

ORDINANCE #479

AN ORDINANCE ESTABLISHING RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; AND REPEALING ORDINANCE NUMBER 434.

WHEREAS, the Town of Yacolt, Washington, (hereafter the "*Town*"), desires that all Council meetings be open and responsive to the public;

WHEREAS, Council and public participation in such meetings should be carried out with efficiency and uniformity;

WHEREAS, written rules of procedures best assure an atmosphere conducive to said efficiency and uniformity, and no member of the Council or public should be embarrassed in the exercise of his/her right of free expression;

WHEREAS, the Town Council of the Town is in regular session this 18^h day of April, 2011; and,

WHEREAS, all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 – General Principles:

- A). **Purpose.** It is the purpose of the Town Council of the Town of Yacolt in adopting these rules to provide a method for the conduct of its affairs.
- b). **Duty of Mutual Respect.** It is the constant duty of each Council member to maintain respect for each other, the Town staff and the public. Likewise, the Council shall require corresponding respectful behavior from all persons who attend a meeting.
- c). **Duty of Ethical Conduct.** Every Council member must uphold the constitution, laws, and regulations of the State of Washington and the Charter and Ordinances of the Town. No Council member may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of his or her public duties. No Council member in his or her official capacity may participate in a transaction involving the Town with a party in which the Council member, or a family member, owns a beneficial interest.

Section 2 – Place and Time of Meetings:

The regular meetings of the Town Council are at 7:00 p.m. on the first and third Mondays of each month in the Council Chambers, located at 202 W. Cushman, Yacolt, Washington. If a regular meeting day falls on a legal holiday as designated in RCW 1.16.050, such regular meeting shall be held on the next business day at the same hour.

Section 3 – Agenda:

The Mayor, departments and the public may add items to the proposed/draft agenda. The deadline is the Monday prior to the regular scheduled meeting. On Tuesday the proposed/draft agenda shall be emailed to all council members with email. Those without email may pick up their copy after 1:00 p.m. on Tuesday. Others may with the approval of the Council be added to receive a proposed agenda as provided for in a resolution. Members of the Council may add items to the proposed/draft agenda. All changes to the proposed/draft agenda must be to the Clerk by noon on Wednesday prior to the meeting.

The Town Council may approve any other changes, deletions or additions to the agenda by motion at the beginning of the meeting.

Section 4 – Robert’s Rules of Order:

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to Robert's Rules of Order, Newly Revised.

Section 5 – Distribution of Agenda and Packet:

The Town Clerk is responsible for distributing the packets to Council members. The packets shall be delivered to all Council members on the Thursday prior to the meeting. The packets shall include agenda items with subject, who is speaking, and all supporting documentation.

To notify the public of the preliminary agenda for a public meeting, the agenda shall be posted on the Town’s website, and on or near the front door of Town Hall by noon on the Friday before the scheduled meeting. Copies of the preliminary agenda shall be available to the public during normal business hours at Town Hall after noon on the Friday before the scheduled meeting, and during the day of the scheduled meeting.

The Town Clerk is authorized to develop a ‘Request for Council Action’ form for approval by the Town Council which should include relevant information such as the requestor’s name, meeting date, title, governing legislation, summary and background, expected budget impacts, and staff contacts. The Town Clerk shall provide the ‘Request for Council Action’ form as a cover page with all requests for Council action.

Section 6 – Rules of Decorum:

At any meeting of the Town Council, the following rules of decorum shall be observed:

- a). **General Rules of Decorum.** All remarks shall be addressed to the Council as a whole unless responding to a question from a Council member. Persons addressing the Council shall not make personal, impertinent, unduly repetitive, slanderous, or profane remarks to the Council, Staff, or general public, nor use loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts or otherwise impedes the orderly conduct of any Council meeting. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.
- b). **Enforcement of Decorum.** At the discretion of the presiding officer or upon a majority vote of the Council, the presiding officer may order the removal of any person committing any of the following acts of disruptive conduct with respect to a regular meeting, adjourned regular meeting, special meeting or workshop of the Town Council:
 - 1). Disorderly, contemptuous or insolent behavior toward the Council or any member thereof, tending to interrupt the due and orderly course of said meeting;
 - 2). A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
 - 3). Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Council; and,
 - 4). Any other unlawful interference with the due and orderly course of said meeting.

Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Council.

Section 7 – Conduct of Meetings:

All discussions shall be conducted in a respectful manner. The Mayor or Mayor Pro-Tem shall give permission to speak. If the Mayor or Mayor Pro-Tem calls a speaker out-of-order, that speaker has no permission to speak. If the speaker continues to speak, he/she may be asked to leave the meeting.

Section 8 – Public Testimony Regarding Legislative Agenda Items – Time Limits:

The Town Council may invite public testimony on proposed ordinances and other items of new or old business. Members of the public may indicate their desire to address the Council by signing up prior to the meeting and providing the speaker's name, address, and the agenda item(s) about which the speaker would like to comment. The total time for public testimony on a particular proposed ordinance or other agenda item shall not exceed 15 minutes unless additional time for testimony is approved by the Mayor or Council. Public testimony shall be limited to three minutes per speaker unless, at the Mayor's discretion, he/she determines that because of the number of speakers signed up to testify, less time will need to be allocated per speaker in order to accommodate all of the speakers. The Mayor may allow additional time if a speaker is asked to respond to questions from the Council. Residents within the Town's limits shall be called first and if there is time, others may be heard. No one may speak without first being recognized for that purpose by the Mayor. Each speaker shall verbally identify him (her) self by name and state whether they live inside or outside the Town limits.

Section 9 – Proposed Ordinances and Resolutions:

Proposed ordinances and resolutions shall be filed with the Town Clerk by the advance agenda deadline and copies included in the Council's packet for the meeting in which the ordinance or resolution is on the agenda. In any event, an ordinance or formal resolution must have been filed with the Town Clerk prior to the meeting in which it is an agenda item. No ordinance or resolution, except emergency measures, shall be passed unless it has been filed with the Town Clerk prior to the meeting.

The Town Clerk shall read the title and give a brief description. The Town Clerk/Treasurer may not make any other comments about the proposed ordinance or resolution unless it is to answer questions.

All proposed ordinances shall include appropriate signature lines, prior attorney approval for form and content, a summary for publication in the local newspaper, and the effective date. After passage, Council members shall receive a copy of the final approved ordinance or resolution in their next packets.

Section 10 – Citizens Communication:

Prior to the start of a meeting, residents may sign up to address the Council by providing their name, address, and the subject they wish to address. Each speaker is limited to three (3) minutes. Time for citizen communication shall be limited to 15 minutes total. Residents within the Town limits shall be heard first and if there is time remaining, others may be heard. The citizen's communication must be related to Town business and shall not be used to make personal comment or verbal insults about any individual. There will be no disruptive behavior, (including hand clapping or yelling), by anyone.

Section 11 –Special Meetings:

Any Council member may call a special meeting. The Council may call a special meeting by motion during any meeting or at any other time as deemed necessary by the Council.

Section 12 – Workshops:

The Council may schedule workshops for the purpose of discussing any Town business. Such meetings are informal. The Clerk shall take minutes and distribute the minutes with the Council's next packet.

A quorum of the Council is not necessary in order to proceed with a study session. The audience shall not be permitted to speak during a workshop.

Section 13 – Quorum:

A quorum of the Council consists of three or more Council members present. If a quorum is not present at a meeting, the meeting may be cancelled until the next regularly scheduled meeting.

Section 14 – Voting:

Any motion shall pass if approved by a majority vote of a quorum of the Council at the meeting. If a Council member is not present at the meeting, he/she shall not be allowed to vote. The Mayor shall have a vote only in the case of a tie in the votes of the Council members.

Section 15 – Clerk Duties at Meetings:

The Town Clerk shall provide two sign-up sheets for the members of the public who wish to speak during the meeting. The sign-up sheets shall include a place for the speaker's name, address, and subject to be discussed. One sign-up sheet will be for items not on the agenda to be discussed during Citizen Communication. The other sign-up sheet will be for items on the agenda under new business that the person wishes to speak on.

The Town Clerk shall take minutes at regular meetings, special meetings and workshops. No Town official or member of the Town's staff shall make any video recording during a meeting without prior authorization by vote of the Council.

Section 16 – Seating at Meetings:

Mayor or Mayor Pro-Tem at the Mayor table. Council in order of positions one through five. Staff table: Attorney, (if present), Town Clerk and Public Works Director. No notes shall be passed between staff or staff and attorney.

Section 17 – Finance Committee:

Two Council members shall serve for a six-month period, rotating every three months. They will verify checks against invoices and initial each invoice. Any invoices and checks that the finance committee does not approve shall be pulled for verification. At the next regular Council meeting, the Council may approve payment of the bills. The council has the right to pull any bill for verification. After the bills have been verified and approved by the Council, they shall be paid by the Town Clerk/Treasurer.

Section 18 – Mayor or Council Position Vacancy:

A vacancy in the position of Mayor or Council member shall be filled in accordance with RCW 35.27.140, 42.12.070 and 42.30.110. The Council shall set the procedure and may advertise, develop an application, develop interview questions, and the manner in which each candidate may be called for an interview. The Council may convene in executive session to discuss the qualifications of the candidates. The Council may decide to appoint someone without advertising, or conducting an application or interview process. The procedure shall be decided by motion and vote of the Council prior to any action by the Council. The voting shall be in a public meeting.

Section 19 – Handbook:

The Town Clerk is authorized to prepare a handbook of the rules and procedures set forth in this Ordinance for the use and convenience of the Council, staff and public.

Section 20 - Repeal of Ordinance #434:

Ordinance #434 of the Town of Yacolt, adopted July 19, 2004, entitled “An Ordinance Establishing Regular Meeting Days and Time for the Town Council of the Town of Yacolt, Washington, Repealing Ordinances #336 and #418” is hereby repealed.

Section 21 - Savings Clause:

All terms of Ordinance #434, as amended, shall remain in full force and effect until the effective date of this Ordinance #479.

Section 22 - Severability:

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 23 - Effective Date:

This Ordinance shall take effect immediately upon adoption and publication of the following

summary, according to law.

Town of Yacolt - Summary of Ordinance #479

The Town Council of the Town of Yacolt adopted Ordinance #479 at its regularly scheduled Town Council meeting held on April 18, 2011. The content of the Ordinance is summarized in its title as follows:


AN ORDINANCE ESTABLISHING RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; AND REPEALING ORDINANCE NUMBER 434. The effective date of the Ordinance is April 18, 2011.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 26th day of April, 2011.
Cindy Marbut, Town Clerk/Treasurer

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18th day of April, 2011.

TOWN OF YACOLT


James Weldon, Mayor

Attest:


Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:


David W. Ridenour, Town Attorney

Ayes: Holyk, Hancock, Ayers, Robertson
Nays: Ø
Absent: Ø
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #479 of the Town of Yacolt, Washington, entitled "An Ordinance Establishing Rules of Procedure for Town Council Meetings; and Repealing Ordinance Number 434", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Cindy Marbut, Town Clerk/Treasurer

Published: APRIL 26th, 2011
Effective Date: APRIL 18th, 2011
Ordinance Number: 479