are required to avoid directly benefitting from contracts entered into by the City. When a Councilmember is aware that

they may benefit from such a contractual relationship, they are required to recuse themselves. Other situations may arise where a Councilmember may indirectly benefit. In these circumstances, the determination of whether a conflict of interest exists such that they should recuse themselves will have to be made by that Councilmember based on facts and circumstances known at the time.

- c. *Bias for or against a proposed action.* There will be situations for each Councilmember where, based upon their current or prior work or personal relationships, that Councilmember may not be able to participate in a discussion and decision on a given issue because they likely can't be objective. In such an event, the Councilmember must give due consideration to their potential to be predisposed, and whether they believe they can objectively consider and decide on the issue. If the answer is yes, then the Councilmember may proceed. If this self-analysis is difficult as to whether the Councilmember can be objective, but the determination is that they can, the Councilmember should strongly consider disclosing the nature of the potential bias to the Council, and then announce whether they believe they can or cannot proceed. If the Councilmember does not believe they can be reasonably objective, they should recuse themselves from the discussion and consideration. The purpose for recusal under such circumstances is that the Council wants the public to have the utmost confidence that decisions are made objectively, and that all residents and businesses will be treated equally and fairly.
- d. *Process and Disclosure:* When a Councilmember determines recusal is appropriate, or when it is required by law, the Councilmember shall announce that they need to recuse themselves, explain the factual circumstances, then step off the dais and out of the Council chambers. A staff member will retrieve the Councilmember once that issue is finished being discussed. The determination of whether to recuse oneself from an issue, and then formally recusing, shall occur before any discussion has taken place on that issue to ensure that Councilmember does not participate in the matter in any fashion.
- e. The following is an example of appropriate language where recusal is warranted:
  - Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I have known the owners of \* business for \* years, am friends with them, and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room.  
OR
  - Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I own a business that competes directly with the business at issue and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room.
- f. The following is an example of appropriate language where the Councilmember determines that he/she does not need to recuse themselves from the matter:
  - Following careful analysis and consideration, I think it is appropriate for me to participate in the discussion and decision on this matter. Although I am somewhat familiar with this matter from my prior association with \*, I believe I can be objective and unbiased. As such, I will not recuse myself and will participate with the rest of the Council in the discussion and decision.

## **17. Ordinances**

Except for unusual circumstances or emergencies, ordinances and resolutions shall customarily be prepared and introduced to Council. Prior to final passage of all ordinances or resolutions, such documents shall be designated as proposed.

- a. Council may not pass a franchise ordinance at a special meeting [RCW 35A.47.040<sup>21</sup>].
- b. The passage of any ordinance grant or revocation of franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council.
- c. The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a

lesser emergency, such as a budget amendment (RCW 35A.33.090<sup>22</sup>), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190<sup>23</sup>).

- d. Occasionally, an ordinance will be on an agenda the same night as a public hearing on the same topic, such as a public hearing on a budget, amended budget, proposed tax, or moratorium, and an ordinance approving that item.

## **18. Resolutions**

A resolution may be approved and effective on the same day it is introduced.

## **19. Proclamations:**

- a. Ceremonial proclamations:
  1. These proclamations are not statements of policy but are a means by which the City can recognize an event, group or individual. The City Manager and/or Mayor is charged with approval of proclamations at his/her discretion; and reserves the right to decline any proclamation request as well as the right to make exceptions to these guidelines and procedures. Individual Councilmembers will not issue proclamations.
  2. Proclamations will be considered for approval which will proclaim certain events or causes when such proclamation positively impacts the community and conveys an affirmative message to Toppenish residents. Proclamations will not be considered which are potentially controversial, political or religious in nature.
  3. Proclamations can be issued at the discretion of the City Manager and/or Mayor, and may be for organizations, individuals, or businesses.
- b. Procedure for proclamations to be read at a Council Meeting:
  1. Requests should be made at least 10 working days in advance of the scheduled Council meeting.
  2. The City Clerk will inform the requestor whether the proclamation request is approved.
  3. The person making the request shall draft the proclamation and send it to the City Clerk once approval is given.
  4. The City retains the right to modify and/or edit the proposed proclamation as it sees fit.
  5. It is the Council's preference to have proclamations read at formal meetings, which are generally held the 2nd and 4th Mondays of each month.
- c. Reading of these proclamations will typically take place at a formal format Council meeting, immediately after the Pledge of Allegiance.

## **20. Hearings: [note: See Appendix A for quasi-judicial hearings]**

- a. Purpose
  1. Held to obtain public input on legislative decisions on matters of policy.
  2. Are required by state law in such matters as comprehensive plan use plans, or annual budget.
  3. Do not involve legal rights of specific private parties in a contested setting.
  4. Affect a wide range of residents or perhaps the entire jurisdiction.
  5. Decisions reached as a result of these hearings are not second-guessed by the courts, and if challenged, are reviewed only to determine if they are constitutional or violate state law.
- b. Process
  1. State statutes do not specify how public hearings should be conducted. Because legislative hearings are generally informal, the main concern is to provide an opportunity for all attending members of the public to speak if they desire. Individual comments shall be limited to a specific amount of time as determined by the Presiding Officer, and the public should be advised that comments must relate to the matter at hand. The "ground rules" for the conduct of the hearing may be stated by the Presiding Officer at the beginning of the hearing:
    - a. All public comments shall be made from the speaker's podium, shall be directed to the Mayor and Council, and any individual making comments shall first give their name and

address of residence for the public record. Speakers may be asked to spell their last name because an official recorded transcript of the public hearing is being made.

- b. No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting.
  - c. Unless otherwise determined by the Presiding Officer, all public comments shall be limited to three minutes per member of the public. Speakers are not permitted to give any of their own speaking time to other members of the public. This time is an opportunity to hear from various members of the public in a limited public forum, and not an opportunity for extended comments or dialogue.
  - d. Members of the public shall only speak once per issue.
  - e. There shall be no demonstrations, applause or other audience participation, before, during or at the conclusion of anyone’s presentation. Such expressions are disruptive and take time away from the speakers.
  - f. These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard.
2. The Presiding Officer declares that the public hearing on the topic at hand is open, notes the time for such opening, and asks staff to make their presentation.
  3. After staff presentations, the Presiding Officer calls for public comments.
  4. The Presiding Officer declares the public hearing closed and notes the time for such closing.

## **21. Reconsideration**

- a. The purpose of reconsidering a vote is to permit change or correction of an erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. Any action of the Council, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider except:
  1. any action previously reconsidered;
  2. an affirmative vote to lay an item on, or take an item from, the table;
  3. a vote electing to office one who is present and does not decline.
- b. Such motion for reconsideration:
  1. shall be called up when no business is pending (no action is pending);
  2. if action is pending, the Mayor asks the Clerk to note that the motion to reconsider has been made and shall be taken up when a member calls the motion to reconsider the vote when no other business (action) is pending;
  3. shall be made by a member who voted on the prevailing side on the original motion. This means a reconsideration can be moved only by one who voted yes if the motion involved was adopted, or no if the motion was lost. It is permissible for a Councilmember who cannot make such a motion, but believes there are valid reasons for one, to try to persuade someone who voted on the prevailing side, to make such a motion;
  4. a member who makes this motion should state that he or she voted on the prevailing side;
  5. needs a second, and can be seconded by any member;
  6. is debatable if the type of motion it reconsiders is debatable; and
  7. is not amendable and requires a majority vote to adopt.
- c. Step 1: A member of Council who voted on the prevailing side makes the motion, such as "I move to reconsider the vote on the resolution relating to holidays. I voted for [or against] the resolution." This motion needs a second, which can be seconded by any Councilmember.
- d. Step 2: If the motion for reconsideration is adopted, the original motion is then placed before Council as if that motion had not been voted on previously; and Council again takes that motion under discussion, followed by a new vote.

- e. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter, may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five days advance notice of such discussion and/or action.

**22. Council Materials**

Councilmembers and staff should read the agenda material and ask clarifying questions of the City Manager prior to the Council meeting. Council recognizes there are times when Councilmembers may wish to bring additional documentation to a meeting on a specific subject, whether that subject is on the agenda or not, in order to share with Council and staff. All information to be shared with the Council must be given to the City Manager for review and distribution prior to scheduled meeting.

**a. Council Packets**

Councilmembers shall receive all agenda packets electronically by email and reviewed on their City provided tablet.

**b. Agenda Packet Materials**

Agenda Bill form (AB): This is a cover sheet used by staff to introduce an agenda item. It includes the agenda item title, citing of governing legislation associated with the topic, previous Council action taken, and background on the topic. Options for Council consideration are also included, as well as a staff recommended action or motion. The options and recommended action or motion should be viewed as aids to Council in making a motion or taking action, but should not be thought of as obligatory, as Council always has the option of making a motion different from what is included on the form. Generally, by the time an item is ready for a motion, Council has already read, heard, and/or discussed the item at least three times (such as an informational item, an administrative report, and lastly as an action item), and the wording of a motion would not normally be controversial, although it is important to state the motion as a motion, such as “I move to” or “I move that” or other similar language.

**23. Council Retreat:** Annually on a Saturday with the assistance of a facilitator during February or March to determine the Cities priorities.

## CHAPTER 2 Legislative Process

### **A. Election of Council Officers**

Procedures for electing officers are as follows:

1. Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the Mayor Pro Tem will assume the role of Mayor for the unexpired term. Following the election of the Mayor, election of a Mayor Pro Tem shall be conducted in the same manner. The term of the Mayor Pro Tem shall run concurrently with that of the Mayor. (RCW 35A.13.030<sup>24</sup>)
2. The election for Mayor shall be conducted by the Mayor. The Mayor shall call for nominations. Each member of the City Council shall be permitted to nominate one person or themselves, and a nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at that time. Nominations are then closed. The election for Mayor Pro Tem shall be conducted by the Mayor and nominations shall be made in the manner previously described for the election of the Mayor.
3. If the first round of votes results in no majority vote of Councilmembers present, the voting process shall be repeated no more than two more times. During subsequent votes, Councilmembers do not have to vote the same as they did in the previous vote. If after three attempts, Council is unable to agree on a Mayor by majority vote of Councilmembers present, the office of Mayor shall be temporarily filled by an Acting Mayor with the highest seniority. The Acting Mayor shall continue in office and exercise such authority as is described in RCW 35A.13<sup>25</sup> until the members of the Council agree on a Mayor, which shall be determined at the next scheduled Council meeting, at which time the role of Acting Mayor shall cease and terminate.
4. At the next scheduled Council meeting voting for Mayor shall proceed in the same manner as the initial first round of voting from the previous Council meeting, but Councilmembers shall only vote for the Councilmembers, other than the Councilmember who received the least number of votes. If after three voting attempts, there is still no majority vote of Councilmembers present, the vote shall be determined by whichever Councilmember has the most votes at the third voting attempt. If at that time, there is a two-way tie of Councilmembers receiving the most votes, the tie shall be broken based on the flip of a coin. The City Manager shall flip the coin.

### **B. Filling Council Vacancies**

1. **General Process:** (Note that public comment shall not be taken during this entire process.)

If a vacancy occurs on the City Council, the Council shall follow the procedures outlined in RCW 35A.13.020<sup>26</sup> and Council's adopted procedure in compliance with RCW 35A.13.020, as well as RCW 42.12.070.<sup>27</sup> The timeline will vary depending on when the process begins. Pursuant to RCW 35A.13.020, City Council has 90 days from the vacancy to appoint a qualified person to the vacant position. If this timeframe is not met, the City's authority in this matter would cease and the Yakima County Board of Commissioners would appoint a qualified person to fill the vacancy. In order to be qualified to run for Toppenish City Council, or hold such position, a person must be [RCW 42.04.020<sup>28</sup>] a citizen of the United States, 18 years of age or older, a resident of the City of Toppenish for a year or more preceding his or her election, a registered voter in the City of Toppenish at the time of filing the declaration of candidacy and at the time of filing the declaration of candidacy if the candidate had ever been convicted of a felony, they must no longer be under the authority of the Department of Corrections, or currently incarcerated for a felony.

Pursuant to RCW 42.12, remaining members of Council shall appoint a qualified person to fill the vacancy as an interim position who will serve from the date of appointment until the person elected in the November odd-numbered year general election takes office, which is the date the election results are certified, normally around the 26th of November. (See also RCW 35A.12.040) Immediately upon the election being certified, that just-elected person will take the oath of office, take their position as a member of Council, and complete the remainder of the unexpired term.

- a. Procedure for Filling a Council Vacancy, Timeline/Procedure-Publication: The City Clerk shall publish the vacancy announcement inviting residents of the City who are interested and qualified to sit as a Councilmember, to apply on an application form provided by the City (see Appendix C for application). Qualifications to sit as a Councilmember are set forth in RCW 35A.13.020, which refers to RCW 35A.12.030: (1) must be a registered voter of the city at the time of filing his or her declaration of candidacy; (2) a resident of the City of Toppenish for a year or more preceding his or her election. Additional qualifications include those stated above under #1 General Process, and that Councilmembers shall not hold any other office or employment within the Toppenish City government [RCW 35A.12.030]. In order to avoid any real or perceived conflict of interest, no member of Council's immediate family may be currently employed by the City of Toppenish since employment is considered a contractual matter, and a councilmember would have a prohibited interest in a contract between a family member who is an employee of the city, and the city. (See Appendix E Definitions for description of immediate family.) If possible, the vacancy announcement shall be published for three consecutive weeks.
- b. The City Clerk shall establish the deadline to receive applications, for example, no later than 5:00 p.m. on a certain date.
- c. RCW 42.30.110(1)(h), set a Special Meeting with an executive session. Council shall meet and adjourn to executive session to review and discuss all of the applications. After the review and discussion, Council shall return to Council Chambers and the Special Meeting shall be adjourned.
- d. Pursuant to RCW 42.30.110(1)(h), Council shall meet in open session and part of this agenda shall include selection of applicants to interview. Selection shall be by nomination and second. A vote shall be taken and candidates receiving a majority vote of those councilmembers present, shall be interviewed. Immediately after this Council meeting or as soon as practicable, the Clerk shall send a list of potential questions to all those to be interviewed.
- e. Schedule the conducting of the interviews for an upcoming Council meeting. Pursuant to RCW 42.30.110(1)(h), the interviews shall be conducted during an open Council meeting.
- f. Schedule a Special Meeting with an executive session. Pursuant to RCW 42.30.110(1)(h), Council shall meet and adjourn to executive session (closed session) to discuss applicants. After the discussion, the Special Meeting shall be adjourned as usual.
- g. Pursuant to RCW 42.30.110(1)(h), Council shall meet in open session; and the last action item of that agenda will include a vote to fill the vacancy. Upon selection of the new Councilmember, that person shall be sworn in by the City Clerk and take their seat at the dais.

**2. Interview Questions/Process:**

- a. During the interview, each Councilmember will ask their designated question of each candidate a maximum of three questions.
- b. Candidates shall be interviewed in the order the applications are received.

**3. Nomination and Voting Process to Select Applicant:**

- a. Nomination Process: Councilmembers may nominate an applicant to fill the vacancy. A second is required. If no second is received, that applicant shall not be considered further unless no applicant receives a second, in which case all applicants who were nominated may be considered again. Councilmembers may not make more than one nomination unless the nominee declines the nomination and unless there is no second to the nomination; in which case the Councilmember make



another nomination. Once the nominations are given, the Mayor shall close the nominations and Council shall proceed to vote.

b. Voting Process. RCW 42.12.070 states that where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position. By adoption of this policy, Council has chosen the following process for making such appointment:

- 1) Except when there is only one nominee, the Mayor shall call for a verbal vote from each Councilmember.
- 2) The vacancy may only be filled when a majority of the remaining City Council affirmatively votes for the applicant, i.e. if five City Councilmembers are present, this would require at least four Councilmembers voting for an applicant. If subsequent rounds of voting are needed, each round of voting follows the same process. The Mayor may ask for Council discussion between voting rounds.
- 3) Round One Vote: The Mayor shall publicly announce the results of the election. The applicant receiving the majority of votes shall be the new Councilmember. If no applicant receives a majority of votes from the City Council, then the applicants, other than the applicant receiving the least number of affirmative votes, would be considered in a second round.
- 4) Round Two Vote: Round Two proceeds the same as Round One. If one of the remaining applicants still fails to receive a majority of affirmative votes, then the remaining applicants who received the most affirmative votes would then be considered in a third round; or if there are only two applicants and they receive tie votes, a third round shall be taken. Councilmembers may change their vote between rounds.
- 5) Round Three Vote: Round Three proceeds the same as Rounds One and Two. If after this round, the vote of the two applicants results in a tie, then the City Manager, with concurrence of Council shall flip a coin to determine who shall fill the vacancy, with the applicant whose last name is closest to the letter A being assigned “heads” and the other person assigned “tails.” In the rare circumstance where both applicants' last name begins with the same letter of the alphabet, the applicant whose entire last name is closest to the letter A shall be assigned “heads” and the other person assigned “tails.” In the equally rare circumstance where both applicants have the same last name, the applicant whose first name is closest to the letter A shall be assigned “heads” and the other person assigned “tails.”

#### **5. Seating of New City Councilmember:**

Once an applicant either has received a majority of votes or wins the coin flip, if the appointed applicant is at the meeting, the City Clerk shall administer the oath of office, and the new Councilmember shall be officially seated as a City Councilmember. If the appointed applicant is not at the meeting, such action is not official until the applicant takes the oath of office.

#### **C. Legislative Agenda**

Councilmembers work to draft a “legislative agenda” stating the City’s priorities to address Council ideas, suggestions and specific legislative programs in terms of upcoming or pending legislative activity in Olympia that would or could have an effect on our City.

#### **D. Council Travel Allocation**

Council is allocated a budget to handle certain City business-related travel expenses. (See Appendix D for Council Travel Policy.)

#### **E. Council Expense Reimbursement Policy**

Councilmembers are entitled to payment of and reimbursement for lawful expenditures incurred on official City business when such expenditures are within the allotted budget. (See Appendix D for Council Travel Policy.) The City shall not reimburse an expense if that expense is reimbursable by another agency.

**1. Travel Approval and Expense.**

**a. General Travel:** Each Councilmember shall be permitted to travel within the constraints of the Council's allotted budget. (See Appendix D for Council Travel Policy.)

**b. Allowable Travel Expense.** Allowed travel expenses include transportation, lodging, meals, and other related expenditures lawfully incurred by Councilmembers in the course and scope of their Councilmember duties.

1) Meals and lodging are reimbursed at a cost deemed customary and reasonable.

2) Tips are allowable expenditures when they approximate 15% or less, unless the restaurant or personal service provider sets a mandatory group rate at a higher percentage. Reimbursement for tips is limited to food service, valet services, and taxi/ride share transportation.

**c. Non-Reimbursement or Prohibition of Travel Expense.**

Unauthorized travel expenses include but are not limited to the following items, for which no reimbursement shall be allowed:

1) Liquor

2) Expense of a spouse or other persons not authorized to receive reimbursement under this policy

3) Personal entertainment/movies

4) Theft, loss, or damage to personal property

5) Barber or beauty parlor

6) Airline or other trip insurance

7) Personal postage

8) Reading material except for that associated with official City business

9) Personal telephone calls

10) Personal toiletry articles

11) Dry cleaning/laundry service

12) Prohibited expenses charged to the City in error shall be immediately reimbursed.

**d. Conferences/Meetings/Seminars.**

1) Where a meal is included in a registration package, the cost of a meal eaten elsewhere is not reimbursable unless its purpose is to allow the conduct of City business.

**2. Payment of Expenses.**

**a. Use of City Credit Cards.** Use of City credit cards for travel is authorized pursuant to approved Travel Request.

**b. Prepayment.** Examples of travel expenses subject to prepayment include registration fees, airline tickets and lodging.

**c. Direct Billing.** Direct billing to the City for expenses such as meals and lodging is prohibited.

**d. Expense Reimbursement Report.** Expense Reimbursement Forms shall be completed no less than 15 calendar days from the date of travel. Councilmembers shall complete the Expense Reimbursement Form and submit it to the City Clerk.

**3. Use of Personal Vehicle.**

**a. Reimbursement.** Expenses for the use of personally-owned vehicles in the course of City business are reimbursed at the then-current U.S. Government (IRS) rate. Councilmembers who use their personal car for City business shall carry, at a minimum, the Washington state required insurance coverage. Councilmembers shall be responsible for maintaining this coverage at their own cost.

- b. **Passengers.** Should more than one Councilmember travel in the same personal vehicle on City business, only the individual owning the vehicle is entitled to reimbursement for transportation.

#### **4. Cancellation.**

A Councilmember shall adhere to cancellation deadlines when canceling conferences, seminars, regional meetings, hotel, and airfare, or any other pre-payment or obligation made on his/her behalf. In the event the cancellation was a City business decision reimbursement is not required. Expenses incurred by the City resulting from failure to conform to cancellation deadlines are the personal responsibility of the Councilmember, and those expenses shall be repaid to the City within 15 calendar days of the cancellation.

#### **5. Travel and Training Reimbursements.**

A Councilmember shall reimburse the City for *no shows* when the City issues pre-payment or obligation made on his/her behalf for attendance at conferences, seminars, regional meetings, City related meetings, hotel, and airfare. The Councilmember shall be informed of the amount, and those expenses shall be repaid to the City within 15 calendar days of the cancellation. In the event the City makes the business decision to not send the Councilmember to said event, reimbursement will not be required.

### **F. Ballot Measures:**

#### **1. State Law.**

RCW 42.17A 555. State law has enacted statutory prohibitions (with limited exceptions) against the use of public facilities to support or oppose ballot propositions:

*“No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:*

*(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.*

*(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;*

*(3) Activities which are part of the normal and regular conduct of the office or agency.”*  
*[emphasis added]*

#### **2. City’s Implementation of RCW 42.17A.555.**

In the City’s implementation of RCW 42.17A.555, the City Council shall not, during any part of any Council meeting, consider requests from outside agencies for Council to support or oppose ballot measures; nor shall Council permit any public comment on any proposed or pending ballot issue, whether or not such comments seek endorsement or are just to inform Council of upcoming or proposed ballot issues; nor shall Councilmembers disseminate ballot-related information.

**3. Providing Informative Materials to Council.**

The requestor has the option of mailing materials to individual Councilmembers via the United States Postal Office. Because even the use of email for ballot purposes could be construed as use of public facilities and could be interpreted as being in violation of RCW 42.17A.555, materials should be sent via regular mail through the United States Postal Office. Information shall be objective only and not soliciting a pro or con position.

**4. Public Comment.**

Council has chosen not to support or oppose ballot issues as those are left to the will of the people voting. The use of any of the City's facilities including the use of the Council chambers and/or broadcast system would likely be construed as being in violation of RCW 42.17A.555 and therefore, general public comment on ballot issues, or proposed ballot issues shall not be permitted.

## CHAPTER 3 Council Contacts

### **A. Citizen Contact/Interactions Outside of a Council Meeting**

#### **1. City Manager/Council Communication**

Councilmembers acknowledge that in the Council/Manager form of government, the City Manager is recognized by community members as a point of contact. To facilitate full communications, Councilmembers shall work with the City Manager regarding all City business.

#### **2. Concerns, Complaints and Suggestions to Council**

When citizen concerns, complaints or suggestions are brought to any, some, or all Councilmembers, the information shall be provided to the City Manager for determination whether the issue is legislative or administrative in nature and then:

- a. If legislative, and a concern or complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if such complaint suggests a change to an ordinance or resolution of the City, the City Manager may refer the matter to a future Council agenda for Council's recommendation in forwarding the matter to a committee, administration, or to the Council for study and recommendation.
- b. If administrative, and a concern or complaint regards administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the City Manager will brief the Council when the City Manager's response is made.

#### **3. Administrative Complaints Made Directly to Individual Councilmembers**

When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember shall then refer the matter directly to the City Manager for review and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. However, the City Manager shall not be required to divulge information he/she deems confidential, in conformity with applicable statutes, ordinances, regulations, policies or practices.

Although residents' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with customer service unless an unsatisfactory result has occurred in the past. In that case, refer to the paragraph above.

#### **4. Social Media**

Councilmembers shall not use social media as a mechanism for conducting official City business, although it is permissible to use social media to informally communicate with the public:

- sharing City Facebook posts

Examples of what may not be communicated through the use of social media include:

- making policy decisions
- official public noticing
- discussing items of legal or fiscal significance that have not been released to the public

As with telephone and emails, communication between and among Councilmembers via social media could constitute a "meeting" under the Open Public Meetings Act, and for this reason, **Councilmembers are strongly discouraged from "friending" other Councilmembers.**

## **5. Donations**

On occasion, Councilmembers could be contacted by residents or businesses regarding donations. Refer all residents or businesses regarding donations to the City Manager.

## **B. Staff Contacts and Interactions**

### **1. Role of the City Manager**

The City Manager is the chief administrative officer of the City of Toppenish. The City Manager is directly accountable to the City Council for the execution of the City Council's policy directives, and for the administration and management of all City departments. The powers and duties of the City Manager are defined by Washington law RCW 35A.13.080. Such duties may be expanded by Ordinance or Resolution. Balanced with the City Manager's accountability to the City Council for policy implementation is the need for the Council to allow the City Manager to perform legally defined duties and responsibilities without interference by the City Council in the management decisions of the City Manager.

### **2. City Staff Attendance at Meetings**

- a. The City Manager or his/her designee shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. (RCW 35A.13.080<sup>29</sup>)
- b. It is Council's intent that the City Manager schedule adequate administrative support during Council meetings for the business at hand, keeping in mind that the City Manager must also protect the productive capability of department heads and of all staff. Required attendance at meetings by City staff shall be at the pleasure of the City Manager.

### **3. City Clerk – Minutes**

The City Clerk or his/her designee shall keep minutes as required by law and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. The Clerk shall keep action minutes which identifies the official action or agreement reached, if any. As a rule, and when possible and practical, regular meetings at 7:00 p.m. shall be video-recorded. Study session meetings held at 5:00 p.m. on Mondays and Special meetings shall not normally be video recorded. Executive Sessions shall not be video, or audio recorded. Original, signed and approved minutes shall be kept on file in the City Clerk's office and archived according to State Record Retention Schedules. Copies of the approved minutes shall also be posted on the City's website as soon as practical after such minutes are approved and signed.

### **4. Administrative Interference by Councilmembers**

The City Councilmembers shall not direct or request the City Manager to appoint a person or to remove any City employee from his/her position. Except for the purpose of inquiry, the Councilmembers shall deal with the administrative branch solely through the City Manager. The Council shall not give any directives, tasks, or orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A.13.120<sup>30</sup>.)

**5. Informal Communications Encouraged**

RCW 35A.13.120 should not be construed as to prevent informal communications with City staff that do not involve orders, direction, or are meant to influence actions or administrative policy. Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining explanations of policies and programs or providing incidental information to staff relevant to their assignment. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers must be careful in such interaction to avoid giving direction or advice to members of City staff. While maintaining open lines of communication, City staff responding to information requests from Councilmembers shall inform their supervisor of such contact and provide the supervisor with the same information shared with the Councilmember. The supervisor/department director will advise the City Manager with the same information shared with the Councilmember.

**CHAPTER 4  
COMMITTEES, BOARDS, COMMISSIONS**

**A. Regional Committees, Commissions and Boards**

**1. Committees**

- a. Toppenish Councilmembers and/or residents who seek representation on any standing committee, board, or commission required by state law, shall be appointed by the City Council.
- b. Appointment Process: Any committee, board, commission, task force, etc., requiring appointment of committee members by the City Council, which shall be by majority vote of those present at the time the vote takes place.
- c. A Councilmember or citizen may resign due to conflicts of time or scheduling commitments, or other personal reasons. A vacancy caused by resignation, shall be filled as soon as appropriate.
- d. These Committees, commissions or board appointments as well as resignations shall be placed as action items on Council meeting agendas.

**2. Council Relations with Boards, Commissions and Council Citizen Advisory Bodies**

- a. The purpose of these appointments is to provide Council with insight into areas of interest or concern within each board. As liaisons and representatives of the City, it is the duty of Councilmembers to remember that their sole purpose in attending these meetings and participating as an appointed board/committee member is to represent the City; and as such during those meetings, Councilmembers may not act as a representative of any other business, group or organization without the express consent of the Council.
- b. Councilmembers are encouraged to share with all Councilmembers, copies of minutes from any statutory boards, commissions, or committees on which they serve and participate. Communications from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter from the City Manager. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Council Meeting Reports/Community Announcements." If any member of the Council requests that any such communication be officially answered by the Council, the Presiding Officer may place the matter on an agenda under New Business, Study Session or other appropriate place, for a specific Council meeting, or take other appropriate action.

**B. In-House Committees, Boards, etc.**

1. Standing committees or commissions required by law shall be held by the position of the Mayor. Following are established in-house committees:

**a. Selection Committee – 3 members**

**“TMC 2.30.020 Selection committee.**

The city council shall select three of its members to serve on a selection committee to review and make recommendations to the council for appointments to advisory boards, committees and commissions. The committee members shall serve for a two-year period following reorganization of the council.”

**b. Parks and Recreation Advisory Board – 7 members**

**“TMC 2.30.090 Membership of the parks and recreation advisory board.**

The parks and recreation advisory board shall consist of seven members.”

**“TMC 2.30.100 Duties of the parks and recreation advisory board.**



Responsibility of the parks and recreation advisory board shall be to make recommendations to the city council and the parks and recreation director on matters relative to the development, operation and use of the parks and recreation facilities of the city, and the planning, designing and implementation of city park facilities and recreational services.”

**c. Planning Commission – 7 members.**

**“TMC 2.30.100 Membership of the planning commission.**

The planning commission shall consist of seven members.”

**“TMC 2.30.120 Duties of the planning commission.**

The responsibility of the planning commission shall be to consider all amendments, modifications or alterations to the city’s comprehensive plan, to conduct hearings as otherwise specified by this code, and to perform other planning functions for the city.”

The purpose of the Planning Commission is to study and make recommendations to the City Council for future planned growth through continued review of the City’s Comprehensive Land Use Plan, development regulations, shoreline management, environmental protection, public facilities, capital improvements and other matters as directed by the City Council.

**d. Lodging Tax Advisory Committee – 5 members.**

**“TMC 2.30.130 Membership of the lodging tax advisory committee.**

The membership of the lodging tax advisory committee shall consist of five members, appointed by the city council. One member shall be an elected official of the city who shall serve as chair, two members shall be representatives of businesses required to collect the tax, and two members shall be persons involved in activities authorized to be funded by revenue received from the tax. The city council will review the membership on an annual basis and make changes as appropriate. By majority vote, the city council may remove a member of the lodging tax advisory committee prior to expiration of the term provided in TMC 2.30.030. Vacancies on the committee shall be filled by the city council.”

**“TMC 2.30.120 Duties of the lodging tax advisory committee.**

A. The city council shall submit to the lodging tax advisory committee (LTAC), for its review and comment, proposals on: (1) the imposition of any new lodging tax; (2) any increase in the rate of such a tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The city council shall submit such a proposal to the committee at least 45 days before taking final action on any such proposal. Comments by the committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created for the lodging tax revenues.

B. The lodging tax advisory committee (LTAC) shall receive all applications for lodging tax revenue and recommend a list of applicants and funding levels to the city council for final determination. The city council may only choose recipients from the list of candidates and recommended amounts provided by the LTAC. However, the city council does not have to fund the full list as recommended by the LTAC and can choose to make awards in the recommended amounts to all, some, or none of the candidates on this list, but the selected recipients must be awarded the amounts recommended by the LTAC.”

The purpose of the Lodging Tax Advisory Committee is to study and make recommendations to the City Council for the use and allocation of tourism development funds for the upcoming year.

e. **Tourism Fund Advisory Committee** – 9 members

**“TMC 2.30.150 Membership of the tourism fund advisory committee.**

The tourism fund advisory committee shall consist of nine members, who shall be selected from the following community organizations and appointed by the city council:

- A. Community at large – two positions.
- B. Toppenish Chamber of Commerce.
- C. Business within downtown business area.
- D. Business outside downtown business area.
- E. Toppenish Mural Society.
- F. Yakama Nation.
- G. Yakima Valley Rail and Steam Museum Association.
- H. Business at large.”

**“TMC 2.30.160 Duties of the tourism fund advisory committee.**

It shall be the duty of the tourism fund advisory committee to study and make recommendations to the lodging tax advisory committee for the use of tourism development funds, for the promotion and development of tourism in the city of Toppenish.”

2. When required by law, committee meetings should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the City Council.
3. The City Council may appoint such other ad hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of “sunsetting” the committee at the conclusion of the assigned task. As with all committee vacancies, ads announcing a vacancy or soliciting membership or participation in a task force or other committee shall be placed on the City’s website, social media and/or in the City’s official newspaper.

**C. Private Committees, Commissions and Boards**

The Council recognizes there are various other private boards and committees, which appointments are made by their own board. These boards and committees which do not require an appointment by the City Council, are nonetheless important aspects of our community and we recognize the time commitment any Councilmember may extend as a member of any of these committees and/or boards. As well, Council appreciates hearing a periodic report or update on activities and issues surrounding those boards and committees.

**APPENDIX A**  
**Quasi-Judicial Public Hearings**

**1. Purpose**

Quasi-judicial public hearings involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the “record” developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Most quasi-judicial hearings held by local government bodies involve land use matters, including site specific rezones, preliminary plats, variances, and conditional uses. (*MRSC Public Hearings When and How to Hold Them by Bob Meinig, MRSC Legal Consultant August 1998*)

**2. Specific Statutory Provisions**

- a. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning, pursuant to RCW 42.36.040<sup>31</sup>, except that sitting Councilmembers shall not express their opinions on any such matter which is or may come before the Council.
- b. *Ex-parte* communications should be avoided whenever possible. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex-parte* communications with proponents or opponents about a proposal involved in the pending proceeding unless the Councilmember: (1) places on the record the substance of such verbal or written communications; and (2) provides that a public announcement of the content of the communication and of the parties’ rights to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

**3. Actions/Procedures for a Quasi-Judicial Public Hearing**

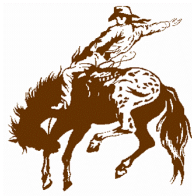
See Topenish Municipal Code *Appendix A for City Council Appeal Hearing Procedures.*

## Appendix B: Frequently Used Acronyms

**AACE** - American Association of Code Enforcement  
**ADA** - Americans with Disabilities Act  
**ADT** - Average Daily Traffic  
**ATF** - Bureau of Alcohol, Tobacco & Firearms  
**AWC** - Association of Washington Cities  
**BOCC** - Board of County Commissioners  
**CAFR** - Comprehensive Annual Financial Report  
**CDBG** - Community Development Block Grant  
**CIP** - Capital Improvement Plan  
**CM** - City Manager  
**CM/AQ** - Congestion Mitigation & Air Quality Program  
**CTED** - Community, Trade & Economic Development (now Department of Commerce)  
**CTR** - Commute Trip Reduction (legislation)  
**CUP** - Conditional Use Permit  
**DEIS** - Draft Environmental Impact Statement  
**DEM** - Department of Emergency Management  
**DNR** - Department of Natural Resources  
**DNS** - Declaration of Non-Significance  
**DOC** - Department of Commerce  
**DOE** - Department of Ecology; Department of Energy  
**DOT** - Department of Transportation (also WSDOT)  
**E911** - Enhanced 911  
**EA** - Environment Assessment  
**EDC** - Economic Development Council  
**EEO/AA** - Equal Employment Opportunity/Affirmative Action  
**EEOC** - Equal Employment Opportunity Commission  
**EIS** - Environmental Impact Statement  
**EOE** - Equal Opportunity Employer  
**EPA** - Environmental Protection Agency  
**ERU** - Equivalent Residential Unit (for measuring water-sewer capacity and demand)  
**ESU** - Equivalent Service Unit (for measuring stormwater utility fees)  
**F & WS** - Federal Fish & Wildlife Service  
**FAA** - Federal Aviation Administration  
**FCC** - Federal Communications Commission  
**FEIS** - Final Environmental Impact Statement  
**FEMA** - Federal Emergency Management Agency  
**FICA** - Federal Insurance Contribution Act  
**FIRM** - Flood Insurance Rate Maps  
**FLSA** - Fair Labor Standards Act  
**FMLA** - Family Medical Leave Act  
**FMSIB** - Freight Mobility Strategic Investment Board  
**FY** - Fiscal Year  
**GAAP** - Generally Accepted Accounting Principles  
**GASB** - Governmental Accounting Standards Board  
**GIS** - Geographic Information System  
**GMA** - Growth Management Act  
**GPM** - Gallons Per Minute  
**HOV** - High-Occupancy Vehicle

**HR** - Human Resources  
**HUD** - Housing & Urban Development (Department of)  
**ICMA** - International City/County Management Association  
**L & I** - Labor & Industries (Department of)  
**LID** - Local Improvement District  
**MGD** - Million Gallons per Day  
**MOA** - Memorandum of Agreement  
**MOU** - Memorandum of Understanding  
**MPO** - Metropolitan Planning Organization  
**MRSC** - Municipal Research Services Center  
**NEPA** - National Environment Policy Act  
**NIMBY** - Not In My Backyard  
**NPDES** - National Pollutant Discharge Elimination System  
**PE** - Preliminary Engineering; Professional Engineer  
**PERC** - Public Employment Relations Commission  
**PMS** - Pavement Management System  
**PPE** - Personal Protective Equipment  
**PPM** - Parts Per Million; Policy & Procedure Manual  
**PUD** - Public Utility District  
**PW** - Public Works  
**QA** - Quality Assurance  
**RCW** - Revised Code of Washington  
**REET** - Real Estate Excise Tax  
**RRONR** *Robert's Rules of Order Newly Revised*  
**ROW** - Right of Way  
**SAO** - State Auditor's Office  
**SBA** - Small Business Administration  
**SEPA** - State Environmental Policy Act  
**SMA** - Shorelines Management Act  
**SWAC** - Solid Waste Advisory Committee  
**TIB** - Transportation Improvement Board  
**TIP** - Transportation Improvement Program  
**TMDL** - Total Maximum Daily Load  
**UBC** - Uniform Building Code  
**UFC** - Uniform Fire Code  
**UGA** - Urban Growth Area  
**WAC** - Washington Administrative Code  
**WACO** - Washington Association of County Officials  
**WCIA** - Washington Cities Insurance Authority  
**WCMA** - Washington City/County Management Association  
**WSDOT** - Washington State Department of Transportation  
**WSP** - Washington State Patrol  
**WUTC** - Washington Utilities & Transportation Commission  
**WWTP** - Wastewater Treatment Plant

APPENDIX C



City of Toppenish
21 West First Avenue
Toppenish, WA 98948
Phone: 509-865-6754
Fax: 509-865-1950
www.cityoftoppenish.us

Application for Interim Council Position

Thank you for your interest in serving the Toppenish community as an Interim Council Member. An Interim Council Member is the term used for someone to serve in a vacated council position until that vacated position can be filled as a result of the next general municipal election (held odd years) [RCW 42.12.070]

To be considered, applicants must use this form. Applications shall be completed, signed, and received at the City Clerk's office, 21 West First Avenue, no later than \_\_\_\_\_ p.m. on \_\_\_\_\_ (late arriving applications will not be considered). Applications may be hand-delivered or mailed. Faxed or emailed applications will not be accepted because the original application with the original signature must be received by the City.

During the interview process, current Councilmembers will ask applicants several questions on a variety of topical subjects, which could include but are not limited to: budget, transportation, infrastructure, public safety, economic development, planning and development, open space, familiarity with Council meetings, Open Public Meetings Act, Public Records Act, and Council/Manager form of government.

PERSONAL INFORMATION

NAME: \_\_\_\_\_
Last First M.I.

TELEPHONE: Daytime \_\_\_\_\_ Evening \_\_\_\_\_ Cell \_\_\_\_\_

RESIDENCE ADDRESS: \_\_\_\_\_ MAILING ADDRESS: \_\_\_\_\_
Toppenish, WA 98948 Toppenish, WA 98948

Are you a resident of Toppenish? \_\_\_\_\_ If so, for how long? \_\_\_\_\_
Are you a registered voter? \_\_\_\_\_

PLEASE RESPOND TO THE FOLLOWING QUESTIONS:

- 1. Why do you want to serve on the City Council?
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

2. What experience and talent would you bring to this position if appointed?

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing information I have provided is true and correct. Signed at Toppenish, Washington this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE: \_\_\_\_\_

**PLEASE ATTACH A RÉSUMÉ, AND BE ADVISED THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND RÉSUMÉ ARE CONSIDERED PUBLIC DOCUMENTS AND WILL BE RELEASED TO THE PUBLIC IF REQUESTED.**

NOTE: All City Councilmembers are required by law to publicly disclose financial matters by filing a Personal Financial Affairs Statement with the State Public Disclosure Commission.

NOTE: The city council meets at 5:00 p.m. at City Hall on the first Monday of each month, and at 7:00 p.m. at City Hall on the second and fourth Mondays of each month. Councilmembers may also be required to attend other boards, committees and/or special meetings.

**APPENDIX D**  
**Council Travel Policy**

RESOLUTION 2006-44

**RESOLUTION ESTABLISHING POLICIES FOR  
CITY COUNCIL TRAVEL AND EXPENSES**

WHEREAS the Toppenish City Council has determined that it should make some voluntary reductions in some of the expenditures related to the normal activities of Council Members, and wishes to set forth those changes in the form of this Resolution,

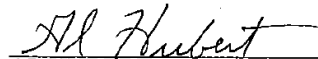
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH AS FOLLOWS:

The following policies are hereby adopted:

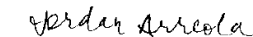
1. Only those members of the City Council who have been elected as the representative and alternate to the Yakima Valley Conference of Governments shall be reimbursed for their cost of meals and for their mileage incurred in attending YVCOG meetings. Other Council Members may attend such meetings, but at their own expense with no mileage reimbursement.
2. Only two members of the City Council may attend the annual convention of the Association of Washington Cities at the expense of the City of Toppenish. The selection of the two members who may attend at the City's expense shall be made by majority vote of the City Council.
3. Only the Mayor, or in his absence the Mayor Pro Tem or other alternate Council Member, shall be reimbursed for meals and mileage for attending the Mayors Meetings.
4. The City shall not reimburse the expenses of any member of the Council that are incurred for attendance at the Winter Legislative Conference of the Association of Washington Cities.
5. Reimbursement of expenses incurred by a Council Member to attend any function or meeting not addressed above must be approved by majority vote of the City Council.

This resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the City Council at its regular meeting held on November 13, 2006.

  
AL HUBERT, Mayor Pro Tem

ATTEST:

  
JORDAN ARREOLA, Finance Director/City Clerk

APPROVED AS TO FORM:

  
WILLIAM C. MURPHY, City Attorney



## Appendix E: Definitions

**Action:** All transactions of a governing body's business, including receipt of public testimony, deliberations, discussions, considerations, reviews, and evaluations, as well as "final" action. [RCW 42.30.010, 42.30.020(3)].

**Codified:** The process of forming a legal code (i.e., a municipal code or book of laws) by collecting and including the laws of a jurisdiction or municipality.

**Consensus:** A collective judgment or belief; solidarity of opinion: The consensus of the group was that they should meet twice a month. General agreement or harmony. [*Random House Webster's College Dictionary*, April 2001] [Wikipedia: explains it as a group decision making process, or Does anyone object?] It is not unanimity, but more a process for deciding what is best overall. Members of the group reach a decision to which they **consent** because they know it is the best one overall. It differs from voting which is a procedure for tallying preferences. It does not require each member of the group to justify their feelings. [Taken from: *Consensus Is Not Unanimity: Making Decisions Cooperatively*, by Randy Schutt.] Similar to a type of verbal "show of hands" on who feels particularly strong on this?" Sometimes thought of as preliminary approval without taking final "action." A show of hands is not an action that has any legal effect. [*Voting and Taking Action in Closed Sessions* by Frayda Bulestein.]

**Ex-parte:** from a one-sided or partisan point of view; on the application of one party alone. An ex-parte judicial proceeding is conducted for the benefit of only one party. Ex-parte may also describe contact with a person represented by an attorney, outside the presence of the attorney.

**Immediate Family:** includes a spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, child, stepchild, grandchild, parent,

stepparent, grandparent, brother, half brother, sister, or half-sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person (RCW 42.17A.005(24)).

**Motion:** An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. Once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing state or federal statutes, City ordinances or resolutions.

**Ordinance:** An enacted ordinance is a law passed [enacted] by a municipal organization legislatively prescribing specific rules of organization or conduct relating to the corporate affairs of the municipality and those residents and businesses therein. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. Special ordinances such as adopting the budget, vacating a street, amending the Comprehensive Plan and/or Map, and placing a matter on an election ballot, including general obligation bonds, are not codified into the City's municipal code.

**Resolution:** An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

**Regular Meeting:** Any Council meeting that meets in the Toppenish City Council Chambers on the 2nd and 4th Monday of each month at 7:00 p.m., and in addition will meet the first Monday

of each month at 5:00 p.m. shall be deemed a “regular meeting.”

**Social Media:** A term used to define the various activities that integrate technology, social interaction and content creation. Through social media, individuals or collaborations of individuals create on-line web content, organize

content, edit or comment on content, combine content, and share content. Includes many technologies and forms including syndicated web feeds, weblogs (blogs), wiki, photo-sharing, video-sharing, podcasts, and social networking. (From MRSC, and Social Media and Web 2.0 in Government, WebContent.gov)

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Endnotes:

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- <sup>1</sup> RCW 42.30.110 – Open Public Meeting Act, Executive Sessions
- <sup>2</sup> RCW 42.30.140- Open Public Meeting Act,
- <sup>3</sup> RCW 35A.13.035- Optional Municipal Code (35A) – Council-manager plan of government
- <sup>4</sup> RCW 42.52 – Ethics in Public Service
- <sup>5</sup> RCW 42.56 – Public Records Act
- <sup>6</sup> RCW 35A.12.160 Optional Municipal Code (35A) – Council manager plan of government; public notice of hearings and meeting agendas
- <sup>7</sup> RCW 35A.13.170 – Optional Municipal Code (35A) – Council manager plan of government; council meetings – quorum, rules - voting
- <sup>8</sup> RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.
- <sup>9</sup> RCW 42.30.080 – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings
- <sup>10</sup> RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.
- <sup>11</sup> RCW 42.30.080 - Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings
- <sup>12</sup> RCW 42.30.080(3) – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings
- <sup>13</sup> RCW 42.30.090 – Open Public Meetings Act, Adjournments
- <sup>14</sup> RCW 35A.13.170 - Optional Municipal Code (35A) – Council mgr plan of gov't; meetings: quorum, rules, voting
- <sup>15</sup> 35A.12.120 – Council meetings, shall meet regularly, at least once a month
- <sup>16</sup> 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.
- <sup>17</sup> RCW 42.17A.555 – Use of public office or agency facilities in campaigns – Prohibition – Exceptions
- <sup>18</sup> RCW 35A.12.120 – Council – Quorum – Rules – Voting
- <sup>19</sup> RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.
- <sup>20</sup> RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.
- <sup>21</sup> RCW 35A.47.040 – Franchises and permits – “no ordinance or resolution granting any franchise in a code city . . shall be adopted or passed by the city’s legislative body on the day of its introduction nor for five days thereafter, nor at any other than a regular meeting . . . nor without having been granted by the approving vote of at least a majority of the entire legislative body.
- <sup>22</sup> RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.
- <sup>23</sup> RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

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<sup>24</sup> RCW 35A.13.030 - Mayor – election – chair to be mayor – duties: Biennially at the first meeting of the new council members shall choose a chair from among their number; chair's title shall be mayor and preside at meetings.

<sup>25</sup> RCW 35A.13 – Council-manager plan of government.

<sup>26</sup> RCW 35A.13.020 – Mayor – election, chair to be mayor, duties

<sup>27</sup> RCW 42.12.070 – Filling nonpartisan vacancies

<sup>28</sup> RCW 42.04.020 – Eligibility to hold office. That no person shall be competent to qualify for or hold any elective public office within the state of Washington . . . municipal corporation or other district, . . . unless he or she be a citizen of the United States and state of Washington and an elector of such county, district, precinct, school district, municipality or other district or political subdivision.

<sup>29</sup> RCW 35A.13.080 – City manager powers and duties

<sup>30</sup> RCW 35A.13.120 – city manager – Interference by councilmembers

<sup>31</sup> RCW 42.36.040 – Public discussion by candidate for public office