

City Government Coordination Manual



*“Building A Stronger Community
TOGETHER”*



Resolution No. 831-0404

Adopted May 10th, 2004

**A Comprehensive Collection of Meeting Rules,
Coordination Procedures, Administrative Public
Hearing Procedures, and Applicable References from
the Revised Code of Washington.**

To the Shelton City Commission:

The City of Shelton has traditionally used general rules of meeting procedure (Roberts Rules of Order) to provide structure to Commission proceedings.

The responsibilities of modern government require that we update the procedures which help us function effectively in the current atmosphere of complex laws, rules and regulations.

Thus we have an opportunity to refine and expand those initial rules of self-government. In composing this “second generation” City Government Coordination Manual, members of the Commission have worked individually as well as within public study sessions over the past four (4) months. You have directed outreach to citizens and more open, user friendly, government as your top priorities. You have already incorporated many small procedural changes on a trial basis.

While some other sources of standards and practices do exist, unfortunately those examples are scattered in a number of resources and references. The Shelton Government Coordination Manual represents standards for Shelton’s government practices in a single document. It is a comprehensive collection of meeting rules, coordination procedures, administrative references, public outreach guidelines and public hearing procedures. Included are relevant sections of the Revised Code of Washington that relate to the Commission form of local government. Also included are City Commission “core beliefs”, (policies that guide City Administration and encourage public participation), and several related appendices.

This manual can be a valuable resource for Shelton’s citizens, the City Commission and City Administration as we continue to work together for effective and efficient local government.

Not surprisingly, the attorneys we rely on for legal guidance want everyone to know that these rules should not be construed to invalidate any action of the City Commission, which is otherwise in compliance with applicable law.

It is recommended that the members of the City Commission and Administration be familiar with the contents of this manual and keep it close at hand.

**Respectfully submitted:
Stan E. McNutt
Interim City Administrator**

RESOLUTION NO. 831-0404

A RESOLUTION OF THE CITY OF SHELTON WASHINGTON, SETTING RULES OF PROCEDURE FOR CITY COMMISSION MEETINGS, PUBLIC HEARINGS, LEGISLATIVE PROCESS AND GENERAL GOVERNMENT POLICIES.

WHEREAS, the City Commission desires that all Commission meetings be open and responsive to the public; and

WHEREAS, such meetings should be carried out with efficiency and uniformity in the manner of Commission and Public interactive participation; and

WHEREAS, written rules of procedure best assure an atmosphere conducive to said efficiency and uniformity, and that no member of the Commission or public need be embarrassed or uncomfortable in the exercise of his/her right of free expression,

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF SHELTON DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. There is adopted by reference, "CITY of SHELTON GOVERNMENT COORDINATION MANUAL" dated May 10th 2004, and attached hereto as Exhibit "A".

ADOPTED by the City Commission of the City of Shelton, Washington at the regular meeting of the City Commission on the 10th day of May 2004

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Exhibit A – City Commission Rules of Procedure and City Government Coordination Manual.

ARTICLE 1 – USE OF RULES

- 1.1 Purpose.** These City Commission Rules of Procedure are designed to provide guidance for the City Commission and City Administration. They are not to be considered restrictions or expansions of City Commission authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.
- 1.2 Use.** No action taken by a Commissioner or by the Commission which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Commissioner’s or Commission action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Commission may enforce these rules or rely on these rules. Failure of the City Commission to follow any of these rules shall be considered a Commission decision to waive such rule. No notice of such waiver need be given.
- 1.3 Public Use or Reliance Not Intended.** Because these rules are designed to assist the City Commission and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, “appearance of fairness rules”, public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

End of Article 1 – Use of rules

ARTICLE 2 – CITY COMMISSION, THE GOVERNING BOARD

2.1.1 Commission Meeting - Time and Location.

Regular meetings of the Commission shall be held on the first and third Monday of each month and workshops or study sessions on the second, fourth and fifth Mondays, at such times as are adopted by the Commission, unless cancelled or postponed in accordance with applicable State or local procedures. Special meetings may be called by the Mayor or two Commissioners.

2.1.2 Commission Meetings – Open to the Public.

All meetings of the City Commission and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

2.2 Mayor/Mayor Pro-tem.

State statute provides that the Commissioner of Public Safety shall be the Mayor. He/she shall preside at meetings of the Commission and be recognized as the head of the City for ceremonial purposes. In case of the Mayor's absence or temporary disability, the Commissioner of Finance and Accounting shall act as Mayor Pro-tem during the continuance of the absence.

2.3 Quorum.

At all meetings of the Commission, two Commissioners shall constitute a quorum for the transaction of business. A lesser number may adjourn from time-to-time, provided that written notice of said adjournment be posted on the exterior Commission Chamber doors per RCW 42.30.090. Commission meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170, 35A.12.120)

2.4 Respect and Decorum.

It is the duty of the Mayor and Commissioners to maintain dignity and respect for their offices, City staff and the public. While the Commission is in session, the Commissioners shall preserve order and decorum and no member of the public shall, by conversation or otherwise, delay or interrupt the proceedings of the Commission, nor disrupt or disparage any member while speaking. Commissioners and the public shall obey the proper orders of the Mayor/Mayor Pro-tem.

Any person making disruptive, disparaging or impertinent remarks or unreasonably interrupting the business of the Commission, either while addressing the Commission or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as set forth in section 9.2 of this resolution.

2.5 Permission Required to Address the Commission.

Persons other than Commissioners and Administration shall be permitted to address the Commission upon recognition and/or introduction by the Mayor/Mayor Pro-tem or the Commissioner of the appropriate departmental operation.

2.6 Forms of Address.

The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". The Mayor Pro-tem shall be addressed as "Commissioner (surname)" when the Mayor is present and "Mayor Pro-tem (surname)" when the Mayor is absent. Members of the Commission shall be addressed as "Commissioner (surname)".

2.7 Seating Arrangement.

Commissioners shall occupy the respective seats in the Commission Chamber assigned to them by the Mayor.

2.8 Tele/Video Conferencing. (attendance by remote technology)

- (a) Requests, by a Commissioner, to participate by tele/video conference in a **nonvoting** capacity shall be granted by the Mayor/Mayor Pro-tem, provided technical capability exists and adequate notice is given, and shall be at the Commissioner's own expense, unless waived in a Commission motion.
- (b) Tele/video conferencing for **voting** purposes may be permitted upon a majority vote of the Commission present at the meeting site, provided all documents and exhibits are clearly visible or readable for all participants and provided that a video and audio record of the tele/video conference is made. The cost of such video conferencing and record thereof shall be paid by the Commissioner requesting tele/video conferencing, unless waived by vote of the Commission. No tele/video conference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.
- (c) Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc.

2.9 Attendance, Excused Absences. RCW 35.23.101 provides that a Commissioner may forfeit his/her office by failing to attend three consecutive regular meetings without being excused by the Commission. Members of the Commission may be so excused by complying with this section. The member shall contact the Mayor/Mayor Pro-tem prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Mayor/Mayor Pro-tem, the member shall contact the City Administrator or City Clerk, who shall convey the message to the Mayor/Mayor Pro-tem. Following roll call, the Mayor/Mayor Pro-tem shall inform the Commission of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebateable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes.

2.10 Filling Commission Vacancies.

- (a) If a vacancy occurs, the Commission will follow the procedures provided in RCW 35.17.020. In order to fill the vacancy with the most qualified person available until an election can be held, the Commission will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Commission will draw up an application, which contains relevant information to answer set questions posed by the Commission. The application forms will be used in conjunction with an interview of each candidate to aid the Commission's selection of the new Commissioner.
- (b) Continuity of government. In the event that the Mayor/Mayor Pro-tem is unavailable by reason of enemy attack to exercise the powers and discharge the duties of the office, then the Commissioner of Streets and Public Improvements shall act as the executive head of the City.

End of Article 2 – City Commission, The Governing Board

ARTICLE 3 - COMMITTEES, BOARDS & COMMISSIONS

3.1 Committees.

- (a) All standing citizen committees, boards and commissions which are, or which may be hereafter, required by State law shall be appointed by the Mayor with confirmation by the Commission.
- (b) All other committees, citizen's advisory and taskforce groups, and the rules or operating procedures thereof shall be established by Commission directive. Such committees or groups shall be commissioned for a time certain and provided with a clear task description and "sunset" provision. Appointment shall be by the Mayor with confirmation by the Commission. The Commission may choose to waive confirmation in the instrument creating said committee or group. Such committees shall be subject to review, whenever a new Commission is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary. Members of any committee, board or commission which has been appointed or confirmed by the Commission, may be removed without cause by a majority vote of the Commission. A copy of the current motion(s), or as hereafter amended, establishing committees, liaisons and citizens' task force groups shall be attached hereto, as Exhibit A-3. (See the attached related charts Exhibits A-4 (1) (2) & A-4 (3).)
- (c) Other special ad hoc committees and Commission liaisons for a particular purpose may be appointed by the Mayor, with confirmation of Commission, for a time certain along with a clear task description and "sunset" provision.
- (d) Committees, liaisons and citizens' advisory or taskforce groups may be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Commission. The appropriate spokesperson may present the recommendation(s) during discussion of that business item on a Commission agenda.
- (e) No citizen board, commission, or advisory bodies to the City Commission shall take votes for final action outside of an open public meeting.

3.2 Relations with Boards, Commissions and Citizen Advisory Groups

Boards, commissions and citizen advisory bodies of the City of Shelton shall provide the City Commission with minutes, or a summary report of all meetings. Communications from such boards, commissions and advisory bodies shall be acknowledged by the Commission. Any member of the Commission may also bring such communication to the Mayor/Mayor Pro-tem's attention under the agenda item "Committee, Board and Liaison Reports." Should any member of the Commission determine that such communication be officially answered by the Commission, the Mayor/Mayor Pro-tem shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

End of Article 3 – Committees, Boards and Commissions

ARTICLE 4 - CITY ADMINISTRATION

- 4.1 City Administrator.** The City Administrator is the chief administrative officer of the City of Shelton. The Administrator is appointed by and directly accountable to the City Commission for the execution of the City Commission's legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Administrator are defined by City of Shelton ordinance. Such duties may be expanded or clarified by job description, resolution or Commission directive (motion). Balanced with the City Administrator's accountability to the City Commission for Commission policy execution is the need for the Commission to allow the City Administrator freedom to perform those duties and responsibilities in his/her day-to-day management. The City Administrator makes appointments and removals of employees and may delegate such powers to department heads in accordance with City of Shelton ordinance, and as hereafter amended, provided, that nothing herein shall be construed to prohibit the Commission, while in open session, from fully and freely discussing with the City Administrator, anything pertaining to appointments and removals of City officers and employees and City affairs.
- 4.2 Role of the City Administrator.** The City Administrator shall attend all meetings of the City Commission, unless excused by the Mayor/Mayor Pro-tem or Commission. The City Administrator may recommend for adoption by the Commission such measures as he/she may deem necessary or expedient, prepare and submit to the Commission such reports as may be required by the body or as the City Administrator deems advisable to submit; keep the Commission fully advised as to the business of the City; and shall take part in the Commission's discussion on all matters concerning the welfare of the City. In the event that the City Administrator is unable to attend a Commission meeting, the City Administrator shall appoint a key staff member to attend the meeting as the representative of City Administration.
- 4.3 Informal Communications Encouraged.** Members of the Commission are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Commission office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Commissioners should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Administrator's directives. City staff should provide the supervisor with the same information shared with the Commissioner.
- 4.4 Complaints to Commissioners.** When performance complaints are made by citizens about staff actions or non-action directly to an individual Commissioner, the Commissioner should then refer the matter directly to the City Administrator for review and/or action. The individual Commissioner may request to be informed of the action or response made to the complainant.
- 4.5 Administrative Complaints - "Best Practice".** Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Commissioners should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Administrator, unless an unsatisfactory result has occurred. In that case refer to Section 4.4 above.

4.6 City Clerk - Minutes - Public Information Access. The City Clerk shall be ex-officio Clerk-of-the-Commission and shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Commission, Mayor/Mayor Pro-tem, or City Administrator. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Commission. The “Clerk-of-the-Commission” shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall tape record the proceedings of all public hearings, regular business meetings, and of all land use and quasi-judicial proceedings, except that no recordings shall be made of study sessions or workshops where no final actions are intended. The Clerk shall keep, and make available, an agenda and date for each tape recording, which will facilitate location of the recorded proceedings. Access to the audio recordings shall be made reasonably available to any party who so requests, according to City public record procedures.

4.7 "The Three Touch Principle". Decision-makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. *It is the intent of the Commission that the Commission and Administration should abide by, the “Three Touch Principle” whenever possible.* The following procedural guidelines are designed to avoid “surprises” to the Commission, citizens and administrative personnel.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions or directives which will require a decision of the City Commission, or Administration should normally “*touch*” (oral, written or any combination thereof) the decision makers *three separate times*. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the “Three Touch Principle.”

It is recognized that the hands of decision-makers should not be tied unnecessarily. Unexpected circumstances may arise wherein observance of the "Three Touch Principle" is impracticable. However, when unusual circumstances arise which justify a “first discussion” decision, the persons requesting the expedited decision should also explain the timing need. This principle excludes staff reports and other general communications not requiring a future Commission decision.

4.8 City Staff – Attendance at Meetings. Attendance at meetings by City staff shall be at the discretion of the City Administrator. It is the intent of the Commission that the Administrator schedule adequate administrative support for the business at hand but also to protect the productive capability of Department Heads. When sound system or other monitoring capabilities exist, the City Administrator may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Commission is required.

4.9 Presentations and Briefings. Administrative presentations: In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as;

- Overhead projection summaries or PowerPoint bullet points.
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems.
- Bullet point or summary handouts for the public and the press, when appropriate.

- Slide projector or video-cam clips to show actual situations or settings.
- Large maps to help pinpoint specific locations or parcels.
- Use of color to highlight important elements.
- White board for illustration.
- The presenter should layout the room or display so as to allow the public to follow and understand the issues.

End of Article 4 – City Administration

ARTICLE 5 - TYPES OF MEETINGS

Regular, Special, Study Sessions and Workshops

- 5.1 Regular Meetings of the Commission** are held on the first and third Monday of each month and study sessions or workshops on the second, fourth and fifth Mondays unless cancelled or postponed in accordance with applicable State or local procedures. When legal holidays fall on a Monday, Commission meetings are held on the next business day.
- 5.2 Special Commission Meetings.**
- (a) A special meeting may be called by the Mayor/Mayor Pro-tem or two (2) members of the Commission. (RCW 35.17)
 - (b) Notice of the special meeting shall be prepared in writing by the City Clerk. The notice shall contain the following information about the meeting: **time, place, and business to be transacted.** Final action shall not be taken on any other matter at such special meeting of the Commission. The notice form shall be approved by the City Attorney.
 - (c) The notice shall be delivered by regular or electronic mail or personally to the residence of each Commissioner, City administrative staff, the Shelton Civic Center, the Shelton Public Library and the business office of each local newspaper, radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.
 - (d) The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080, that is: **(1)** As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, **(2)** As to any member who was actually present at the meeting at the time it convenes, and **(3)** 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; **(4)** As otherwise provided by law.
- 5.3 Study Sessions and Workshops.**
- (a) Regular or Special Commission meetings, or portions thereof, may be designated as **Study Sessions.** Study Sessions need have no formal agenda, except when required for Special Meetings under RCW 42.30.080, and may be conducted informally so long as such informality is not in conflict with these rules. The purpose of Study Session discussions is to allow Commissioners to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. Any meeting may be adjourned to a Study Session when time allows and the regular business has been transacted.
 - (b) The purpose of **Workshops** is to allow Commissioners to do concentrated preliminary work with Administration or the public on single subject (i.e., budget, complex legislation or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation. Public comment is not normally allowed at workshops

although the Commission may allow, or request, participation in the same manner as a regular Commission meeting.

5.4 Study Session agendas.

- (a) The City Clerk, under the direction of the City Administrator, shall arrange a Commission study session worksheet for the meeting. The worksheet shall, for each item, contain the discussion *subject*, the discussion *leader*, the *activity* and the discussion *goal*. After the proposed worksheet has been approved by the Mayor/Mayor Pro-tem, a copy shall be prepared for Commissioners, City administrative staff, the Shelton Civic Center, the Shelton Public Library and the press, on or before close of business the Friday before a Commission study session or workshop.

5.5 Study Session Procedure. **During the Commission study session or workshop, the discussion leader should:**

- (a) **Introduce the subject and give background information;**
- (b) **Identify the discussion goal;**
- (c) **Act as facilitator to keep the discussion focused toward the goal; and**
- (d) **Alert the Mayor/Mayor Pro-tem when it is appropriate to call for consensus or a motion.**

The Mayor/Mayor Pro-tem shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Commission consensus or administrative direction which may need more formal action in a later meeting. (i.e., agenda, future budget changes etc.)

End of Article 5 – Types of Meetings – Regular, Special Study, Study Sessions and Workshops

ARTICLE 6 - LEGISLATIVE POLICY MAKING

Definitions and Process.

- 6.1 Ordinances and Resolutions** will customarily be prepared, introduced and proceed in the manner described on the flow chart attached hereto as Exhibit A-2.
- (a) **An enacted Ordinance** is a local law (legislative act) prescribing general rules of conduct. Commission action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that [“actions relating to subjects of a permanent and general character are usually regarded as legislative and those providing for subjects of a temporary and special character are regarded as administrative”] (*Durocher v. King County, 80 Wn.2d 139, 153, 492P2d 547(1972).*)
 - (b) **An enacted resolution** is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Commission action shall be taken by resolution when required by law and in those instances where an expression of legislative policy more formal than a motion is desired.
 - (c) **An enacted Motion** is a form of action taken by the Commission to direct that a specific course of action be taken or executed on behalf of the municipality. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances or resolutions.
- 6.1.1** Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as **DRAFTS and shall contain the date of revision and the name of the author.** Proposed ordinances and resolutions shall be accompanied by a “bullet” summary for possible later publication.
- (a) **PROPOSED DRAFTS** shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Commission.
 - (b) **COMMISSION DRAFTS** shall be documents or proposals which have been presented in open public session and continued by the City Commission for further consideration or revision.
- 6.2 Ordinances.** The procedures for ordinances are as follows:
- (a) **Commissioner initiative;** A Commissioner may, in open session, request of the Mayor/Mayor Pro-tem that the Commission study the wisdom of enacting an ordinance. The Mayor/Mayor Pro-tem then may assign the proposed ordinance to the Administration, an advisory committee or the “Commission of the whole” for consideration. The committee or Administration shall report its findings to the Commission. The City Administrator and the City Attorney may propose the drafting of

ordinances and resolutions. Citizens, boards and commissions may also propose consideration of ordinances and resolutions.

- (b) **Sponsorship encouraged.** When a Commissioner wishes to assume sponsorship or advocacy of an ordinance or resolution, he/she should so announce, make the initial motion, provide an introduction and advocate the measure before the Commission.
 - (c) **Two (2) Readings.** Although State law requires only one reading in most cases, all ordinances shall normally have two (2) separate readings at separate Commission meetings. At each reading, the title of an ordinance and a common English “bullet” summary, if available, shall be read prior to a vote; provided that should a Commissioner or member of the public, request that the entire ordinance, or certain of its sections be read, such request shall, at the discretion of the Commission, be granted. Printed copies may be obtained by the Public, upon request.
 - (d) **Waiver.** The provision requiring two (2) separate readings of an ordinance may be waived at any meeting when the Commission determines that the ordinance is simple, non-controversial or administrative in nature or that the interests of the City are best served by one reading.
 - (e) **Motion failure.** If a motion to “**continue an ordinance to a second reading**” fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.
 - (f) **Repealer.** Any ordinance repealing any portion of the Shelton Municipal Code shall also repeal the respective portions of the underlying ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.
- 6.3 Resolutions.** A resolution may be put to its final passage on the same day on which it was introduced. However, the Commission may invoke the two (2) reading procedure, described in Section 6.2 (c) above, to facilitate public understanding and/or opportunity to comment on the resolution. The title of each resolution and a simple English language “bullet” summary if available, shall be read prior to its passage. A Commissioner or a citizen may request that the entire resolution or certain of its sections be read, and such request may be granted. Printed copies shall be made available upon request.

End of Article 6 - Legislative Policy Making

ARTICLE 7 - COMMISSION MEETING PROCEDURES - PREPARATION

7.1 Commission Meeting Agendas. The City Clerk, under the direction of the City Administrator, and in consultation with the Mayor/Mayor Pro-tem, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Commission. When the proposed agenda has been reviewed for approval by the Mayor/Mayor Pro-tem, he/she shall have the option of deleting any item from such agenda until the next regular Commission meeting when the full Commission may vote on whether to introduce the item on the agenda or for a subsequent Commission meeting. A copy of the agenda and supporting materials shall be prepared for Commissioners, the City Administrator, the Shelton Civic Center, the Shelton Public Library and the media who have filed a notification request, on or before close of business on a Friday preceding a Monday regular Commission meeting, or at the close of business at least 24 hours preceding a special Commission meeting. Any revised agenda thereafter distributed shall contain the date, time and author of the revision.

Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. Graphic presentations such as videotapes or Power-Points by non City personnel shall be pre discussed or pre-screened by the Mayor/Mayor Pro-tem or designee, who shall rule on the appropriateness of the videotape.

The Mayor/Mayor Pro-tem, a majority of the Commissioners present, or the City Administrator (with the Commission's concurrence) may introduce a new item to the agenda at a meeting.

7.2 Consent Agenda. The City Clerk or City Administrator, in consultation with the Mayor/Mayor Pro-tem, may place matters on the consent agenda which:

- (a) have been previously discussed by the Commission; or
- (b) based on the information delivered to members of the Commission by Administration can be reviewed by a Commissioner without further explanation;
- (c) are so routine, technical or "housekeeping" in nature that passage without discussion is likely; or
- (d) otherwise deemed in the best interest of the City.

7.3 Commission Packets. Commissioners shall personally pick up their agenda packets from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Commission.

7.4 Commission Material. Commissioners and affected staff should read the agenda material and ask clarification questions prior to the Commission meeting, when possible.

End of Article 7 – Commission Meeting Procedures – Preparation

ARTICLE 8 - RULES OF ORDER FOR COMMISSION MEETINGS

8.1 Rules of order not specified by statute, ordinance or this resolution shall be governed by the chart of the most common "Roberts Rules of Order" questions. Attached as Exhibit A-1.

8.2 Motions and Discussion.

- (a) All items of business placed before the Commission that require the expenditure of Commission and/or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.
- (b) When possible, Commissioners should direct administrative questions primarily to the City Administrator.

8.3 Voting. The votes during all meetings of the Commission shall be transacted as follows:

- (a) Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Commissioner, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.
- (b) In case of a tie vote on any proposal, the motion shall be considered lost.
- (c) Every member who was in the Commission chambers when the question was put, shall give his/her vote unless the Commission, for special reasons, shall excuse the member by motion. If any Commissioner refuses to vote "aye" or "nay", their vote shall be counted as a "nay" vote unless the Commissioner is abstaining due to actual, or appearance of, conflict of interest.

8.4 Reconsideration. Any action of the Commission, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider **except for**:

- (a) any action previously reconsidered,
- (b) motions to adjourn or motions to suspend the rules,
- (c) an affirmative vote to lay an item on, or take an item from, the table,
- (d) or a vote electing to office one who is present and does not decline.

Such motion for reconsideration can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Commission meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Commission meeting for any action the Commission deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties

or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion and/or action.

- 8.5 Dissents and Protests.** Any Commissioner shall have the right to express dissent from or protest, orally or in writing, against any motion, ordinance or resolution of the Commission and have the reason therefore entered or retained in the minutes.
- 8.6 Complaints and Suggestions to Commission.** When citizen complaints or suggestions, not on the agenda, are brought before the City Commission, the Mayor/Mayor Pro-tem shall, in consultation with the City Administrator, first determine whether the issue is legislative or administrative in nature and then:
- (a) If legislative, and a complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if the Commission finds such complaint suggests a change to an ordinance or resolution of the City, the Mayor/Mayor Pro-tem may refer the matter to Administration, or the Commission for study and recommendation.
 - (b) If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Administrator, the Mayor/Mayor Pro-tem should then refer the complaint directly to the City Administrator for review, if said complaint has not been so reviewed. The Commission may direct that the City Administrator brief the Commission when the City Administrator's response is made. (note: Also see direct complaint sections 4.4 and 4.5)
- 8.7 Photographs, motion pictures or videotape requiring artificial illumination – Prior Permission Required.** No overhead projection, photographs, motion pictures, or video tapes that require the use of flood lights, or similar continuous artificial illumination shall be used by the public at City Commission meetings without the prior consent of the Mayor/Mayor Pro-tem or the City Administrator.
- 8.8 Audio Recordings of Meetings.** All regular meetings, public hearings and quasi-judicial proceedings of the City Commission shall be recorded by the City Clerk on an audio recording device. Workshops or study sessions are mostly comprised of process or administrative project discussion with no formal action intended. Therefore, workshops or study sessions shall not be recorded except as set forth in Section 4.6 above, unless the Commission so elects upon advice of the City Administrator, City Attorney, or City Clerk.

End of Article 8 – Rules of Order for Commission Meetings

ARTICLE 9 - FORMAL MEETINGS-ORDER OF BUSINESS

The following represents a detailed set of rules for formal Commission meetings. Simplified scripts can be prepared for easier use unless questions of correct procedure must be resolved from the manual.

- 9.1 The business of all regular meetings of the Commission shall be transacted as follows:** provided, however, that the Mayor/Mayor Pro-tem may, during a Commission meeting, rearrange items on the agenda to conduct the business before the Commission more expeditiously.
- (a) **Call to order by the Mayor/Mayor Pro-tem.**
 - (b) **Pledge of Allegiance.**
 - (c) **Roll Call** (see Section 2.8 for procedure to excuse an absence).
 - (d) **Summary Reports** Extended reports shall be placed after New Business or submitted in writing.
 - Commissioners, Board and Liaison summary reports.
 - Mayor/Mayor Pro-tem's report.
 - City Administrator's report
 - (e) **Comments from the public** Subjects not on the agenda - limit 3 minutes each. (Unless modified by the Mayor/Mayor Pro-tem.)

Note: *“The City Commission desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. At any time the Mayor/Mayor Pro-tem, in his/her sole discretion, may set such reasonable limits as are necessary to prevent disruption of other necessary business”.*

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

Public comments received during the public comment period shall not be allowed by the Commission if they relate to any matter upon which a public hearing may be required.

1. **Subjects not on the current agenda.** The Mayor/Mayor Pro-tem may invoke a sign-in procedure for speakers. Any member of the public may request time to address the Commission after first stating their name, address, and the subject of their comments. The Mayor/Mayor Pro-tem may then allow the comments subject to such time limitations as he/she deems necessary. Following such comments, the Mayor/Mayor Pro-tem may place the matter on the agenda or a future agenda, or refer the matter to Administration for investigation and report.

2. **Subjects on the current agenda.** Any member of the public who wishes to address the Commission regarding an item on the current agenda shall make such request to the Mayor/Mayor Pro-tem at the time when comments from the public are requested during the agenda item discussion. **The Commission may hear such comments before or after initial Commission discussion.** As an option, the Mayor/Mayor Pro-tem may invoke a sign in procedure. The Mayor/Mayor Pro-tem, in consultation with the City Attorney, shall rule on the appropriateness of public comments as the agenda item is reached and shall rule on a specific individual or group time limit for public comment. The Mayor/Mayor Pro-tem may change the order of speakers so that comment is heard in the most logical groupings.
 3. **Out of Order Requests.** Occasionally a member of the public may wish to speak on an agenda item but cannot remain until the item is reached on the agenda. During Open Comments from the Public, such person may request permission to speak by explaining the circumstances. The Mayor/Mayor Pro-tem at his/her sole discretion shall rule on allowing or disallowing the out of order request.
 4. Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. Speakers should first give name, address and subject. No comments shall be made from any other location. Anyone making "out of order" comments may be subject to removal from the meeting.
 5. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Mayor/Mayor Pro-tem, shall be cause for removal from the meeting room.
 6. Any ruling by the Mayor/Mayor Pro-tem relative to the subsections 1 and 2, above, may be overruled by a vote of a majority of members present.
- (f) **Public Hearings** (see Article 10 for procedural details).
- (g) **Consent Agenda.** The City Clerk shall read the consent agenda actions, including the titles of any ordinances or resolutions contained therein, unless waived by motion of the Commission.

The proper Commission motion on the consent agenda is as follows: **"I move adoption of the consent agenda"**. This motion shall be non-debatable and will have the effect of moving to adopt all items on the consent agenda. Since adoption of any item on the consent agenda implies unanimous consent, any member of the Commission shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Mayor/Mayor Pro-tem shall inquire if any Commissioner wishes an item to be withdrawn from the consent agenda. If any matter is withdrawn, the Mayor/Mayor Pro-tem shall place the item at an appropriate place on the agenda for the current or a future meeting.

- (h) **Old Business.**
- (i) **New Business.**
- (j) **Public Comments.** (3 minute time limit each)
- (k) **Administrative Reports.** Reports or tracking of an administrative nature.
- (l) **Information final “touches”.**
- (m) **Announce Executive Session** (as required). *In accordance with the Open Meetings Act, RCW Chapter 42.30, the Commission may hold an executive session during a regular or special meeting. Before convening in executive session, the Mayor/Mayor Pro-tem shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Commission wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Mayor/Mayor Pro-tem made to those waiting in the nearest public area. No final action may be taken in executive session.*

Commissioners must keep confidential all oral and written information provided during executive sessions to protect the best interests of the City. Confidentiality also includes information provided to Commissioners outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW Chapter 42).
- (n) **Next meeting date** announced by Mayor/Mayor Pro-tem.
- (o) **Adjournment.** No Commission meeting should be permitted to continue beyond two (2) hours without approval of a majority of the Commissioners. A new time limit must be established before extending the meeting. In the event that a meeting has not been closed or continued by Commission as herein specified, the items not acted on shall be deferred to the next Commission meeting, unless the Commission determines otherwise.

9.2 Adjournment Due to Emergency or Disruption. In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Mayor/Mayor Pro-tem shall declare the meeting adjourned or continued and the Commissioners shall immediately leave the meeting area.

9.3 Amendments/Suspension of Sections. Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed so long as not in conflict with any superior statute.

End of Article 9 — FORMAL MEETINGS-ORDER OF BUSINESS

ARTICLE 10 - PUBLIC HEARING PROCEDURES

10.1 Land Use Matters – Hearing Procedures: The City of Shelton regulates and adjudicates land use matters using a Hearing Examiner. City Code Section 2.36 describes the Hearing Examiner system and sets the procedures for hearing various matters and the process of appeal. Land use quasi-judicial matters are processed as follows.

10.2 Powers of Hearing Examiner: City Code 2.36.110

HEARING EXAMINER QUASI-JUDICIAL HEARING

10.3 The examiner shall receive and examine available information, including environmental impact statements, conduct public hearings and prepare a record thereof, and enter findings and conclusions as provided for herein.

(a) *The decision of the examiner on the following matters shall be final unless such decision is appealed to the city commission pursuant to Section 2.36.210:*

1. Variance requests;
2. Conditional and special use permits;
3. Shoreline development permits and rescissions;
4. Administrative zoning appeals;
5. Preliminary plat approval extension requests;
6. Applications for any other land use regulatory permits which may be required by ordinance;
7. Rezone applications; provided, that rezone applications initiated by the city to implement a newly adopted or amended comprehensive plan shall be heard by the hearings examiner.

(b) *The decision of the examiner on the following matters shall constitute a recommendation to the City Commissioners:*

1. Preliminary plat applications;
2. Preliminary plat modification requests;
3. Planned unit development. (Ord. 1310-191 § 2 (part), 1991; Ord. 1049 § 11, 1981)

CITY COMMISSION QUASI-JUDICIAL HEARINGS

10.4 The following procedures are guidelines to be used as reference for City Commission appeals (subsection a, above) and hearing recommendations from the Hearing Examiner (subsection b, above) These general procedures may also apply to Hearing Examiner hearings insofar as they are not in conflict with State law or the practical application of the Hearing Examiner system as established by the City of Shelton.

10.5 Appearance of Fairness Doctrine. Definition, Application, Disclosures/Disqualifiers:

(a) **Appearance of Fairness Doctrine Defined.** "In short, when the law which calls for public hearings gives the public not only the right to attend, but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance." Smith v. Skagit County, 75 Wn.2d 715,

733 (1969). Where there is a showing of substantial evidence to raise an appearance of fairness question, the court has stated, "It is the possible range of mental impressions made upon the public's mind, rather than the intent of the acting governmental employee, that matters. The question to be asked is this: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Swift v. Island County, 87 Wn.2d 348, 361 (1976)

- (b) **Types of Hearings to Which the Doctrine Applies.** RCW 42.36.010 states, "Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance." Street vacations are typically legislative actions, unless clearly tied to, and integrated into, a site-specific development proposal which is quasi-judicial in nature.

10.6 Obligations of Commissioners - Procedure.

- (a) Immediate self-disclosure of interests that may appear to constitute a conflict of interest is hereby encouraged. Commissioners or the Hearing Examiner should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Commissioner's or Hearing Examiner's business associate, or a member of the Commissioner's immediate family. It could involve *ex parte* (from one party only usually without notice to or argument from the other party) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Commissioner's or Hearing Examiner's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Commission member or the Hearing Examiner should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Commissioner should disclose such fact to the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists.
- (b) Anyone seeking to disqualify a Commissioner or Hearing Examiner from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Commissioner or Hearing Examiner shall state, with specificity, the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or *ex parte* contact. Should such challenge

be made prior to the hearing, the City Attorney, after interviewing the Commissioner or Hearing Examiner and shall render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in Superior Court. Should such challenge be made in the course of a quasi-judicial hearing, the Commissioner or Hearing Examiner shall either excuse him/herself or a recess should be called to permit the City Attorney to make such interview and render such opinion.

- (c) In the case of the Commission sitting as a quasi-judicial body, The Mayor/Mayor Pro-tem shall have authority to request a Commissioner to excuse him/herself on the basis of an Appearance of Fairness violation. Further, if two (2) Commissioners believe that an Appearance of Fairness violation exists, such individuals may move to request a Commissioner to excuse him/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Mayor/Mayor Pro-tem or other Commissioners shall give due regard to the opinion of the City Attorney.

10.7 Specific Statutory Provisions.

- (a) Candidates for the City Commission may express their opinions about pending or proposed quasi-judicial actions while campaigning, RCW 42.36.040, except that sitting Commissioners shall not express their opinions on any such matter which is or may come before the Commission.
- (b) A candidate for the City Commission who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. (RCW 42.36.050)
- (c) **Members of local decision-making bodies.** No member of a local decision-making body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body. CW 42.36.020
- (d) **Ex Parte communications should be avoided whenever possible.** During the pendency of any quasi-judicial proceeding, no Commissioner or hearing examiner may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Commissioner or Hearing Examiner: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)
- (e) **Public Disclosure File.** The City Clerk shall maintain a public disclosure file, which shall be available for inspection by the public. As to elected officials, the file shall contain copies of all disclosure forms filed with the Washington State Public Disclosure Commission.

- (f) **Procedure On Application.** Any person making application for any action leading to a quasi-judicial hearing before the City Commission shall be provided with a document containing the following information: (1) the names and address of all members of the City Commission, (2) a statement that public disclosure information is available for public inspection regarding all such Commissioners, and (3) a statement that if the applicant intends to raise any appearance of fairness issue, the applicant should do so at least two (2) weeks prior to any public hearing, if the grounds for such issue are then known and in all cases, no later than before the opening of the public hearing. The applicant shall sign a receipt for such document.

THE PUBLIC HEARING

- 10.8 Sign in Procedure.** Prior to the start of the public hearing, the Mayor/Mayor Pro-tem/Hearing Examiner may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.
- 10.9 Time Limits.** However, the Mayor/Mayor Pro-tem/Hearing Examiner shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Mayor/Mayor Pro-tem/Hearing Examiner may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.)
- 10.10 Agenda and Rules of Order.** The Mayor/Mayor Pro-tem/Hearing Examiner introduces the agenda item, opens the public hearing, and announces the following Rules of Order:
- (a) “All comments by proponents, opponents, or the public shall be made from the speaker's rostrum, and any individual making comments shall first give his/her name and address. This is required because an official recorded transcript of the public hearing is being made. If there is any appeal, the court must make its decision on the basis of what was said at the public hearing”.
 - (b) “It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent”.
 - (c) “No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting.”
 - (d) “There will be no demonstrations, applause or other audience participation during or at the conclusion of anyone's presentation. The Commission is not allowed to consider such expressions and it takes time away from the speakers.”
 - (e) “These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard and to ensure that individuals are not embarrassed by exercising their right of free speech.”

10.11 When the Commission conducts a hearing to which the Appearance of Fairness Doctrine applies, the Mayor/Mayor Pro-tem or City Attorney will ask if any Commissioner knows of any reason which would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. The form of the announcement is as follows:

All Commission members should now give consideration as to whether they have:

- (a) A demonstrated bias or prejudice for or against any party to the proceedings;
- (b) A direct or indirect monetary interest in the outcome of the proceedings;
- (c) A prejudgment of the issue prior to hearing the facts on the record; or
- (d) Had ex parte contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. If any Commissioner should answer in the affirmative, then the Commissioner should state the reason for his/her answer at this time, so that the Chair may inquire of the City Attorney as to whether a violation of the Appearance of Fairness Doctrine may exist.

10.12 Standards. Site-Specific Comprehensive Plan and Zoning Amendments ("Rezoning"). The following are general concepts and not intended to add to or change applicable statutes or ordinances or to be considered a land use control. Under Washington's Growth Management Act, Chapter 36.70A RCW, as implemented by The City of Shelton, site-specific rezoning requests (initiated by property owners or developers) may be processed more frequently than once each year, upon receipt of a complete application. The application for rezoning must provide consistency with and implement the Shelton Comprehensive Plan and with the overarching purposes and intent of the Growth Management Act. If a rezoning requires an amendment to the comprehensive plan, then the rezoning may only be processed concurrently with the yearly Comprehensive Plan amendment process.

To that end, at the outset of each public hearing or meeting to consider a zoning amendment or zoning reclassification, the Mayor/Mayor Pro-tem/Hearing Examiner or City Attorney will announce the legal standards for Comprehensive Plan and zoning amendments and ask the parties to limit their presentations to information within the scope of the standards. The form of the announcement is as follows:

"The following are general concepts regarding Comprehensive Plan and zoning amendments under the law of the State of Washington:

- (a) The current zoning is presumed valid.
- (b) The burden of proof is on the applicant for the site-specific Comprehensive Plan and zoning amendment to establish by proof in sufficient measure that the following requirements have been satisfied. In making its decision, the City Commissioners or Hearing Examiner will consider the recommendations made by the planning staff and the record developed before the Planning staff. Requirements (1), (2) and (3) of this section shall be "considered" and weighed by the Commission. The Commission Hearing Examiner must affirmatively find that the applicant has satisfied requirements (4) through (11):

1. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Shelton Comprehensive Plan;
2. Whether the assumptions upon which the Shelton Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the Shelton Comprehensive Plan;
3. Whether the proposed amendment reflects current widely held community values;
4. The proposed amendment meets concurrency requirements for transportation, sewer, and water, and does not adversely affect adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services;
5. The proposed amendment is consistent with the goals, policies and objectives of the various elements of the Shelton Comprehensive Plan;
6. The proposed amendment will not result in probable significant adverse impacts to the city's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;
7. In the case of an amendment to the land use map, the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses;
8. The proposed amendment will not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term interests of the community in general;
9. The proposed action does not materially affect the land use and growth projections which are the basis of the Comprehensive Plan;
10. The proposed action does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall area of the city; and
11. The proposed amendment is consistent with the GMA, the adopted countywide planning policy of Mason County, any other applicable inter-

jurisdictional policies or agreements, and all other applicable state or local laws.

- (c) The facts in support of the application may come from any source; either the applicant, the Administration, or the public. The important consideration is that the decision must be made on the basis of information provided to the planning agency and to the City Commission or Hearing Examiner at this public hearing or any continued public hearing. All evidence, such as photographs, letters, charts, maps, slides, computer presentations or other evidence must remain in the record with the City in a form which can be reviewed on any appeal. For example, a print out of a computer slide show may be submitted. Any exhibit not remaining in the record will not be considered.
- (d) After the testimony, the public hearing will be closed and there will be a motion to approve the plan and zoning amendment. This does not mean that the member so moving or so seconding is in favor of the rezone, but that Commission has been advised by the City Attorney that affirmative motions are preferable.
- (e) Following the decision, this body will make findings of fact and conclusions or reasons for its action. These findings may be drafted by the Administration or there may be a recess for the drafting of such items.

PUBLIC TESTIMONY

The Mayor/Mayor Pro-tem opens the public hearing, asks all persons who intend to be witnesses to be sworn to tell the truth. The Mayor/Mayor Pro-tem may individually swear witnesses.

10.13 Administrative background. The Mayor/Mayor Pro-tem then calls upon City Administration to describe the matter under consideration. "Bearing in mind the legal standards I have just described, please limit your comments to information within the scope of these standards."

10.14 Site specific caution. When considering a site-specific Comprehensive Plan and zoning amendment or zoning reclassification, the Mayor/Mayor Pro-tem shall announce "Site plans, artistic renditions, and the like in support of a zoning amendment should be avoided except as they help explain the terms of any proposed or anticipated conditions for approval. Any graphic representations should be used for illustrative purposes only, and the Administration or City Commission should avoid indicating approval or disapproval of such plans. Such evidence shall remain a part of the record."

The Mayor/Mayor Pro-tem will customarily call for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings.

10.15 Proponents testimony. The Mayor/Mayor Pro-tem makes a final call 3 times.

10.16 Opponents testimony. The Mayor/Mayor Pro-tem makes a final call 3 times.

10.17 Proponents rebuttals. Opponents rebuttals.

10.18 Administration or City Attorney inquiry. Any misstatements of fact?

10.19 Mayor/Mayor Pro-tem /Hearing Examiner may close the Public Hearing, continue the Public Hearing, or take the matter under advisement.

End of Article 10 – Public Hearing Procedures

EXHIBIT A-1

Motion "To Approve the **Parliamentary Procedure at a Glance** Herein Contained and Incorporated as **Exhibit A-1** of the City of Shelton, City Commission Rules of Procedure."

PARLIAMENTARY PROCEDURE AT A GLANCE					
To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"(until when?)	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..."(when?)	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration of this"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..." (time-date?)	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

EXHIBIT A-2

Motion "To Approve the Legislative Process Flow Chart Incorporated as Exhibit A-2 of the City of Shelton Commission Rules of Procedure Booklet." Approved May____2004

LEGISLATIVE PROCESS FLOW CHART

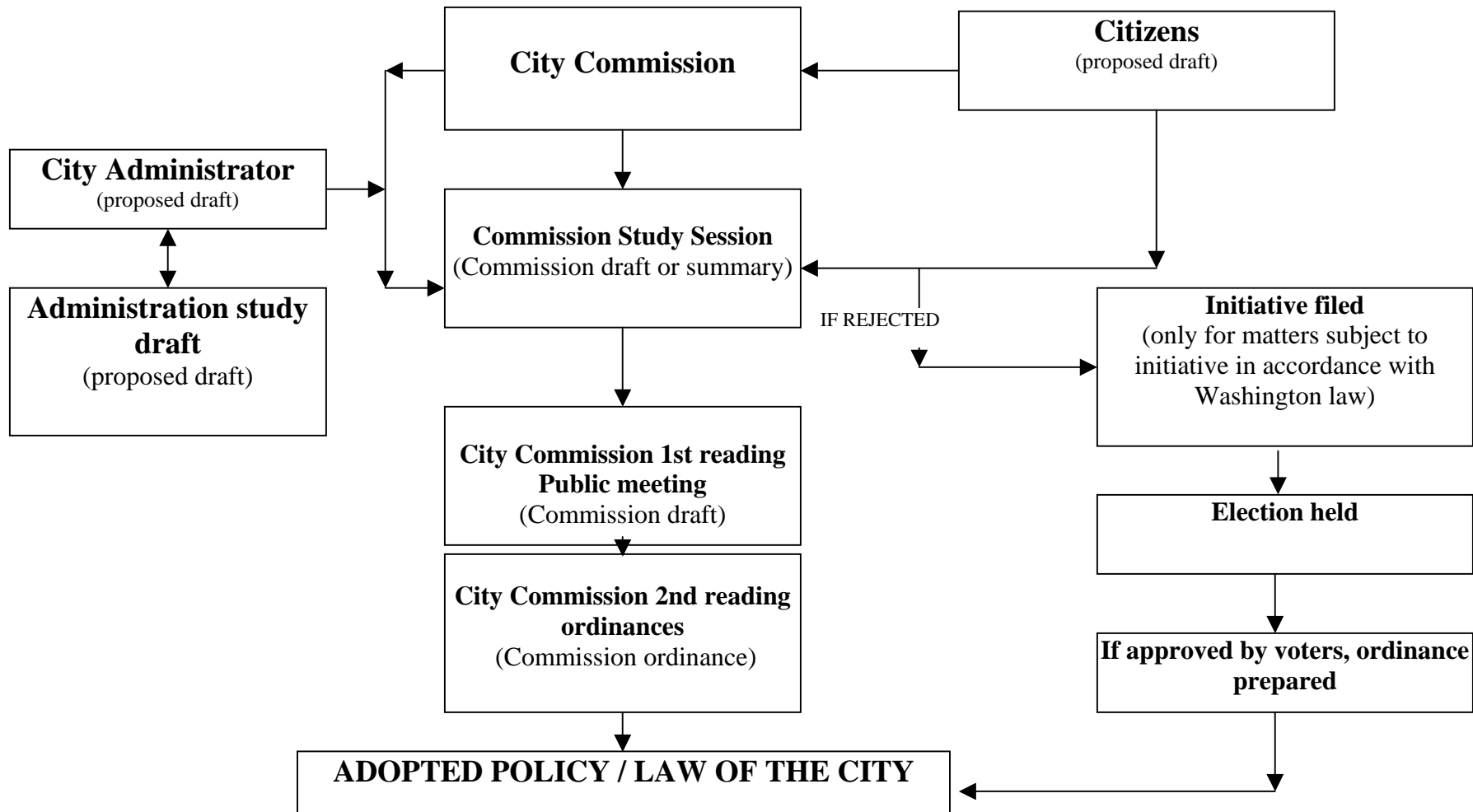


EXHIBIT A-3

Motion "To Approve the Committee Structure and Rules Herein Contained and Incorporated as Exhibit A-3 of the City of Shelton Commission Government Coordination Manual."

1. **Standing Committees required by law** shall be appointed by The Commission for a time certain.

Lodging Tax Advisory Committee -- 5 members. – Mayor is chairman (RCW)

Shelton Arts Commission-- 5 members – Liaison to be assigned

Shelton Civil Service Commission – 3 members – Liaison: City Administrator

Shelton Historical Preservation Board –12 members – Liaison to be assigned

Shelton Library Board – 5 members – Liaison to be assigned

Meetings; Committee meetings (when held) should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the whole Commission.

Ad hoc appointments; The Commission may appoint such other ad hoc advisory committees or liaisons from the Commission or community for the purpose of advising the Commission in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of "sunsetting" the committee at the conclusion of the assigned task.

2. **Commission liaison to citizen committees.** Liaisons shall be appointed by the Mayor and confirmed by the Commission for specific purposes and for a time certain.
3. **Liaison Procedures.** Individual members of the Commission may be assigned as liaisons whose duties involve keeping current with a group or activity by either attendance when the group or activity takes place or communication with appropriate leaders so the liaison Commissioner can keep the Commission informed. Liaisons may, at times, advocate Commission actions on behalf of their assigned group or activity. Extreme care must be taken to avoid an *Appearance of Fairness Doctrine* violation, or conflict of interest possibilities with agencies or circumstances where such possibilities may exist (i.e.: quasi-judicial). Liaisons' functions and duties may be further defined and/or directed by the Mayor/Mayor Pro-tem with concurrence of Commission.
4. **Task Force Creation and Guidelines.** The City Commission may, from time to time, create, and appoint members to, small task force groups for the purpose of examining issues and making recommendations important to the City Commission but not requiring the more formalized process stated in (5) below. In all cases, the instrument appointing a task force shall set forth a clear task assignment and a method of "sunsetting" the group upon completion of the task.
5. **Task Force/Public Forum Steering Group for Public Issues of high interest/high impact.** Upon motion of the City Commission, a Commissioner may be appointed as a liaison leader to organize a steering group to strategize a particular community subject or issue. The steering group shall consist of one Commissioner and one representative of City

Administration. The Commissioner shall be appointed by the Mayor, and confirmed by Commission, and the technical support shall be appointed by the City Administrator. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed. The steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned. Various City representation roles and Commission liaisons may be involved in bringing information together on the task or issue. The steering group liaison informs the Commission of the group's activity at Commission meetings (when appropriate). A task force group may then be created by Commission motion (directive) to substantially function according to the model attached as Exhibit A-4 (1).

6. **Task Force/Public Forum Procedures.** When major public policy development warrants, and after adequate preparation of issues and alternatives, the steering group may conduct **larger citizen forums** to help develop a public consensus on the issues. The product of such **citizen forums**, when held, shall be presented to the City Commission prior to the customary City Commission deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action. The procedures are further illustrated in Exhibit A-4 (1) attached.

The City Administrator may also appoint such ad hoc or special projects **administrative advisory task groups** as he or she may deem necessary to assist City administrative activity. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed.

7. **Citizens Task Force Steering Procedures.** When the nature of a major issue indicates a need for **increased citizen involvement or expertise at the steering level of a task force**, the Commission may, by legislative directive, commission a **Citizens' Task Force Steering Group** consisting of one (1) Commissioner, one (1) citizen familiar with the issues, and the City Administrator. The Citizens' Task Force shall function in a manner similar to the Task Force Procedures contained in Sections 3 and 4 above. The procedures are further illustrated in Exhibit A-4 (3), attached.
8. **Multi-Agency/Regional Task Force Steering Procedures.** When a major regional effort involves key agencies outside of City government but vital to a project's coordination, the Commission may create by legislative directive or intergovernmental agreement, an appropriately named **(Multi-Agency) Task Force Steering Group**. Membership shall consist of one (1) Commissioner or the City Administrator, one (1) representative from each partner agency and one (1) member from each private, consultant or non-profit agency with a key interest or resource vital to the issue or project.

Each agency shall appoint one (1) member to serve on the Steering Group and one (1) member to serve as alternate. Except for the first organizational start-up meeting or when necessary, alternates should not routinely attend group meetings. Steering Group members should function in a manner similar to the task force procedures described in Sections 3, 4, and 10 above. The procedures are further illustrated in Exhibit A-4 (2) attached.

9. **General Town Hall/Neighborhood Meetings.** The public should be encouraged to attend regular and special City Commission meetings to participate in their government. The City Commission rules of procedure are designed to facilitate an open atmosphere for citizen participation. However, any member of the City Commission may convene citizens' town hall/neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such town hall meetings shall, when convened, provide information pertaining to specific issues as well as opportunity for citizens to ask questions or express views on any subject. The Commissioner may request that the City Administrator or his/her designee attend these meetings to answer questions on administrative matters. Although not official Commission meetings, members of the City Commission shall report issues or conclusions to the Commission. **Commissioners should avoid discussion or comments which pertains or may pertain to potential lawsuits, land use issues, or other quasi-judicial proceedings which might later come before the Commission.**

EXHIBIT A-4 (1)

**TASK FORCE/TOWN HALL MEETINGS
GENERAL MODEL CHART**

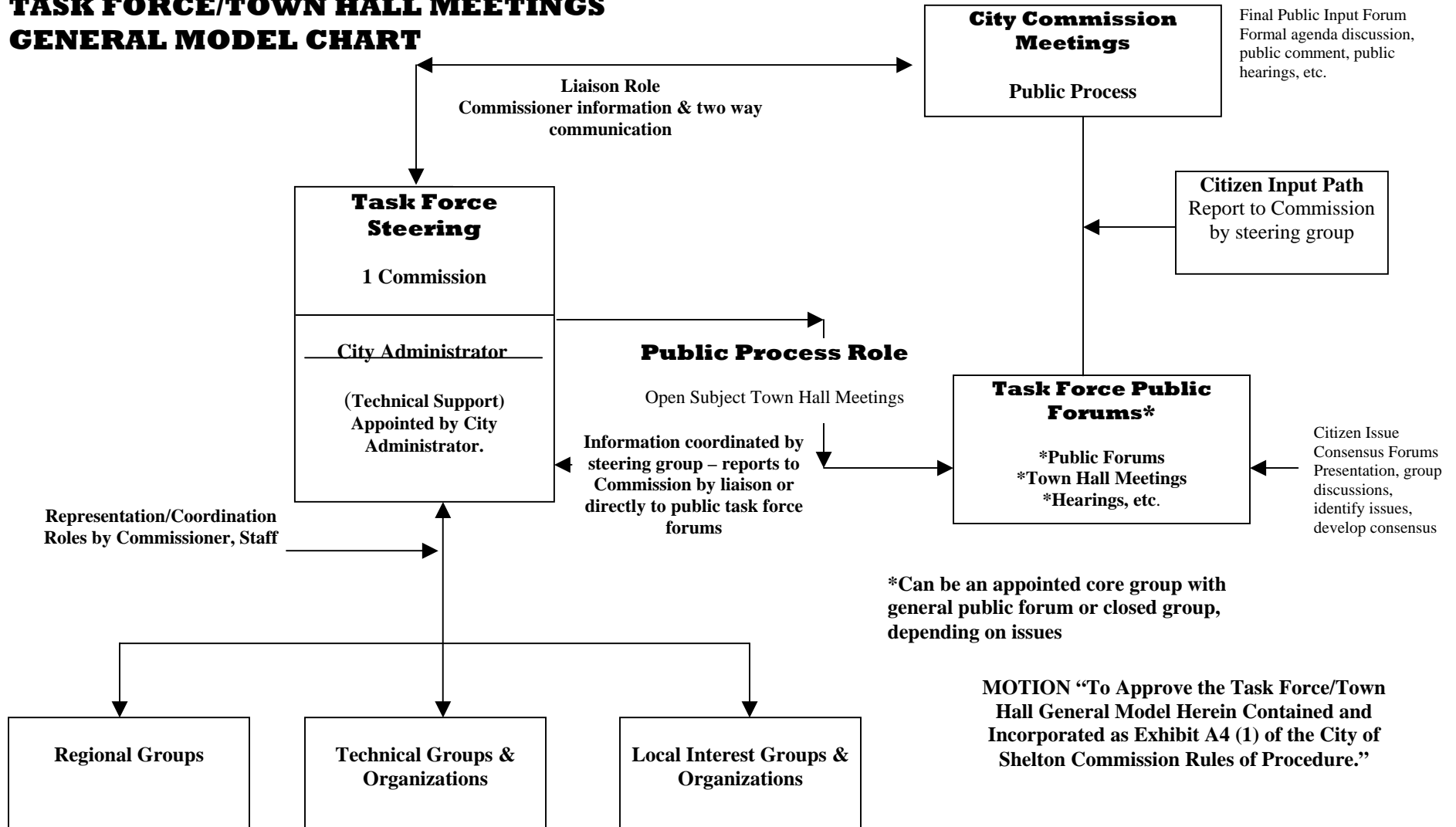


EXHIBIT A-4(2)

MULTI-AGENCY REGIONAL TASK FORCE MODEL CHART

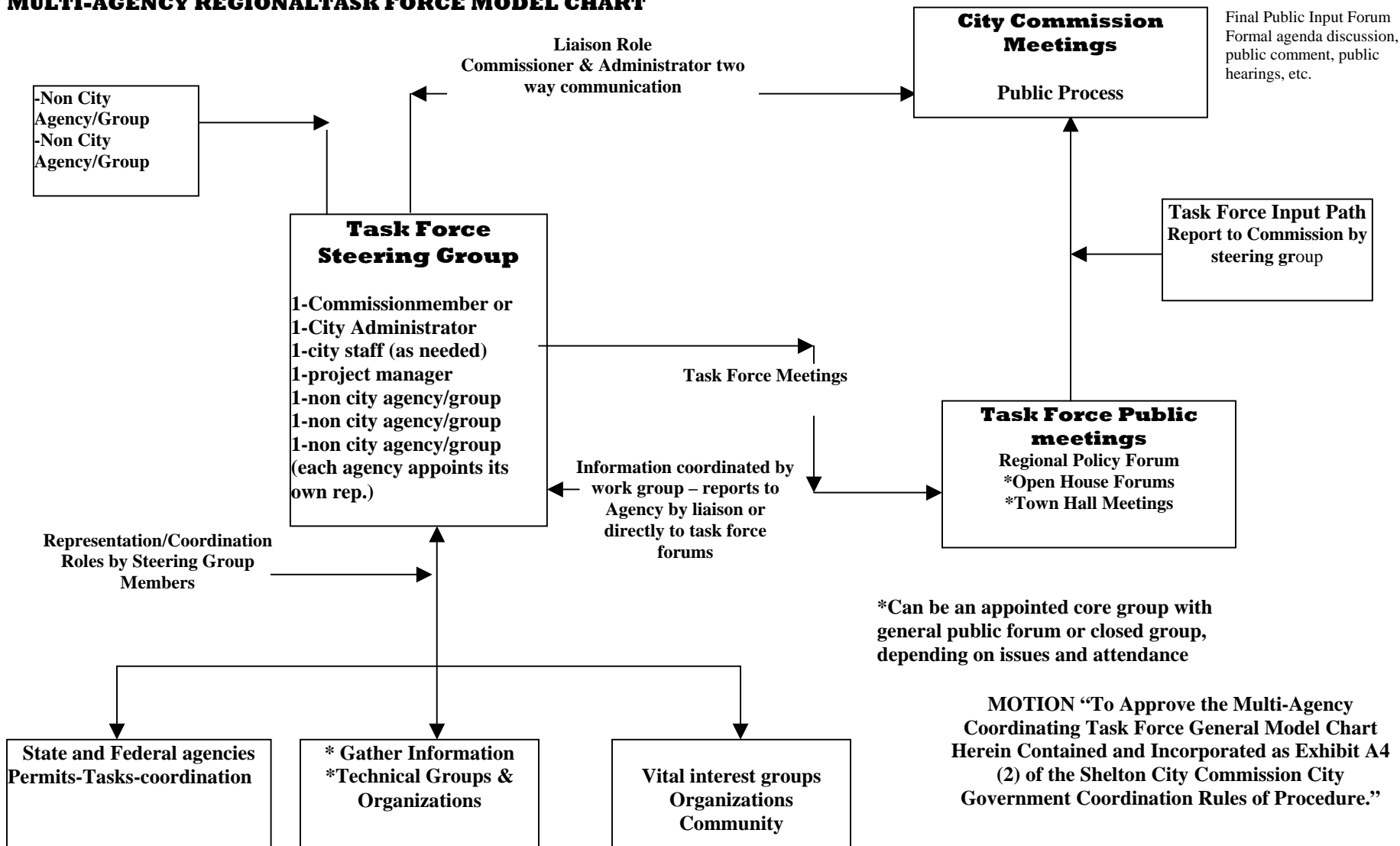


EXHIBIT A-4 (3)

Motion “To Approve the **Citizens’ Task Force General Model Chart** Herein Contained and Incorporated as Exhibit A-4 (3) of the Shelton City Commission Rules of Procedure.”

Citizen Task Force General Model

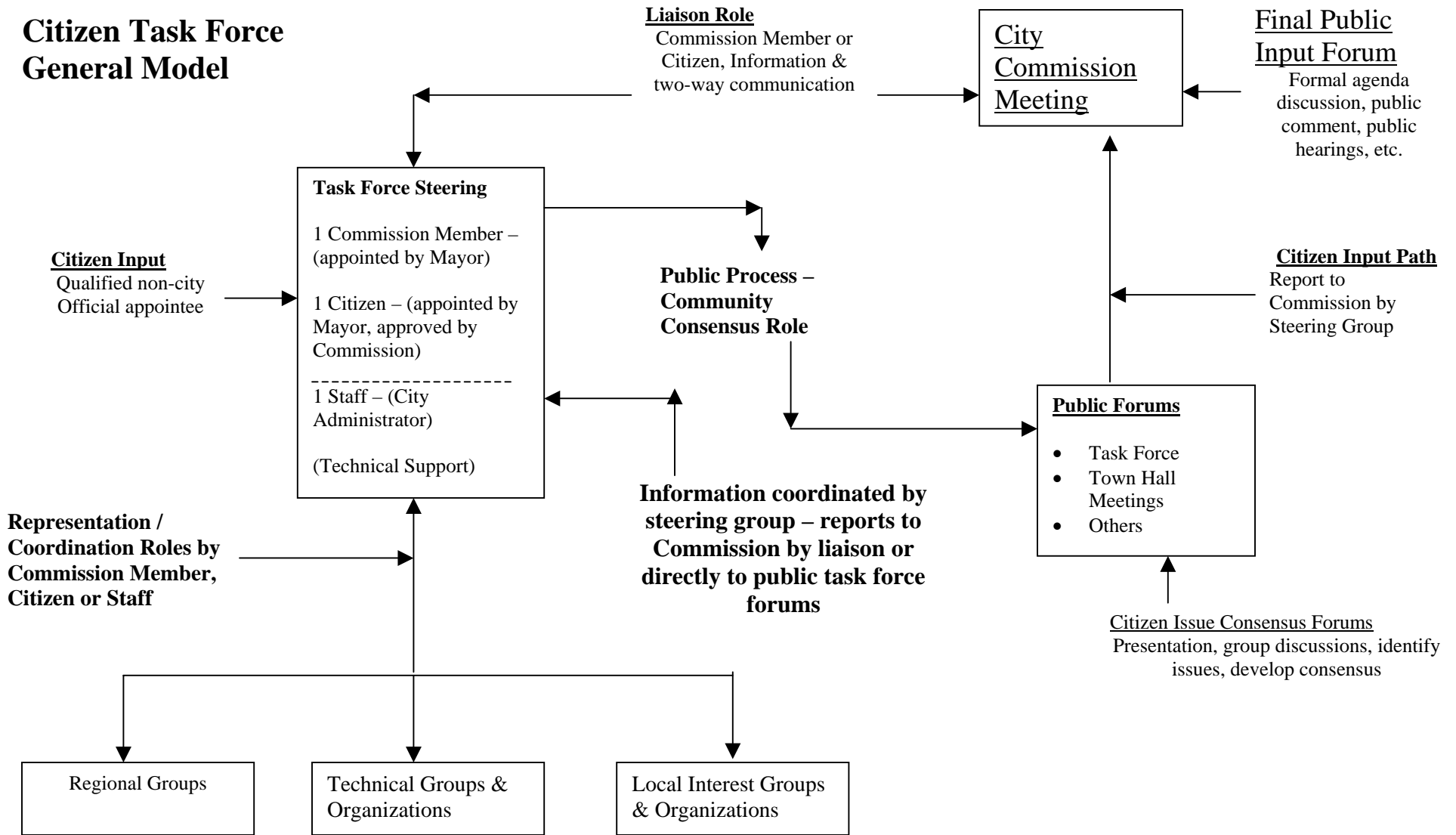


EXHIBIT A-5

RESOLUTION NO. 835-0504

GENERAL POLICY RESOLUTION OF CORE BELIEFS

A RESOLUTION OF THE CITY OF SHELTON ESTABLISHING A GENERAL POLICY RESOLUTION EMANATING FROM THE “CORE BELIEFS” OF THE CITY COMMISSION AND SETTING FORTH DUTIES OF BOTH ELECTED AND APPOINTED OFFICIALS OF THE CITY TO HELP GUIDE DECISIONS TOWARD MORE EFFECTIVE, RESPONSIVE, AND OPEN GOVERNMENT

WHEREAS, the City Commission of the City of Shelton, as the elective legislative body, is charged with adopting Ordinances and Resolutions which become the law of the city; and

WHEREAS, such Ordinances and Resolutions must provide enforceable provisions subordinate to, and in harmony with, all other applicable federal and state statutes and regulations; and

WHEREAS, the City Commission desires to provide a clear set of general policy guidelines for the conduct of City Government;

NOW, THEREFORE, the City Commission of the City of Shelton does hereby affirm and resolve that the following **core beliefs** shall serve as guidelines for the conduct of affairs by all branches of Shelton City Government.

- Section 1.** We believe that Shelton should be a visionary city encouraging its citizens and their government to look to the future beyond the present generation and to bring such ideas to public discussion and to enhance a sense of community identity.
- Section 2.** We believe that the City of Shelton should be known as “user friendly”, and that practices and general operations should consider how citizens will be served in the most responsive, effective and courteous manner.
- Section 3.** We believe that careful observance of a clear set of rules of procedure can best enhance public participation and decision making.
- Section 4.** We believe in the City Commission as policy leaders of the City. City Commissioners are encouraged to take the lead, where practical, in sponsoring or advocating ordinances, resolutions and motions excepting quasi-judicial or other public hearings.
- Section 5.** We believe in hearing the public view. We affirm that members of the public should be encouraged to speak and be heard through reasonable rules of procedure when the public business is being considered, thus giving elected officials the broadest perspectives from which to make decisions.

Section 6. We believe that the economic and commercial job base of the community should be preserved and encouraged to grow as an alternative to increasing taxes and fees. We believe the City should practice development and regulatory policies, where possible, which encourage job producing commerce and industry.

- Section 7.** We direct the City Administrator to conduct the affairs of the City with the following goals:
- (a) Promoting mutual respect between the citizens, City staff and the City Commission by creating the organizational teamwork necessary for effective, responsive and open government.
 - (b) Maintaining a formal citywide customer service program with emphasis on timely response, a user-friendly atmosphere, and an attitude of facilitation and accommodation within the bounds of responsibility, integrity, and financial capability of the City, including organizational and job description documents.
 - (c) Providing the City Commission and public reasonable advance notice when issues are to be brought forward for discussion.
 - (d) Seeking creative ways to contain or impede the rising cost of governmental services such as, reducing any ineffective uses of time or resources for City staff and examining private sector or intergovernmental contracting alternatives in lieu of some existing services.
 - (e) Providing a database of needful projects and future dreams for the City of Shelton, so that good ideas from its citizens, staff and elected leaders are not lost.
 - (f) Requiring that City departments review and examine operations and/or employment as to whether there are more effective ways to organize or conduct departmental activities whenever opportunities, such as attrition or retirement etc., may make such examination appropriate.

Passed and approved by the City Commission of the City of Shelton at a regular meeting on May 10, 2004