



Governance Manual

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A Comprehensive Collection of
Rules and Procedures**

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INTRODUCTION

In December 2002, prior to our City's official incorporation, then Mayor DeVleming appointed three members of Council to serve on an ad-hoc Governance Coordination Committee for the purpose of drafting Council Rules of Procedure, to serve as an aid to effective legislative and organizational harmony, and to provide procedural rules to conduct meetings efficiently, fairly, and uniformly. The end-product legislation of that Committee's four-month process was approved by Council at the May 13, 2003 Council meeting. That historic first manual also included Resolution 03-027, a General Policy Resolution of Core Beliefs, which was amended by Resolution 07-019, and which can be found in full in Appendix B on page 53.

Not unlike other guidance manuals, this Manual too has undergone several changes since its inception. While some sections have remained static over the years, such as Council meeting time and location, other sections have been modified to include Internet use, filling Council vacancies, the use of social media, and the option for Councilmembers to view their packet electronically. The Manual is usually reviewed annually and at times amended to recognize additional topics or for clarification as the need arises.

EXECUTIVE SUMMARY

FOUNDATION: The City of Spokane Valley incorporated March 31, 2003, and is a non-charter code city operating under a Council-Manager plan of government as outlined in chapter 35A.13 RCW Optional Municipal Code for Council-Manager plan of government. Under this form of government, there are two branches of government: legislative and administrative.

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

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

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

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

PRIORITIES: Priorities are public safety, pavement preservation, transportation and infrastructure, and economic development. Additional information on priorities and Council goals can be found in each year’s budget, as well as the City’s Business Plan.

BASIC TENETS: Council’s core values and basic tenets of governing can be found in Resolution 07-019, which is included in its entirety in Appendix B on page 53 of this Manual.

BRANCHES OF CITY GOVERNMENT: The Council is the legislative branch of the City government. Council appoints an officer whose title shall be “city manager” and who shall be the chief executive officer and head of the administrative branch of the City government. “The City Manager shall be responsible to the Council for the proper administration of all affairs of the code city.” RCW 35A.13.010.

Legislative Branch: City Council.

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

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

- As a representative of City residents, brings the experience, concerns and knowledge of a typical City resident to City government.
- As an elected representative, pays attention to the needs, wants and concerns of all City residents and businesses.
- Contacts residents and businesses to gather feedback and ideas. The resulting information may be shared with staff or other Councilmembers.
- Study information related to the government and administration of the City, including internal and external written information and information received from City employees.
- Develop a collegial relationship with City employees, but avoid giving directives or saying anything that could be taken as an attempt to influence the conduct of the employee’s job.
- Give feedback and ideas regarding City government and administration to the City Manager.
- Work with one or two (more than three working together violates the Open Public Meetings Act) other Councilmembers on studying issues and/or sponsoring Resolutions and Ordinances.
- Participate in assigned City and regional committees and all Council meetings, special and regular.
- Move (or second such motion) to amend an agenda or a motion.
- When acting in the capacity of Councilmember outside of Council meetings, communicate that any personal opinion is the opinion of the individual Councilmember and not that of the collective Council, unless pre-authorized to speak, as Council does not want the public to assume that any individual personal opinion represents that of the entire Council. Councilmember’s freedom of speech is protected by the U.S. and Washington State Constitutions. Provided there is no quorum, Councilmembers may work together on City Council-related projects and discuss City business in non-public meetings. No permission is needed, nor is notice required to be given for such gathering.
- At the appropriate time during a Council meeting, any Councilmember may ask that an item be placed on a future agenda or as a pending item. If during the meeting there is no consensus from the majority of Council, or later if the Agenda Committee deems the item should not be placed on an agenda, during a future Council meeting a consensus of three Councilmembers may move the item forward to a future agenda or as a pending item, consistent with staff workloads. (see also *Placing Items on an Agenda*, page 20)
- Call a Special Meeting of the City Council. Pursuant to RCW 35A.12.110, “Special meetings may be called by the Mayor or any three members of the Council by written notice delivered

to each member of the council at least twenty-four hours before the time specified for the proposed meetings.” However, if there is no quorum at a meeting, there is no meeting. Notice of Special Meetings should be distributed via the City Clerk.

Administrative Branch: The City Manager and City Staff.

The City Manager is the City’s chief executive officer and head of the administrative branch. The City Manager, an at-will position, reports directly to the Council. All staff work under the direction of the City Manager, who is directed by the City Council. The City Manager is directly accountable to the City Council for the execution of the City Council’s policy directives, and for the administration and management of all City departments.” (See Ch. 3(B)(1) of this Governance Manual, and page 39 for description of the City Manager Authority.)

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

CHAPTER 1

Council Meetings



A. General

1. Council Meetings - Time and Location

Regular meetings of the City Council shall be held at Spokane Valley City Hall Council Chambers on Tuesdays beginning at 6:00 p.m.

2. Council Meetings - Open to the Public

All meetings of the City Council and of committees thereof shall be open to the public except as provided for in RCW 42.30.110¹ (Executive Sessions), or RCW 42.30.140² (Open Public Meetings Act).

3. Presiding Officer

The Mayor shall preside at meetings of the Council and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties unless specifically set forth herein. In case of the Mayor's absence or temporary disability, the Deputy Mayor shall act as Mayor during the continuance of the absence. In case of the absence or temporary inability of the Mayor and Deputy Mayor, an acting Mayor Pro Tempore selected by majority vote of the remaining members of the Council, shall act as Mayor during the continuance of the absences [RCW 35A.13.035³]. The Mayor, Deputy Mayor (in the Mayor's absence) or Mayor Pro Tem are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

B. Meetings

1. Regular Meetings

a. Formal Format

1. Normally held 2nd and 4th Tuesdays. The City Clerk, under the direction of the City Manager in consultation with the Mayor, shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. On or before close of business on a Friday preceding a Tuesday Council meeting, or at the close of business at least 24 hours preceding a special Council meeting, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, appropriate staff, and the media who have filed a notification request.

2. Requests for presentations from outside entities or individuals will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, must be submitted to the City Clerk at least ten days prior to the appropriate Council meeting.

3. Forms of Address. The Mayor shall be addressed as "Mayor (surname)." The Deputy Mayor shall be addressed as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)" unless waived by the Presiding Officer.

4. Order of Business. The business of all regular formal meetings of the Council shall be transacted as follows, provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."

a. *Call to Order by the Presiding Officer*

b. *Invocation*

c. *Pledge of Allegiance*

d. *Roll Call* (See Chapter 1, C4 [page 17] for procedure to excuse an absence)

e. *Approval of Agenda*. In case of an emergency or an extremely time-sensitive issue which neither the administration nor the entire Council was aware of prior to the distribution of the agenda and accompanying materials, a new item may be introduced by the Presiding Officer, with concurrence of at least three Councilmembers, or by the City Manager and suggested as an amended agenda item for the present meeting. If a new item(s) is added, Council shall then consider a motion to approve the amended agenda. ("Three-Touch Principle" should be followed whenever possible.)

f. *Introduction of Special Guests and Presentations*.

g. *Councilmember Reports*. Council or government-related activities (e.g. synopsis of committee, commission, task force or other board meetings). These verbal reports are intended to be brief, City work-related reports of significance in keeping the Council informed of pertinent policy issues or events stemming from their representation of the City on a regional board, committee, task force or commission, whether as a formal member or as a liaison. Extended reports shall be placed as future agenda items for presentation or submitted in writing as an informational memo.

h. Mayor's Report

i. Proclamation.

j. Public Comments.

1. An opportunity for public comments on subjects not on the agenda for action. Speakers may sign in to speak, but it is not required. Speakers are limited to three minutes each unless modified by the Presiding Officer. Although the City Council desires to allow the opportunity for public comment, the business of the City must proceed in an orderly, timely manner. At any time the Presiding Officer, in the Presiding Officer's sole discretion, may set such reasonable limits as are necessary to prevent disruption or undue delay of other necessary business.

Procedure for all public comments:

1. Verbal: Comments shall only be made from the podium microphone, first giving name, city of residence and subject. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting. The public shall be reminded that this is not an opportunity for dialogue or questions and answers, but public comment. When appropriate, staff shall research issues and report back to those making the comment as well as to Council. Verbal public comments are opportunities for speakers to briefly address Council, and those speaking are to address members of Council and not the audience. In order to prevent disruption of the Council meeting, members of the public are asked to refrain from distributing materials to the audience, since Council meetings are not a public forum to address the audience. Since this is an opportunity for verbal public comment, in the interest of time and keeping in mind all documents submitted during Council meetings become the property of the City, graphs, charts, posterboards, PowerPoint presentations, or other display materials are not permitted, although written comments and written materials including photographs and petitions may be submitted to Council via the City Clerk.

d. Demonstration, applause or other audience participation before, during or at the conclusion of anyone's public comments is prohibited. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

e. Any ruling by the Presiding Officer relative to these subsections on public comments may be overruled by a vote of a majority of Councilmembers present.

f. Council shall not permit public comments if they relate to any matter upon which a quasi-judicial hearing has been required, scheduled, or held. (See Chapter 4 for procedure for taking public comment on legislative matters.) Unless solicited and scheduled, comments shall not be permitted relative to any future or possible/probable future ballot issue. (See Chapter 2, F Ballot Measures.)

2. Written. Citizens have the option of submitting written views, opinions, comments, data and arguments to Council on any topic and at any time, not just prior to or during public Council meetings. Unless the Mayor asks the Clerk to read written comments, or the citizen reads their own prepared written comments, such comments shall not be read aloud during regular or special Council meetings although they shall be included as part of the public record on the topic and if appropriate, may be publicly acknowledged. Any written comments submitted to Council via the City Clerk shall be distributed to Council by placing copies at each Councilmember's workstation or City desk; or in the case of e-mailed or other electronic comments, shall be forwarded to Council via e-mail. If individual Councilmembers receive written (including electronic) public comments or materials for the purpose of reading/sharing those materials during Council meetings, those materials should be submitted to the City Clerk prior to the Council meeting so the Clerk can make copies for later distribution to members of Council.

3. Electronic: Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public

comment without the benefit of having the citizen in person to address their concerns. (See also C8 Internet Use)

k. *Public Hearings* (See Chapter 4 for procedural details)

1. *Consent Agenda*

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

2. The proper Council motion on the Consent Agenda is: "I move approval of the Consent Agenda." This motion has the effect of moving to approve all items on the Consent Agenda. Prior to the vote on the motion to approve the Consent Agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting, or the matter may be addressed immediately after passage of the remaining items on the Consent Agenda.

m. *Unfinished Business*

[includes matters that were pending when a previous meeting adjourned, or matters specifically postponed to the present meeting]

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

Any member of the public who wishes to verbally address the Council on an action item on the current agenda, shall proceed to the podium at the time when comments from the public are invited during the agenda item discussion. The Council may hear such comments before or after initial Council discussion. The Presiding Officer may also invoke a sign-in procedure. If necessary the Presiding Officer in consultation with the City Manager and/or City Attorney shall rule on the appropriateness of verbal public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that comment is heard in the most logical groupings.

o. *Public Comments* [Same as j above] (Three-minute time limit each)

p. *Administrative Reports* or tracking of an administrative issue or topic.

q. *Information Only Items* These items are generally not discussed or reported.

r. *City Manager Comments*

s. *Executive Session (as required)* (See Chapter 1, section B1c below)

t. *Adjournment.* No Council meeting should be permitted to continue beyond approximately 9:00 p.m. without approval of a majority of the Councilmembers present. A new time limit shall be established before taking a Council vote to extend the meeting.

When a motion is made to adjourn into Executive Session for a specified period of time, no additional motion is needed to extend the meeting beyond 9:00 p.m. since that is implied as part of the motion to adjourn into Executive Session. In the event that a meeting has not been closed or continued by Council as herein specified, the items not acted on shall be deferred to the next regular formal Council meeting, unless the Council by a majority vote of members present determines otherwise.

b. Study Session Format

1. Normally held 1st, 3rd and 5th Tuesdays. The purpose of the study session format is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. Action items should normally not be included on a study session agenda, although there may be times when due to deadlines or other pertinent issues, action items must be included. Study sessions shall be in a less formal setting than regular formal meetings. Council may be seated other than at the dais, but shall not discourage public observation. Unless there are designated action items which permit public comment, there shall be no public comment at study sessions although the Council may request staff or other participation in the same manner as a regular formal Council meeting. The City Clerk, under the direction of the City Manager, shall arrange a Council study session agenda for the meeting. A copy of the agenda and accompanying background materials shall be prepared

for Councilmembers, the City Manager, appropriate staff and the press, on or before 4:30 p.m., one day before the meeting. Councilmembers have the option of accessing their Council packet via the City's website. Unless notified otherwise, the City Clerk shall prepare a hard copy agenda packet for individual Councilmembers.

2. The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct Council business more expeditiously, without the necessity of a formal action or motion. However, adding or removing items from the agenda once a meeting has been called to order requires Council to make a motion and vote on approving the "amended agenda."

3. Action Items. Although action items may occasionally be included on a study session agenda, it is the practice of Council to keep those instances to a minimum. Because a study session is a recognized meeting according to the "Open Public Meetings Act," it is permissible for Council to take final action during these meetings. As in the formal format meetings, public comment will be allowed on action items.

4. Unexpected Motions: Because study sessions are usually understood by the public and media as referring to meetings at which Council considers and discusses items and does not take final action or vote, it could be misleading to the public as to the purpose of the meeting if a motion is made unexpectedly. As it is Council's practice to invite public comment after most motions, it would be inappropriate to make a "surprise" motion unless there is a rare special circumstance. Voting or making a motion when neither is included on an agenda does not violate state law, but for consistency sake and to avoid any surprises to the public and media, the practice is discouraged.

5. Discussion Leader's Role. During the Council study session, the discussion leader should introduce the subject and give background information, identify the discussion goal, act as facilitator to keep the discussion focused toward the goal, and alert the Presiding Officer when it is appropriate, to schedule the topic for a motion or official direction of the Council.

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

7. Requests for presentations from outside entities or individuals will only be permitted if they are considered the official business of the City. Such requests should be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting. The City Clerk shall consult with the City Manager and the Mayor for a determination of whether the matter is an administrative issue, and whether it should be placed on an upcoming Council agenda. Playing of videos, DVD's, PowerPoints, or other electronic presentations shall be pre-screened and pre-approved by the City Manager, who shall determine the appropriateness of the material. In the event the presenter has no PowerPoint or other material to submit prior to the meeting, the presenter shall be requested to provide a brief written summary of the topic and items to be discussed. All written materials, including the written summary, shall be submitted to the City Clerk at least 10 days prior to the appropriate Council meeting.

8. Council Comments. The purpose of this agenda item is to allow Councilmembers an opportunity to report on an activity or key issue which either just arose, needs immediate or imminent action, or to simply report on something in connection with their role as a Councilmember that transpired since the last Council meeting. It is also an opportunity for Councilmembers to bring up topics for clarification, or to address other upcoming concerns. Pre-scheduled materials Council wishes to share as part of the Council packet, may also be included on study session agendas under "Council Comments."

9. City Manager Comments. The purpose of this agenda item is to allow the City Manager the opportunity to brief Council on an activity or issue which either just arose, needs immediate or imminent action, or to simply inform Council of items that transpired since the last Council meeting.

10. Forms of Address. Councilmembers and staff have the option of addressing each other on a first name basis during the study session format meetings.

11. Roll Call. The City Clerk shall conduct a roll call of Councilmembers. (See Chapter 1, C4 page 17 for procedure to excuse an absence.)

c. Executive Sessions

1. If Council holds an executive session, it shall be held pursuant to the Open Public Meetings Act, RCW Chapter 42.30. Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall ask for a motion from Council to: publicly announce the purpose for adjourning into executive session; the approximate length of time for the executive session; and the likelihood of Council taking action at the close of the executive session and return to open session.

a. At the close of the executive session and upon Council's return to chambers, the Presiding Officer declares Council out of executive session, and asks for the appropriate motion (i.e. an action motion or a motion to adjourn).

b. To protect the best interests of the City, Councilmembers shall keep confidential all verbal and written information provided during executive sessions. Confidentiality also includes information provided to Councilmembers outside of executive sessions when the information is considered exempt from disclosure under the Code of Ethics for Municipal Officers (RCW 42.52⁴) and/or the Public Records Act (RCW 42.56⁵).

2. RCW 42.30.110 explains the purpose for holding an executive session, some of which include:

a. RCW 42.30.110(1)(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price (*pending land acquisition*);

b. RCW 42.30.110(1)(g). To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4) (*labor negotiations*), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public; [note that stating that an executive session is to discuss a "personnel matter" is not sufficient because only certain types of personnel matters are appropriate for discussion in an executive session.] (*review qualifications of a public employee*)

c. RCW 42.30.110(1)(h). To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public (*review qualifications of an elected official*)

d. RCW 42.30.110(1)(i). To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency *litigation or potential litigation* to which the agency, the governing body, or a

member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. For purposes of this subsection (1)(i), "potential/pending litigation" means matters protected by Rules of Professional Conduct (RPC) 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

3. Council may adjourn into executive session even if it is not listed on the meeting agenda. There is a requirement in RCW 35A.12.160⁶ that the public be made aware of the preliminary agendas of meetings in advance of the meeting, but that does not mean that an item that arises after the agenda has been posted cannot be discussed at the meeting, even in executive session. Since final action on the matter would not be taken at the executive session, it would not violate any provision in state law to hold an executive session at a regular Council meeting even if the executive session was not listed on the agenda. [per MRSC Index-General Government-Executive sessions.] Although amending the agenda is not required in order to adjourn into executive session, it is a good practice for the Mayor to announce at the beginning of the meeting, that Council will be adjourning into an executive session at the end of the regular meeting.

4. Attendance at Executive Sessions. The City Attorney or Deputy City Attorney shall attend executive sessions which address litigation or potential litigation. The question of who may attend an executive session other than the Council is determined by the City Manager.

2. Special Meetings

1. Meetings set at days, times, and places other than Tuesdays at 6:00 p.m. in the Spokane Valley City Council Chambers shall be deemed "special meetings," such as joint meetings with other jurisdictions or entities (Board of County Commissioners, Planning Commissioners), and Council workshops or retreats.

2. A special meeting may be called by the Mayor or any three members of the Council. (RCW 35A.13.170⁷, 35A.12.110⁸). Written notice of the special meeting shall be prepared by the City Clerk. The notice shall contain information about the meeting, including date, time, place, and business to be transacted and shall be posted on the City's website and displayed at the main entrance of the meeting location (RCW 42.30.080⁹). The notice shall be delivered to each member of Council at least 24 hours before the time specified for the proposed meeting (RCW 35A.12.110¹⁰).

3. The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080¹¹, that is: (a) As to any member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice, (b) As to any member who was actually present at the meeting at the time it convenes, and (c) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage; or as otherwise provided by law.

4. Agendas shall be drafted in a form submitted by the City Clerk, approved by the City Manager, and distributed in a manner similar to agendas for formal and study session meetings. The processes and rules for agenda content apply to regular formal, study session format, as well as special meetings.

Agenda Items: Special meeting agendas may include action and non-action items. It is the practice of Council to allow time for the public to comment on action items and the “public comment” should be so noted on the agenda. Once the Special Meeting Agenda has been published and distributed, the agenda may be amended provided the amended agenda is distributed to Councilmembers and to the media, and posted on the City’s website and at the meeting doorway, at least 24 hours in advance of the special meeting. Final disposition shall not be taken on any other matter at such meeting, which means that the governing body may address other matters not identified in the special meeting notice or agenda, provided ‘final disposition’ regarding such matters is not taken(RCW 42.30.080(3)¹²) Council may not pass a franchise ordinance at a special meeting [RCW 35A.47.040].

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

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

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

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

4. Pre-Agenda Meetings:

The City Manager, City Clerk, Mayor and Deputy Mayor generally meet at a fixed weekly time to review the Council agenda of the upcoming meeting, which gives all involved an opportunity to ask questions and gather any additional materials or research needed for the impending meeting. This meeting also serves as an opportune time to discuss the Advance Agenda, which is a planning document to aid in scheduling items on future Council agendas.

C. Meeting Rules and Procedures

1. Council Rules of Order

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

2. Quorum

At all regular and special meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors pursuant to RCW 42.30.090¹³. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170¹⁴, 35A.12.120¹⁵)

3. Seating Arrangement

Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

4. Attendance

1. Unexcused Absences: A Councilmember’s responsibility to attend Council meetings should not be taken lightly, nor should a decision to remove a Councilmember for missing meetings. Pursuant to RCW 35A.12.060¹⁶ “a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.” As soon as possible after two consecutive unexcused absences, and prior to a third consecutive unexcused absence, the absent Councilmember must request a leave of absence if they desire to remain on the Council. At a third consecutive meeting where a Councilmember is not excused and there has been no request for a leave of absence, the absent Councilmember’s office shall be forfeited effective immediately.

2. Excused Absences: Members of Council may be excused from meetings with prior notification to the Mayor, City Clerk, or City Manager prior to the meeting, and by stating the reason for the inability to attend. Acceptable excuses for missing meetings may include death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, family or personal emergency, or unusual or unforeseen circumstances. Following or prior to roll call, the Presiding Officer shall inform the Council of the member’s absence, and inquire if there is a motion to excuse the member. The motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk shall make an appropriate notation in the minutes.

3. Leave of Absence:

a. A Councilmember whose serious health or physical condition would prevent them from performing the duties of Councilmember may ask to be placed on a leave of absence under the following conditions:

- Such serious health or physical condition must be certified in writing by a medical physician.
- The request for a leave of absence shall be in writing, and hand-delivered or mailed to the Mayor, City Clerk, or City Manager at least one week prior to the date when such leave would commence.
- The request for a leave of absence must state the anticipated date the Councilmember will resume their duties.
- By majority vote of the whole Council, a leave of absence shall be granted as follows:
 - The absence shall not exceed 90 days from the date the motion is passed by Council
 - The absent Councilmember shall retain pay and medical benefits during the leave of absence
 - At the end of the 90-day leave of absence, the absent Councilmember shall either:

- Return to normal Council duties commencing with the first Tuesday following the end of the 90-day leave; or
- be subject to RCW 35A.12.060 concerning three consecutive absences, beginning with the first Tuesday following the end of the 90-day leave.

b. A leave of absence may only be granted twice during a Councilmember's four-year term, with no less than six months between each request. Upon approval of a leave of absence, the absent Councilmember shall not be replaced with a pro-tem Councilmember during the absence.

5. Respect and Decorum

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall preserve order and decorum and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any Councilmember while speaking. Councilmembers and the public shall comply with the directives of the Presiding Officer. Any Councilmember making disruptive, disparaging or impertinent remarks, or unreasonably disturbing the business of the Council shall be asked to cease such disruption. Any other person attending a Council meeting who disrupts the meeting in such a fashion that the Council is impaired in its ability to attend to the business of the City may be asked to leave, or be removed from the meeting. At any time during any Council meeting, any Councilmember may object to personal affront or other inappropriate comments, by calling for a "point of order." After the Councilmember is recognized by the Presiding Officer and the Councilmember explains their point concerning respect and decorum, or lack thereof, the Presiding Officer shall rule on the remark. If the person making the remark is a Councilmember, the Presiding Officer may ask the Councilmember to cease. If the person making the remark is a member of the public, the Presiding Officer shall determine if the remark is actually disruptive, and whether the remark has impaired the ability of the Council to attend to the business of the City. If so, the Presiding Officer shall seek the removal of that person from the meeting. Continued disruptions may result in a recess or adjournment as set forth in #9 below.

6. Dissents and Protests

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

7. Councilmember Meeting Participation by Telephone/Video Conference

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

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

8. Internet Use

Use of the City's network systems implies Council is aware of and understands that the system is provided to assist in the performance of their roles as Councilmembers, and as such, Councilmembers are

obligated to use, conserve and protect electronic information and information technology resources and to preserve and enhance the integrity of those resources which belong to the citizens of Spokane Valley.

a. As noted on page 8, Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their concerns. Likewise, Councilmembers shall avoid browsing the Internet of non-City business during Council meetings in order that Council's full attention can be given to the topic at hand.

b. Information technology resources are provided for the purpose of conducting official City business. The use of any of the City's information technology resources for campaign or political use, unless such use has been determined not a violation of RCW 42.17A.555¹⁷ by the City Attorney, Washington State Attorney General, or Washington Public Disclosure Commission, or as otherwise authorized by law, is absolutely prohibited.

c. Confidential material shall not be sent via e-mail.

d. All letters, memoranda, and interactive computer communication (e-mail) involving Councilmembers, the subject of which relates to the conduct of government or the performance of any governmental function, with specific exceptions stated in the Public Records Act (RCW 42.56) are public records. Copies of such letters, memoranda and interactive computer communication shall not be provided to the public or news media without filing a public record request with the City Clerk.

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

9. Adjournment Due to Emergency or Disruption

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

10. Permission Required to Address the Council

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

11. Approaching the Dais by Members of the Public

Once a Council meeting has been called to order, members of the public are prohibited from stepping between the speaker's podium and the dais, or stepping behind any part of the dais or stepping behind those sections adjacent to the dais which are occupied by staff. Citizens are also prohibited from distributing/placing materials on the dais, including video recording, still photography, tape recording, and other written handouts. If citizens wish Council to receive materials, those materials should be handed to the City Clerk during the public comment section of the agenda; and the Clerk will distribute the materials to members of Council. Council reserves the right to invite anyone forward to the podium to be addressed by Council.

12. 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 Presiding Officer in his/her sole discretion shall rule on allowing or disallowing the out of order request.

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

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

14. Placing Items on an Agenda:

a. Routine Council Business: Through the normal course of business, Council may move items forward to a future agenda by consensus, taking into account staff's work schedules as noted by the City Manager, **unless** the Council wants to discuss the item prior to staff's involvement.

b. New Item Council Business: At the appropriate time during a Council meeting (such as Council Comments, or Advance Agenda), a Councilmember may request to have items placed on a future agenda. Each request shall be treated separately. The City Manager is most familiar with staff's workload and shall determine when the item can be prepared and brought forward to Council, **unless** the Council wants to discuss the item prior to staff's involvement. The following process shall be used to propose an item for a future Council meeting:

- A Councilmember may propose an item and give a brief explanatory background of the issue and its importance to the City.
- Councilmembers may ask clarifying questions but should not engage in debate.
- The item shall be considered at the next meeting of the Agenda Committee taking into account legal or other appropriate scheduling issues as determined by the City Manager or legal issues as determined by the City Attorney, **unless** Council wants to discuss the item prior to staff's involvement.
 - The Committee may place the item on a future agenda or as a pending item; or
 - The Committee may determine not to place the item on a future agenda or as a pending item and the Mayor or Deputy Mayor shall notify the proposing Councilmember who has the option of bringing the issue up again during the advance agenda portion of a meeting for further discussion. At that time, a consensus of three or more Councilmembers may move the item forward to a future agenda.

c. Staff: except for routine items such as those found on most Consent Agendas, requests for items to come before Council shall be routed through the City Manager or come directly from the City Manager as part of the normal course of business.

15. Motions and Discussion

a. Order of Procedure:

1. Member of Council makes a motion by stating: "**I move . . .**"

The motion is seconded.

Staff makes their presentation.

Mayor asks Council if there are any questions for staff.

Once all questions have been addressed, the staff member steps away from the podium to allow for the public comment opportunity.

2. The Mayor invites public comments. Public comments should be limited to one comment per person per topic and limited to three minutes. The Mayor reminds the public this is time for comments and not discussion; and if the public has questions, those questions shall be addressed by staff at another time outside the meeting.

3. The Mayor opens the floor to Council for discussion.

The maker of the motion normally begins the discussion.

The discussion must have bearing on whether the pending motion should be adopted (RONR §43); and can be prefaced by a few words of explanation, but must not become a speech (RONR §4). All Council remarks should be addressed through the Mayor.

4. When discussion has ended, the Mayor re-states the motion or asks the Clerk to re-state the motion. Once the motion is re-stated, the Mayor calls for the vote, which is normally taken by voice. The Mayor or the Clerk then states whether the motion passed or failed.

b. In General:

1. Except in rare circumstances, Council motions shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent “approval by default” of a failed negative motion.
2. Agenda items scheduled for Council action shall require a motion by a Councilmember before discussion unless by majority vote the Council suspends the requirement. If a motion fails, the agenda item shall be considered concluded. However, said item could be reconsidered if done during the same meeting, or through Council majority vote could be brought back at a later meeting to "rescind an action," or to "amend something previously adopted." (Mayoral appointments excepted. See Committees for further discussion.)
3. Councilmembers should direct questions to the City Manager or the designated presenter.
4. Main motions are made when no other motion is pending (see chart below). They are debatable and subject to amendment. Since seconding a motion means “let’s discuss it,” if there is no second but discussion ensues, the matter of having a second to proceed is moot and the motion can proceed. However, if there is no second and no discussion, the motion does not progress. Note that the motion does not “die for a lack of a second” but it merely does not progress.
5. The maker of a motion can withdraw their motion without the consent of the seconder, and if the mover modifies the motion, the seconder may withdraw the second. The person making the motion is entitled to speak first to the motion. A maker of the motion may vote against the motion but cannot speak against their own motion.
6. No one should be permitted to speak twice to the same issue until everyone else wishing to speak has spoken. All remarks shall be directed to the Presiding Officer and shall be courteous in language and deportment (*Robert’s Rules of Order Newly Revised*, Article VII, Section 43, Decorum in Debate), keeping in mind it is not the Councilmember, but the measure that is the subject of debate.
7. When an amended motion is on the floor, the vote is taken on whether to adopt the amendment. If adopted, the next vote is on the fully amended motion.
8. Motions should be reserved for items marked on the agenda for action, so as to avoid any surprises for Council, staff and the public.

Parliamentary Procedure at a Glance

Roberts Rules of Order §	IF YOU WANT TO	YOU SAY	INTERRUPT	NEED 2 ND	Can be Debated	Can be Amended	VOTE
11	Postpone indefinitely (the purpose is to prevent action or kill an issue.)	I move to postpone (an affirmative vote can be reconsidered; a negative vote cannot.) indefinitely	No	Yes	Yes	No	Majority
12	Modify wording of motion	I move to amend the motion by . . .	No	Yes	Yes	Yes**	Majority
14	Postpone to a certain time	Ex: I move to postpone the motion to the next Council meeting.	No	Yes	Yes	Yes	Majority
16	Close debate	I move the previous question, or I call for the question ***	No	Yes	No	No	Majority*
17	To Table a motion	I move to lay on the table, the motion to	No	Yes	No	No	Majority
19	Complain about noise, room temperatures etc	Point of Privilege	Yes	Yes	Yes	Yes	Chair decision
20	Take break	I move to recess for . .	No	Yes	No	Yes	Majority
21	Adjourn meeting	I move to adjourn	No	Yes	No	No	Majority
23	Object to procedure or personal affront	Point of Order	Yes	No	No	No	Chair decision
25	Suspend rules	I move to suspend the rules and . . .	No	Yes	No	No	Majority*
34	Take matter from table	I move to take from the table the motion to . . .	No	Yes	No	No	Majority
35	Reconsider something already disposed of	I move we reconsider action on . . .	No	Yes	Yes	Yes	Majority

It should be noted that **the purpose of tabling a motion** is not to simply postpone an issue or a vote. If the intended purpose is to postpone, then the motion to postpone should be used. If more information is needed or desired in order to make the most informed vote possible, then an option would be for the maker of the motion to simply withdraw the motion. The consent of the seconder is not needed to withdraw a motion. While a motion is still on the table, no other motion on the same subject is in order. The motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen. The motion to “Lay on the Table” is out of order if the evident intent is to kill or avoid dealing with a measure. (*Robert’s Rules of Order Newly Revised, 10th Edition*)

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

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

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

16. Voting

The votes during all meetings of the Council shall be transacted as follows:

- a. The Presiding Officer shall first call for a vote from those in favor of the motion, followed by a call for those opposed to the motion, and afterwards shall state whether the motion passed or failed. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice or a show of hands. At the request of any Councilmember or the City Clerk, a roll call vote shall be taken by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.
- b. Unless otherwise provided by statute, ordinance, or resolution, in case of a tie vote on a motion, the motion shall be considered lost.
- c. Every member who was present when the question was called, shall give his/her vote. If any Councilmember refuses to vote “aye” or “nay,” their vote shall be counted as a “nay” vote unless the Councilmember has abstained or recused themselves due to actual or perceived appearance of a conflict of interest, which shall be so stated prior to the vote at hand.
- d. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council (RCW 35A.12.120¹⁸). Except as provided in “e” below, all other motions or resolutions shall require an affirmative vote of at least a majority of the quorum present.
- e. Majority Plus One: The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090¹⁹), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190²⁰).

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

Prohibited acts. There are some conflicts which cannot be waived, and some actions in which Councilmembers shall not engage. RCW 42.23.070 prohibits municipal officers from:

- (1) Using “his or her position to secure special privileges or exemptions for himself, herself, or others.”
- (2) Directly or indirectly giving or receiving or agreeing to receive “any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer’s services as such an officer unless otherwise provided for by law.”
- (3) Accepting employment or engaging in business or professional activity that “the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.”
- (4) Disclosing confidential information “gained by reason of the officer’s position, nor may the officer otherwise use such information for his or her personal gain or benefit.”

Conflict of interest – contracts. In contractual matters, Councilmembers are required to avoid directly benefitting from contracts entered into by the City. When a Councilmember is aware that they may

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

Bias for or against a proposed action. There will be situations for each Councilmember where, based upon their prior work or personal relationships, that Councilmember may not be able to participate in a discussion and decision on a given issue because they likely can't be objective. In such an event, the Councilmember must give due consideration to their potential to be predisposed, and whether they believe they can objectively consider and decide on the issue. If the answer is yes, then the Councilmember may proceed. If this self-analysis is difficult as to whether the Councilmember can be objective, but the determination is that they can, the Councilmember should strongly consider disclosing the nature of the potential bias to the Council, and then announce whether they believe they can or cannot proceed. If the Councilmember does not believe they can be reasonably objective, they should recuse themselves from the discussion and consideration. The purpose for recusal under such circumstances is that the Council wants the public to have the utmost confidence that decisions are made objectively, and that all citizens and businesses will be treated equally and fairly.

Process and Disclosure: When a Councilmember determines recusal is appropriate, or when it is required by law, the Councilmember shall announce that they need to recuse themselves, explain the factual circumstances, then step off the dais and out of the Council chambers. A staff member will retrieve the Councilmember once that issue is finished being discussed. The determination of whether to recuse oneself from an issue, and then formally recusing, shall occur before any discussion has taken place on that issue to ensure that Councilmember does not participate in the matter in any fashion.

The following is an example of appropriate language where recusal is warranted:

Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I have known the owners of * business for * years, am friends with them, and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room.

OR

Following careful analysis and consideration, I think it is appropriate for me to recuse myself from any discussion and decision on this matter. I own a business that competes directly with the business at issue, and believe it would be most appropriate for me not to participate in this matter. As such, I will recuse myself and step out of the room.

The following is an example of appropriate language where the Councilmember determines that he/she does not need to recuse themselves from the matter:

Following careful analysis and consideration, I think it is appropriate for me to participate in the discussion and decision on this matter. Although I am somewhat familiar with this matter from my prior friendship with *, I believe I can be objective and unbiased. As such, I will not recuse myself, and will participate with the rest of the Council in the discussion and decision.

18. Ordinances

Except for unusual circumstances or emergencies, ordinances and resolutions shall customarily be prepared, introduced and proceed in accordance with the “Three Touch Principle.” Prior to final passage of all ordinances or resolutions, such documents shall be designated as drafts.

- a. A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance for a specific purpose. The Presiding Officer then may assign the proposed ordinance to the administration, a committee, or the Council for consideration. The committee or administration shall report its findings to the Council. The City Manager may propose the drafting of ordinances (RCW 35A.13²¹). Citizens, Boards and Commissions may also propose consideration of ordinances and resolutions.
- b. Sponsorship. When a Councilmember wishes to assume sponsorship of an ordinance or resolution, once on the agenda, he or she should so announce, make the initial motion and provide an introduction of the measure.
- c. Ordinances shall normally have two separate readings at separate Council meetings. Unless waived by the City Council at each reading, the title of an ordinance shall be read by the City Clerk prior to its passage. However, if a Councilmember requests that the entire ordinance or certain sections be read, such request shall be granted. Printed copies shall be available upon request to any person attending a Council meeting.
- d. The provision requiring two separate readings of an ordinance may be waived at any meeting of the Council by a majority vote of all members present. (This would require a successful motion to suspend the rules and pass the ordinance on a first reading.)
- e. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to first reading.
- f. Any ordinance repealing any portion of the Spokane Valley 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.
- g. Council may **not** pass a franchise ordinance at a special meeting [RCW 35A.47.040].
- h. The **passage of any ordinance**, grant or revocation of franchise or license shall require the affirmative vote of at **least a majority of the whole membership** of the Council.
- i. The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity, violence of nature, riot, insurrection, or war; and provisions for a lesser emergency, such as a budget amendment (RCW 35A.33.090²²), shall require the affirmative vote of at least a majority plus one of the whole membership of the Council. (RCW 35A.13.190²³).

19. Resolutions

A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may invoke the two reading procedures described above to facilitate public understanding and/or comment on the resolution. If Council invokes the two reading procedures, a Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested. Printed copies shall be made available upon request to any person attending a Council meeting.

- a. The passage of any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

20. Taxes: Increasing or Imposing New Taxes

The Council strongly believes in fiscal restraint, and that increasing the tax burden on its property owners and citizens by increasing or imposing new taxes should be avoided except as a last resort. In addition to complying with all applicable statutory requirements, increasing or imposing new taxes should only be done as follows:

a. As requested by the City Council, the City Manager in consultation with the Finance Director, shall notify the City Clerk of Council's desire for a proposed ordinance, and ask the City Attorney to prepare a draft ordinance.

b. Within 14 days following notice to the City Clerk, the City Clerk shall publish a notice of public hearing once a week for two consecutive weeks in the official newspaper of the City, stating

- the date, time and place of Council's public hearing
- the purpose of the hearing: that a tax increase or new tax has been proposed
- that a copy of the proposed draft ordinance shall be furnished to any City taxpayer who requests it; and
- that any City taxpayer may appear and provide verbal or written comment for or against the proposed draft ordinance.

c. Preceding such public hearing, staff will provide an administrative report to Council describing the financial deficit and need for the increased or new tax; and if Council concurs and after the public hearing, the proposed draft ordinance shall proceed as follows:

- Proceed with a first reading of the proposed draft ordinance
- Second reading of the proposed draft ordinance.

d. Approval of increasing or imposing new taxes requires an affirmative vote of a majority plus one of the whole Council.

21. Hearings: [note: See Appendix A for quasi-judicial hearings]

1. Purpose

- a. Held to obtain public input on legislative decisions on matters of policy
- b. Are required by state law in such matters as comprehensive plan use plans, or annual budget
- c. Do not involve legal rights of specific private parties in a contested setting
- d. Affect a wide range of citizens or perhaps the entire jurisdiction
- e. Decisions reached as a result of these hearings are not second-guessed by the courts, and if challenged, are reviewed only to determine if they are constitutional or violate state law

2. Process

a. State statutes do not specify how public hearings should be conducted. Because legislative hearings are generally informal, the main concern is to provide an opportunity for all attending members of the public to speak if they so desire. Time limits should be placed on individual comments if many people are intending to speak, and the public should be advised that comments must relate to the matter at hand. The "ground rules" for the conduct of the hearing may be stated by the Presiding Officer at the beginning of the hearing:

1. All public comments shall be made from the speaker's podium, shall be directed to the Mayor and Council, and any individual making comments shall first give their name and city of residence. This is required because an official recorded transcript of the public hearing is being made.
2. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting.
3. Unless otherwise determined by the Presiding Officer, all comments by the public shall be limited to three minutes per speaker
4. At the discretion of the Presiding Officer, members of the public shall only speak once per issue.
5. There shall be no demonstrations, applause or other audience participation, before, during or at the conclusion of anyone's presentation. Such expressions are disruptive and take time away from the speakers.

6. Unless read and/or handed in by the individual speaker during the public hearing, previously received written public comments shall be read by the City Clerk at the pleasure of the Mayor. In the interest of time, the Mayor may limit the reading of such comments, to the Clerk reading who the letter or written material is from, and if easily discernible, whether that person is for or against the issue at hand. All written comments become an official part of the record.

7. 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.

b. The Presiding Officer declares that the public hearing on the topic at hand is open, notes the time for such opening, and asks staff to make their presentation.

c. After staff presentations, the Presiding Officer calls for public comments.

d. The Presiding Officer asks if any members of Council have questions of any of the speakers or staff. If any Councilmember has questions, the appropriate individual shall be recalled to the podium.

e. The Presiding Officer declares the public hearing closed and notes the time for such closing.

22. Reconsideration

The purpose of reconsidering a vote is to permit change or correction of an erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. Any action of the Council, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider except:

1. any action previously reconsidered;
2. motions to adjourn or motions to suspend the rules;
3. an affirmative vote to lay an item on, or take an item from, the table;
4. a previously passed motion to suspend the rules; or
5. a vote electing to office one who is present and does not decline.

Such motion for reconsideration:

1. shall be reconsidered during the same Council meeting;
2. shall be called up when no business is pending (no action is pending);
3. if action is pending, the Mayor asks the Clerk to note that the motion to reconsider has been made and shall be taken up when a member calls the motion to reconsider the vote when no other business (action) is pending;
4. shall be made by a member who voted on the prevailing side on the original motion. This means a reconsideration can be moved only by one who voted aye if the motion involved was adopted, or no if the motion was lost. It is permissible for a Councilmember who cannot make such a motion, but believes there are valid reasons for one, to try to persuade someone who voted on the prevailing side, to make such a motion.
5. a member who makes this motion should state that he or she voted on the prevailing side;
6. needs a second, and can be seconded by any member;
7. is debatable if the type of motion it reconsiders is debatable; and
8. is not amendable and requires a majority vote to adopt.

Step 1: A member of Council who voted on the prevailing side makes the motion, such as "I move to reconsider the vote on the resolution relating to holidays. I voted for [or against] the resolution." This motion needs a second, which can be seconded by any Councilmember.

Step 2: If the motion for reconsideration is adopted, the original motion is then placed before Council as if that motion had not been voted on previously; and Council again takes that motion under discussion, followed by a new vote.

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

23. Council Materials

a. Council Material

Councilmembers and staff should read the agenda material and ask clarifying questions of the City Manager or other appropriate staff prior to the Council meeting when possible. Council recognizes there are times when Councilmembers may wish to bring additional documentation to a meeting on a specific subject, whether that subject is on the agenda or not, in order to share with Council and staff. When possible, the materials should be distributed to Councilmembers and staff prior to the Council meeting, or if distributed during a meeting, Councilmembers should indicate the materials are for future reading, since except in an emergency, Councilmembers would normally not take time at the dais to read material just received. Pre-scheduled materials Council wishes to share as part of the Council packet could also be included on study session agendas under “Council Comments.”

b. Council Packets

Councilmembers shall personally pick up their agenda packets from their City desk, unless otherwise arranged by the Councilmember or further directed by Council. Councilmembers have the option of accessing their Council packet via the City’s website. Unless notified otherwise, the City Clerk shall prepare a hard copy agenda packet for individual Councilmembers.

c. Packet Materials

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

24. “Three Touch Principle”

Decision makers and citizens at all levels of the City should have adequate time to thoroughly consider the issues prior to final decisions. It is the intent of the Council that the Council and administration shall abide by the “Three Touch Principle” whenever possible. These procedural guidelines are designed to avoid “surprises” to the City Council, citizens and administrative personnel. Any request or proposal for adopting or changing public policy, ordinances, resolutions or City Council directives which require a decision of the City Council or administration, should “touch” the decision makers three separate times. This includes verbal or written reports, “information only” agenda items, or any combination thereof. To facilitate the Council’s strategic use of legislative time at its meeting, staff may satisfy the first touch by issuing an informational memorandum, unless the subject matter is complex in nature. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the “Three Touch Principle.”

It is recognized that unexpected circumstances may arise wherein observance of the “Three Touch Principle” is impractical. However, when unusual circumstances arise which justify a “first discussion” decision, the persons requesting the expedited decision should also explain the timing

circumstances. This principle excludes staff reports and other general communications not requiring a Council decision.

CHAPTER 2

Legislative Process



A. Election of Officers

Procedures for electing officers are as follows:

1. Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, election of a Deputy Mayor shall be conducted in the same manner. The term of the Deputy Mayor shall run concurrently with that of the Mayor. (RCW 35A.13.030²⁴)

2. The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one person, and a nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at that time. Nominations are then closed. The election for Deputy Mayor shall be conducted by the Mayor, and nominations shall be made in the manner previously described for the election of the Mayor.

3. Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Selection of Mayor and of Deputy Mayor shall each be determined by majority vote of Councilmembers present. The City Clerk shall publicly announce the results of the election. Thereafter, the City Clerk shall record the individual Councilmember's vote in the minutes of the meeting.

4. If the first round of votes results in no majority vote of Councilmembers present, the voting process shall be repeated no more than two more times. During subsequent votes, Councilmembers do not have to vote the same as they did in the previous vote. If after three attempts, Council is unable to agree on a Mayor by majority vote of Councilmembers present, the office of Mayor shall be temporarily filled by an Acting Mayor, which shall be the Councilmember who just previously served as Mayor if that person is still a member of Council, or if the previous Mayor is no longer a Councilmember, then by the Deputy Mayor, or if such person prefers not to serve as Mayor or if that person is no longer a member of Council, the Councilmember with the next highest seniority. The Acting Mayor shall continue in office and exercise such authority as is described in RCW 35A.13²⁵ until the members of the Council agree on a Mayor, which shall be determined at the next scheduled Council meeting, at which time the role of Acting Mayor shall cease and terminate.

5. At the next scheduled Council meeting voting for Mayor shall proceed in the same manner as the initial first round of voting from the previous Council meeting, but Councilmembers shall only vote on the Councilmembers who received the highest number of votes. If after three voting attempts, there is still no majority vote of Councilmembers present, the vote shall be determined by whichever Councilmember has the most votes at the third voting attempt. If at that time, there is a two-way tie of Councilmembers receiving the most votes, the tie shall be broken based on the flip of a coin. The City Manager shall flip the coin. If there are more than two Councilmembers tying with the most votes, that tie shall be determined by another means of chance to narrow the Councilmembers down to two, at which time the outcome shall be determined by written ballot.

B. Filling Council Vacancies: Permanently Filling a Vacancy

1. General Process: (Note that public comment shall not be taken during this entire process.) If a vacancy occurs on the City Council, the Council shall follow the procedures outlined in RCW 35A.13.020²⁶ and Council's adopted procedure in compliance with RCW 35A.13.020²⁷, as well as RCW 42.12.070²⁸. The timeline will vary depending on when the process begins. Pursuant to RCW 35A.13.020, City Council has 90 days from the vacancy to appoint a qualified person to the vacant position. If this timeframe is not met, the City's authority in this matter would cease and the Spokane County Board of Commissioners would appoint a qualified person to fill the vacancy. In order to be qualified to run for Spokane Valley City Council, or hold such position, a person must be [RCW 42.04.020] a citizen of the United States, 18 years of age or older, a resident of the City of Spokane Valley for a year or more preceding his or her election, a registered voter in the City of Spokane Valley at the time of filing the declaration of candidacy, and cannot be a convicted felon (unless those civil rights have been restored pursuant to Ch. 9.96 RCW).

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

a. Procedure for Filling a Council Vacancy, Timeline/Procedure-Publication: The City Clerk shall publish the vacancy announcement inviting citizens of the City who are interested and qualified to sit as a Councilmember, to apply on an application form provided by the City. Qualifications to sit as a Councilmember are set forth in RCW 35A.13.020, which refers to RCW 35A.12.030: (1) must be a registered voter of the city at the time of filing his or her declaration of candidacy; (2) has been a resident of the city for a period of at least one year next preceding his or her election. Additional qualifications include never having been convicted of a felony, and that Councilmembers shall not hold any other office or employment within the Spokane Valley City government [RCW 35A.12.030]. In order to avoid any real or perceived conflict of interest, no member of Council's immediate family may be currently employed by the City of Spokane Valley since employment is considered a contractual matter, and a councilmember would have a prohibited interest in a contract between a family member who is an employee of the city, and the city. (See Appendix A Definitions for description of immediate family.) If possible, the vacancy announcement shall be published for three consecutive weeks.

b. The City Clerk shall establish the deadline to receive applications, for example, no later than 4:00 p.m. on a certain date.

c. As per RCW 42.30.110(1)(h), set a special meeting with an executive session beginning at 5:00 p.m. Council shall meet and adjourn to executive session to review and discuss all of the applications. After the review and discussion, Council shall return to Council Chambers and the Special Meeting shall be adjourned.

d. Hold a regular 6:00 p.m. meeting, same evening as above special meeting. Per RCW 42.30.110(1)(h), Council shall meet in open session and part of this agenda shall include selection of applicants to interview. Selection shall be by nomination and second. A vote shall be taken and candidates receiving three or more votes shall be interviewed. Immediately after this Council meeting or as soon as practicable, the Clerk shall send a list of potential questions to all those to be interviewed.

e. Schedule a regular 6:00 p.m. Council meeting to conduct the interviews. Per RCW 42.30.110(1)(h), the interviews shall be conducted during an open Council meeting. Each interview shall be a maximum of 30 minutes.

f. Schedule a special 5:00 p.m. meeting with an executive session. Per RCW 42.30.110(1)(h), Council shall meet and adjourn to executive session (closed session) to discuss applicants. After the discussion, the Special Meeting shall be adjourned as usual.

g. Hold a regular 6:00 p.m. meeting, same evening as f above special meeting. Per RCW 42.30.110(1)(h), Council shall meet in open session; and the last action item of that agenda will include a vote to fill the vacancy. Upon selection of the new Councilmember, that person shall be sworn in by the City Clerk, and take their seat at the dais.

2. Nomination Options for Conducting Interviews:

a. After holding an executive session to review applications, during a subsequent open session, any Councilmember may

- nominate an applicant to be interviewed
- the nomination must be seconded
- Councilmembers may make more than one nomination, but only one at a time
- the Mayor shall ask if there are further nominations
- if no further nominations, the Mayor shall close the nominations
- votes shall be taken on each applicant in the order of nomination
- votes shall be by raised hand
- applicants receiving three or more votes shall be interviewed
- once all voting has taken place, the City Clerk shall summarize which applicants shall be interviewed based on the voting outcome
- as soon as possible after the Council meeting, the City Clerk shall notify each applicant to inform them if they will or will not be interviewed; notify those to be interviewed of the date and time for their interview, and send each person to be interviewed the list of possible interview questions

OR

- Instead of the above nomination process, after holding an executive session to review applications, Council may choose to interview all applicants.
- the length of the interview shall be determined based upon the number of applicants
- interviews shall be done in last-name alphabetical order
- the City Clerk shall notify all applicants of the date, time and procedure for their interview
- to keep the process as fair as possible, on the date of the interview, applicants not yet interviewed shall be asked to wait in a waiting area outside the Council Chambers.

OR

If during open session, Council has nominated only one person to interview, or in the case of more than one vacancy, one person per vacancy, Council may forego the interview process and move to make the appropriate appointment.

3. Interview Questions/Process:

a. During the interview, each Councilmember may ask each candidate up to three questions. Follow-up questions are to be counted as one of the three questions.

b. Candidates shall be interviewed in alphabetical order of last name.

c. Candidates should be prepared to answer any of the following questions, even though every question might not be asked of each candidate, and Council has the option of asking questions not included in this list of potential questions. Council has the option of asking follow-up questions up to a total of three questions per candidate. Follow-up questions are included as part of and not in addition to, the three maximum questions.

d. Potential Council Applicant Interview Questions:

1. What is a Councilmember's primary responsibility to the citizens of Spokane Valley?
2. What are the most important issues our City faces today?
3. Please explain your view of the most difficult aspect of being a Councilmember.
4. What do you think is the biggest challenge facing the City Council?

5. What are the three highest priorities the City needs to address and how do you propose to address these issues?
6. As a Councilmember, one of the most challenging issues we face is balancing the City budget. Keeping in mind that the majority of our revenue is from sales tax and property tax, how would you propose to strike a balance between revenues and expenses; and at what point, if at all, would you support additional revenues to maintain service levels?
7. Discuss your ideas on pavement preservation including solutions for long-term sustainability of our roads.
8. How can we determine what the citizens want for the future of Spokane Valley?
9. What do you envision the City of Spokane Valley will be like ten and twenty years from now?
10. All total, Councilmembers serve on numerous different boards, committees, councils and task forces. Does your life style allow you to serve on outside committees and share these responsibilities? It could mean several additional hours per month in addition to your Council duties.
11. Do you plan to run and/or actively campaign for the November election for what will be a four-year term?
12. Have you attended Spokane Valley City Council meetings in the past?
13. What did you discover from attending Council meetings?
14. Why do you want to be on the City Council?
15. Please explain your familiarity with and understanding of our City's form of government, including the difference between Council and staff responsibilities.
16. What do you hope to accomplish as a Councilmember and what do you offer the City?
17. If the majority of the Council took a position that you were against, how would you handle your response to the public and/or media?
18. As a Councilmember, what new or different perspective would you bring to the City Council?
19. Are you aware and knowledgeable about the Open Public Meeting Act?
20. Are you aware and knowledgeable about the Public Record Act?

4. Nomination and Voting Process to Select Applicant:

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

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

- Except when there is only one nominee, a vote for an applicant shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it.
- The vacancy may only be filled when a majority of the remaining City Council (whether present or not) affirmatively votes for the applicant, i.e. if five City Councilmembers are present, this would require at least four Councilmembers voting for an applicant. If subsequent rounds of voting are needed, each round of voting follows the same process. The Mayor may ask for Council discussion between voting rounds.
- **Round One Vote:** The City Clerk shall publicly announce the results of the election. The applicant receiving the majority of votes shall be the new Councilmember. If no applicant receives a majority of votes from the City Council, then the three applicants receiving the most affirmative votes would be considered in a second round.

- Round Two Vote: Round Two proceeds the same as Round One. If one of the three applicants still fails to receive a majority of affirmative votes, then the two applicants of the three who received the most affirmative votes would then be considered in a third round; or if there are only two applicants and they receive tie votes, a third round shall be taken. Councilmembers may change their vote between rounds.
- Round Three Vote: Round Three proceeds the same as Rounds One and Two. If after this round, the vote of the two applicants results in a tie, then the City Manager, with concurrence of Council shall flip a coin to determine who shall fill the vacancy, with the applicant whose last name is closest to the letter A being assigned “heads” and the other person assigned “tails.” In the rare circumstance where both applicants' last name begins with the same letter of the alphabet, the applicant whose entire last name is closest to the letter A shall be assigned “heads” and the other person assigned “tails.” In the equally rare circumstance where both applicants have the same last name, the applicant whose first name is closest to the letter A shall be assigned "heads" and the other person assigned "tails."

5. Seating of New City Councilmember:

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

C. Legislative Agenda

Councilmembers work each year (or sometimes every two years) to draft a “legislative agenda” to address Council ideas, suggestions and specific legislative programs in terms of upcoming or pending legislative activity in Olympia that would or could have an effect on our City. Additionally, Councilmembers have the option of creating a similar legislative agenda to address concerns on a national level, which can be addressed during Council’s participation in the annual National League of Cities Conferences held in Washington, D.C.

D. Council Travel Provisions

Council is allocated a budget to handle certain City business-related travel expenses. The total allocation of travel funding budgeted for the legislative branch for the fiscal year shall be apportioned one-seventh (1/7) to each Councilmember. These monies may be used to defray expenses for transportation, lodging, meals and incidental expenses incurred in the conduct of City business. Periodic updated statements of expenditures shall be provided to each Councilmember by the Finance Department. Should a Councilmember exhaust their apportionment of funds, that person shall be responsible for payment of any travel and related expenses, or they may request a voluntary allocation from another Councilmember who has a balance in their travel apportionment. To be reimbursed for expenses incurred as part of City business, Councilmembers should timely submit detailed receipts with their reimbursement form. During the last six months of a Councilmember’s current term of office, incurring City business-related travel expenditures requires the prior authorization of the Finance Committee, except when such travel fulfills the obligations of the Councilmember’s service on statewide or regional boards, commissions or task forces.

E. Ballot Measures:

1. State Law

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

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

- (1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.*
- (2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;*
- (3) Activities which are part of the normal and regular conduct of the office or agency.” [emphasis added]*

2. City's Implementation of RCW 42.17A.555

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

3. Providing Informative Materials to Council

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

4. Public Comment.

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

CHAPTER 3 Council Contacts



A. Citizen Contact/Interactions Outside of a Council Meeting

1. Mayor/Council Correspondence

Councilmembers acknowledge that in the Council/Manager form of government, the Mayor is recognized by community members as a point of contact. To facilitate full communications, staff shall work with the Mayor to circulate to Councilmembers, copies of emails and written correspondence directed to the Mayor regarding City business. This provision shall not apply to invitations for mayoral comments at various functions, nor requests for appointments or other incidental contact between citizens and the office of the Mayor.

2. Concerns, Complaints and Suggestions to Council

When citizen concerns, complaints or suggestions are brought to any, some, or all Councilmembers, the Mayor shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- a. If legislative, and a concern or complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if such complaint suggests a change to an ordinance or resolution of the City, the Mayor and City Manager may refer the matter to a future Council agenda for Council's recommendation in forwarding the matter to a committee, administration, or to the Council for study and recommendation.
- b. If administrative, and a concern or complaint regards administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Mayor should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The City Council may direct that the City Manager brief the Council when the City Manager's response is made.

3. Administrative Complaints Made Directly to Individual Councilmembers

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

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

4. Social Media

Councilmembers shall not use social media as a mechanism for conducting official City business, although it is permissible to use social media to informally communicate with the public. Examples of what may not be communicated through the use of social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not been released to the public. As with telephone and e-mails, communication between and among Councilmembers via social media could constitute a "meeting" under the Open Public Meetings Act, and for this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers.

5. Donations

On occasion, Councilmembers could be contacted by citizens or businesses regarding donations. The City has administrative procedures to receive donations, and Councilmembers should direct the donor to contact the appropriate City staff. Councilmembers shall not accept nor physically receive any

donation. Councilmembers shall always be cognizant of their ethical responsibilities when discussing donations with citizens, including but not limited to a responsibility to avoid conflicts of interest, the prohibition on creating a special privilege or exemption for themselves or others, and from disclosing confidential information of the City. Councilmembers should avoid circumstances which are likely to give rise to a perception of a conflict of interest or of providing or procuring a special privilege or exemption.

B. Staff Contacts and Interactions

1. Role of the City Manager

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

2. City Staff Attendance at Meetings

The City Manager or his/her designee shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. (RCW 35A.13.080)

It is Council's intent that the City Manager schedule adequate administrative support during Council meetings for the business at hand, keeping in mind that the City Manager must also protect the productive capability of department heads and of all staff. Required attendance at meetings by City staff shall be at the pleasure of the City Manager.

3. City Clerk - Minutes

The City Clerk, or in the Clerk's absence the Deputy City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk and the Deputy City Clerk, the City Clerk shall appoint a replacement to act as Clerk during the Council meeting. The Clerk shall keep minutes which identifies the general discussion of the issue and complete detail of the official action or agreement reached, if any. As a rule and when possible and practical, regular meetings, or those Council meetings held at 6 p.m. on Tuesdays, (which includes formal format and study session format) shall be video-recorded. Special meetings shall not normally be video-recorded. Executive Sessions shall not be video or audio recorded. Original, signed and approved minutes shall be kept on file in the City Clerk's office and archived according to State Record Retention Schedules. Copies of the approved minutes shall also be posted on the City's website as soon as practical after such minutes are approved and signed. Whenever possible, video recordings of Council meetings shall be posted on the City's website.

4. Administrative Interference by Councilmembers

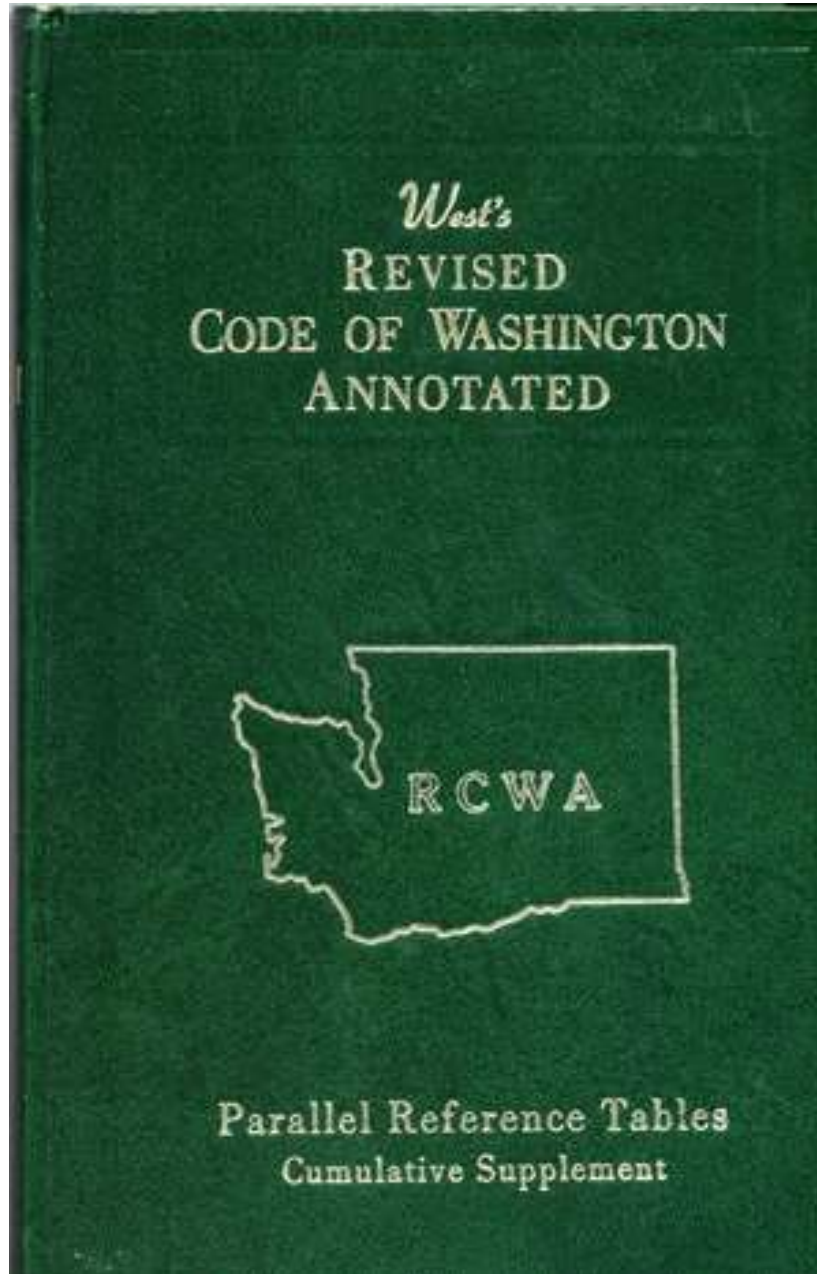
Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any

directives, tasks, or orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A.13.120.)

5. Informal Communications Encouraged

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

CHAPTER 4 -STATE STATUTES



A. OPEN PUBLIC MEETINGS ACT

“The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people’s business. It is the intent of this chapter [RCW 42.30.010] that their actions be taken openly and that their deliberations be conducted openly.”

B. PUBLIC DISCLOSURE

1. 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 State Public Disclosure Commission.

2. Public Records Act

Adopted in 1972 by Initiative 276; now RCW 42.56: “The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments they have created.”

a. A Public Record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

b. Local governmental entities are mandated to adopt and enforce reasonable rules governing how the agency responds to requests [RCW 42.56.100] [See Spokane Valley Municipal Code 2.75]

c. State statute requires a response within five business days, therefore, requests for public records should always be routed to the City Clerk for prompt handling. (A response can constitute an acknowledgement of receipt of the request, with an estimated time given of when the request can be completed.)

C. Appearance of Fairness Doctrine

a. “The test of whether the Appearance of Fairness Doctrine has been violated is ... as follows: 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 vs. Island County, 87 Wn.2d 348 (1976); Smith vs. Skagit County, 75 Wn.2d 715 (1969).

b. Obligations of Councilmembers - Procedure.

Immediate self-disclosure of interests that may appear to constitute a conflict of interest is hereby encouraged. Councilmembers 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 the Councilmember or a Councilmember’s business associate, or a member of the Councilmember's immediate family. It could, for example, involve *ex parte* (outside a meeting or hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after a meeting or hearing, business dealings of the Councilmember’s employer with the proponents or opponents, announced predisposition. Prior to any hearing or item for action (motion, resolution, ordinance), each Councilmember 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 Councilmember should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.

c. Anyone seeking to disqualify a Councilmember 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 consistent with state law. The party seeking to disqualify the Councilmember 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 a motion or hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness Doctrine violation would be sustained in Superior Court. Should such challenge be made in the course of a public meeting, the Councilmember shall either recuse him/herself or the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

d. The Presiding Officer shall have authority to request a Councilmember to excuse him/herself on the basis of a the Appearance of Fairness Doctrine. Further, if two or more Councilmembers believe that an Appearance of Fairness Doctrine violation exists, such individuals may move to request a Councilmember to excuse him/herself on the basis of an Appearance of Fairness Doctrine violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

CHAPTER 5 COMMITTEES, BOARDS, COMMISSIONS



A. Regional Committees, Commissions and Boards

1. Committees

Spokane Valley Councilmembers and/or residents who seek representation on any standing committee, board, or commission required by state law, shall be appointed by the Mayor with confirmation by the Council.

Appointment Process: Any committee, board, commission, task force, etc., requiring Mayoral appointment of committee members, shall also require confirmation by the Council, which shall be by majority vote of those present at the time the confirmation vote takes place. By majority vote, Council can reject the appointment. If Council fails to confirm the recommended appointment, the Mayor could either make another recommendation, or the appointment may be postponed to a later date, giving City staff opportunity to further advertise for committee openings.

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

Councilmembers are encouraged to share with all Council members, copies of minutes from any statutory boards, commissions, or committees on which they serve and participate. Communications from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter from the Mayor. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee, Board and Liaison Reports." If any member of the Council requests that any such communication be officially answered by the Council, the Presiding Officer may place the matter on an agenda under New Business, Information, Council Comments (study session format), or other appropriate place, for a specific Council meeting, or take other appropriate action.

Councilmember(s) may be designated by the City Council to take the lead on particular significant issues and to provide appropriate feedback of information to Council, in order to gain corporate approval and coordination of corporate efforts. No Councilmember may speak for the Council unless Council has designated that person as the lead on that particular issue.

B. In-House Committees, Boards, etc.

1. Standing committees or commissions required by law shall be appointed by the Mayor for a time certain not to exceed the term provided by law or the term of office of the appointing Mayor and confirmed by Council. Such appointments are generally made at the first or second meeting in January. Following are established in-house committees:

a. Planning Commission -- 7 members.

"SVMC 18.10.010 Establishment and purpose.

There is created the City of Spokane Valley Planning Commission (hereafter referred to as the "Planning Commission"). The purpose of the Planning Commission is to study and make recommendations to the Mayor and City Council for future planned growth through continued review of the City's Comprehensive Land Use Plan, development regulations, shoreline management, environmental protection, public facilities, capital improvements and other matters as directed by the City Council. (Ord. 07-015 § 4, 2007).

18.10.020 Membership.

A. Qualifications. The membership of the Planning Commission shall consist of individuals who have an interest in planning, land use, transportation, capital infrastructure and building and landscape design as evidenced by training, experience or interest in the City.

B. Appointment. Members of the Planning Commission shall be nominated by the Mayor and confirmed by a majority vote of at least four members of the City Council. Planning commissioners shall be selected without respect to political affiliations and shall serve without

compensation. The Mayor, when considering appointments, shall attempt to select residents who represent various interests and locations within the City.

C. Number of Members/Terms. The Planning Commission shall consist of seven members. All members shall reside within the City. Terms shall be for a three-year period, and shall expire on the 31st day of December.

D. Removal. Members of the planning commission may be removed by the mayor, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from three consecutive regular meetings. Failure to qualify as to residency shall constitute a forfeiture of office. The decision of the City Council regarding membership on the planning commission shall be final and without appeal.

E. Vacancies. Vacancies that occur other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments.

F. Conflicts of Interest. Members of the planning commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers; Chapter 42.36 RCW, Appearance of Fairness; and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City. No elected official or City employee may be a member of the planning commission. (Ord. 07-015 § 4, 2007).

b. Lodging Tax Advisory Committee -- 5 members.

“SVMC 3.20.040 Lodging tax advisory committee.

The City Council shall establish a lodging tax advisory committee consisting of five members. Two members of the committee shall be representatives of businesses required to collect the tax, and at least two members shall be persons involved in activities authorized to be funded by this chapter. The City shall solicit recommendations from organizations representing businesses that collect the tax and organizations that are authorized to receive funds under this chapter. The committee shall be comprised equally of members who represent businesses required to collect the tax and members who are involved in funded activities. One member of the committee shall be from the City Council. Annually, the membership of the committee shall be reviewed. The Mayor shall nominate persons and the Councilmember for the lodging tax advisory committee with Council confirmation of the nominees. Nominations shall state the term of committee membership. Appointments shall be for one- and two-year terms. (Ord. 27 § 4, 2003).”

c. Finance Committee-- 3 members.

“SVMC 2.50.120(a) and (b) Establishing travel policies and procedures.

a. The responsibility and authority for developing, adopting, modifying and monitoring the travel policies and procedures for reimbursement of expenses incurred while on official business of the City of Spokane Valley is delegated to the City Council Finance Committee. It is recognized by the City Council that public officials and employees will periodically be required to travel and incur related expenses on behalf of the City. The purpose of the travel policies and procedures is to provide criteria for payment and/or reimbursement of valid expenses. The Council directs that the Finance Committee consider the following in the development of travel policies and procedures: (A). Reimbursement for transportation costs when using personal automobiles including rates to be established on a mileage or other reasonable basis and for airfare or other mode of travel; (B). Reimbursement for hotel/motel accommodations; (C). Reimbursement for meals either at actual cost including a per meal maximum amount or a per diem allocation; (D). Reimbursement for incidental expenses such as parking, taxis, buses, rental cars, etc.; and (E). Such other matters that are reasonably related to travel.

b. The finance department, under the supervision of the Finance Committee, is directed to develop a fully itemized travel expense form which shall be used to administer the City travel policy and account for expenditures and reimbursement of officials or employees. Claims for reimbursement must be accompanied by receipts showing the amount paid and items/services

received unless otherwise provided in the policies and procedures. All claims for reimbursement shall be duly certified by the individual submitting such claim on a form approved by the Finance Director in compliance with state regulations and guidelines established by the State Auditor. For administrative staff, the City Manager or designee shall approve expenses and reimbursement. The City Council shall approve, through budget allocation, travel expenses and reimbursement for Council members. The Council reserves the right to review the travel policies and procedures of the City including modifying and amending the same from time to time. (Ord. 29 § 1, 2003).”

The Finance Committee shall have no regularly prescribed duties or meetings except the bills/payroll and warrant procedures required by state law, unless specifically charged by the City Council. The City Manager may also request meetings to discuss matters of financial interest with the Finance Committee.

SVMC 3.35.010(D) Contract Authority

The Finance Committee of the City Council is authorized to approve change orders on short notice that are in excess of the amounts authorized in subsection C of this section, in circumstances where such a change order is necessary to avoid a substantial risk of harm to the City. In such an event, the City Manager shall provide appropriate information to the City Council at its next regular meeting setting forth the factual basis for the action. (Ord. 07-004 §2, 2007; Ord. 03-072§ 2, 2003.).

2. When required by law, committee meetings should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the whole Council. All Council committee meetings shall be for the purpose of considering legislative policy matters, rather than administrative matters unless requested by the City Manager. Legislative policy considerations should be brought to the Council unless referred to a committee for pre-study.
3. The Mayor may appoint such other ad hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of “sunsetting” the committee at the conclusion of the assigned task. As with all committee vacancies, ads announcing a vacancy or soliciting membership or participation in a task force or other committee shall be placed on the City’s website, and in the City’s official newspaper.
4. Council Liaison. Appointments shall be by the Mayor and confirmed by the Council for a time certain not to exceed the term of the appointing Mayor. Individual members of the Council 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 Councilmember can keep Council informed. Liaisons may, at times, advocate Council 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.: Planning Commission quasi-judicial). Liaison functions and duties may be further defined and/or directed by the Presiding Officer with concurrence of Council.
5. Task Force. The City Council may create, and confirm the Mayor’s recommendation to appoint members to small task force groups. A task force is a temporary group formed and “tasked” by legislative authority to study a specific subject for a specified period of time.
6. After consultation with the City Manager, any other Council committees, citizen task forces or similar organized groups shall have rules or operating procedures thereof established by Council directive with special attention to RCW 35A.13.120. Such committees shall be commissioned for a time certain, not to exceed two years or the term of the appointing Mayor, whichever is less and be provided with a clear task

description. Appointment shall be by the Mayor. Council may waive confirmation in the instrument creating said committee or group. Such committees shall be subject to review whenever a new Council 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 have been appointed or confirmed by the Council, may be removed without cause by a majority vote of the Council. No advisory board, commission, committee or task force shall take any final action outside of an open public meeting unless permitted to do so per state statutes, and when permitted by state statutes, no final action shall be taken without the foreknowledge and approval of majority vote of the Council.

C. Private Committees, Commissions, and Boards

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

CHAPTER 6 Disclaimer



A. Purpose

These City Council Rules of Procedure are designed to provide guidance for the City Council. They are not to be considered restrictions or expansions of City Council 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.

B. Use

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the City Council may enforce these rules or rely on these rules. Failure of the City Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

C. Reliance

Public Use or Reliance Not Intended. Because these rules are designed to assist the City Council 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.

APPENDIX A

Quasi-Judicial Hearings

1. Purpose

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

2. Specific Statutory Provisions

a. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning, per RCW 42.36.040, except that sitting Councilmembers shall not express their opinions on any such matter which is or may come before the Council.

b. *Ex-parte* communications should be avoided whenever possible. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding unless the Councilmember: (1) places on the record the substance of such verbal or written communications; and (2) provides that a public announcement of the content of the communication and of the parties’ rights to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

c. 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.

d. Procedure On Application. Any person making application for any action leading to a quasi-judicial hearing before the Planning Commission and/or City Council shall be provided with a document containing the following information: (1) the names and address of all members of the City Council, and the Planning Commission, (2) a statement that public disclosure information is available for public inspection regarding all such Councilmembers, and (3) a statement that if the applicant intends to raise any appearance of fairness issue, the applicant should do so at least two 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.

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

See the following excerpt from the Spokane Valley Municipal Code *Appendix C for City Council Appeal Hearing Procedures*:

Spokane Valley Municipal Code Appendix C **CITY COUNCIL APPEAL HEARING PROCEDURES**

A. The Council shall not consider any new facts or evidence outside the verbatim transcript and certified record submitted by the Hearing Examiner, except for:

1. Grounds for disqualification of the Hearing Examiner, when such grounds were unknown by the appellant at the time the record was created; or
2. Matters that were improperly excluded from the record after being offered by a party to the hearing before the Hearing Examiner; or
3. Matters that were outside the jurisdiction of the Hearing Examiner.

The Council shall allow the record to be supplemented if the offering party demonstrates grounds for supplementation as set forth in subsections (A)(1), (2) or (3) of this appendix.

- a. Any party requesting that the record be supplemented shall submit such request, along with the specific evidence to be offered to the Council, within 14 calendar days of the date the appeal hearing was scheduled.
- b. The Council may require or permit the correction of ministerial errors or inadvertent omissions in the preparation of the record.
- c. The Council will allow the submittal of memoranda by the appellant, or a party of record in opposition to the appeal, subject to the following requirements:
 - i. The appellant may file a memorandum in support of the appeal. The memorandum must be filed no later than 12:00 noon on the third Friday preceding the date set by the Council for consideration of the appeal.
 - ii. Any party of record in opposition to the appeal may submit a reply memorandum in opposition to the appeal. Any reply memorandum must be filed no later than 12:00 noon on the second Friday preceding the date set for consideration of the appeal.
 - iii. All memoranda shall be limited to stating why the record or applicable laws or regulations do or do not support the decision, and shall not contain any new facts or evidence, or discuss matters outside the record, except as permitted above.
 - iv. The offering party shall promptly submit a copy of the memorandum or request to supplement the record to the City Attorney, and to opposing parties as practicable.

B. The Council will allow oral argument by the appellant, or a party of record in opposition to the appeal, subject to the following requirements:

1. It is expected that all parties can reasonably be aligned as either in support of the appeal or opposed to the appeal. Accordingly, all parties who desire to make oral argument shall communicate with other parties aligned on the same side of the appeal and attempt to reach agreement in selecting a representative, or otherwise arrange for the allocation of time allowed under these rules to those in support of or those opposed to the appeal.

2. Oral argument shall be presented first by the appellant, followed by those parties of record in opposition to the appeal, and then rebuttal and surrebuttal.

3. Oral argument shall be limited to stating why the record or applicable laws or regulations do not support the decision, and shall not contain any new facts or evidence unless allowed by subsection A of this appendix.

4. Oral argument shall be limited to 20 minutes total for the appellant, and 20 minutes total for those parties in opposition to the appeal, regardless of how many parties make up each side.

5. The respective times allowed for oral argument above include the combined time used by a side for opening argument, rebuttal and surrebuttal. The time taken to respond to questions from the Council is not included in the time allowed for argument.

C. The Council may affirm or reverse the Hearing Examiner's decision, or remand it for further proceedings. The Hearing Examiner's decision will be presumed to be correct and supported by the record and law. A tie vote on any motion shall have the effect of affirming the Hearing Examiner's decision.

D. The Council may reverse the Hearing Examiner's decision, or remand it for further proceedings, if the appellant has carried the burden of establishing that one or more of the following standards are met:

1. The Hearing Examiner engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;
2. The decision is an erroneous interpretation of the law, after allowing for such deference as is due to construction of law by a local jurisdiction with expertise;
3. The decision is not supported by evidence that is substantial when viewed in light of the entire record;
4. The decision is a clearly erroneous application of the law to the facts;
5. The decision is outside the authority of the Hearing Examiner.

E. The Council may also remand the decision to the Hearing Examiner if the appellant offers newly discovered evidence that would reasonably have affected the decision had it been admitted in the proceedings before the Hearing Examiner. “Newly discovered evidence” is evidence that with reasonable diligence could not have been discovered and produced at the time the proceedings before the Hearing Examiner were conducted.

F. The Council shall adopt written findings and conclusion in support of its decision. If the Council concludes that a finding of fact by the Hearing Examiner, upon which the decision is based, is not supported by substantial evidence, the Council may modify the finding or substitute its own finding, citing substantial evidence in the record that supports the modified or substitute finding. In the event of a tie vote on the proposed findings of fact, that vote shall be considered a final action, the findings shall reflect the same, and the decision of the Hearing Examiner shall be affirmed.

G. The Council’s decision shall include a notice stating that the decision can be appealed within 21 calendar days from the date the decision was issued, by filing a land use petition with the Superior Court as provided in Chapter 36.70C RCW and meeting the other provisions of such chapter, and that the decision shall act as official notice under RCW 43.21C.075.

H. The notice included in the Council’s decision shall also state that affected property owners may request the Spokane County Assessor for a change in valuation for property tax purposes notwithstanding any program of revaluation, pursuant to RCW 36.70B.130.

I. The City Clerk shall, within five business days from the date of the Council’s decision on the appeal, mail a copy of the Council’s decision to the appellant, the applicant (if different than the appellant), any other party who testified or submitted a memorandum at the closed record appeal hearing before the Council, any person who requested notice of the decision, and any person who submitted substantive comments on the application. The City Clerk shall also provide notice of the decision to the County Assessor.

J. Where the Hearing Examiner’s decision recommends approval of the proposal and no appeal has been filed within the time period set forth above, the City Manager or designee shall modify the official zoning map of the City according to the Hearing Examiner’s decision. The modification of the zoning map completes the Hearing Examiner’s decision and shall be considered the final legislative action of the City Council. Such final action, for zoning purposes, is considered an official control of the City by exercise of its zoning and planning authority pursuant to Washington law. (Ord. 08-022, 2008).

APPENDIX B: RESOLUTION 07-019

**CITY OF SPOKANE VALLEY
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 07-019**

AMENDED GENERAL POLICY RESOLUTION OF CORE BELIEFS

A RESOLUTION OF THE CITY OF SPOKANE VALLEY AMENDING RESOLUTION 03-027, ESTABLISHING A *GENERAL POLICY RESOLUTION* EMANATING FROM THE CORE BELIEFS OF THE CITY COUNCIL AND COMMUNITY AND SETTING FORTH DUTIES OF BOTH ELECTED AND APPOINTED OFFICIALS OF THE CITY TO HELP GUIDE LEGISLATIVE AND EXECUTIVE DECISIONS TOWARD EFFECTIVE, RESPONSIVE, AND OPEN GOVERNMENT

WHEREAS, the City Council of the City of Spokane Valley, as the elective legislative body, is charged with promulgating 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 Council desires to provide a clear set of general policy guidelines for the conduct of city government;

Section 1. Modifying Resolution 03-027 as set forth below by adding new section 7. The remainder of the resolution 03-027 is unchanged:

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

- Section 1.** We believe that Spokane Valley 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 elected body decision-making is the only lawful and effective way to conduct the public's legislative business and that careful observance of a clear set of Governance Coordination rules of procedure can best enhance public participation and decision making.
- Section 3.** We believe in the City Council as policy leaders of the City. One or more City Councilmembers are encouraged to take the lead, where practical, in sponsoring Ordinances or Resolutions excepting quasi-judicial or other public hearings and the statutory duties of the City Manager as set forth in RCW 35A.13.020.
- Section 4.** 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 5.** We believe that the City of Spokane Valley's governance should be known as "user friendly," and that governance practices and general operations should consider how citizens will be served in the most responsive, effective and courteous manner.

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 property taxes. We believe it imperative to have an expanded and diverse economic base,

Section 7. We believe that Councilmembers set the tone for civic discussion and should set an example by:

- (a) Setting high standards of decorum and civility.
- (b) Encouraging open and productive conversation amongst themselves and with the community about legislative matters.
- (c) Demonstrating respect for divergent points of view expressed by citizens, fellow Councilmembers and the staff.
- (d) Honoring each other and the public by debating issues within City Hall and the Community without casting aspersions on members of Council, the staff, or the public.
- (e) Accepting the principle of majority rule and working to advance the success of “corporate” decisions.

Section 8. We solicit the City Manager’s support in conducting the affairs of the city with due regard for:

- (a) Promoting mutual respect between the Citizens, City staff and the City Council by creating the organizational teamwork necessary for effective, responsive and open government.
- (b) Providing the City Council and public reasonable advance notice when issues are to be brought forward for discussion.
- (c) Establishing and maintaining a formal city-wide 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 while pursuing “best practices” in customer service.
- (d) Seeking creative ways to contain or impede the rising cost of governmental services, including examination of private sector alternatives in lieu of governmentally provided services.
- (e) Providing a data base of future projects and dreams for the new City of Spokane Valley so that good ideas from its citizens and leaders are not lost and the status of projects can be readily determined.

Approved by the City Council this 11th day of December, 2007.

ATTEST:

/s/ DIANA WILHITE

Diana Wilhite, Mayor

/s/ CHRISTINE BAINBRIDGE

Christine Bainbridge, City Clerk

Approved as to form:

/S/ MICHAEL F. CONNELLY

Office of the City Attorney

APPENDIX C: STATEMENT OF ETHICS

SPOKANE VALLEY CITY COUNCILMEMBERS' STATEMENT OF ETHICS

By adoption of the Resolution which adopts this Governance Manual, the Spokane Valley City Councilmembers hereby agree to be bound by the following rules of ethics:

DECLARATION OF PURPOSE:

- Provide guidelines and set high ethical standards for Councilmembers to perform their duties in an open, honest, and unbiased manner.
- Establish procedures for prevention and/or elimination of possible conflicts of interest.
- Improve and strengthen the public's perception and trust in their local government.

DEFINITIONS:

Compensation: Anything of economic value regardless of amount, however designated, which is paid, loaned, advanced, granted, transferred, or gifted, or to be paid, loaned, advanced, granted, transferred or gifted for or in consideration of personal services to any person or that person's immediate family as that term is defined in RCW 42.17A.005(24).

Contract: Includes any contract or agreement, sale, lease, purchase, or any combination of the foregoing. A contracting party is any person, partnership, association, cooperative, corporation, whether for profit or otherwise, or other business entity which is a party to a contract with a municipality.

PROHIBITED CONDUCT:

(a) Acceptance of Gifts: No Councilmember, based solely on their position with the City of Spokane Valley, shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value regardless of the amount, as a gift, gratuity, or favor from any person or entity outside the City organization. Campaign donations made and reported in conformance with Washington law are exempt from this provision.

(b) Interest in Contracts, Exceptions: No Councilmember shall be beneficially interested, directly or indirectly, in any contract where the City of Spokane Valley is named as a party to the contract; and no Councilmember shall accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract. This prohibition shall not apply to the exceptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth.

(c) Incompatible Service; Confidential Information: No Councilmember shall engage in or accept private employment or render services for any person, or engage in any business or professional activity when such is incompatible with the faithful discharge of his/her official duties as a Councilmember. No Councilmember shall disclose confidential information acquired by reason of such official position, nor shall such information be used for the Councilmember's personal gain or benefit.

PERSONAL OR PRIVATE INTERESTS, PUBLIC DISCLOSURE:

Any Councilmember who has a financial or other private or personal interest in any ordinance, resolution, contract, proceeding, or other action pending before the City Council or any of its committees, shall promptly disclose such interest at the first public meeting when such matter is being considered by the City Council, and a summary of the nature of such interest shall be incorporated into the official minutes of the City Council proceedings. Any Councilmember who feels disqualified by reason of such interest in any matter before the City Council, shall make a public statement and disclose the reasons why that Councilmember feels disqualified, and state that they are recusing themselves from the issue, and with permission of the Presiding Officer, will leave the Council Chambers until such time as the issue at hand has been disposed of in the regular course of business.

Appendix D: Frequently Used Acronyms

AACE - American Association of Code Enforcement
ADA - Americans with Disabilities Act
ADT - Average Daily Traffic
ATF - Bureau of Alcohol, Tobacco & Firearms
AWC - Association of Washington Cities
BOCC - Board of County Commissioners
CAFR - Comprehensive Annual Financial Report
CDBG - Community Development Block Grant
CIP - Capital Improvement Plan
CM - City Manager
CM/AQ - Congestion Mitigation & Air Quality Program
CTED - Community, Trade, & Economic Development (now Department of Commerce)
CTR - Commute Trip Reduction (legislation)
CUP - Conditional Use Permit
DEIS - Draft Environmental Impact Statement
DEM - Department of Emergency Management
DNR - Department of Natural Resources
DNS - Declaration of Non-Significance
DOE - Department of Ecology; Department of Energy
DOT - Department of Transportation
E911 - Enhanced 911
EA - Environment Assessment
EDC - Economic Development Council
EEO/AA - Equal Employment Opportunity/Affirmative Action
EEOC - Equal Employment Opportunity Commission
EIS - Environmental Impact Statement
EOE - Equal Opportunity Employer
EPA - Environmental Protection Agency
ERU - Equivalent Residential Unit (for measuring water-sewer capacity and demand)
ESU - Equivalent Service Unit (for measuring stormwater utility fees)
F & WS - Federal Fish & Wildlife Service
FAA - Federal Aviation Administration
FCC - Federal Communications Commission
FEIS - Final Environmental Impact Statement

FEMA - Federal Emergency Management Agency
FICA - Federal Insurance Contribution Act
FIRM - Flood Insurance Rate Maps
FLSA - Fair Labor Standards Act
FMLA - Family Medical Leave Act
FY - Fiscal Year
GAAP - Generally Accepted Accounting Principles
GASB - Governmental Accounting Standards Board
GIS - Geographic Information System
GMA - Growth Management Act
GPM - Gallons Per Minute
HOV - High-Occupancy Vehicle
HR - Human Resources
HUD - Housing & Urban Development (Department of)
ICMA - International City/County Management Association
L & I - Labor & Industries (Department of)
LID - Local Improvement District
MGD - Million Gallons per Day
MOA - Memorandum of Agreement
MOU - Memorandum of Understanding
MPO - Metropolitan Planning Organization
MRSC - Municipal Research Services Center
NEPA - National Environment Policy Act
NIMBY - Not In My Backyard
NPDES - National Pollutant Discharge Elimination System
PE - Preliminary Engineering; Professional Engineer
PERC - Public Employment Relations Commission
PMS - Pavement Management System
PPE - Personal Protective Equipment
PPM - Parts Per Million; Policy & Procedure Manual
PUD - Public Utility District
PW - Public Works
QA - Quality Assurance
RCW - Revised Code of Washington
REET - Real Estate Excise Tax
RONR *Robert's Rules of Order Newly Revised*

ROW - Right of Way
SAO - State Auditor's Office
SBA - Small Business Administration
SEPA - State Environmental Policy Act
SMA - Shorelines Management Act
SWAC - Solid Waste Advisory Committee
TIB - Transportation Improvement Board
TIP - Transportation Improvement Program
TMDL - Total Maximum Daily Load
UBC - Uniform Building Code
UFC - Uniform Fire Code
UGA - Urban Growth Area
WAC - Washington Administrative Code
WACO - Washington Association of County Officials
WCIA - Washington Cities Insurance Authority
WCMA - Washington City/County Management Association
WSDOT - Washington State Department of Transportation
WSP - Washington State Patrol
WUTC - Washington Utilities & Transportation Commission
WWTP - Wastewater Treatment Plant

Appendix E: Definitions

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

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

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

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

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

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

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

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

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

Regular Meeting: Any Council meeting that meets in the Spokane Valley City Council Chambers on Tuesday at 6:00 p.m. shall be deemed a "regular meeting."

Social Media: A term used to define the various activities that integrate technology, social interaction and content creation. Through social media, individuals or collaborations of individuals create on-line web content, organize content, edit or comment on content, combine content, and share content. Includes many technologies and forms including syndicated web feeds, weblogs

(blogs), wiki, photo-sharing, video-sharing,
podcasts, and social networking. (From MRSC,

and Social Media and Web 2.0 in Government,
WebContent.gov)

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Endnotes:

¹ RCW 42.30.110 – Open Public Meeting Act, Executive Sessions

² RCW 42.30.140- Open Public Meeting Act,

³ RCW 35A.13.035- Optional Municipal Code (35A) – Council-manager plan of government

⁴ RCW 42.52 – Ethics in Public Service

⁵ RCW 42.56 – Public Records Act

⁶ RCW 35A.12.160 Optional Municipal Code (35A) – Council manager plan of government; public notice of hearings and meeting agendas

⁷ RCW 35A.13.170 – Optional Municipal Code (35A) – Council manager plan of government; council meetings – quorum, rules - voting

⁸ RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.

⁹ RCW 42.30.080 – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

¹⁰ RCW 35A.12.110 – Council meetings shall meet regularly, at least once a month.

¹¹ RCW 42.30.080 - Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

¹² RCW 42.30.080(3) – Open Public Meetings Act, Special Meetings, procedures for calling Special Meetings

¹³ RCW 42.30.090 – Open Public Meetings Act, Adjournments

¹⁴ RCW 35A.13.170 - Optional Municipal Code (35A) – Council mgr plan of gov't; meetings: quorum, rules, voting

¹⁵ 35A.12.120 – Council meetings, shall meet regularly, at least once a month

¹⁶ RCW 35A.12.060 – A council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

¹⁷ RCW 42.17A.555 – Use of public office or agency facilities in campaigns – Prohibition – Exceptions

¹⁸ RCW 35A.12.120 – Council – Quorum – Rules – Voting

¹⁹ RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.

²⁰ RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

²¹ RCW 35A.13 - Council-manager plan of government.

²² RCW 35A.33.090 – Emergency Expenditures – Other emergencies – Hearing.

²³ RCW 35A.13.190 – Ordinances, emergencies, may be effective upon adoption if passed by a majority plus one of the whole membership of the council and have the ordinance designated as a public emergency; but such ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

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

²⁵ RCW 35A.13 – Council-manager plan of government.

²⁶ RCW 35A.13.020 – Mayor – election, chair to be mayor, duties

²⁷ RCW 35A.13.020 – *ibid.*

²⁸ RCW 42.12.070 – Filling nonpartisan vacancies