

ORDINANCE NO. 04-20

AN ORDINANCE of the City of Richland amending Chapter 1.01 of the Richland Municipal Code related to Conduct of Council Business.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to eliminate ambiguity, remedy conflict with state or federal law, and bring the code into alignment with current practices; and

WHEREAS, at a recent retreat, Council expressed a desire to change the start time of regular council meetings from 7:30 p.m. to 6:00 p.m.; and

WHEREAS, other housekeeping amendments to Chapter 1.01 RCW are warranted to clarify processes, reflect current practices, and eliminate potential conflict with state law.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 1.01 of the Richland Municipal Code, entitled Conduct of Council Business, as first enacted by Ordinance No. 37-91, and last modified by Ordinance No. 14-14, is hereby amended to read as follows:

**Chapter 1.01
CONDUCT OF COUNCIL BUSINESS**

Sections:

- 1.01.000 Purpose.**
- 1.01.010 Meeting to be open.**
- 1.01.011 Regular meetings.**
- 1.01.012 Special meetings.**
- 1.01.013 Workshop sessions.**
- 1.01.014 Public hearings.**
- 1.01.022 Parliamentary guide.**
- 1.01.023 Presiding officer.**
- 1.01.024 City clerk.**
- 1.01.025 Members speaking.**
- 1.01.026 Nonmember speaking.**
- 1.01.027 Adoption of ordinances and resolutions.**
- 1.01.028 Interruptions – Procedures.**
- 1.01.029 Attendance of officers.**
- 1.01.030 Executive sessions.**
- 1.01.040 Travel.**
- 1.01.050 Holding office positions in outside organizations.**
- 1.01.055 Repealed.**
- 1.01.060 Repealed.**

1.01.065 Repealed.

1.01.070 Repealed.

1.01.000 Purpose.

A new chapter of the Richland Municipal Code is being created to organize and codify ordinances which pertain to the operation and conduct of the Richland city council. This chapter is prepared to codify information which has been the subject matter of resolutions previously passed by the Richland city council. This chapter will provide a basis for codification of subsequent ordinances relating to the conduct of council business.

1.01.010 Meeting to be open.

All meetings of the city council shall be open and public and all persons shall be permitted to attend any meeting of the council except as otherwise provided in this chapter.

1.01.011 Regular meetings.

The regular meetings of the city council shall be held the first and third Tuesday evenings of the month, commencing at the hour of ~~7:30~~ 6:00 p.m., in the council chamber at the City Hall. Executive sessions and/or work sessions may be scheduled pursuant to Chapter 42.30 RCW RMC 1.01.012. In the event that the regular meeting falls on a legal holiday, then the regular meeting shall be held on the next succeeding day; provided, however, that the council, by affirmative vote of at least four (4) members thereof, may, upon good cause being shown, not less than seven (7) days prior thereto, reschedule a regular meeting, with appropriate notice as may be provided by law. The city manager or ~~his or her~~ designee shall will review the agenda with the mayor and one other councilmember, as determined on a rotating basis, prior to the agenda being finalized. The agenda shall will be made available ~~not later than 5:00 p.m. of~~ on the preceding Friday, and after publication, no other subject may be acted upon except by consent of a majority of those members present at the meeting to which the agenda pertains. A councilmember who wishes to add an item to the agenda during a meeting shall, prior to approval of the agenda by motion, verbally ~~orally~~ request that the chairperson add the item to council business or other appropriate agenda section. The chairperson will then call for a vote to ascertain if a majority of the members present consent to including the item. ~~Councilmembers shall submit items to be included on the agenda not later than 5:00 p.m. the Tuesday preceding the regular meeting date. Meeting agendas and public hearing notices shall be published as required by state law. A summary of the business items to be discussed shall be published on the city website and the cable TV community calendar as well as posted on the administrative building notice board and at the city library. Public hearing notices shall be published in the newspaper on the Sunday preceding the hearing unless otherwise specified by law.~~

1.01.012 Special and emergency special meetings.

Special meetings and emergency special meetings shall be called as provided for in Chapter 42.30 RCW, the Open Public Meetings Act, as it now exists or is hereafter amended.

~~The city clerk shall call special meetings of the council upon the written request of the mayor or a majority of councilmembers, or by agreement of council at a prior meeting.~~

~~Notice of any such special meeting shall be given to members of council by delivering personally, electronically or by mailing written notices to each member of the council.~~

~~Notice shall likewise be given to each local newspaper of general circulation and to each local radio or television station which has on file with the city a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, electronically or by the mail at least 24 hours before the time of such meeting as specified in the notice. Notice to the public shall be "prominently displayed" at the main entrance of the Richland City Hall and at the meeting site if the meeting will not be held at the City Hall, and posted on the city's website. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken by the council on any other matter at such meetings.~~

~~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 requirement of such notice would make notice impractical and increase the likelihood of such injury or damage. An emergency meeting must, nevertheless, be open to the public.~~

1.01.013 Workshop sessions.

A workshop session shall be defined as a special meeting and shall be held on the fourth Tuesday of the month at 6:00 p.m., in the council chamber, at the City Hall. The workshop agenda will be determined based on the business needs of the agency. ~~The order of business, agenda adjustment, and related matters for workshop sessions shall be as determined by concurrence of the attending councilmembers.~~ The council recognizes that a workshop session involving four or more of its members constitutes a meeting within the purview of the Open Public Meetings Act and, therefore, requires notice as provided under Chapter 42.30 RCW, in RMC 1.01.012. ~~Recognizing also that final disposition may only be taken on an item of business specified in such notice, the council in the interest of maintaining an atmosphere of informality during such sessions, so as to encourage the free and open flow of discussion or ideas, unhampered by the pressure of decision-making, declares it to be their policy that final disposition not usually be taken on any matter at a workshop session.~~ The primary purpose of workshop sessions is to provide council, ~~staff, and invited parties~~ an opportunity to discuss matters in detail. The policy of city council is to avoid taking final disposition on any matter at a workshop session. Workshop sessions are not intended to serve as public hearings. ~~While public comment may be allowed as time permits, it will generally be limited to the end of the workshop session.~~

1.01.014 Public hearings.

The city council shall hold public hearings on matters that ~~the~~ council or staff determines to be of significant public concern, and for matters for which the law requires public hearings as part of the decision-making process. All public hearings shall comply with the notice and timing requirements prescribed by state law.

1.01.022 Parliamentary guide.

Robert's Rules of Order shall govern contested decisions arising from points of order.

A. Votes on Questions. Each member present shall vote on all questions put to the city council except on matters in which the member's participation would violate the city's code of ethics for public officials (Chapter 2.26 RMC) or the state's code of conduct for municipal officers (Chapter 42.23 RCW), ~~has financial interest~~ or on matters of a quasi-judicial nature where such councilmember deems it appropriate to ~~that he or she~~ disqualify himself or herself pursuant to the appearance of fairness doctrine.

1.01.023 Presiding officer.

The mayor, or in ~~his~~ the mayor's absence, the mayor pro tempore, shall be the presiding officer of the city council. In the absence of both the mayor and the mayor pro tempore, the city council may select a temporary presiding officer.

It shall be the duty of the presiding officer to:

- A. Call the meeting to order.
- B. Keep the meeting to its order of business.
- C. Control discussion in an orderly manner:
 1. Giving every councilmember, who so wishes, a chance to speak;~~;~~
 2. Permitting audience participation at appropriate times;~~;~~
 3. Requiring all speakers to speak to the question and to observe the rules of order.

The presiding officer shall decide all questions of order, subject to the right of appeal to the council by any member.

1.01.024 City clerk.

The city clerk, or an authorized deputy clerk, shall attend all meetings of the city council, unless excused by the city manager. The city clerk shall keep a journal of all proceedings and enter in the journal the yeases and noes taken on all ordinances scheduled for adoption and on any other questions when desired by any member of the city council. The city clerk shall arrange for publication in the official newspaper the titles of all enacted ordinances and such resolutions, orders, notices, petitions and other instruments as the city council may direct.

1.01.025 Members speaking.

Any time a councilmember has continuously spoken for 15 minutes, the presiding officer shall instruct such member that in the event he continues to hold the floor for an additional five minutes he shall be subject to mandatory relinquishment of the floor at the discretion of the council. At the conclusion of an additional five-minute period any councilmember

may, by motion, move that the speaking member be required to relinquish the floor, and such motion shall carry if two-thirds of the members present favor such motion. In the event such motion is carried, the affected member shall thereafter be limited to not more than five minutes' speaking time on the same subject during the same meeting.

1.01.026 Non-member speaking.

No person, not a member of the city council, shall be allowed to address the city council while it is in session without the permission of the presiding officer or majority of councilmembers present.

1.01.027 Adoption of ordinances and resolutions.

The city council shall not adopt any ordinance or resolution except in a meeting open to the public and then only at a meeting, the date of which is fixed as provided in this chapter, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this chapter shall be null and void.

1.01.028 Interruptions – Procedures.

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting infeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, a majority of the members of council present may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene in another location selected by majority vote of the members present. In such a session final disposition may be taken only on matters appearing on the agenda. Representatives of the press or news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the council from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

1.01.029 Attendance of officers.

The city manager shall attend all meetings of city council unless excused by the mayor or a majority of the city council. The city manager is responsible for instructing, ~~when required by the city council, shall instruct any~~ other city officers or employees to attend meetings of the city council ~~and to remain for such time as the city council may direct.~~

1.01.030 Executive sessions.

The council may hold executive sessions during a regular or special meeting to consider matters specifically enumerated in RCW 42.30.110 as it is currently written or as it may hereafter be amended, as well as to consider sensitive areas of legal advice, particularly with reference to pending or contemplated litigation, settlement offers and similar matters; provided, however, that nothing contained herein shall prohibit the council from considering, in closed session, the strategy or position to be taken during the course of any collective bargaining, professional negotiations, grievance, or mediation proceedings or reviewing the proposals made in such negotiations or proceedings while in progress, nor shall it prevent the council from considering, in closed session, those additional items

recognized by the Washington State Legislature in RCW 42.30.140 as it is currently written or as it may hereafter be amended, as being inapplicable to the requirement of an open public meeting. The council may exclude any particular councilmember from an executive session if such individual councilmember has a clear conflict of interest with respect to a question under consideration. Items discussed in executive session, because of their confidential nature, will not be disclosed in any manner to members of the media or discussed with any person other than councilmembers or persons in attendance at executive session.

Violation of this section will be discussed at the next regular meeting of the council and shall subject any councilmember found to be in violation to potential censure by the city council as a whole.

1.01.040 Travel.

City council travel which requires either an overnight stay or the use of commercial transportation to travel outside of Washington State requires prior city council approval. This approval can be obtained, either by council action or a telephone poll conducted through or by the city manager's office. If the latter procedure is utilized, council will ratify the approval given at its ~~it shall be reflected in the communications section of the~~ next city council meeting ~~information packet~~. City council travel within the state of Washington or to the Portland, Oregon, ~~urbanized~~ area and which does not require an overnight stay does not require prior city council approval.

1.01.050 Holding office positions in outside organizations.

Councilmembers who seek appointment or run for office in regional, state, national or international organizations where the possibility exists that they may be required to attend meetings outside ~~our~~ the local area at city expense shall obtain council approval prior to accepting an appointment or seeking an office in the outside organization.

1.01.055 Notification.

Repealed by Ord. 26-11.

1.01.060 Reasonable maximum expenditure.

Repealed by Ord. 26-11.

1.01.065 Monitoring of campaign expenditures.

Repealed by Ord. 26-11.

1.01.070 Publication.

Repealed by Ord. 26-11.


Section 2. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the

ordinance as a whole or any part thereof, other than the part so declared to be invalid.

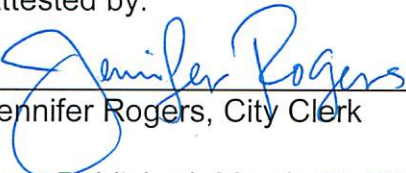
Section 4. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of March, 2020.



Ryan Lukson, Mayor

Attested by:



Jennifer Rogers, City Clerk

Date Published: March 22, 2020

Approved as to form:



Heather Kintzley, City Attorney