



City of Bothell™

Council Chambers, 18415 101st Ave NE, Bothell, WA

City Council Regular Meeting Agenda

Tuesday, April 4, 2017

6:00 PM

Members of the City Council: Mayor Andy Rheäume, Deputy Mayor Davina Duerr, Councilmember Tom Agnew, Councilmember Joshua Freed, Councilmember James McNeal, Councilmember Tris Samberg and Councilmember Del Spivey

Members of the Staff: City Manager Jennifer Phillips, Deputy City Manager Peter Troedsson, Interim City Attorney Paul Byrne, Police Chief Carol Cummings, Fire Chief Bob Van Horne, Public Works Director Erin Leonhart, Finance Director Tami Schackman, Community Development Director Tom Burdett, Parks and Recreation Director John Keates, Human Resources Director Dean Perez and City Clerk Laura Hathaway

1. Call to Order, Roll Call, Pledge of Allegiance
2. Meeting Agenda Approval
3. Review Projected Agenda
4. Review of Upcoming Public Engagement Opportunities
5. Special Presentations

Pg. 3

- a. [Proclamation – Sexual Assault Awareness Month](#)
 - b. [Transportation Presentation: Community Transit \(Todd Morrow\), Sound Transit \(Bernard VandeKamp\) and King County Metro Transit \(Brand Koster & Kameron Guro\)](#)
6. Council Committee/City Manager Reports
 7. Visitor Comment (3 minutes per speaker)

During this portion of the meeting, the Mayor will invite citizens to talk with the Council about topics that are not scheduled for public testimony on tonight's agenda. Each speaker will be granted 3 minutes.

7. Consent Agenda

- Pgs. 5-18 a. [Approval of January 2017 Meeting Minutes](#)
RECOMMENDED ACTION: Approve January 10, 17 and 24, 2017 Meeting Minutes as presented.
- Pgs. 19-20 b. [AB #17-060 – Approval of Payroll & Benefit Transactions](#)
RECOMMENDED ACTION: Approve payroll and benefit direct deposit transactions #2000105583 through #2000106203, in the amount of \$1,503,867.90; payroll and benefit checks #36732 through #36792, in the amount of \$378,657.87; and payroll tax deposits in the amount of \$1,300,963.54 for February 1-28, 2017 payroll that were approved and paid by the City Auditor.
- Pgs. 21-24 c. [AB #17-061 – Appointment to Library Board](#)
RECOMMENDED ACTION: Appoint Andrya Packer to the unexpired term for Position 1 on the Library Board and forego advertising for the position.

8. Ordinances & Resolutions

- Pgs. 25-92 a. [AB #17-062 – Approval of a Resolution Revising/Updating Protocol Manual](#)
RECOMMENDED ACTION: Provide direction regarding Board & Commission relationship/reports and adopt the proposed Resolution regarding updates to the City Council Protocol Manual.

9. Adjourn (9:00 PM or extend by motion of the Council)

SPECIAL ACCOMODATIONS: The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at (425) 806-6151 at least one day prior to the meeting.

Copies of agenda bills and attachments listed in this agenda may be obtained from the City Clerk's Office the Friday before the meeting. **PRELIMINARY AGENDA:** The preceding is a preliminary agenda; other items may be added and action taken on matters which do not appear above. Bothell City Council meetings are aired live on Bothell Community Television (BCTV) Channel 21/26 (Comcast/Verizon) (available to Comcast and Verizon Cable customers within Bothell City limits). Meetings are generally replayed according to the following schedule (subject to change): Wednesday following the meeting at 10 a.m.; Friday, Saturday and Sunday following the meeting at 10 a.m. and 7 p.m. City Council and Planning Commission meetings and the BCTV schedule are viewable online at www.bothellwa.gov



A PROCLAMATION OF THE CITY OF BOTHELL

Sexual Assault Awareness Month

WHEREAS, Sexual Assault Awareness Month is a time for us to reflect on how sexual violence is widespread and impacts every person in our community; and

WHEREAS, on campus, one in five women and one in 16 men are sexually assaulted during their time in college and statistics show one in five women and one in 71 men will be raped at some point in their lives; and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience a sexual assault before age 18; and

WHEREAS, the Bothell Police Department has detectives who have received specialized training in the investigation of sexual assaults, and who work in partnership with child forensic interview specialists during the investigation of sexual assaults against children; and

WHEREAS, the Bothell community promotes healing services for survivors of sexual assault by supporting our community partners including the King County Sexual Assault Resource Center and Dawson Place Child Advocacy Center;

Now, therefore, I, Andy Rheume, Mayor of the City of Bothell, do hereby proclaim April 2017 as

Sexual Assault Awareness Month

in the City of Bothell, and I encourage all city residents to work together to eliminate cases of sexual assault.

Signed this 4th day of April, 2017

Andrew J. Rheume, Mayor

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City Council Regular Meeting Minutes

Tuesday, January 10, 2017

6:00 PM

1. Call to Order, Roll Call, Pledge of Allegiance

Mayor Rheaume called the meeting to order at 6:00 PM. Councilmembers Agnew, McNeal, Samberg, Spivey, Deputy Mayor Duerr and Mayor Rheaume present. Councilmember Freed absent and excused.

2. Meeting Agenda Approval

Councilmember Samberg pulled Consent Items 17-003, 17-007 and 17-009.

3. Review of Upcoming Public Engagement Opportunities

Mayor Rheaume reviewed the upcoming public engagement opportunities.

4. Review Projected Agenda

There were no changes to the projected agenda

5. Consent Agenda

a. AB #17-001 – Payroll and Benefit Transactions October 1-31, 2016

RECOMMENDED ACTION: Approve payroll and benefit direct deposit transactions #2000103107 through #2000103728, in the amount of \$1,520,732.65; payroll and benefit checks #36462 through #36527, in the amount of \$354,390.11; and payroll tax deposits in the amount of \$1,267,823.64 for October 1-31, 2016 payroll that were approved and paid by the City Auditor.

b. AB #17-002 – Payroll and Benefit Transactions November 1-30, 2016

RECOMMENDED ACTION: Approve payroll and benefit direct deposit transactions #2000103729 through #2000104346, in the amount of \$1,534,244.17; payroll and benefit checks #36528 through #36594, in the amount of \$387,112.93; and payroll tax deposits in the amount of \$1,274,768.95 for November 1-30, 2016 payroll that were approved and paid by the City Auditor.

e. ~~PULLED AB #17-003 – Professional Services Agreement with Red Propeller for Visitor Development~~

~~**RECOMMENDED ACTION:** Authorize the City Manager to execute a professional services agreement with Red Propeller in substantially the same form as presented and in the amount of \$115,500.~~

- d. AB #17-004 – Professional Services Agreement with Timothy Smith for BCTV Services
RECOMMENDED ACTION: Authorize the City Manager to execute a two year Professional Services Agreement with Timothy Smith for services related to video production during the 2017-2018 biennium, in substantially the same form as presented and in the amount of \$104,080.
- e. AB #17-005 – Memorandum of Understanding between Bothell, Shoreline, Northshore and Woodinville Fire Districts to support a combined grant to replace Breathing Apparatus
RECOMMENDED ACTION: Authorize the City Manager to execute the MOU in substantially the same form as presented.
- f. AB #17-006 – Amendment for the Conservation Futures Interlocal Cooperation Agreement between King County and the City of Bothell for Open Space Acquisition Projects
RECOMMENDED ACTION: Authorize the Acting City Manager to sign an Amendment for the Conservation Futures Interlocal Cooperation Agreement between King County and the City of Bothell for Open Space Acquisition Projects.
- g. ~~PULLED - AB #17-007 – Interlocal Agreement with Snohomish Health District for Per Capita Contribution for Health District Services~~
~~**RECOMMENDED ACTION:** Authorize the City Manager to execute the interlocal agreement with the Snohomish Health district in the amount of \$22,000.~~
- h. AB # 17-008 – Interlocal Agreement with Snohomish County for Surface Water Management Billing Services
RECOMMENDED ACTION: Authorize the Acting City Manager to enter into a revised ILA with Snohomish County to provide surface water management billing services.
- i. ~~PULLED - AB #17-009 – Resolution Regarding a Downtown Utilities and Frontage Improvements Reimbursement Area~~
~~**RECOMMENDED ACTION:** Adopt the proposed resolution.~~

MOTION: Deputy Mayor Duerr moved approval of the Consent Agenda as amended. Councilmember Spivey second. The motion carried 6-0; Councilmember Freed absent and excused.

- Pulled Item - AB #17-003 – Professional Services Agreement with Red Propeller

Councilmember Samberg asked clarifying questions of staff.

MOTION: Councilmember Spivey moved approval of the Professional Services Agreement with Red Propeller as presented. Councilmember Agnew second. The motion carried 6-0; Councilmember Freed absent and excused.

- Pulled Item - AB #17-007 – Interlocal Agreement with Snohomish Health District for Per Capita Contribution for Health District Services

Councilmember Samberg asked clarifying questions regarding this Agenda Bill. Discussion ensued.

MOTION: Councilmember Spivey moved approval as presented. Councilmember Agnew second.

Discussion ensued

The maker and the second withdrew their motion.

MOTION: Councilmember Samberg moved to postpone this item to January 17, 2017. Councilmember Spivey second. The motion carried 6-0; Councilmember Freed absent and excused.

- Pulled Item - AB #17-009 – Resolution Regarding a Downtown Utilities and Frontage Improvements Reimbursement Area

Councilmember Samberg asked clarifying questions of staff. City Interim City Attorney Paul Byrne addressed and stated passing this Resolution will show the City's intent to take action on a future date via a Public Hearing on February 7, 2017.

Council consensus is to also allow a 5-minute public comment period per person at that public hearing.

MOTION: Deputy Mayor Duerr moved the recommended action. Councilmember Agnew second.

AMENDMENT: Councilmember Samberg moved to include additional data at the 2/7/17 presentation. Deputy Mayor Duerr second. The amendment carried 6-0; Councilmember Freed absent and excused.

VOTE on MAIN MOTION: The main motion as amended carried 6-0; Councilmember Freed absent and excused.

6. Visitor Comment

Robert Fancher – spoke regarding Sanctuary Cities

Michelle Dominquez – spoke regarding Sanctuary Cities

Drew Yoos – spoke regarding a resolution of inclusion

7. New Business

- a. AB #17-010 – Discussion of Reforming Arts Committee to Bothell Arts and Cultural Commission

RECOMMENDED ACTION: Approve an Ordinance establishing the Bothell Arts Commission as a permanent commission and instruct staff to advertise for positions.

Parks Director John Keates presented and entertained council questions.

MOTION: Deputy Mayor Duerr moved approval as presented. Councilmember Agnew second.

AMENDMENT: Councilmember Spivey moved to change the name of the commission to the Arts and Festivals Commission.

Discussion ensued.

VOTE on AMENDMENT: The amendment passed 5-1; Councilmembers Agnew, McNeal, Samberg, Spivey and Mayor Rheaume yes; Deputy Mayor Duerr no; Councilmember Freed absent and excused.

VOTE on MAIN MOTION as AMENDED: The main motion as amended carried 6-0; Councilmember Freed absent and excused.

- b. AB #17-011 – Human Services Grant Awards for 2017-2018

RECOMMENDED ACTION: Approve the Human Services Grant allocations for the years 2017 and 2018, as recommended by the Council’s Human Services Committee.

- Staff presentation & Council questions
- Council deliberations
- Council motion and vote on recommended action

Deputy City Manager Peter Troedsson presented and entertained Council questions.

MOTION: Councilmember Spivey moved approval as presented. Councilmember McNeal second. The motion carried 6-0; Councilmember Freed absent and excused.

- c. AB #17-012 – 2017 Council Committee Assignments

RECOMMENDED ACTION: Appoint Council Committees for 2017

City Clerk Laura Hathaway presented and stated all councilmembers had indicated they were satisfied with their current assignments with a few modifications which were reviewed.

Council also discussed extending council committee assignments to 2-years beginning each January of even-numbered years.

MOTION: Councilmember Samberg moved approval of the 2017 committee assignments. Councilmember McNeal second. The motion carried 6-0; Councilmember Freed absent and excused.

8. Study Sessions

- a. AB #17-013 – Wayne Golf Course Acquisition Process

RECOMMENDED ACTION: No recommended action requested. Staff presentation for Council information, discussion and direction.

Parks and Recreation Director John Keates presented and entertained Council questions. No action required. Discussion ensued.

Council recessed at 8:00 PM and reconvened at 8:15 PM.

- b. AB #17-014 – Study Session regarding Sanctuary City Resolution

City Attorney Paul Byrne asked that this item be continued to January 17, 2017 in light of the information received this evening under visitor comment. Council agreed to the postponements.

9. Executive Session

- a. Executive Session regarding Litigation pursuant to RCW 42.30.110 (1)(g) & Labor Negotiations pursuant to RCW 42.30.110 (1)(i)

Council adjourned to executive session at 8:36 PM to discuss the items listed above. The session was anticipated to last 20 minutes with no action.

10. Adjourn

Council adjourned at 8:57 PM.

Submitted for Approval on April 4, 2017

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City Council Regular Meeting Minutes
Tuesday, January 17, 2017
6:00 PM

1. Call to Order, Roll Call, Pledge of Allegiance

Mayor Rheume called the meeting to order at 6:00 PM. Councilmembers Agnew, Freed, McNeal, Samberg, Deputy Mayor Duerr and Mayor Rheume present. Councilmember Spivey absent and excused.

2. Meeting Agenda Approval

Councilmember Samberg pulled consent items 17-016; 17-017; and 17-019 from the Consent Agenda

3. Special Presentations

a. State of the City Address – Mayor Rheume

Mayor Rheume presented the State of the City Address highlighting 2016 accomplishments and challenges ahead in 2017.

b. Emergency Preparedness/State of Readiness Report – Jennifer Warmke

Emergency Preparedness Coordinator Jennifer Warmke presented and highlighted what the City is doing to prepare for emergencies and how we are working with citizens and other agencies.

4. Review of Upcoming Public Engagement Opportunities

Mayor Rheume reviewed upcoming public engagement opportunities.

5. Review Projected Agenda

There were no changes to the projected agenda.

6. Consent Agenda

a. AB #17-015 – Vouchers

RECOMMENDED ACTION: Approve checks 22, 208, 977, 136842 - 137158, totaling \$2,459,887.47 for November 2016, which were approved and paid by the City Auditor.

b. ~~PULLED - AB #17-016 – Construction Contract for 228th Street SE & 29th Drive SE Traffic Signal and Intersection Improvements~~

~~**RECOMMENDED ACTION:** Authorize the City Manager to enter into a construction contract with Kamins Construction, in the amount of \$421,394.37, for construction of the 228th Street SE and 29th Drive SE Traffic Signal and Intersection Improvements.~~

c. ~~PULLED _ AB #17-017 – Suspend Recording of February 4, 2017 Council Retreat~~

~~**RECOMMENDED ACTION:** Suspend recording of February 4, 2017 Council Retreat.~~

d. AB #17-018 – Supplemental Agreement No. 8 with BergerABAM for Final Design and Construction Documentation for Horse Creek Plaza (Half Acre Open Space)

RECOMMENDED ACTION: Authorize the City Manager to enter into supplemental agreement No. 8 with BergerABAM Engineers, in the amount of \$119,854, for final design and preparation of contract documents for Horse Creek Plaza.

e. ~~PULLED – AB #17-019 – Interlocal Agreement with Snohomish Health District for Per Capita Contribution for Health District Services~~

~~**RECOMMENDED ACTION:** Authorize the City Manager to execute the interlocal agreement with the Snohomish Health district in the amount of \$22,000.~~

f. AB # 17-020 – Snohomish County Public Works Assistance Fund Loan Agreement for Safe Schools Crosswalk Project

RECOMMENDED ACTION: Approve the loan agreement with Snohomish County for \$125,000, for the Safe School Crosswalk Project.

MOTION: Councilmember Agnew moved approval of Consent Items # 17-015, 17-018 and 17-020. Councilmember McNeal second. The motion carried 6-0; Councilmember Spivey absent and excused.

PULLED ITEMS:

AB #17-016 – Construction Contract for 228th Street SE & 29th Drive SE Traffic Signal and Intersection Improvements

Councilmember Samberg asked clarifying questions of staff.

MOTION: Councilmember Samberg moved approval as presented. Councilmember Agnew second. The motion carried 6-0; Councilmember Spivey absent and excused.

AB #17-017 –Suspend Recording of February 4, 2017 Council Retreat

Councilmember Samberg pulled this item stating the retreat should be recorded. Discussion ensued.

MOTION: Councilmember Agnew moved to suspend recording of the February 4, 2017 Retreat. Mayor Rheume second. The motion passed 4-2; Councilmembers Agnew, Freed, Deputy Mayor Duerr and Mayor Rheume yes; Councilmembers McNeal and Samberg no; Councilmember Spivey absent and excused.

AB #17-019 – Interlocal Agreement with Snohomish Health District for Per Capita Contribution for Health District Services

Councilmember Samberg asked clarifying questions of staff.

MOTION: Councilmember Samberg moved approval as presented. Deputy Mayor Duerr second. The motion carried 6-0; Councilmember Spivey absent and excused.

6. Visitor Comment

Bob Rozabaugh – spoke regarding parking issues.

David Bain – spoke regarding inclusive cities and Shoreline Hearings Board.

7. Study Session

- a. AB #17-021 – Downtown Parking Management

RECOMMENDED ACTION: No action is requested this evening, and further discussion is scheduled for the Council Retreat on February 4. With direction from Council, staff will bring proposals to amend downtown parking requirements, establish a phased parking enforcement program, and/or provide for paid parking with appropriate limitation at one or more future public hearings.

Senior Planner David Boyd presented and received direction from council. Further discussion is scheduled for February 4, 2017 Council Retreat

8. City Manager's/Council Committee Reports

- Deputy Mayor Duerr reported on the I-405 N Stakeholders meeting.

- Councilmember McNeal reported on the Seashore Transportation Forum.
- Councilmember Samberg reported on MSMWAC, Metropolitan Solid Waste Management Advisory Committee, and asked for direction on Council's position regarding the Demand Management Study. This item will be added to the projected agenda.

9. Adjourn

Mayor Rheaume adjourned the meeting at 8:08 PM.

Submitted for Approval on 4/4/2017

City Council Special Meeting Minutes
Tuesday, January 24, 2017
6:00 PM

1. Call to Order, Roll Call, Pledge of Allegiance

Mayor Rheaume called the meeting to order at 6:00 PM. Councilmembers Agnew, Freed, McNeal, Samberg, Deputy Mayor Duerr and Mayor Rheaume present. Councilmember Spivey absent and excused.

2. Meeting Agenda Approval

There were no changes to the agenda.

3. Review of Upcoming Public Engagement Opportunities

Mayor Rheaume reviewed upcoming public engagement opportunities.

4. Review Projected Agenda

Councilmember McNeal requested that 30 minutes be added to a future agenda for a discussion on the Boys and Girls Club.

6. Consent Agenda

- a. AB # 17-022 – Payroll and Benefit Transactions for December 1-31, 2016
RECOMMENDED ACTION: Approve payroll and benefit direct deposit transactions #2000104347 through #2000104963, in the amount of \$1,550,642.43; payroll and benefit checks #36595 through #36663, in the amount of \$537,983.16; and payroll tax deposits in the amount of \$1,301,659.38 for December 1-31, 2016 payroll that were approved and paid by the City Auditor.
- b. AB # 17-023 – Consider Approval of Tyler Technologies License and Software Agreement
RECOMMENDED ACTION: Authorize the City Manager to execute the Tyler Technologies License and Services Agreement.
- c. AB # 17-024 – Complete Streets Policy
RECOMMENDED ACTION: Approve the proposed ordinance adopting the City of Bothell Complete Streets Policy.

MOTION: Deputy Mayor Duerr moved approval of the Consent Agenda as presented.

Councilmember Agnew second. The motion carried 6-0; Councilmember Spivey absent and excused.

6. Visitor Comment

Marty Fries – spoke regarding North Creek Forest

Luke Mellerup – spoke regarding Eagle Scout disc golf project at Blythe Park

Bill Moritz – spoke regarding Sammamish River Trail Access

7. Contracts and Agreements

- a. AB # 17-025 – Construction Contract - Construction of a Leasable Suite for the City Hall Fourth Floor
RECOMMENDED ACTION: Pending Congresswoman DelBene’s acceptance of lease terms, authorize the City Manager to enter into a construction contract with Moon Construction Company in the amount of \$193,596, for construction of a leasable suite in the City Hall fourth floor.
- b. AB # 17-026 – Proposed Lease of Office Space to Congresswoman Suzan DelBene
RECOMMENDED ACTION: Pending Congresswoman DelBene’s acceptance of lease terms, authorize the City Manager to execute the proposed lease agreement with Congresswoman Suzan DelBene in substantially the same form as presented.

Deputy City Manager Peter Troedsson presented AB 17-025 and Public Works Facilities Manger Jaclynn Brandenburg presented AB 17-026. Together they entertained questions and discussion ensued.

Council recessed at 7:07 PM and reconvened at 7:17 PM.

MOTION: Councilmember McNeal moved to postpone both the items to the time certain of February 7, 2017. Councilmember Agnew second. The motion carried 6-0; Councilmember Spivey absent and excused.

8. Study Session

- a. AB # 17-027 – Development Services Status Report
RECOMMENDED ACTION: No action is requested this evening. Council is asked to receive the report for informational purposes.

Community Development Director Tom Burdett presented the item, and together with Planning Manager Gary Hasseler entertained Council questions.

9. Executive Session

This item was canceled.

10. City Manager's/Council Committee Reports

There were no reports.

11. Adjourn

Mayor Rheume adjourned the meeting at 8:10 PM.

Submitted for Approval on 4/4/2017

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Bothell City Council
AGENDA BILL SUMMARY

Meeting Date: April 4, 2017

Action Study Session

AB #: 17-060

Subject: Payroll and Benefit Transactions for February 1-28, 2017

Budget Impact/Source of Funds: Various

Staff Presenter/Department: Dean Perez, Human Resources Director

Executive Summary:

The payroll and benefit direct deposit transactions and checks have been approved and paid by the City Auditor for the period of February 1-28, 2017.

Category: Consent

History:

- City Council adopted an ordinance on June 5, 2000, appointing the Finance Director/City Treasurer as City Auditor to approve vouchers for weekly payment. Consistent with state statutes the City Council is then required to ratify this action.
-

Recommended Action:

Approve payroll and benefit direct deposit transactions #2000105583 through #2000106203, in the amount of \$1,503,867.90; payroll and benefit checks #36732 through #36792, in the amount of \$378,657.87; and payroll tax deposits in the amount of \$1,300,963.54 for February 1-28, 2017 payroll that were approved and paid by the City Auditor.

Attachments:

1. Check listing for February 1-15, 2017 payroll paid February 24, 2017; and check listing for February 16-28, 2017 paid on March 10, 2017. (For Council distribution only. The check listings are available for review in Human Resources).
-

City Manager Approval: _____



Date: 03/29/2017

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Bothell City Council
AGENDA BILL SUMMARY

Meeting Date: April 4, 2017

Action Study Session

AB #: 17-061

Subject: Library Board Appointment – Unexpired Term - Position 1

Budget Impact/Source of Funds: N/A

Staff Presenter/Department: Laura Hathaway, City Clerk

Executive Summary:

On March 27, 2017 Mayor Rheaume received a resignation letter from Library Board Member Roberta Graham. Ms. Graham's effective resignation date was March 31. As Council just appointed Board and Commission Members on 3/21/2017 and there were two applications for one vacancy on the Library Board, staff recommends Council consider appointing Andrya Packer to fulfill the remainder of Roberta Graham's position (Position 1 – expires 3/31/2020). Council interviewed candidates on March 14, 2017 and both Library Board applicants William Root and Andrya Packer were qualified to serve. Mr. Root was appointed to Position 3.

Staff contacted Ms. Packer to ensure that she was still interested in serving on the Library Board.

History:

- Staff advertised positions from mid-December – mid-February
 - Council conducted applicant interviews on March 14, 2017 and made appointments on March 21, 2017.
 - A resignation letter was received by Library Board Member Roberta Graham on March 27, 2017
-

Recommended Action: Appoint Andrya Packer to the unexpired term for Position 1 on the Library Board and forego advertising for the position.

Attachments:

1. Roberta Graham Resignation Letter – Council Only
 2. Andrya Packer Application – Council Only
 3. Section 2.08 D Protocol Manual
-

City Manager Approval: _____



Date: 03/29/2017

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D. Council Action

1. Council Interview Period - It shall be the privilege of the Council to personally interview each applicant individually, at a time and place to be designated by the Council.

However, the Council reserves the right to make appointments after reviewing applications and without conducting interviews. Prior to making selections pursuant to subsection 2 below, the Council further reserves the right to reduce the number of applicants by using a procedure chosen by a majority of Council without conducting interviews.

2. Council Evaluation & Selection - After each applicant or member is evaluated, the Council will deliberate and reach a decision at its earliest convenience, using the following procedure.

Council Members will cast their votes using a written ballot to be provided by the City Clerk's Office. Each ballot will contain an alphabetical-by-last-name list of all applicants (primary and alternate interest) for that particular advisory body, and Council Members will cast the same number of votes as there are vacancies.

For example, a ballot for the Parks & Recreation Board contains the names of all nine of the applicants who expressed either primary or alternate interest in serving on the Parks & Recreation Board. If there are only four vacancies on the Parks & Recreation Board, each Council Member would cast four votes on the Parks & Recreation Board ballot.

After all votes are cast, staff will collect the ballots, tally the votes, and assign position numbers to the applicants who receive a majority of votes of Council Members voting. Following this tallying, the results of the voting and position numbers will be announced to the Council for subsequent action to ratify the results of the voting.

All written ballots used to select board and commission members will be retained with the agenda packet for that Council meeting.

3. Decision & Announcement - Each applicant will be notified by mail of the decision of the Council. The City Clerk will also notify the Chair of the affected board or commission of its decision.

E. Resignations

In the interest of timely noticing of vacancies, and to minimize the impact of such vacancies on boards and commissions, the City Council delegates to the Mayor the authority to accept resignations. Following the Mayor's acceptance of the resignation, the City Clerk is authorized to advertise such vacancies according to the process set forth in Section 2.08(A).

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Bothell City Council
AGENDA BILL SUMMARY

Meeting Date: April 4, 2017

Action Study Session

AB #: 17-062

Subject: Resolution regarding updates to the City Council Protocol Manual

Budget Impact/Source of Funds: N/A

Staff Presenter/Department: Laura Hathaway, City Clerk

Executive Summary:

At the February 4, 2017 Council Retreat and subsequent Council Meetings, several revisions to the Protocol Manual were discussed.

Those revisions include:

- Tie Votes (2.05 D)
- Order of Business - Regular Meetings (8.07)
- Order of Business - Study Sessions (8.08)
- Posting Places (8.02 B)
- Placing Items on the Agenda (8.04)
- Open Public Meetings Act - Correspondence (8.10 E)
- Miscellaneous housekeeping items (throughout document)

Additions to the Protocol Manual include:

- City's Mission Statement (1.04)
- 2-year appointment terms for Council Committees (2.08 F)

Staff added hyperlinks throughout the document in order to provide the user with the most current information available thereby ridding the document of outdated information. Examples of this include the travel policy, personnel policies, and links to various RCW's or outside agencies referenced throughout the manual.

Council has expressed an interest in having better communication with their Boards & Commissions. Staff recommendations include the following options for Council's consideration and any provisions adopted by Council will be added to the Protocol Manual.

- Appoint a Council Liaison to each Board & Commission who will attend Board/Commission Meetings on a regular basis and update the full council regarding their activities; or
 - Have Board/Commission Chairs regularly attend Council Meetings to update Council on activities; or
 - Receive written monthly reports regarding Board/Commission activities.
-

History:

- The Protocol Manual was last updated on July 9, 2013.
- February 4, 2017 Bothell City Council held its annual retreat and discussed several revisions/updates to the manual.

Recommended Action: Provide direction regarding Board & Commission relationship/reports and adopt the proposed Resolution regarding updates to the City Council Protocol Manual.

Attachments:

1. Proposed Resolution (including Exhibit A – Protocol Manual)

City Manager Approval: _____



Date: 03/29/2017

RESOLUTION NO. ____ (2017)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, REVISING THE CITY COUNCIL PROTOCOL MANUAL, AMENDING RESOLUTION NO. 1099 (2000), AS AMENDED BY RESOLUTION NO. 1140 (2002), RESOLUTION NO. 1184 (2006), RESOLUTION NO. 1200 (2007), RESOLUTION NO. 1201 (2007), RESOLUTION NO. 1230 (2009), RESOLUTION NO. 1255 (2010), RESOLUTION NO. 1295 (2013), RESOLUTION NO. 1296 (2013) AND RESOLUTION NO. 1298 (2013)

WHEREAS, the City Council adopted the City Council Protocol Manual on June 12, 2000, and amended same on July 22, 2002, March 13, 2006, March 20, 2007, April 17, 2007, March 17, 2009, May 4, 2010, March 19, 2013, April 2, 2013, and July 9, 2013; and

WHEREAS, the City Council has reviewed the Protocol Manual and has determined there are certain revisions that should be made.

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

Section 1. Resolution No. 1099, as amended by Resolution Nos. 1140, 1184, 1200, 1201, 1230, 1255, 1295, 1296 and 1298 is hereby amended by certain revisions to the City of Bothell City Council Protocol Manual, those revisions summarized and specified in Exhibit "A" to this resolution, which is incorporated and hereby made a part of this resolution.

Section 2. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

PASSED this ____ day of _____, _____

APPROVED:

ANDREW J. RHEAUME
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: _____

CITY OF BOTHELL

CITY COUNCIL PROTOCOL MANUAL



City of Bothell

Adopted: June 12, 2000
Resolution No. 1099 (2000)

Revised: July 22, 2002
Resolution No. 1140 (2002)

Revised: March 13, 2006
Resolution No. 1184 (2006)

Revised: March 20, 2007
Resolution No. 1200 (2007)

Revised: April 17, 2007
Resolution No. 1201 (2007)

Revised: March 17, 2009
Resolution No. 1230 (2009)

Revised: May 4, 2010
Resolution No. 1255 (2010)

Revised: March 19, 2013
Resolution No. 1295 (2013)

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TABLE OF CONTENTS

OATH OF OFFICE.....	3
FOREWORD.....	4
CHAPTER 1	5
INTRODUCTION AND OVERVIEW	5
1.01 Council-Manager Form of Government	5
1.02 Association of Washington Cities and Municipal Research & Services Center of Washington .	5
1.03 Purpose of City Council Protocol Manual	5
1.04 Overview of Basic City Documents.....	6
1.05 Orientation of New Members	7
CHAPTER 2.....	8
BOTHELL CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES	8
2.01 City Council Generally	8
2.02 Role of Councilmembers.....	9
2.03 Role of Mayor.....	9
2.04 Absence of Mayor and Councilmembers.....	10
2.05 Election of Officers.....	10
2.06 Emergency Response.....	11
2.07 Appointment of Officer	11
2.08 Advisory Bodies	11
2.09 Incompatibility of Offices	16
CHAPTER 3.....	17
SUPPORT PROVIDED TO CITY COUNCIL.....	17
3.01 Staff Liaison	17
3.02 Electronic Devices.....	17
3.03 Meeting Rooms.....	17
3.04 Mail, Deliveries.....	17
CHAPTER 4.....	18
FINANCIAL MATTERS	18
4.01 Council Compensation	18
4.02 Budget.....	18
4.03 Financial Disclosure.....	18
4.04 Travel Policy.....	18
CHAPTER 5.....	19
COMMUNICATIONS	19
5.01 Overview	19
5.02 Correspondence from Councilmembers	19
5.03 Local Ballot Measures.....	19
5.04 Proclamations	20
5.05 State Public Disclosure Act & Open Public Meetings Act	20
5.06 <i>Bothell Bridge</i> – “Council Corner”	21
CHAPTER 6.....	22
CONFLICTS OF INTEREST, APPEARANCE OF FAIRNESS DOCTRINE, AND LIABILITY OF ELECTED OFFICIALS	22
6.01 Conflicts of Interest	22
6.02 Liability	24

CHAPTER 7	25
INTERACTION WITH CITY STAFF/OFFICIALS	25
7.01 Overview	25
7.02 Council-Manager Plan of Government	25
7.03 City Council Non-interference	26
7.04 City Council/City Manager Relationship	26
7.05 City Council/City Staff Relationship	26
7.06 Code of Ethics	27
7.07 City Council/City Attorney Relationship	27
7.08 Roles and Information Flow	27
7.09 Dissemination of Information	29
7.10 Magnitude of Information Request.....	29
7.11 Staff Relationship to Advisory Bodies	29
7.12 Restrictions on Political Involvement by Staff	30
7.13 Council Attendance Policy	30
7.14 Attendance via Speakerphone (AVS)	30
CHAPTER 8	32
CITY COUNCIL MEETINGS.....	32
8.01 Meeting Schedule	32
8.02 Public Notice of Meetings and Hearings.....	32
8.03 Special Meetings.....	33
8.04 Placing Items on the Agenda	33
8.05 Development of the Agenda	34
8.06 Audio Recording of Meetings	34
8.07 Order of Business Regular Meetings	34
8.08 Order of Business Study Sessions	38
8.09 General Procedures	38
8.10 Open Meeting Law	39
CHAPTER 9	41
PROTOCOL ADMINISTRATION	41
9.01 Biennial Review.....	41
9.02 Adherence to Protocol	41
9.03 City Attorney as Protocol Advisor	42
9.04 Adherence to Non-interference Ordinance	42
9.05 Applicability of Protocol Manual.....	42
CHAPTER 10	43
LEAVING OFFICE.....	43
10.01 Return of Materials and Equipment	43
10.02 Filling Council Vacancies	43
CHAPTER 11	43
ADDITIONAL TRAINING AND RESOURCE MATERIALS	46
11.01 Association of Washington Cities [(800) 562-8981].....	46
11.02 National League of Cities [(202) 626-3000].....	46
11.03 International City/County Management Association [(202) 289-4262]	46
11.04 Government Finance Officers Association [(312) 977-9700].....	46
11.05 Municipal Research & Services Center of Washington [(206) 625-1300]	46
11.06 Appendix	46
- Glossary of Terms.....	47
- Parliamentary Procedure.....	50

CITY OF BOTHELL

OATH OF OFFICE

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I do solemnly swear that I will support the Constitution and laws of the United States and the State of Washington and ordinances of the City of Bothell, and that I will faithfully and impartially perform the duties of City Councilmember of the City of Bothell, to the best of my ability.

Signed _____

Term of Office:
Month day, year - Month day, year

Subscribed and sworn to before me this

_____ day of _____, _____.

(Name)
Mayor

Attest:

(Name)
City Clerk

Foreword

In the course of serving as a public official, there are myriad of issues with which you will become involved. This protocol manual attempts to centralize information on common issues related to local government and your role as a member of the Bothell City Council.

The issues that are addressed in this publication are often complex and subjective. This manual is intended to be a guide and is not a substitute for the counsel, guidance, or opinion of the City Attorney.

The protocols included in this reference document have been formally adopted by the City Council. Provisions contained herein will be reviewed as needed or every two years.

Chapter 1

Introduction and Overview

As a City Councilmember, you not only establish important and often critical policies for the community, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

1.01 Council-Manager Form of Government

The City of Bothell is a Council-Manager form of government. As described in the Municipal Code and Revised Code of Washington, certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines what public policy is and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

1.02 Association of Washington Cities and Municipal Research & Services Center of Washington

[The Code City Handbook, Report No. 37](#), published by the Municipal Research & Services Center (MRSC), provides a wealth of general information on the major functions of a Councilmember's job as a locally elected official. Another publication from MRSC that goes hand in hand with the handbook is, [Knowing the Territory](#): This report discusses basic powers; basic duties, liabilities, and immunities of officers; conflict of interest and appearance of fairness; prohibited uses of public funds, property, or credit; competitive bidding requirements; the Open Public Meetings Act; Open Government-Public Records-Freedom of Information; and immunities from tort liability.

1.03 Purpose of City Council Protocol Manual

The City of Bothell has prepared its own protocol manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

1.04 Overview of Basic City Documents

This protocol manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

A. [Vision/Mission Statement](#)

B. [Bothell Municipal Code](#)

The municipal code contains local laws and regulations adopted by ordinances. Title 2 of the code addresses the role of the City Council, describes the organization of City Council meetings and responsibilities and appointment of certain city staff positions and advisory boards and commissions. Titles 13 and 22 also address advisory boards and commissions. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

C. [Personnel Policies](#)

It is the policy of the City of Bothell to uphold, promote, and demand the highest standards of ethics from all of its elected and appointed officials. Accordingly, all members of the City Council, members of all appointed boards, commissions, committees, City employees, consultants and professional service providers are expected to maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their City position or powers for personal gain. Section 2 and 10 of the City of Bothell Personnel Policies and Procedures address general rules of conduct and provides guidelines for City officials to be worthy of the public trust and abide by their Oath of Office.

D. [Revised Code of Washington](#)

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Bothell is an “optional code city,” which means it operates under the general laws of the state. As an optional code city of the State of Washington, Bothell is vested with all the powers of incorporated cities as set forth in the Revised Code of Washington (RCW), Constitution of the State of Washington, and Bothell Municipal Code. Conversely, there are a number of cities within Washington that are “charter cities” and have adopted local provisions that establish basic governing procedures for local government. There are also 1st, 2nd, 3rd, and 4th Class cities that have variable statutory authority based on population. (Please see RCW Titles 35 and 35 A in general, and RCW 35.18 and 35A.13 for more specific information relating to the Council-Manager Plan of Government.

E. [Biennial Budget](#)

The biennial budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the biennial budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

F. Annual Financial Report

The annual financial report includes the financial statements of the City for a calendar year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial report includes statements for the various groups of funds and a consolidated group of statements for the City as a whole.

G. Comprehensive Plan

A state-mandated comprehensive plan addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's comprehensive plan, *Imagine Bothell...* is reviewed on an ongoing basis, but may only be revised once a year, except as provided by State law.

H. Six-year Capital Improvement Program

The Six-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and constructing capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of city services.

I. Disaster Preparedness Plan

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the Fire Chief directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident.

We could add personnel policies paragraph here also travel policies. We could provide links to all documents listed so it links to most current version.

1.05 Orientation of New Members

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Manager and City Clerk will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff. Another training opportunity for new members is the Association of Washington Cities-sponsored newly elected officials' orientation. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

Chapter 2

Bothell City Council: General Powers and Responsibilities

2.01 City Council Generally

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety and general welfare of the citizenry. The City Council is the policy making and law-making body of the City. State law and local ordinances grant the powers and responsibilities of the Council.

It is important to note that the Council acts as a body and speaks with one “corporate voice.” No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is staff’s responsibility to ensure the policy of the Council is upheld.

Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Councilmembers who held a minority opinion on an issue.

A. Council Non-Participation in Administration

In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, members of the City Council shall refrain from becoming directly involved in the administrative affairs of the City. As the Council is the policy making body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system. [RCW 35A.13.120](#) specifically prohibits interference by Councilmembers in the city’s administrative service, including the hiring, firing, and work of city staff, with the exception of the City Manager.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager. Subject to [RCW 42.30.110](#) and the holding of executive sessions to discuss and review personnel matters, the Council is not prohibited, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers, employees, and City affairs.

2.02 Role of Councilmembers

Members of the Bothell City Council are collectively responsible for establishing policy, adopting a biennial budget, and providing vision and goals to the City Manager. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather is an effort to summarize the primary responsibilities of the Council.

A. *Summary of Council Duties and Responsibilities as Provided in, but not Limited to, the Washington Administrative Code and Revised Code of Washington*

1. Establish Policy
 - a. Adopt goals and objectives
 - b. Establish priorities for public services
 - c. Approve/amend the operating and capital budgets
 - d. Approve contracts over \$10,000
 - e. Adopt resolutions
2. Enact Local Laws
 - a. Adopt ordinances
3. Supervise Appointed Officials
 - a. Appoint City Manager
 - b. Evaluate performance of City Manager
 - c. Establish advisory boards and commissions
 - d. Make appointments to advisory bodies
 - e. Provide direction to advisory bodies
4. Provide Public Leadership
 - a. Relate wishes of constituents to promote representative governance
 - b. Mediate conflicting interests while building a consensus
 - c. Call special elections as necessary
 - d. Communicate the City's vision and goals to constituents
 - e. Represent the City's interest at regional, county, state, and federal levels
5. Decision-Making
 - a. Study problems
 - b. Review alternatives
 - c. Determine best course of public policy

2.03 Role of Mayor

A. *Presiding Officer*

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists. The Mayor does not possess any power of veto. The Mayor may not move an action, but may second a motion.

B. Ceremonial Representative

Responsibility to act as the City Council’s ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor’s absence, the Deputy Mayor assumes this responsibility. Should both the Mayor and Deputy Mayor be absent, the Mayor will appoint another Councilmember to assume this responsibility.

2.04 Absence of Mayor and Councilmembers

In the absence of the Mayor, the Deputy Mayor shall perform the duties of the Mayor. When both the Mayor and Deputy Mayor are absent, the Council may choose from among its members a person to serve as acting mayor, who shall, for the term of such absence, have the powers of the Mayor.

If the Mayor or other Councilmembers are absent from the City for more than 15 days, they shall notify the other Councilmembers and the City Manager of such absence.

2.05 Election of Officers

Procedures for electing officers are as follows:

A. Biennial Election of Mayor and Deputy Mayor

Biennially, at the first meeting of the new Council, councilmembers will choose a presiding officer from their number who will have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she will 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 members of the Council at their next regular meeting will select a Mayor from their number for the unexpired term. Following the election of the Mayor, there will be an election for Deputy Mayor. The term of the Deputy Mayor will run concurrently with that of the Mayor.

B. Nominations

The City Clerk will conduct the election for Mayor. The City Clerk will call for nominations. Each member of the City Council will be permitted to nominate one (1) person, and nominations will not require a second. A nominee who wishes to decline the nomination will do so at this time. Nominations are then closed. The Mayor-elect will conduct the election for Deputy Mayor, and nominations will be made in the same manner described for the election of the Mayor.

C. Casting Ballots

Except when there is only one nominee, election will be by written ballot. Each ballot will contain the name of the Councilmember who cast it. The City Clerk will publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Councilmember and the manner in which the Councilmember voted. Thereafter, the City Clerk will record in the minutes of the meeting the manner in which each voting member of the Council cast his or her ballot. To be elected, a nominee must receive a majority vote of the members present.

D. Ties

Should there be a tie, there will be another round of voting. Rounds will continue as necessary until a nominee receives the majority vote of members present.

E. Resignation of Mayor or Deputy Mayor

If the Mayor or Deputy Mayor resign, the City Council will appoint a new Mayor or Deputy Mayor using the procedure outlined above.

2.06 Emergency Response

The Mayor shall sign any declarations of emergency.

2.07 Appointment of Officer

The City Council is responsible for appointing one position within the city organization--the City Manager. The City Manager serves at the pleasure of the Council. The City Manager is responsible for all personnel within the city organization, including the City Attorney, Municipal Court Judge, Municipal Prosecutor, and Public Defender. The City Manager's appointment of the Municipal Court Judge is subject to confirmation by the City Council.

2.08 Advisory Bodies

A. Appointments Made by the Council

Boards, commissions and citizen committees provide a great deal of assistance to the Bothell City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards and commissions. In addition, special purpose committees and task forces are often appointed by the City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

The procedures established in this manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various advisory bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governing of their community.

The City Council is specifically empowered to create all advisory boards and commissions pursuant to the provisions of [Chapter 35A \(Optional Municipal Code\)](#), or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate desire to serve on such boards or commissions.

1. For full-term vacancies, the following filing period is established: first Wednesday of January through second full week of February. The City Clerk will:
 - a. Publicly announce the position vacancy and filing period by publication on the city's [website](#).

- b. Post notices of the position vacancy and filing period on/in the places established in Section 8.02 (b) of this manual.
 - c. Notify by email the Chairpersons of advisory boards and commissions and the associated staff liaison of the vacancy.
 - d. Notify incumbents by email whose terms are expiring.
2. For partial-term vacancies, a minimum 30-day filing period applies, with dates to be determined by the City Clerk. Partial-term vacancies will be filled as outlined in Section 2.08(A) (1a-c), above.

B. Qualifications, Terms of Service, Forms

Persons wishing to be considered for appointment or reappointment will submit to the City Clerk's Office an application on a form provided by that office. The Council will review applications and make appointments.

It is the policy of the City Council to evaluate each applicant on an objective basis, utilizing the following criteria:

- 1. Residency - Residency requirements for advisory boards and commissions are noted in applicable sections of the Bothell Municipal Code, and summarized on the Membership and Qualification Matrix appended hereto.
- 2. Sectional Composition - Normally, consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions.

The City Council will not appoint multiple members from the same family or household to a single board or commission, in order to avoid the reality or appearance of improper influence or favor.

The City Council will not appoint members of Councilmembers' families or households to boards or commissions to avoid the appearance of favor and to increase community representation.

- 3. Occupation - The Council will attempt to maintain a broad mix of occupational backgrounds on all boards and commissions.
- 4. Knowledge of Municipal and Planning Process - When ranking equally qualified applicants, the Council will consider background experience and knowledge of the municipal process as appropriate to the position, in reaching its decisions.
- 5. Contributive Potential - The Council will evaluate the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide the Council in its evaluation may include:
 - a. Ability to communicate

- b. Desire to perform public service
 - c. Ability to express ideas, concepts, or philosophies
 - d. Desire to participate in decision-making process
6. Leadership Potential - Since each appointee may be called upon to serve as a Chair, the Council will evaluate leadership abilities, such as:
- a. Past or present leadership experience (current employment, special interests, etc.)
 - b. Past or present participation in community services
 - c. Expressed interest in a leadership role
7. The City Council will not appoint persons to serve as members of more than one board or commission at the same time; however, persons serving on a board or commission who have requested appointment to another board or commission position may be appointed to such position if they, concurrent with the appointment, resign from the board or commission position they are holding at the time of the new appointment.

C. Reappointment Criteria

A staff liaison shall be appointed to each board and commission. At such time as reappointment is considered (or at any time during their term of service), the staff liaison can notify the City Manager regarding the following.

- 1. Regularity of Attendance
- 2. Understanding of board or commission function
- 3. Demonstrated leadership
- 4. Effectiveness
- 5. Demonstrated contribution during past term of office on issues, programs, policies, etc., of the advisory board or commission
- 6. Objectivity

D. Council Action

- 1. Council Interview Period - It shall be the privilege of the Council to personally interview each applicant individually, at a time and place to be designated by the Council. However, the Council reserves the right to make appointments after reviewing applications and without conducting interviews. Prior to making selections pursuant to subsection 2 below, the Council further reserves the right to reduce the number of applicants by using a procedure chosen by a majority of Council without conducting interviews.
- 2. Council Evaluation & Selection - After each applicant or member is evaluated, the Council will deliberate and reach a decision at its earliest convenience, using the following procedure.

A ballot sheet will be provided by the City Clerk. Council will cast their votes and submit their ballots to the Clerk and take a brief recess while staff tally's the votes.

Applicants must receive a majority vote of councilmembers present for appointment. Council will then ratify the results.

All written ballots used to select board and commission members will be retained with the agenda packet materials for that Council meeting.

3. Decision & Announcement - Each applicant will be notified by email of the decision of the Council. The City Clerk will also notify the associated chairperson and staff liaison regarding Council appointments.
4. Orientation of New Members - It is important for members of Board & Commissions to gain an understanding of the full range of services and programs provided by the City. Annually, once new advisory board members have been appointed, the City Manager and City Clerk will host an orientation program that provides an overview of duties such as the Open Public Meetings Act, Public Disclosure laws, interaction with staff, use of equipment and the opportunity to tour municipal facilities and meet with key staff.

E. Resignations

In the interest of timely noticing of vacancies, and to minimize the impact of such vacancies on boards and commissions, the City Council delegates to the Mayor the authority to accept resignations. Following the Mayor's acceptance of the resignation, the City Clerk is authorized to advertise such vacancies according to the process set forth in Section 2.08(A).

F. Representation by Councilmembers

The City Council is often requested to appoint Councilmembers to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Membership appointment to these groups shall be made by consensus of the Council for a 2-year period. Council will make appointments in early January of even numbered years. If more than one Councilmember desires to serve as a member of a particular outside group, the member for that group will be appointed by a majority vote of the Council.

Where applicable, Council will appoint an alternate to attend outside boards, councils, commissions, or committees. The main delegate will notify the alternate as soon as possible after he/she realizes they will be unable to attend an upcoming meeting of the outside group.

Councilmembers participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

G. Rules of Conduct

By accepting appointment to any City board or commission, members thereby agree to conduct themselves in accordance with the following rules of conduct.

1. All members of City boards and commissions will abide by all applicable state laws, City ordinances, and other doctrines relating to the conduct of board or commission members, including, but not limited to, the Appearance of Fairness Doctrine, conflict of interest statutes, and the State Open Public Meetings Act.
2. Members of City boards and commissions will not testify in their capacity as a board or commission member, before any other board, commission, administrative officer or agency of the federal government, the State of Washington, or of any county or other municipal corporation, including cities and towns, except as hereinafter provided. Exceptions to the policy set forth above shall be as follows:
 - a. If the member is testifying in such a capacity pursuant to a lawfully issued subpoena; or
 - b. In the event the board or commission has designated the member or members to act as a spokesperson for the board or commission to explain the majority vote and recommendation of that board or commission; or
 - c. In the event the City Council appoints the member or members to represent the City before another tribunal.
3. Notwithstanding the foregoing, nothing contained herein is intended to preclude a board or commission member from speaking as an individual citizen, so long as the following conditions are met:
 - a. The individual clearly identifies that he/she is speaking only as an individual citizen and is not in any manner representing or speaking on behalf of the board or commission of which he/she is a member; and
 - b. No board or commission member testifies orally or in writing as to any quasi-judicial matter being heard, or having the possibility of being heard, by the board or commission of which the person is a member.

H. Councilmembers' Role and Relationship with City Advisory Bodies

1. In accordance with the provisions of state law, Councilmembers shall not be appointed to City advisory bodies concurrent with their term of office as Councilmember.
2. Unless specifically authorized by majority vote of a quorum of the Council, no Councilmember shall be authorized to state or testify to the policy or position of the Council before any advisory board or commission of the City.
3. Limitations on the conduct of Councilmembers before the City's advisory boards and commissions should be voluntarily undertaken in order to assure public confidence in the decision-making process and avoid the appearance of bias,

prejudice, or improper influence. Toward this purpose, the following protocol should be observed:

- a. Councilmembers shall not testify in quasi-judicial matters pending before any advisory board or commission that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol may require the Councilmember to disqualify him or herself from participating in any appeal or review proceedings before the City Council.
- b. Councilmembers, in their capacity as private citizens, should refrain from providing testimony in legislative or administrative matters pending before any advisory board that will receive, or could potentially receive, future review or other action before the Council. Where a Councilmember elects to provide such testimony, the following rules shall apply:
 - (i) The Councilmember shall declare at the outset and upon the record that they are present in his or her private capacity as an interested citizen, and not on behalf or at the request of the City Council.
 - (ii) The Councilmember shall refrain from stating or implying that their position or opinion is that of the City Council.
 - (iii) The Councilmember shall refrain from directing City staff or the advisory body to take any action on their behalf.
 - (iv) The Councilmember shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.

2.09 Incompatibility of Offices

There is no single statutory provision governing dual office holding. Statutory law is usually silent on that question except where the legislature has deemed it best either to prohibit or permit particular offices to be held by the same person regardless of whether they may or may not be compatible under common law principles. Chapters 35.24 and 35A.12 RCW expressly permit the offices of clerk and treasurer to be combined in certain cases. However, RCW 35A.12.030 and 35A.13.020 prohibit a mayor or Councilmember in a code city from holding any other public office or employment within Bothell's government "except as permitted under the provisions of Chapter 42.23 RCW." A statute expressly permits Councilmembers to hold the position of volunteer fire fighter (but not chief or other officer). RCW 35A.13.060 expressly authorizes a city manager to serve two or more cities in that capacity at the same time, but also provides that a city council may require the city manager to devote his or her full time to the affairs of that code city.

For additional information or clarification, please refer to [Knowing the Territory](#), published by the Municipal Research & Services Center.

Chapter 3

Support Provided to City Council

3.01 Staff Liaison

Staff support to members of the City Council is provided through the City Clerk's Office. Should Council requests of staff require significant time commitments or deviation from regular work activities, Councilmembers will consult with the City Manager prior to making requests.

3.02 Electronic Devices

To enhance Councilmembers' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business.

The Information Services Division (IS) will provide a surface tablet at the request of Councilmembers, for official City use. Information Services will ensure that all appropriate software is installed and will also provide an orientation in the use of computers and related software. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Personal media and programs cannot be stored on City computers. Councilmembers must adhere to all policies under the City of Bothell Information Services Security Policies.

Throughout Councilmember terms, City equipment is subject to audit. Virus protection software must not be disabled at any time on City equipment and non-city programs or media found during audits will be removed. When individual Councilmembers have completed their term of office, IS staff will retrieve City computers, software, and modems.

The complete policy can be viewed here: [Personnel Policy 10.05 - Electronic Communication](#)

3.03 Meeting Rooms

Council has a shared office at City Hall. A schedule of office hours has been established which is published on the website and with the City Clerk. Council may reserve this room during non-office hours by contacting the City Clerk. There are also numerous Town Hall meeting rooms on the first floor of City Hall which Council may reserve by contacting City Hall.

3.04 Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of mailboxes located in the Council office. Councilmembers are encouraged to check mailboxes often. In addition, City staff will email or personally deliver materials that are time-sensitive to a member's home or office, if appropriate.

Correspondence addressed to one Councilmember will be copied for all Councilmembers.

Chapter 4

Financial Matters

4.01 Council Compensation

The municipal code provides for payment of a salary to members of the City Council. A seated City Council may not increase or decrease its own compensation. Councils may only pass an ordinance to adjust the compensation of an incoming City Council (Constitutional Article 2, Section 25 and Article 30, Section 1). Currently, Council Salaries are set by a Salary Commission as provided in [BMC Chapter 2.92](#) and [RCW 35.21.015](#).

4.02 Budget

The biennial City budget includes appropriations for expenses necessary for members to undertake official City business. Funding provided includes membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies. Reference is made to the attached City Manager's budget instructions. [Link to Budget]

4.03 Financial Disclosure

Candidates for the office of Councilmember shall file a financial disclosure statement with the State Public Disclosure Commission within two weeks of filing a nomination paper. When appointed to fill a vacancy on the Council, the appointee shall file a financial disclosure statement with the Commission, covering the preceding 12-month period, within two weeks of being so appointed. Councilmembers are required to file a financial disclosure statement with the Commission on an annual basis after January 1 and before April 15 of each year covering the previous calendar year. Councilmembers whose terms expire on December 31 shall file the statement for the year that ended on that December 31. Statements filed in any of the above cases will be available for public inspection.

Failure to file or filing a false or incomplete financial disclosure statement, if done knowingly, is a Class 1 Misdemeanor. There are also civil penalties for violations.

4.04 Travel Policy

Members of the City Council and City boards and commissions are subject to the City's Travel Policy. [Personnel Policy 8.5 – Travel](#)

Chapter 5

Communications

5.01 Overview

Perhaps the most fundamental role of a Councilmember is communication:

- Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents;
- Communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

5.02 Correspondence from Councilmembers

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

Councilmembers may occasionally be asked to prepare letters of recommendation for students or others seeking employment or appointment. It is appropriate for Councilmembers to utilize City letterhead and their Council titles for such letters.

City letterhead and staff support cannot be utilized for personal or political purposes.

5.03 Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

5.04 Proclamations

Proclamations are issued by the Mayor as a ceremonial commemoration of an event or issue. Proclamations are not statements of policy, and do not require the approval or action of the Council. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue.

5.05 State Public Disclosure Act/Open Public Meetings Act

To ensure that business communications submitted to and by elected and appointed officials comply with the State Public Disclosure Act, [RCW 42.17](#), and the [State Open Public Meetings Act, RCW 42.30](#), the following is set forth:

A. *Communications - Generally*

All letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions as stated by the Public Disclosure Act, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media unless a public disclosure request has first been filed with the City Clerk.

B. *Written Communications*

Written letters and memoranda received by the City, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's Records Retention Schedule.

C. *Electronic Communications*

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
 - If a citizen sends an e-mail to a Councilmember and requests that it be included in the record of a particular public hearing, the Councilmember will forward said e-mail to: CityClerk@bothellwa.gov.
 - If a Councilmember wishes that an e-mail be distributed to a City staff member, the Councilmember will forward said e-mail to the City Manager.
 - Staff will not review e-mail unless a public records request is received.

3. E-mail communications that are intended to be shared among four or more Councilmembers, whether concurrently or serially must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is inappropriate.
4. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other “confidential” City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
5. E-mail between Councilmembers and Councilmembers and staff shall not be transmitted to the public or news media unless a public disclosure request has first been filed with the City Clerk.
6. E-mail will not be used for personal use, since Councilmembers’ conventional e-mail addresses include the City’s “return address.”

5.06 Bothell Bridge – “Council Corner”

Each issue of the City’s official newsletter, *Bothell Bridge* will contain a column called “Council Corner.” This is an opportunity for Councilmembers to write articles on topics of interest to them and the Bothell community. The procedure of scheduling, writing and submittal is set forth below:

1. The Public Information Officer will provide a yearly schedule that shows the column rotation and which Councilmember may write for each edition.
2. The Councilmember column rotation is based on election season and equal writing opportunities.
3. Columns may consist of 150 to 200 words and are submitted to the Public Information Officer according to the provided rotation schedule.
4. Staff will review columns for grammar, punctuation, phrasing etc., but will not edit Councilmembers’ columns.

Chapter 6

Conflicts of Interest, Appearance of Fairness Doctrine, and Liability of Elected Officials

6.01 Conflicts of Interest

The conflict of interest law is one of the most complicated laws on the books. To understand its effect on a Councilmember's actions, it is suggested that members discuss the law and potential conflicts with a private attorney or the City Attorney. It is imperative that Councilmembers identify in advance what their conflicts are.

It is illegal to fail to declare a conflict of interest, or to participate or otherwise be involved in discussions on issues or contracts where such an interest exists. Violations of the conflict of interest law may result in significant penalties, including criminal prosecution.

In circumstances where only a "remote interest" (see below) exists, after disclosure of the interest to other Councilmembers and in the meeting minutes, the Council may approve the contract to which a Councilmember has a remote interest, absent participation in the voting by the Councilmember with the remote interest, but only if the Councilmember refrains from any attempt to influence other members to approve the contract.

A. *Applicability*

All City officers, elected and appointed, are subject to the conflict of interest law in [RCW 42.23](#). This includes Councilmembers.

B. *Definition*

Remote Interests are so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a City official is:

- a non-salaried officer or member of a nonprofit corporation doing business or requesting money from the City. Therefore, being such an officer or member would not constitute a conflict
- the landlord or tenant of a contracting party. For instance, a Councilmember may lease office space to a party which has a private interest in a public matter without it resulting in a conflict of interest
- the owner of less than 1 percent of the shares of a corporation or a cooperative doing business with the City
- being reimbursed only for actual and necessary expenses incurred in performance of official duties

C. Acts not Constituting a Conflict of Interest

- receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Councilmember who owns a business within the City votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits
- an officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Councilmember who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember
- a member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

A City official may sell equipment, material, supplies, or services to the City if this is done through an award or contract let after public competitive bidding. An exception to this law permits the City Council to approve a policy on an annual basis to allow the City to purchase supplies, materials, and equipment from a member of the Council without going to public competitive bid as long as the single transaction does not exceed \$300 and the annual total of such transactions does not exceed \$1,000.

D. Declaration of a Conflict

When a substantial interest exists, the City official must:

1. Refrain from voting or in any way influencing a decision of the City Council; and
2. Declare that a conflict of interest exists and make it known in the official records of the City.

Should a situation arise wherein a majority of Councilmembers or a majority of a quorum of those present at a Council meeting have a substantial conflict of interest, state law provides that if the conflict of interest statutes prevent the City Council from acting as required by law in its official capacity, such action shall be allowed if the members of the Council with the apparent conflicts of interest make them known.

E. City Attorney Opinions

A Councilmember's request for an opinion from the City Attorney concerning conflict of interest is confidential. However, formal final opinions are a matter of public record and must be filed with the City Clerk. This filing requirement does not apply to verbal communications between Councilmembers and the City Attorney.

Councilmembers may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.

E. Filing of Disclosures

The City Clerk maintains a file for all disclosures and legal opinions of conflicts of interest.

F. Apparent Conflict of Interest in Litigation Matters

A Councilmember who actively supports a position contrary to an official City of Bothell action or position, as adopted or ratified by a majority of the City Council, must recuse themselves and not participate in any vote, deliberation, executive session, or distribution of confidential information regarding further consideration or action in that matter once litigation has been served or filed regarding the matter. Litigation shall include but is not limited to legal action or appeals of any type including Growth Management Hearings Board appeals.

- The fact that a Councilmember voted in opposition or expressed an opinion in opposition to the official action or position prior to the filing or service of litigation shall not, by itself, be sufficient to trigger the need for recusal or non-participation.
- Once litigation has been served or filed, communication regarding the case with anyone other than City staff or legal counsel involved in the litigation of the case is discouraged during the pendency of the litigation.
- Councilmembers shall voluntarily recuse themselves and choose not to participate under the conditions listed above; however, if Councilmembers fail to voluntarily recuse themselves or withdraw from participation, any other Councilmember may challenge the ongoing participation and request the challenged Councilmember to disclose any communication and participation with regard to the pending litigation.
- If the apparent conflict still cannot be resolved voluntarily after such challenge, a majority plus one of the council as a whole may vote to sanction and remove the challenged Councilmember from further participation with regard to the pending litigation on the basis of an apparent conflict of interest.
- Later legislative participation by a previously recused or sanctioned Councilmember, related to the same issue, is not prevented by the provisions of this subsection once the conflict no longer exists or the litigation has terminated.

6.02 Liability

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high profile services (i.e., police, parks, roads, land use), risk cannot be eliminated. To better manage insurance and risk, the City participates in risk- and loss-control activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Chapter 2.25 of the Bothell Municipal Code addresses indemnification of employees and officers.

Elected and appointed officials will participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

Chapter 7

Interaction with City Staff/Officials

7.01 Overview

City Council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

The City Council also supports and acknowledges that Council and the City Manager are most effective when working as a team and as such the Council endeavors to support mutual respect between the City Council and City staff by creating the organizational teamwork necessary for successful implementation of the Council's policies and programs.

7.02 Council-Manager Plan of Government

Bothell has a Council-Manager plan of government. Basically, with this structure, the City Council's role is to establish city policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Councilmembers, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments. The City Manager appoints members to the Civil Service Commission.

The Council-Manager plan of government is outlined in [RCW Chapter 35A.13](#). The powers and duties of the City Manager include:

- General supervision over the administrative affairs of the city
- Appoint and remove at any time all department directors and employees
- Attend all meetings of the Council at which the manager's attendance may be required by that body
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency
- Recommend for adoption by the Council such measures as the manager may deem necessary or expedient
- Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to submit
- Keep the Council fully advised of the financial condition of the City and its future needs
- Prepare and submit to the Council a proposed budget for the fiscal year, and to be responsible for its administration upon adoption
- Perform such other duties as the Council may determine by ordinance or resolution
- Implements and administers City Council policy

7.03 City Council Non-interference

The City Council is to work through the City Manager when dealing with administrative services of the City.

In no manner, either directly or indirectly, shall a Councilmember become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City procurement code/procedures.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager. Subject to RCW 42.30.110 and the holding of executive sessions to discuss and review personnel matters, the Council is not prohibited, 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.

7.04 City Council/City Manager Relationship

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

A. Performance Evaluation

The City Council is to evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance is evaluated based upon a mutually agreed upon work plan.

7.05 City Council/City Staff Relationship

City Councilmember contact with City staff members, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency.

7.06 Code of Ethics

The City Manager is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA). It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by ICMA. This code is posted in the City Manager's office. [ICMA Code of Ethics](#).

7.07 City Council/City Attorney Relationship

The City Attorney, similar to other Department Director positions, is appointed by the City Manager. Legal professional services performed under contract or agreement shall be consistent with the City's adopted Procurement Policy. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

1. provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

It is important to note that the City Attorney does not represent individual members of Council, but rather the City Council as a whole.

7.08 Roles and Information Flow

A. Council Roles

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual Councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Councilmembers, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

All Councilmembers with concerns affecting the community of Bothell should bring those concerns to the full Council before contacting an outside agency.

B. Access to Information

The City Manager is the information liaison between Council and City staff. Requests for information from Councilmembers are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all members of Council so that each member may be equally informed. The sharing of information with City Council is one of the City Manager's highest priorities.

There are limited restrictions when information cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (i.e., access to restricted or confidential information related to crimes) may not be available to members of the City Council.

C. Staff Roles

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Director. This direction follows the policy guidance of the City Council as a whole. Staff is directed to reject any attempts of individual Councilmembers to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

D. Significant Requests

No Councilmember shall request or direct the City Manager or Department Directors to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. The City Manager shall determine whether or not a matter is significant.

7.09 Dissemination of Information

In addition to regular, comprehensive memoranda written by the City Manager directly to City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Councilmembers receive copies of all correspondence received by the City Manager that will assist in them in their policy-making role. The City Manager also provides other documents to Council on a regular basis, such as status reports and executive summaries,

A variety of methods are used to share information with Council. Workshops and study sessions are held to provide detailed presentations of matters. Council/staff retreats serve to focus on topics and enhance information exchange. The City Manager's open-door policy allows individual Councilmembers to meet with the Manager on an impromptu or one-on-one basis.

7.10 Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Councilmembers that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so directed by action of the Council, staff will proceed to complete the work within a Council-established timeline.

7.11 Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as outlined in Section 8.05(c) of this manual. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the City Council.

7.12 Restrictions on Political Involvement by Staff

Bothell is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy for the good of the community, not influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender rights to be involved in political activities. Employees may privately express their personal opinions. They may register to vote, sign nominating or recall petitions, and they may vote in any election.

7.13 Council Attendance Policy

[RCW 35A.13.020](#) (Council-Manager Plan of Government) directs us to [RCW 35A.12.060](#) (Mayor-Council Plan of Government) - Vacancy for Nonattendance. 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.

At the start of each City Council meeting, the Mayor or City Clerk, or designee, will call the roll. Any absent Councilmember who has called the Mayor or City Manager's Office prior to 5:00 p.m. on the day of the meeting to advise of such absence will be deemed excused.

7.14 Attendance via Speakerphone (AVS)

From time to time, a Councilmember will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Councilmember to attend a Council meeting via speakerphone are as follows:

A. *The Rare Occasion*

Attendance via speakerphone should be the rare exception, not the rule, and AVS is limited twice a year per Councilmember. Examples of situations where AVS would be appropriate include, but are not limited to:

- An agenda item is time sensitive, and AVS is needed for a quorum;
- An agenda item is of very high importance to the Councilmember that cannot be physically present;
- It is important for all Councilmembers to be involved in a decision, but one Councilmember is unable to be physically present.
- AVS shall be limited to one agenda item, not the entire Council meeting.

B. *Notification*

If a Councilmember wishes to attend a Council meeting via speakerphone for an agenda item, the Councilmember should notify Council of his or her intent at the Council meeting prior to the meeting for which they wish to attend via speakerphone. This notification should be made during the Council's review of the projected agenda.

If that is not possible, the Councilmember should notify the City Manager of his or her wish to attend a Council meeting via speakerphone for an agenda item not later than the business day prior to the Council meeting for which he or she wishes to attend via speakerphone. With less notice, it may not be possible to make the necessary arrangements to allow attendance via speakerphone.

Attendance via AVS will be reflected in the minutes.

Chapter 8

City Council Meetings

The City Council's collective policy and law-making powers are put into action at the council meetings. It is here that the Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of council meetings all lend themselves to the essential democratic nature of local government.

8.01 Meeting Schedule

Regular meetings are held the first, second, and third Tuesdays of each month at 6:00 p.m., in the Bothell Council Chambers, 18415-101st Ave. NE, Bothell. The second Tuesday is intended to be reserved as a study session. Should these days happen to be designated as a legal holiday, the Council meeting will be held the fourth Tuesday of the month. Audience participation is allowed during the course of any study session, if permitted by the consent of a majority of the council present, and no final action shall be taken on any matter at any study session.

8.02 Public Notice of Meetings and Hearings

Pursuant to [RCW 35.22.288](#), cities are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. The procedure followed by the City of Bothell is as follows:

A. Notices

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council or the City's Boards and Commissions shall be given one publication notice containing the time, place, date, subject, and body before whom the hearing is to be held, in the City's official newspaper at least ten (10) days before the date set for the hearing.

B. Preliminary Agenda of Council Meeting

The public shall be notified of the preliminary agenda for the forthcoming regular City Council meeting by posting a copy of the agenda in the following public places in the City at least 24 hours in advance of the meeting:

- Bothell City Hall – Elevator Vestibule
18415 - 101st Avenue NE
Bothell, WA 98011
- The City's Official Website: www.bothellwa.gov

C. Duties of City Clerk

The City Clerk is directed to publish notices and post agendas as required by Section 8.02 of the Bothell City Council Protocol Manual

[RCW 42.30.080](#) addresses the subject of special meetings. For special meetings, only those items specifically listed on the agenda may be discussed, considered, or decided.

8.03 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by the written request of four Councilmembers. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, or by email written notice to each member of the Council and to each local newspaper of general circulation of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

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.

At all regular and special meetings, public comments are invited during a public hearing before or during consideration of any item on the agenda. Public comment is appropriate on any matter within the jurisdiction of the City Council.

8.04 Placing Items on the Agenda

A. Agenda Planning Committee

All matters to be presented to the City Council at its regular meetings are reviewed by the City Manager and the Executive Leadership Team. The City Council may change the order of business on the Projected Agendas, when they deem it to be of a greater public benefit to facilitate public participation.

The City Manager and Mayor will review the agenda prior to the regular meeting and final approval of all items will be made by the Mayor and City Manager.

An item may be placed on a council meeting agenda by any of the following methods:

- A majority vote of the Council
- Council Consensus
- By any two Councilmembers
- By a Council Committee
- By the Mayor
- By an Advisory Board or Commission
- Via a written citizen request

Requests (oral or in writing) shall be given at least 15 working days prior to the meeting to allow for sufficient time for research and preparation.

B. Emergency Items

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.

8.05 Development of the Agenda

Given the rigorous time frame for agenda development, it is extremely difficult for staff to compile or prepare information requested at a Tuesday night meeting in time for the next deadline. The Council will receive follow-up information at the second Council meeting following the date it is requested. This would allow staff sufficient time to prepare reports that require additional investigative research and/or additional time due to complexity of subject matter.

8.06 Audio Recording of Meetings

The City Clerk, or designee, shall make and keep audio recordings of all meetings of the Bothell City Council, except those meetings or portions of meetings conducted in Executive Session, or unless a motion is passed to suspend audio recording of a meeting. Recordings and related records of all City Council meetings, except as referenced above, shall be retained by the City in accordance with the Washington State Records Retention Schedule.

8.07 Order of Business – Regular Meetings

A. The City Council, by adoption of this manual, establishes the general order of meetings. This section summarizes each meeting component. The Council may, at any time by simple majority of those present, vote to consider items in a different order.

A. Call to Order/Flag Salute

B. Roll Call

C. Meeting Agenda Approval

This is the time when Councilmembers or the City Manager may withdraw or move items on the agenda. A simple majority of those present may vote to consider items in a different order.

Prior to approving the items on the consent agenda, Councilmembers may request to withdraw (or pull) any item and take action separately on that item. Council will consider each withdrawn item during the course of the meeting after the amended consent agenda has been approved.

D. Review Projected Agenda

Provides an opportunity for members of the Council and the City Manager to review the projected agenda and make modifications thereto as necessary.

E. Review of Upcoming Public Engagement Opportunities

F. Special Presentations

G. Staff Briefings

H. Council Committee/City Manager Reports

I. Visitor Comment

Persons addressing the Council, who are not specifically scheduled on the agenda will be invited by the Mayor to the podium. Speakers will limit their remarks to 3 minutes, unless a longer period is permitted by Council. No speaker may convey or donate his or her time for speaking to another speaker. If many people wish to speak to a particular issue, Council may choose:

- 1) To limit the total amount of time dedicated to that single issue; and/or
- 2) continue the time for visitor comments on that issue to a future Council meeting;
- 3) In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed.
- 4) Groups that desire to designate a spokesperson shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

Speakers are asked to sign the “Sign-in Sheet” provided.

Written comments may be submitted into the record of a Council meeting by presenting the written document to the Clerk of the Meeting. A copy of the document will be provided to each Councilmember; the document will not be read aloud.

The following language will be added to the published agenda under “Visitor Comment:”
During this portion of the meeting, the Mayor will invite visitor comment. Each speaker will be granted 3 minutes.

The Mayor has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce the rules. The Mayor may command assistance of any peace officer of the City to enforce all lawful orders of the Mayor to restore order at any meeting.

Citizens with complaints, concerns, or questions, will be encouraged to refer the matter to the City Manager, or ask that the matter be placed on a future City Council meeting with the appropriate background information.

- i. *Addressing the Council – Generally - Written Communications.* All persons may address the Council by written communication, including e-mail. Such written communication pertaining to items subject to public hearing procedures will be made a part of the public record, but will not be read aloud.

Written comments may be submitted to the Council at any time by mailing or otherwise delivering to the City Clerk, 18415 – 101st Avenue NE, Bothell, WA 98011. The Clerk will distribute a copy of the correspondence to each Councilmember.

Oral Communications. All persons may address the Council verbally, either:

- a) During the Visitor's portion of the Agenda for items not on the Agenda;
- b) During public hearings, following staff (and applicant, if applicable) comments;
- c) During items on the agenda that are not public hearings, etc., following staff comments at the discretion of the Council.

Addressing the Council -- Manner -- Limits. Each person addressing the Council will give his or her name and address in an audible tone of voice for the record, and, unless the Council grants further time, shall limit the address to three (3) minutes. All remarks should be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor will be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor.

Addressing the Council-- Signs in meetings-- Limits. General public comment is invited and encouraged during the Visitor section of the Agenda only. All other comment is limited to specific items and issues as noted in the Agenda or otherwise allowed by Council with regard to specific items of business. During the Visitor portion of the meeting, the Mayor will invite citizens to speak to Council about topics that are not scheduled for public testimony. Comments on any non-agenda items will not be allowed other than during the Visitor section of the Agenda. Signs will be allowed in the meeting by the presiding officer so long as they are limited in size to 11 x 17 inches and are not displayed or otherwise employed in a manner that disturbs or threatens others as determined by the presiding officer. All signs, placards or other forms of public display type written comment must be composed of soft, collapsible materials with no protrusions or hard mountings. Any person bearing a sign or other form of public display type written comment that violates the provisions of this section will be required to remove such sign from the meeting chambers and may themselves be barred from the meeting if they become disruptive by refusing to remove such signs.

ii. . *Addressing the Council -- After a Motion is made*

After the Council makes a motion, no person will address the Council without first securing the permission of the Mayor or presiding officer to do so.

J. Consent Agenda

Those matters of business that require action by the Council which are considered to be of a routine and non-controversial nature are placed on the consent agenda. The individual items on the consent agenda shall be approved, adopted, or enacted by one motion of the Council. Examples of such items include:

- Approval of all Council minutes;
- Approval of vouchers;
- Final approval of leases and agreements;
- Final acceptance of grants, deeds, or easements;
- Setting dates for public hearings/meetings;
- Passage of resolutions and/or ordinances which the Council has given directions to place on the consent agenda;
- Final acceptance of public works construction projects.

No discussion shall take place regarding any item on the consent agenda beyond asking questions for simple clarification.

K. Public Meetings, Public Hearings, Open Record Reviews, and Closed Record Reviews

Public meetings, public hearings, open record reviews, and closed record reviews shall be held at 6:00 p.m. or later, unless otherwise noticed in accordance with law.

Individuals desiring to speak during a public hearing are to address the Council from the speaker podium after giving their name and address. Comments are limited to the specific matter for which the public hearing is held and are limited to three (3) minutes, unless a longer period is permitted by the presiding officer and/or Council. No speaker may convey his or her time for speaking to another speaker. Written comments are encouraged during the public hearings. When materials are presented during public hearings, they should be submitted to the City Clerk before the public hearing is closed on the item.

In the event of single subject group comment, at the discretion of the presiding officer, single time allocation for a spokesperson greater than three (3) minutes can be allowed. Groups that qualify for this special treatment shall submit to the presiding officer, prior to comment, a list of present group constituents or others in agreement so that duplication will not occur.

After a public hearing is closed, no member of the public shall be permitted to address the Council or the staff. In fairness to members of the public, the City Council shall be considered to be in deliberations from that point forward. Continuance of the item shall place it on the "old business" portion of any forthcoming agenda. Additional public testimony either that evening or at a future meeting would be precluded until public hearing notification procedures required by the Bothell Municipal Code are concluded.

L. Boards & Commissions

During this portion of the meeting, Council may consider board and commission interviews, appointments, and/or other advisory board-related business as necessary.

M. Award of Contract

All contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall further have been presented to the City Manager or authorized representative for review.

K. Ordinances & Resolutions

All ordinances and resolutions shall, before presentation to the Council, have been approved as to form and legality by the City Attorney, the applicable Department Head and the City Manager. No ordinance shall contain more than one subject that shall be fully and clearly expressed in its title.

L. Old Business

Items and topics which have been previously brought before the Council, but which do not fit into any of the other categories listed in Section 8.09 of this manual, shall be placed under Old Business.

M. New Business

Items or topics that are new to the Council shall be scheduled for consideration under this section of the agenda. Updates to Council regarding specific items where no formal action will be taken or items which require discussion prior to being brought back for formal Council action.

N. Executive Session & Closed Session

At the call of the presiding officer, or with a majority vote, the City Council may recess to Executive Session to privately discuss and consider matters of confidential concern to the well-being of the City. The purposes for which an Executive Session or Closed Session may be held are identified in [RCW 42.30.110](#) and [RCW 42.30.140](#).

The City Council may also hold an Executive Session to receive confidential advice from the City Attorney under the attorney-client privilege.

Before convening in Executive Session, the presiding officer shall publicly announce the purpose for excluding the public from the meeting place, and the time when the Executive Session will be concluded. An Executive Session may be extended to a stated later time by announcement of the presiding officer.

Q Adjournment

All Council meetings will conclude no later than 9:00 PM unless extended by motion of the City Council. In the event the remaining agenda cannot be concluded at any meeting by the times listed above, the meeting will be recessed to a definite time and place, and notice of such continued meeting will be given as provided by statute.

8.08 Study Sessions – Order of Business

The study session is the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others. Further, the purpose of Study Sessions is to allow Councilmembers to do concentrated preliminary work with administration on single subjects of time consuming, complex matters (i.e., budget, complex legislation or reports, etc.). One of the goals of Study Sessions is to allow a less formal atmosphere within which Councilmembers may ask questions of staff and each other, as opposed to taking time at regular meetings, thus shortening the time spent at Regular meetings. Study Sessions shall be in a less formal setting, but shall not discourage public observation.

All discussions and conclusions held during a study session are of an informal nature. No final action is taken while in a study session. Audience participation is allowed during the course of any study session.

Order of Business

- A. Call to Order
- B. Roll Call
- C. Meeting Agenda Approval
- D. Visitor Comment
- E. Study Session Items
- F. Adjourn

8.09 General Procedures

A. Seating Arrangement of the Council

While the Deputy Mayor is customarily seated immediately next to the Mayor, he or she may choose to sit anywhere at the dais. The Mayor, with the approval of individual Councilmembers, shall establish other seating arrangements for regular council meetings.

B. Signing of City Documents

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Deputy Mayor may sign such documents.

C. Quorum

Four members of the Council shall constitute a quorum and are necessary for the transaction of City business. In the absence of a quorum, the Mayor shall, at the request of any two members present, compel the attendance of absent members.

D. Minutes

The City Clerk or designee shall take minutes at all meetings of the City Council. The minutes shall be made available for public inspection.

E. How Many Votes are Required for Passage?

For all resolutions, and motions, a simple majority of the Councilmembers present (assuming a quorum) is sufficient for passage.

The passage of any ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, requires an affirmative vote of at least a majority of the whole membership of the Council.

Public emergency ordinances, necessary for the protection of public health, public safety, public property, or public peace, may take effect immediately upon final passage (instead of after a five-day delay), if passed by a majority plus one of the whole membership of the Council.

F. Electronic Voting

When seated at the dais for regular Council meetings, votes will be cast using the electronic voting board unless suspended as necessity or convenience of the Council dictates.

8.10 Open Public Meetings Act

A. Applicability

The open meeting law applies to the City Council, all quasi-judicial bodies, and all standing, special or advisory boards, commissions, committees or subcommittees of, or appointed by, the City Council.

B. Meetings

All meetings of the Council shall be open to the public, except in the special instances as provided in RCW 42.30.110 and RCW 42.30.140 as hereafter amended. A meeting takes place when a quorum (a majority of the total number of Councilmembers currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon.

C. ADA Requirements

The City of Bothell strives to provide accessible meetings for people with disabilities. Assisted-listening devices are available for use in the Council Chambers. If these or other accommodations are required, please contact the Americans with Disabilities Act Coordinator at (425) 806-6201 at least three days prior to the meeting.

D. Actions

No legal action can be taken by the Council except in a public meeting. At a *Special Meeting*, action can be taken only on those items appearing on the posted agenda, except for emergency items as defined in Section 8.08(E). At a Regular Meeting of the City Council, the Council is free to take action on non-agenda items, subject to applicable notice requirements in state statutes or local ordinances for the subject matter being considered.

E. Correspondence

All writings distributed for discussion or consideration at a public meeting are public records. To that end, Council should refrain from sending or receiving text messages or emails during meetings and should put their devices on airplane mode. Written material protected by attorney-client privilege must not be cited or quoted.

Chapter 9

Protocol Administration

9.01 Biennial Review

The City Council will review and revise the City Council Protocol Manual as needed, or every two years.

9.02 Adherence to Protocol

- A. Each Councilmember shall have the duty and obligation to review this Protocol Manual and be familiar with its provisions.
- B. During City Council discussions, deliberations, and proceedings, the Mayor will be primarily responsible to ensure that the City Council, staff, and members of the public adhere to the Council's adopted Protocol Manual.
- C. Knowing and/or willful failure to adhere to the provisions of this Protocol Manual may subject a Councilmember to enforcement and sanctions as follows:
 - (1) Upon determining that there is credible evidence that a Councilmember has, or may have, engaged in knowing and/or willful action or omission that constitutes failure to adhere to the provisions of this Protocol Manual, the Mayor or the Deputy Mayor, in the event that the Mayor is the Councilmember alleged to have engaged in such action or omission, may call upon the Council to determine whether such knowing and/or willful action or omission has occurred, and the sanctions, if any, to be imposed.
 - (2) Prior to conducting any hearing on an alleged failure to adhere to the provisions of this Protocol Manual, the Mayor or Deputy Mayor shall provide written notice to the Councilmember alleged to have engaged in such failure to adhere at least ten (10) calendar days prior to calling for such hearing. The written notice shall identify the specific provisions of this Protocol Manual with which the Councilmember is alleged to have failed to adhere and the facts supporting such allegation.
 - (3) Upon call by the Mayor or Deputy Mayor, a majority of a quorum of the Council shall vote on whether to hold a hearing to determine the existence of an act or omission constituting a failure to adhere and the sanctions, if any, to be imposed. If such hearing is approved by the Council, the hearing shall be held at a time and place specified in the motion approving such hearing.

- (4) At such hearing, the Council shall determine whether there is a preponderance of credible and substantial evidence indicating that a Councilmember has knowingly and/or willfully acted or failed to act in a manner constituting a failure to adhere to the provisions of this Protocol Manual. The Councilmember alleged to have failed to adhere to the provisions of this Protocol Manual shall have the right to present evidence and testimony. The finding of the existence of such knowing and/or willful failure to adhere shall be determined by motion approved by a majority of the Council plus one.
- (5) Upon finding that a knowing and/or willful failure to adhere to the provisions of this Protocol Manual has occurred, the Council shall proceed to determine whether the sanctions, if any, should be imposed. Appropriate sanctions may include, but are not limited to, the following:
 - (i) public censure
 - (ii) removal of appointment to extra-territorial boards, committees, or commissions; and
 - (iii) removal of appointment to Council boards or committees

9.03 City Attorney as Protocol Advisor

The City Attorney shall assist the Mayor and serve as an advisor for interpreting the City Council's adopted Protocol Manual.

9.04 Adherence to Non-interference Ordinance

The City Council delegates to the City Manager the responsibility to discuss with any Councilmember, on behalf of the full Council, any perceived or inappropriate interference or encroachment of administrative services. The City Manager will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if inappropriate action continues, the City Manager will report the concern to the full Council.

9.05 Applicability of Protocol Manual

The City Council Protocol Manual shall also apply when the Council is sitting as another entity or agency. The role of Mayor and Deputy Mayor shall be interchangeable with the Chair and Vice Chair, or President or Vice President, when sitting as another entity.

Chapter 10 Leaving Office

10.01 Return of Materials and Equipment

During their service on the City Council, members may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as copies of the Bothell Municipal Code, *Imagine Bothell...*, Comprehensive Plan, mailbox key, etc. These items are to be returned to the City at the conclusion of a member's term.

10.02 Filling Council Vacancies

A. Purpose

The purpose of this section is to provide guidance to the City Council when a Bothell Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.

B. References

[RCW 42.30.110\(H\)](#) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective office.

[RCW 42.30.060](#) – Prohibition on Secret Ballots.

[RCW 42.12](#) – Vacant Position.

[RCW 35A.13.020](#) – Vacancies – Filling of Vacancies in Council/Manager Form of Government.

C. Appointment Process

(1) A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in [RCW 42.12.010](#), including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process.

(2) The City Council shall direct staff to begin the Councilmember appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.

(3) The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Bothell, and (b) have a one (1) year residency in the City of Bothell. This display advertisement shall be published once each week for two (2) consecutive weeks. This display advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, Councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate.

(4) The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at City of Bothell offices and on the City's official website. Copies of the display advertisement will be provided to current members of the City of Bothell commissions, committees, task forces and other City-sponsored citizen groups.

(5) Applications received by the deadline date and time will be copied and circulated, by the City Clerk's Office, to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

(6) The City Clerk's Office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting.

(7) The City Clerk's Office shall notify applicants of the location, date and time of City Council interviews.

(8) Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.

D. Interview Meeting

Each interview of an applicant/candidate shall be no more than 30 minutes in length as follows:

- (1) The applicant shall present his or her credentials to the City Council. (5 minutes)
- (2) The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have 2 minutes to answer each question. (14 minutes)

- (3) An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions. (10 minutes)
- (4) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.
- (5) The Council may reduce the 30-minute interview time if the number of applicants exceeds six (6) candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

E. Voting

Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, deliberations, nominations and votes taken by the Council shall be in open public session.

- (1) The Mayor shall ask for nominations from the Councilmembers for the purpose of creating a group of candidates to consider. No second is needed.
- (2) Nominations are closed by a motion, second and majority vote of the Council.
- (3) Councilmembers may deliberate on such matters as criteria for selection and the nominated group of candidates.
- (4) The Mayor shall poll Councilmembers to ascertain that Councilmembers are prepared to vote.
- (5) The City Clerk shall proceed with a roll-call vote.
- (6) Elections will continue until a nominee receives a majority vote of the remaining Councilmembers.
- (7) At any time during the election process, the City Council may postpone elections until a date certain or regular meeting if a majority vote has not been received.
- (8) Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.
- (9) The Mayor shall declare the nominee receiving the majority vote as the new Councilmember and shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
- (10) If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to King County.

Chapter 11

Additional Training and Resource Materials

11.01 Association of Washington Cities [(800) 562-8981]

www.awcnet.org The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington.

11.02 National League of Cities [(202) 626-3000]

www.nlc.org A non-partisan organization serving municipal governments, the NLC works to establish unified policy positions, advocates those policies forcefully, and shares information that strengthens municipal government throughout the nation.

11.03 International City/County Management Association [(202) 289-4262]

www.imca.org ICMA is a professional and educational association of local government administrators that serves to enhance the quality of local government through professional management and to support and assist professional local government administration. The Association's *Elected Officials Handbook* series can be of great value to Councilmembers. Publications are also available through ICMA concerning every basic city service.

11.04 Government Finance Officers Association [(312) 977-9700]

www.gfoa.org GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management:

11.05 Municipal Research & Services Center of Washington [(206) 625-1300]

www.mrsc.org MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government.

11.06 Appendix

Reference materials are provided in the Appendix of this manual. Materials include:

- Glossary of Terms
- Parliamentary Procedure

11.06 - Glossary of Terms

Adjourn: to end the meeting

Agenda: summarization of items scheduled to be heard and acted upon at a public meeting

Amend: to change a motion

Conflict of interest: exists when a Councilmember may have a personal interest in the outcome of a Council action. When a substantial conflict of interest exists, a City official must declare such and refrain from participating in or influencing the discussion or vote on the item

Consent agenda: a listing of non-controversial items presented to Council for their collective approval

Council packet: a compilation of Council Communications with reports and supporting documentation for items to be considered by Council

Debate: discussion about a motion

Decorum: behavior that is conducive to carrying on debate in a smooth and orderly manner. To maintain proper decorum and order, the following practices and customs are observed by members of the assembly: (1) confining remarks to the merits of the pending question; (2) refraining from attacking a member's motives; (3) addressing all remarks through the chair; (4) avoiding the use of members' names; (5) refraining from speaking adversely on a prior action not pending; (6) reading from reports, quotations, etc., only with permission; and, (7) refraining from disturbing the assembly

Emergency clause: a clause added to ordinances or resolutions declaring them to be of more than ordinary public need and necessity and putting them into effect immediately upon adoption. Ordinances and resolutions adopted without the emergency clause go into effect 30 days from the date of adoption.

Formal action: an act or direction of the City Council directing things to be done or recorded, but not requiring an ordinance or resolution

Germane: closely related to, or having bearing on, the subject

In order: relevant to the business at hand

Incidental motion: is a question of procedure that arises out of other motions. An incidental motion must be considered before the other motion. Incidental motions yield to privileged motions and to the motion to table. They are not debatable, except "appeal" and in this case, the presiding officer may submit to the assembly for a decision. Motions of this

classification include (listed in order of precedence): (1) point of order; (2) appeal the decision of the chair; (3) suspension of rules; and, (4) parliamentary inquiry

Main motion: introduces an item of business to the Council for its consideration. A main motion cannot be made when another motion is before the Council. A main motion yields to privileged, subsidiary and incidental motions

Majority: more than one-half of the members present

Miscellaneous motions: not conveniently classified as subsidiary, incidental, or privileged, but which are in common use. These include: (1) take from the table; (2) reconsider; and (3) rescind

Motion: a proposal that Council take a stand or take action on some issue

Municipal code: the codification of general ordinances adopted by Council. The City Clerk maintains the municipal codebook.

Ordinance: an action that has the effect of making or amending or repealing substantive city law

Parliamentary procedure: a set of rules for conduct at meetings. It allows everyone to be heard and to make decisions without confusion

Point of order: to raise a question of order. Point of order is pronounced when a member thinks that the rules of the assembly are being violated, thereby calling upon the chair for a ruling and an enforcement of the regular rules

Privileged motions: concern special or important matters not related to pending business. Privileged motions are most urgent and are of highest importance. Such a motion takes precedence over any pending question. Privileged motions are not debatable. They must be concerned with the rights of the assembly as a whole and the rights of each member in relation to the assembly. Privileged motions include the following and are listed in order of precedence: 1) adjourn; (2) recess; (3) question of privilege

Protocol: a code prescribing strict adherence to correct etiquette and precedence

Quasi-judicial proceedings: those proceedings in which the City Council is required to make findings based on an evidentiary record. In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings heard by the City Council include open record reviews, closed record reviews, and subdivision map approvals.

Quorum: the number of members that must be present for the meeting to be called to order and to conduct business legally. A quorum of the Bothell City Council consists of four members, when all seven Council seats are filled.

Resolution: a formal, permanent, or long-standing expression of intent or public policy of the City

Second: a verbal signal from a member that he or she wishes to consider a motion just made

Special meeting: an unscheduled public meeting of the City Council held to act on an item(s) requiring immediate consideration. Special meetings must be posted 24 hours prior to the time of the meeting in order to be held

Subsidiary motion: changes or affects how the main motion is handled. This motion is voted on before the main motion. Subsidiary motions yield to all privileged and incidental motions and subsidiary motions above it in order of rank: (1) lay on the table (postpone temporarily); (2) the previous question (close debate); (3) limit or extend limits of debate; (4) postpone definitely or to a time certain; (5) commit, refer, or recommit to committee; (6) amend (change or modify a motion); (7) postpone indefinitely (kill a motion)

Title: the lead-in paragraph of an ordinance or resolution declaring its purpose. The title appears on the meeting agenda

Voting: the means by which motions are accepted or rejected by the Council

11.06 - Parliamentary Procedure

By approval of the Council Protocol Manual, the City Council has adopted a modified version of *Robert's Rules of Order*. The abridged rules of order that will be entertained by the Bothell City Council can be found in the Appendix.

Customs of Formality

The presentation and disposition of motions at a City Council meeting involves significant interaction between the presiding officer and the members of the Council. Therefore, members should understand the customs of formality that are followed by the presiding officer and members in conformance with parliamentary procedure.

A. Customs Observed by Members

The regular presiding officer of the Council is addressed as “Mayor _____” or Mr. (or Madam) Mayor.” Even at meetings where no citizens are present, the presiding officer is called by the individual’s proper title and is never addressed or referred to by his or her first name or the personal pronoun “you.”

As a general rule, the presiding officer is addressed as “the chair” when additional reference is required. For example, “Mr. Mayor, do I understand the chair to state...” The presiding officer’s place or station in the chambers is also called “the chair.” Therefore, the term “the chair” applies to both the presiding officer and to that person’s station in the council chambers.

Members address only the chair, or address each other through the chair, and generally refer to each other by title. For example, “Mr. Mayor, may I ask Councilwoman A to explain...”

B. Customs Observed by the Presiding Officer

The presiding officer refers to himself or herself as the chair and never uses the personal pronoun “I.” For example, “The chair rules that...” The presiding officer also does not address an individual member as “you,” but refers to members by their proper title.

Meeting Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal by the Council. During Council meetings, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the chair or the rules of protocol.

Any Councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

Obtaining the Floor

A Councilmember shall address the presiding officer and gain recognition prior to making a motion or engaging in debate. The presiding officer will recognize Councilmembers by their last name, such as "Councilmember Jones." Councilmembers will address each other as Councilmember, followed by last name, such as "Councilmember Jones." Cross-exchange between Councilmembers and the public should be avoided. This is to prevent general conversation and to keep the order necessary to maintain decorum and accomplish the business of the Council.

After a member has concluded comments and yielded the floor, if two or more members are trying to obtain the floor at the same time, the general rule is that the person who addresses the chair first is entitled to be recognized. When a motion is open to debate, however, there are three instances in which the presiding officer should assign the floor to a person who may not have been the first to address the chair. These are:

1. The Councilmember who made the motion currently under debate is entitled to be recognized in preference to other members if that individual is claiming the floor and has not already spoken on the question.
2. No member is entitled to the floor a second time in the meeting on the same motion as long as another member who has not spoken on the motion desires the floor.
3. In instances where the person to be recognized is not determined by (1) or (2) above, and where the presiding officer knows that members who are seeking the floor have opposite opinions on the motion, the chair should let the floor alternate as much as possible between those favoring and those opposing the motion.

Questions to Staff

A Councilmember may, after recognition by the presiding officer, address questions to staff members.

Interruptions

Once recognized, a Councilmember should not be interrupted while speaking, except to make a point of order or personal privilege. If a Councilmember is called to order while speaking, the individual shall cease speaking until the question order is determined.

Upon being recognized by the presiding officer, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

Discussion Limit

A Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process.

Basic Steps to Conducting Business

Specific requests or proposals that are presented to Council for consideration and possible action must be introduced in the form of a motion. For the proper presentation and disposition of most motions, 13 separate steps are required. The basic steps to conducting business include:

The Presiding Officer (chair):

1. Introduces the item to be considered as presented on the agenda
2. Opens a public hearing
3. Closes the public hearing after receiving comments (if any) from the public
4. Calls for discussion

A member of the Council:

5. Addresses the chair
6. Is recognized by the chair
7. Proposes the motion

A second member of the Council:

8. Seconds the motion

The Presiding Officer (chair):

9. States the motion
10. Calls for any further discussion or debate
11. Restates the motion and puts the motion to a vote

The City Clerk:

12. Takes the vote
13. Announces the results

Making a Motion

Under parliamentary procedure, there are three steps required to bring a motion before the Council for its consideration:

1. A Councilmember makes a motion;
2. Another Councilmember seconds the motion, and
3. The chair states the motion.

Unless the motion can interrupt a speaker as explained in *Robert's Rules of Order*, a member must obtain the floor to make a motion. Once the chair has recognized a Councilmember, the individual makes the motion by saying, "I move that..." or "I move to..." and announcing what is proposed.

Councilmembers should attempt as much as possible to state motions in the positive form---that is, "I move to..." rather than "I move not to..." Motions where one must vote "yes" to vote against a proposal are confusing not only for Councilmembers, but also for staff and citizens.

If a proposal has only minimal support, a Councilmember might state "I make this motion in order to put it on the floor for discussion. I am not sure of my position on it at the present time."

Seconding a Motion

After a motion has been made, and if it requires a second, another Councilmember who wishes to see the motion considered says, without obtaining the floor, "I second the motion," or simply, "Second." A second merely implies that the member agrees the motion should come before the meeting, not necessarily that the member favors it. If another member of the Council does not second the motion, the chair normally asks, "Is there a second to the motion?" If there is no second, the chair should say, "Since there is no second, the motion is not before this meeting." If seconded, the maker of the motion should then be regarded as having the refusal of the floor in preference to all other members.

The purpose of a second is to prevent time being spent on motions that only one person wants to discuss. After the Council makes a motion, no person shall address the Council without first securing the permission of the Mayor or Council to do so.

Stating the Question

Under parliamentary procedure, making and seconding a motion does not put it before the Council for consideration. This can be done only by the chair when the presiding officer repeats the exact motion and indicates that the motion is open for debate by stating: "It has been moved and seconded that ... Is there any discussion?"

A. Right to Withdraw or Modify a Motion

Until the chair has stated the question, the maker has the right to modify or withdraw the motion. After the motion has been stated, however, it can be withdrawn only with the Council's consent. If any objection is made, it will be necessary to obtain leave to withdraw by a motion for that purpose. When a motion is withdrawn, the effect is the same as if it had never been made.

B. Pending Motions

When the chair has stated a motion, it is said to be *pending*. When several motions are pending, the last one stated by the chair, and the first to be disposed of, is called the *immediately pending question*. Thereafter, other pending motions are considered in descending order of rank.

Amendment of the Main Motion

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment *before* it is finally voted upon. Once recognized by the chair, a Councilmember may make the motion to amend by stating, "I move to amend the motion by..." ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be germane---that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the chair puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

The member, who offers the motion, until it has been stated by the chair, can modify the motion, or withdraw it entirely; after it is stated, he/she can do neither without the consent of the body (majority). For example, the mover may state, "With the consent of the body I will modify my motion to state as follows..." If no one objects, it shall be deemed that he/she has the consent of the body to modify his/her motion. When the mover modifies his/her motion, the one who seconds it can withdraw his/her second.

Postponement of Business

A. Postpone to a Time Certain

Council may delay action on a pending question by making a motion to postpone the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

B. Postpone Indefinitely

Council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

C. Table

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

Debate

The term “debate” applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, “I move that debate on the motion be closed,” or “I move the previous question.” However, Councilmembers should refrain from using the term, “call the question,” as a means to end debate. The audience better understands, “Move that debate on the motion be closed,” rather than “calling the question.” The motion must be seconded. The presiding officer immediately requests a vote, to which a two-thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate effects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

Debate shall not be closed until every Councilmember present has had at least one opportunity to speak on the motion.

While debate on a main motion is under way, amendments and subsidiary, privileged and incidental motions may be introduced (if they are in order), debated (if debatable) and disposed of.

In addition to the customs of formality discussed in Section 9.01, observance of the following practices will make debate smooth and orderly. Members of the Council should:

- Confine their comments to the merits of the pending question;
- Refrain from speaking against their own motions;
- Refrain from reading reports, quotations, etc., without permission of the Council; and

- Speakers should yield the floor to the chair whenever the chair interrupts to give a ruling or information, or to otherwise speak

Voting Procedures

Each Councilmember shall vote on all questions put to the City Council, unless a conflict of interest under State law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.

If a member asserts a conflict of interest under State law or appearance of fairness question, and it is not apparent to all Councilmembers present, the member shall be excused from voting on an issue only by majority vote of the Councilmembers present.

If it is determined by majority vote of the City Council as a whole, plus one, that a Councilmember has a conflict of interest under State law or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the City Council in order for the Councilmember to present further information to the Council, then the City Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the City Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the City Council shall make its determination as provided hereinabove.

When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the City Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law in which case Washington State law shall prevail. In order for an ordinance or resolution to become effective immediately, the City Council must declare that an emergency exists and approve the ordinance or resolution by the affirmative vote of three-fourths of the members of the City Council. (See Section 8.10E)

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Councilmember will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded.

A. Affirmative Vote

Affirmative votes will be cast in an audible tone of voice, except when seated at the dais for regular Council meetings, votes will be cast using the electronic voting board unless suspended as necessity or convenience of the Council dictates.

B. Abstention from Voting

Any member may abstain from voting on any question; provided, at the time of declaring his/her abstention, he/she shall state the reason.

C. Tie Vote

A tie vote results in the motion having failed. The presiding officer may publicly explain the effect of the tie vote for the audience.

D. Reconsideration

Reconsideration of an item will be considered by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

Right of Protest

A Councilmember is never required to state reasons for a dissenting vote; provided, however, that any member of the City Council shall have the right to state the reasons for his or her dissent from, or protest against, any action of the Council. Such statement shall be noted in the minutes along with the record of the vote in the following format: "Councilmember XX verbally stated his/her reasons for voting in the minority on this matter." No other statement is proper or will be allowed to be recorded in the minutes of the meeting.

General Rules of Procedure

A. Standing to Question Procedures

These rules shall govern the parliamentary procedures of the members and by the members only. Procedures may be questioned only by members of the body, and then only in accordance with these rules. The decision of the chair will be final and conclusive as to all, subject only to a motion by a member of the body, duly and timely made, in which case the ruling of the body shall be final and conclusive. Nothing in these rules will be construed to prevent the chairman or a member from requesting aid in the interpretation of these rules or other matters from the City staff or officials.

B. Precedence

Motions having precedence on those that may be made while another motion is pending.

C. To Yield

Motions yield when they are pending and another matter can be considered while the yielding motion still pends.

D. Applied

Where a motion can have no subordinate motion applied to it, the fact is stated. For example, the motion to continue may not be applied to the motion to lay on the table.

E. Debate

Debate shall not take place until the chair has stated the question. Debate shall be limited to the immediately pending question, except that the main question is also open when the following motions are pending: postpone indefinitely, or reconsider a debatable question.

F. Putting the Question

When the debate appears to have closed, the chair will ask, "Are you ready for the question?" If no one asks for the floor, the chair shall put the question to a vote, making it clear what the question is.

G. Majority

A majority of those present shall constitute a majority of the body assuming a quorum is present. The chair has the tie-breaking vote and may second a motion.

Specific Rules of Procedure

The following motions are permissible in considering any matter on the agenda, and unless otherwise specified, shall rank in precedence and application as set forth below:

A. Undebatable Motions

1. Question of Order and Appeal.

A question of order takes precedence of the question giving rise to it, may be put when another member has the floor, needs no second, and must be decided by the chairman without debate. If a member objects he may appeal, which if seconded, will immediately be put to the body. An appeal is waived if not made immediately. On appeal, the decision of the chair is sustained on a tie vote.

2. Suspension of Rules.

This motion may not be amended, nor another motion be applied to it, nor a vote on it reconsidered. Rules of the body may not be suspended except for a definite and specific purpose and by a vote of one more than a majority present. Nothing else may be done under the suspension. It may not be renewed at the same meeting if once defeated. It shall be in order to change the order of the agenda. No rule can be suspended when the negative vote is as large as the minority protected by that rule.

3. To Lay on the Table

This motion may not be used for purposes of continuance of a matter that has been specially called for public hearing, which is done by a motion to continue. It may not be amended, nor an affirmative vote on it be reconsidered.

If carried, the subject tabled may not be considered again until the body votes to take it from the table, which motion is also undebatable.

The object of the motion is to postpone the subject in such a manner that it can be taken up at any time, either at the same or some future meeting. It may be used to suppress a question for that meeting, but not for a matter for which a public meeting has been specially set. The effect of the motion is to place on the table everything that adheres to the subject, so that if an amendment were ordered to lie on the table, the subject whom it is proposed to amend is also tabled. However, it may be limited to the particular pending matter and if so adopted the remaining matters shall still be before the body.

4. The Previous Question

This motion is not amendable and applies to any debatable question, but is not debatable itself. It requires the vote of one more than a majority of the members present for its adoption. When called and seconded, the chair shall immediately put the question. If the motion fails to carry by a majority plus one of the members present, the debate will continue as if the motion had not been made. If adopted, the chair shall immediately bring the body to vote upon the pending question.

If applied to an amendment to a pending question, it brings to a vote not only the motion to amend, but also the question to be amended. However, the motion for the previous question may be limited to the pending amendment and, if adopted, debate will be closed only to the motion to amend.

It shall be proper for a member to submit a motion and at the same time move the previous question thereon and thus cut off debate on the motion. In this case, the chair shall first put the motion for previous question to vote.

B. Debatable Motions

1. Continue to a Certain Day

This motion yields to all undebatable motions, and takes precedence of all other debatable motions, except that it may be amended by altering the time, and the previous question can be applied to it without affecting any other motions pending.

2. To Commit or Refer

This motion is to commit or refer a matter to a committee. It can be amended by altering the committee, or giving the committee instructions. The debate on the motion opens the debate on the main question it is proposed to commit.

3. To Amend

This motion takes precedence over nothing but the question that it is proposed to amend and yields to all questions except to postpone indefinitely. It can be applied to all but undebatable questions, an amendment of an amendment, to postpone indefinitely, or to reconsider. It can be amended itself, but an amendment of an amendment cannot be amended.

An amendment may be inconsistent with the one already adopted, or may be directly in conflict with the spirit of the original motion, but it must have a direct bearing upon the subject of that motion. A motion to amend by inserting new words once past may not be the subject matter of a new amendment to change the same words. The proper motion is the motion to reconsider the vote by which the words were inserted.

A motion to amend may be made to “divide the question” into two or more questions as the mover specifies, so as to get a separate vote on any particular point or points.

4. To Postpone Indefinitely

This motion takes precedence of nothing except the question to which it is applied and yields to all motions except to amend. It cannot be amended, and opens to debate the entire question which it is proposed to postpone.

Its effect is to entirely remove the question from the body for that session. The previous question, if ordered when this motion is pending, applies only to it without affecting the main question.

It cannot be applied to a matter that has been specifically set for public hearing. A negative vote on it cannot be reconsidered.

5. Principal Question

The main or principal question is a motion to bring before the body for its consideration any particular subject. No principal motion can be made when any other motion is before the body. It takes precedence over nothing and yields to all.

C. Miscellaneous Motions

1. To Rescind

This motion cannot be made for a matter that has been voted upon for which a matter has been specifically called for public hearing. However, for other matters to which it is appropriately addressed, as where it is too late to reconsider the vote, the motion is the course to pursue to rescind an objectionable policy, order or motion; it is debatable.

2. To Reconsider

This motion is not in order after the body has voted upon the principal question which is the subject matter of a specially called public hearing, unless made immediately after thereon and before the Council has moved to the next item of business. It is otherwise in order at any time, even when another member has the floor, but not after the Council has adjourned the meeting. Nothing herein shall be construed as preventing the council from considering the same item at a subsequent meeting as a new item of business.

A member who voted with the prevailing side must make the motion. It can be applied to the vote of every other question, except as noted above, and except to suspend the rules and an affirmative vote to lay on the table or to take from the table.

The motion may not be amended. Whether or not it is debatable depends upon whether the question to be reconsidered is debatable or undebatable. It may be laid on the table, in which case, the reconsider, like any other question, can be taken from the table.

3. Roll Call

Any member may demand a roll call vote any time before or after any question is put. The demand needs no second and the chair must ask for a roll call vote on demand. It is not debatable and may be applied to any question. It is waived if after the vote it is not immediately made and prior to the next matter being considered.

Suggested Forms

1. Undebatable Motions

a. Question of order

Member: "I raise a point of order."

Chair: "State your point of order."

Member: States his/her point of order

Chair: Ruling by the chair, which may give reasons.

Member: "I appeal from the decision of the chair."

Chair: (If seconded) "Shall the decision of the chair stand as the decision of the body?"

b. Suspension of rules (majority plus one)

Member: "I move to suspend the rules requiring..."

c. To lay on the table (majority plus one)

Member: "I move to lay the question (stating it) on the table."

Chair: (If seconded) "Shall the main question be now put?"

Member: "I call for the previous question on the amendment."

Chair: (If seconded) "Shall the question be now put on the amendment?"

2. Debatable Motions

a. Continue to a certain day (majority)

Member: "I move to continue the question of (stating it) to the next regular (or recessed) meeting of (date)." *NOTE: Confirm date of meeting with City Attorney in matters of land use to ensure compliance with the BMC.*

b. To commit or refer (majority)

Member: "I move to refer the subject to a committee."

c. To amend (majority)

Member: "I move to amend the motion to 'add', or 'insert', to 'strike', to 'strike out XYZ and insert ABC', to 'divide the question' (into two or more questions), etc."

d. To postpone indefinitely (majority)

Member: "I move to postpone the question indefinitely."

e. Principal question (majority)

Member: "I move that..."

3. Miscellaneous Motions

a. To rescind (majority)

Member: "I move to rescind that motion, policy, etc."

b. To reconsider (majority)

Member: "Having voted on the prevailing side, I move that we reconsider the vote on the motion to (stating it) and have such motion entered on the record."

c. Roll call (any member)

Member: "I demand a roll call vote." No second needed.

Chair: "The clerk will please call the roll."

Other Protocol

Councilmembers and staff shall:

- Work to preserve appropriate order and decorum during all meetings.
- Address Councilmembers as Councilmember, followed by last name, such as “Councilmember Jones,” and staff by staff member’s last name.
- Discourage side conversations, disruptions, interruptions or delaying efforts.
- Limit questions after motions and eliminate questions that are meant to merely support position.
- Focus on outcomes rather than the activities that create end result
- Inform the presiding officer when departing from a meeting.
- Limit disruptive behavior. The presiding officer will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by the law. The City Council discourages applause, booing or other similar behaviors from the public during meetings.
- Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff stations.

A. *Enforcement of Order*

The Chief of Police (or designee) acts as the sergeant-at-arms. It shall be the duty of the sergeant-at-arms to carry out all instructions of the presiding officer to preserve the peace and maintain order and decorum at Council meetings.

A portion or all of the public may be removed from the meeting site if willful disruption makes conducting the meeting unfeasible. Upon instructions of the Mayor, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him or her to be prosecuted in accordance with law.

B. *Values of Respect*

The City Council recognizes the importance of approaching the public’s business in an environment of personal respect that places emphasis on the consideration of policy and avoids personalization of comments. Some general guidelines utilized by the City Council include:

- Discussion should focus on policy matters.
- Personal criticism of members is inappropriate.
- Proper decorum should be displayed as other members express their views.

9.21 Parliamentarian

The Mayor, or in the absence of the Mayor, the Deputy Mayor, shall serve as parliamentarian for the City Council and as such shall decide all questions of parliamentary procedure in accordance with the parliamentary rules contained in *Robert’s Rules of Order*. Before deciding any question of parliamentary procedure, the Mayor may request advice from the City Attorney or City Clerk or designee. In cases where serious errors in procedure are being used or being contemplated, the City Attorney should give advice even when it has not been requested.

Reference Guide to Motions

		Interrupts action/speaker	Requires a second	Debatable	Amendable	Required vote	Can be reconsidered		
Action								Robert's Rules Section (9th Edition)	
Main motion or question	16*	No	Yes	Yes	Yes	Majority	Yes	10	
Move to adjourn	1*	No	Yes	No	No	Majority	No	21	
Move to take a recess	1*	No	Yes	No	Yes	Majority	No	20	
Question of privilege		Yes	No	No	No	No Vote	No	19	
Move to lay the question on the table		No	Yes	No	No	Majority	No	17	
Move to close debate		No	Yes	No	No	2/3	Yes	16	
Move to limit debate	3*	No	Yes	No	Yes	2/3	Yes	15	
Move to postpone	1*	No	Yes	Yes	Yes	Majority	Yes	14	
Move to refer the matter	4*	No	Yes	Yes	Yes	Majority	Yes	13	
Move to amend the motion	5*	No	Yes	10*	Yes	Majority	Yes	12	
Move to postpone indefinitely		No	Yes	Yes	No	Majority	13*	11	
Move to introduce business		No	Yes	Yes	Yes	Majority	Yes	10	
The motions listed above are in order of precedence. Below there is no order.									
Point of order		Yes	No	No	No	15*	No	23	
Appeal the decision of the chair		Yes	Yes	Yes	No	9*	Yes	24	
Move to suspend the rules	2*	No	Yes	No	No	2/3	No	25	
Parliamentary inquiry		12*	No	No	No	No Vote	No	32	
Move to take from the table	6*	No	Yes	No	No	Majority	No	33	
Move to reconsider	7*	12*	Yes	10*	No	Majority	No	36	
Move to rescind	8*	No	Yes	Yes	Yes	11*	14*	34	

- 1* To date and time. Not necessary with "Move to adjourn."
- 2* "... That interfere with _____." The motion must state its purpose or object
- 3* Specify what limitations: i.e., time, number of speeches, etc.
- 4* Specify to whom and for what reason
- 5* Specify amendment
- 6* During same meeting at which the item was tabled or ~~at the next meeting~~
- 7* Maker of motion must have been on prevailing side
- 8* Specify action to be rescinded
- 9* The question is, "Shall the decision of the chair stand?" A majority negative vote is necessary to overrule the decision
- 10* Only if the motion in question is itself debatable
- 11* Whatever vote was required to pass the motion in question
- 12* Can only interrupt speaker with speaker's permission, but does interrupt proceedings
- 13* Affirmative votes may be reconsidered
- 14* Negative votes may be reconsidered
- 15* No vote unless the chair submits to the assembly for a decision
- 16* For circumstances where a greater than majority vote is required for approval, see Section 8.10E of this manual
- 17* Ruling on question of privilege is made by chair